

Proposition 57 Aftermath ...
State Prison Inmates Under Review By CDCR
For Expedited (Early) Release [Updated May 14, 2024]

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>Jimmy Edward Allen</p> <p>SCUK CRCR 19-30901 SCUK CRCR 18-95822 SCUK CRCR 18-94478</p>	<p>06/06/2019</p>	<p>PC § 273.5(F)(1) Corporal Injury to Spouse With Prior Within 7 yrs.</p> <p>VC § 23152(B)/23550.5(A) Driving While Under the Influence With Prior Manslaughter</p> <p>PC § 1320(B) Failure to Appear on Felony</p>	<p>To the Board of Parole Hearing:</p> <p>The Mendocino County District Attorney has received notice that the Board of Parole Hearings (BPH) is reviewing Inmate Jimmy Edward Allen Jr. (Allen) for Nonviolent Parole Release.</p> <p>Allen was committed to the California Department of Corrections and Rehabilitation (CDCR) after committing Felony DUI with prior Felony Gross Vehicular Manslaughter while Intoxicated, and while that case was pending committing a felony Failure to Appear. He was also committed to CDCR for committing, while out on warrant, a Felony violation of Corporal Injury to a Spouse/Cohabitant with a Prior conviction within 7 years. Dismissed in that 3rd case were charges of Felony Child Endangerment, for endangering his 1 year old child during the domestic violence and special allegations including felony pending felony, a strike prior, and 2 prison priors.</p> <p>The Felony DUI involved the defendant driving at approximately 3:15 p.m. in a rural area with a .11 blood alcohol level, when he left the road and crashed into a tree. He</p>	<p>88 mos.</p>	<p>02/18/2022</p>	<p>03/29/2022: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: Inmate Allen was released to PRCS Mendocino County on 03/19/22. BPH does not have jurisdiction to conduct a review on the merits. This case is being administratively closed with no jurisdiction.</p> <p><i>Shannon Hogg</i></p>

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			<p>poses and extreme danger to our community as he continues to drink and drive even after causing the death of Donna Miller, a passenger in his vehicle in 2011, and seriously injuring his other passenger. In the 2011 case he had a .29 blood alcohol level at 10pm and drove through a stop sign causing a collision with an oncoming vehicle.</p> <p>The domestic violence incident was also not the defendant's first domestic violence assault prosecution. In 2008 he was convicted and granted misdemeanor domestic violence probation including counseling programs directed at preventing continued violence. In 2016, after his release from prison for the manslaughter prison sentence, he committed and was convicted of Felony domestic violence. Probation was denied with a low term prison sentence imposed. He was discharged from PRCS in January 2018. His Felony DUI arrest occurred in May of that same year. This incident occurred a year later, while he was out to warrant, in April 2019. The victim was contacted by law enforcement and was holding her 1 year old child when she told Deputies that she had been with Allen for 7 year and was <i>"suffering from continuous years of</i></p>			
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			<p><i>physical abuse at the hands of Allen" (quote from police report). At that time she stated she had been assaulted "numerous times over the past couple of days including earlier today." (quote from police report) Officers observed bruising on both sides of her temples and "days old" bruises on her arm pit, rib cage and bicep. She stated that he had also pushed her down on top of their child during a struggle. In 2019 at sentencing she received a 3 year full restraining order.</i></p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Jimmy Allen Jr.</p> <p>A. <u>(1) Trial Court Procedural History of SCUJ-CRCR-18-94478 & 18-95822</u></p> <p>On June 11, 2018, the Mendocino County District Attorney's office (MCDA) filed a criminal complaint charging Allen with felony violations of Vehicle Code section 23152(a)/23550.5(a)(3), (DUI with felony manslaughter prior within 10 years), and alternately VC 23152(b)/23550.5(a)(3) (DUI with over .08 blood alcohol with felony manslaughter prior within 10 years).</p>			
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			<p>MCDA additionally alleged that Allen had been previously convicted of a strike conviction per Penal Code Sections 1170.12 and 667 for vehicular manslaughter and had served a prison term as defined by Penal Code Section 667.5(b) for Felony domestic violence, a violation of Penal Code Section 273.5(a).</p> <p>Allen was arraigned on this complaint on July 23, 2018. The Mendocino County Public Defender was appointed as his counsel of record, bail was set at \$ 155,000 and a preliminary hearing was scheduled for August 1st, 2018. At the pre-preliminary hearing on July 27, 2018 Allen was granted Own Recognizance release over the Deputy District Attorney's objection and the preliminary hearing was continued to August 21, 2018. At the next pre-preliminary hearing appearance the preliminary hearing was continued again to August 29, 2018.</p> <p>The preliminary hearing was held on August 29, 2018 and Allen was held to answer on all charges and special allegations. He was ordered to appear on September 14, 2018 for arraignment on the information. On September 14, 2018 he failed to</p>			

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			<p>appear and warrants were issued.</p> <p>On October 3, 2018 the MCDA filed a criminal complaint charging Allen with one count of Felony Failure to Appear, Penal Code section 1320(b) and submitted a declaration in support of an arrest warrant for that charge.</p> <p>The warrants for both cases remained out for 6 months until the defendant was captured on April 1st, 2019. He was arraigned on April 4th on case 18-95822 and the Public Defender of Mendocino County was appointed. No time waiver was entered on this case and a preliminary hearing was set concurrent with his new case on April 17, 2019.</p> <p>On April 10, 2019, Allen entered a plea of No Contest in case 18-94478 to Count 2, Driving with a blood alcohol level of .08 or greater with a prior Felony conviction of vehicular manslaughter, and admitted that he had suffered the prior strike conviction for the vehicular manslaughter. He agreed to a stipulated term of 6 years state prison for that offense. His prior prison term special allegations were dismissed. He also entered a plea of no contest to the Failure to appear,</p>			

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			<p>with an agreed concurrent sentence of 2 years state prison.</p> <p>On June 6, 2019 Allen was sentenced on these 2 cases to 6 years state prison, with a concurrent term of 2 years for failing to appear.</p> <p><u>A.(2) Trial Court Procedural History of SCUJ-CRCR-19-30901</u></p> <p>On April 3, 2019 MCDA filed a complaint against Allen and his mother Chere Matilda Powers. Allen was charged with a felony violation of Penal Code Section 273.5(f)(1), Corporal Injury to a Spouse/Cohabitant with a prior conviction within 7 years, and Felony Abusing or Endangering the Health of a Child, 1 year old Billy A., in violation of Penal Code Section 273a(a). MCDA additionally alleged that these offenses were committed while Allen had a felony case pending in violation of Penal Code Section 12022.1, and that Allen had been previously convicted of vehicular manslaughter, a "strike" as defined by Penal Code Sections 1170.1 and 667. MCDA further alleged that Allen had served 2 prior prison terms as defined by Penal Code Section 667.5(b). Allen's mother was charged with a felony violation of Penal Code Section 32</p>			

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			<p>for harboring, concealing and aiding Allen with the intent that he avoid arrest, trial, conviction and punishment.</p> <p>Allen was arraigned on the complaint on April 4, 2019, the Mendocino County Public Defender was appointed and a preliminary hearing was scheduled for April 17, 2019. Bail was set at \$ 195,000, and reports were provided to the defense including reports from prior domestic assaults in 2008 and 2016.</p> <p>On April 10, 2019 Allen entered a plea of No Contest to Count 1, admitting the prior, with a dismissal of Count 2 and the special allegations. He agreed to a consecutive term of 1 year 4 months and was sentenced to that term on June 6th, 2019. A restraining order was issued for the victim for 3 years at sentencing.</p> <p>Allen's mother pled to a misdemeanor PC 32 on June 27, 2019. She was placed on probation for 2 years and a violation of that probation was filed on June 26, 2020. Warrants remain out for her.</p> <p>B. <u>Administrative Review Criteria</u></p>			

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			<p>The Mendocino County District Attorney is not provided with the institution programming information CDCR has traditionally provided to the district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusions:</p> <p>When considering the known case factors for Inmate Jimmy Allen Jr., we believe that this inmate poses an unreasonable risk of violence to the local community. We therefore adamantly oppose early release.</p> <p style="text-align: center;">1. <u>Current commitment Offenses</u></p> <p>Allen's newest DUI offense is a felony offense based on the fact that he continues to drink and drive regardless of his prior Felony DUI and prison sentence. This offense occurred in the middle of the afternoon, when people are outside. In fact, he collided with a tree near a driveway where the resident was 30 feet away in his yard. In this area the rural roads have no sidewalks and both adults and children often walk on the roadway, especially on a Tuesday in May when school is getting out around 3pm. The</p>			
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			<p>defendant admitted to officers he had consumed methamphetamine, marijuana and several drinks of hard alcohol before driving. His PAS test at the scene was a .11.</p> <p>The CHP investigation report indicates that tire friction marks went from the lane Allen should have been in, onto the right hand shoulder, back into the roadway and across the oncoming lane, then into a ditch and out and across a driveway before colliding with a tree on the oncoming side of the roadway. CHP also located 2 surveillance cameras in the area which showed Allen travelling at a "high rate of speed" before he went off the road, began to slide, and collided with the tree.</p> <p>During the investigation of the crash, the witness who lived at the location watched the collision and went to the car, finding the defendant inside. Officers also interviewed 2 witnesses who were with the defendant before he drove, both stated that he got into an argument with his relationship partner and became angry, driving off at a high rate of speed, intoxicated. Allen lied to officers investigating the crime, claiming he was not the driver but had agreed to</p>			
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			<p>go with "Juan" to "make some money making a drug deal" when "Juan" lost control of the car and crashed.</p> <p>During the defendant's interview with probation, and his attached letter to the court, he never expresses any remorse for continuing to drink and drive or any comprehension that he is endangering the community with his conduct. He repeatedly blames drugs and alcohol for his conduct and wants more "programs" rather than incarceration. The defendant had just completed a 6 month residential treatment program through parole after his last release, but lasted 3 months before he committed this offense.</p> <p>Allen also told probation about how important it is to him to be a "good father" to the 3 children he had at that time, but at that time he had given total custody of them to the Tribal Court and at the time of the offense was in a domestic arguments with his new partner, using drugs and alcohol and acting on his anger from the domestic incident.</p> <p>After failing to come to court as ordered on September 14, 2018 as</p>			

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			<p>ordered, warrants remained out for Allen until he was arrested by deputies on April 1, 2019, 6 ½ months later.</p> <p>On April 1, 2019 Officers were called to Allen's mother's home at 1pm. The victim's mother had received a call from the victim saying she had been assaulted and the mother called the Sheriff. Deputies went to the home but there was no response to knocks on the door. Then they were notified the victim had fled to a nearby location. They went that location and contacted the victim who was holding her 1 year old son.</p> <p>She stated that she was in a relationship with Allen for 7 years and had one child with him, Jack. She stated that on this day they had just woken up at 11am and when she did not make breakfast fast enough for Allen, he ordered her out of the house. As she was in the bedroom preparing to leave Allen locked the bedroom door and pushed her down onto their bed, on top of the child Jack, and began punching her on both sides of her face. Deputies observed bruising forming on both temples. Then she managed to get up and leave the bedroom, but once in the living</p>			

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			<p>room Allen pushed her down and again punched her multiple times and slapped her in the face. Allen then took the child and locked himself in the bedroom. The victim begged to have the child back. Finally the victim asked the defendant's mother, who was present, to convince him to release the child, and she was able to do that, so the victim took the child and left.</p> <p>Deputies observed bruising also on her armpit, rib case and bicep. She stated that she believed Allen was still in the home.</p> <p>Deputies returned to the first location and after some time obtained consent from Allen's mother to search the residence. They located Allen inside a crawl space in the attic covered by a piece of plywood. There was no mention in the report that alcohol was a factor in the incident or that Allen had been drinking. His mother had repeatedly denied being at the residence during the assault and stated that she did not know where Allen was located.</p> <p>The probation department never prepared detailed report for the domestic violence case or the failure</p>			
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			<p>to appear case, so no statements or explanations were provided as to those cases. In his letter to the court and his probation interview for his main case, Allen never brought up his anger issues (which appears to have also triggered the new DUI) or his pattern of domestic violence. He also never mentioned any concern or remorse for exposing his child to the assault.</p> <p>Domestic Violence kills women in America. Domestic violence is a dangerous crime, as it is often under-reported, as is the history in this case, and it increases in violence. It affects our most vulnerable population, women and children. This man has been through DV counseling as part of his prior "successful" probation he brags about, but has no insight that he is worse now than he was then. He presents a continuing danger not only to these victims, but to his next cohabitant, to the mother of his next child, and to any children she may have in her home. He is violent and dangerous as a 3 time convicted DV defendant, serving his 2nd prison term for DV.</p> <p>What is clear from both of these cases is that the defendant has a serious anger problem, which is</p>			

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			<p>sometimes combined with drugs and alcohol. What is also clear is that he has no insight as to the danger he presents by driving under the influence. He repeatedly talks about, and asks for treatment programs, but once he is unsupervised he returns to doing the things he wants to do with no incorporation of the numerous programs he has completed.</p> <p>MADD and other organizations have warned us all about the dangers drunk drivers present. Personally I have prosecuted a Watson 2nd degree murder, based on prior DUIs, where the defendant collided head on into an 18 year old girl, killing her when she was on her way to be a counselor at a summer church camp. It is often the innocents that are killed by the drunks who survive. After a person has killed an acquaintance, a person in their own car, by driving drunk, it begs the question, what more can we tell you about the danger you pose by driving drunk? Or after they do that AND we incarcerate them in prison for years, what more can we tell them? Or after BOTH of those things, we provide a 6 months residential treatment program for them, and still, when angry, they jump in the car and speed off</p>			
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			<p>intoxicated, at 3pm, when they have done alcohol, meth and marijuana, driving so fast they lose control.</p> <p>This man will kill somebody. He presents an immediate and direct danger to every person on our roads in our county. He presents an immediate and direct danger to any person he engages in a relationship. He also presents a danger to this victim. As a prosecutor, I work to obtain protection orders for my victims. I also let them know, after sentencing, how long he will be away, how long they will be "safe". In this case, with a sentence over 7 years, stipulated, and with his Strike prior limiting his credits, this victim should be safe for at least 5 years from this man who violently assaulted her. Our community should be safe from his driving drunk/high/stoned for at least 5 years.</p> <p>Bottom line, Allen has a violent temper, and has proven to be a violent and dangerous man in our community. He has caused the death of a woman, who's family will never have her back. He has violently assaulted women in their homes, where they should be safe. So far our county has been lucky with these domestic violence cases,</p>			

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			<p>no body died. But that was not because the defendant did anything to ensure safety, we were just lucky. We were also lucky this time with his DUI that no one was killed, because he made no effort to mitigate the danger, it was extreme. He is, and continues to be, a violent dangerous man, with 2 Felony Domestic Violence convictions, 2 Felony DUI convictions, one a manslaughter and a Strike conviction. There is no question that he does not meet the criteria for this statutory consideration.</p> <p style="text-align: center;">2. Prior Criminal Record</p> <p>Allen's first conviction was case 08-83660, wherein he was charged with misdemeanor violations of Penal Code section 243(e)(1), spousal battery, 647(f) drunk in public and 415 fighting in public. The argument started because Allen was trying to leave the home in a vehicle while intoxicated. He had crashed a motorcycle earlier and Cecily didn't want him to drive. When she tried to take the keys, they struggled, she pushed him and he punched her twice in the head. There were no visible marks on her. They had 2 small children in the home at the time.</p>			

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			<p>He was placed on probation in 2008 and probation expired without violation on April 23, 2011.</p> <p>Allen's 2nd conviction was the Felony Vehicular Manslaughter, which actually occurred while he was still on probation for the 2008 case, on January 2, 2011, but was received for charging April 21, 2011. As previously stated he failed to stop at a sign and collided with a vehicle in an intersection, resulting in the death of his passenger and serous injury to his other passenger. He was sentenced to State prison on April 20, 2012 and released on Parole October 7, 2013.</p> <p>Allen's 3rd conviction occurred on March 18, 2016 when Allen got in an argument with his cohabitant Renee. When she tried to leave he grabbed her by the shoulders and punched her in the face with his fist. When she again tried to leave he took her keys. She entered the home to get the keys and he pushed her down and punched her in the face with his fist numerous times. She stated that they had prior incidents of DV when he had strangled her and punched her in the head, both unreported. Deputies observed bruising on her</p>			

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			<p>face and knees where she had been pushed down. The reports say a parole hold was placed on Allen, so he may have still been on parole at the time.</p> <p>Allen was sentenced to 2 years prison on May 3, 2016 and paroled. He was discharged from PRCS January 27, 2018, 3 months and a few days before the current case.</p> <p>The defendant's overall record consists of escalating domestic violence and a complete disregard for the laws regarding driving while intoxicated.</p> <p style="text-align: center;">3. Institutional Adjustment</p> <p>Without actual information as to Allen's conduct at CDCR, the Mendocino County District Attorney cannot assess this factor with complete information. However, given Allen's previous lack of insight about his patterns and anger issues, blaming everything on alcohol and substance abuse, with no discussion of what he has done to multiple spouses, it is difficult to imagine that he has gained any insight or remorse in these couple of years as to the cause and effect of his anger outbursts. He also seems to have</p>			

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			<p>little or no insight as to the danger he poses when he continues to insist on driving, especially after consuming alcohol, drugs or both. There is no indication that he is no longer a risk for driving under the influence or losing his temper and violently attacking women for no real reason.</p> <p><u>C. Conclusion</u></p> <p>Regardless of the steps Allen may be taking, or institutional adjustment, the Mendocino County District Attorney's Office believes that the repeated and senseless assaults upon women by Allen, his utter lack of insight and remorse for his anger and violence towards women, and his repeated pattern of getting into vehicles and driving recklessly when drunk/high make him a significant and immediate danger to our community on many levels. He has expressed no remorse for the woman he killed in his car. He has demonstrated no insight as to the danger driving intoxicated presents to the community, even after one death is on his hands. He completely ignores the explosive violence he has committed upon multiple women, and has never asked for any counseling to address what may be the root of both</p>			
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			<p>problems, his anger.</p> <p>This man demonstrates uninterrupted patterns of violence and recklessness that have killed already, and continue to pose a grave risk as they are not addressed or even recognized by Allen.</p> <p>For these reasons the Mendocino county District Attorney's Office respectfully asks this Board to recognize that Allen is a violent offender, and without completed programming, and insight, he cannot and should not be granted early release.</p> <p style="text-align: center;">Sincerely, Elizabeth Norman, DDA</p>			
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<p>Joseph Elton Bailey</p> <p>21CR01617</p>	<p>11/12/2021</p>	<p>PC § 182.5(a)(4) Conspiracy to Cheat/Defraud a Person of Property</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>64 mos.</p>	<p>06/05/2023</p>	<p>07/20/2023: Expedited Release APPROVED.</p> <p>Decision for Bailey, Joseph, BM9696: 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 approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the incarcerated person’s current commitment offenses mitigate the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 9 years 4 months on the current commitment offenses. The commitment offenses are Shasta County case 19F7364 PC 496(a), Receiving Stolen Property. Joseph Bailey (incarcerated person) was convicted on 1/11/2021 and was sentenced to the low term doubled to 2 years 8 months because of a prior strike conviction. On 6/7/2019, the incarcerated person crashed a car into a power pole. During the investigation officers discovered that the incarcerated person was in possession of a fake driver’s license. A backpack belonging to him was searched and various items of stolen mail were recovered, including an insurance settlement check in the amount of \$26,211.87. Placer County case 62-172213B PC 530.5(a), Identity Theft. Incarcerated person Bailey was convicted on 6/23/2021 and was sentenced to one-third of the middle term, doubled to 16 months because of a prior strike conviction,</p>

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						<p>to be served consecutive to the term imposed in Shasta County. On 3/17/2020, the incarcerated person and a female accomplice made four fraudulent purchases at a Macy's using a stolen credit card along with other items evidencing identity theft.</p> <p>Mendocino County case 21CR01617. PC 182(a), Conspiracy. Four (4) counts.</p> <p>Incarcerated person Bailey was convicted on 10/29/2021 and was sentenced to four terms of 16 months, one-third of the middle term doubled because of a prior strike conviction, to be served consecutive to the terms imposed in Shasta and Placer counties, for the total term of 9 years 4 months. On 2/9/2020 and again on 2/13/2020, the incarcerated person and an accomplice purchased merchandise from different stores using checks stolen from the mail.</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"> 1. The incarcerated person did not personally use a deadly weapon. 2. No victims suffered physical injury or threat of physical injury. 3. There were no convictions involving large-scale criminal activity. <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The incarcerated person's prior criminal history began in 2004 and continued until the commitment offense(s) in 2021.</p> <p>. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated</p>

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For Expedited (Early) Release [Updated May 14, 2024]

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>person has the following adult criminal convictions:</p> <ol style="list-style-type: none"> 1. PC 459, Second Degree Burglary, Shasta County 1/27/2004. 2. PC 666, Petty Theft with Priors, Shasta County 12/22/2004. 3. PC 496(a), Receiving Stolen Property, Shasta County 12/22/2004. 4. PC 496(a), Receiving Stolen Property, Shasta County 5/8/2008. 5. PC 666, Petty Theft with Priors, Placer County 4/27/2010. 6. VC 10851(a), Unlawful Taking of Motor Vehicle, Sacramento County 5/21/2012. 7. PC 211, Second Degree Robbery, Sacramento County 7/19/2012. This conviction is a violent felony listed in PC 667.5(c). <p>The incarcerated person was released from CDCR after serving the sentence imposed for the latter conviction on 6/25/2015. Incarcerated person Bailey was convicted of the current commitment offense in Shasta County on 1/11/2021, approximately 5 years 7 months after release from prison.</p> <p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are: The incarcerated person 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 the current convictions. The incarcerated person was released from CDCR on 6/25/2015 after serving prison sentenced for Second Degree Robbery and Unlawful Taking of a Motor Vehicle. The incarcerated person Bailey was convicted of the current commitment offense in Shasta County on 1/11/2021, approximately 5 years 7 months after release from prison.</p>

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						<p>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are: The incarcerated person has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. PC 211, Second Degree Robbery, Sacramento County 7/19/2012. Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because the incarcerated person was convicted of Second Degree Robbery less than 15 years before the date of this review. Commission and conviction of a violent felony less than 15 years ago is more probative of the incarcerated person's risk of violence and significant criminal activity to the community than the fact that the incarcerated person was not incarcerated within the five years preceding the current commitment convictions.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since January 13, 2021, a period of approximately 2 years 6 months. The incarcerated person has been involved in the following activities: Serious RVRs. None. Confidential Information. None. Education. Voluntary College. 8/10/2022 to 12/16/2022 Vocational Training. Vocational Building Maintenance, 5/0/2022 to 8/15/2022. Work.</p>

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						<p>Firehouse Training, 9/8/2022 to 4/12/2023.</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The incarcerated person has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison and does not have recent institutional Rules Violation Reports, as classified by the department as serious, as specified in subdivision (a) of section 3315 of article 5 of subchapter 4 of chapter 1 of Division 3 of this title. 2. There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since their last admission to prison. 3. The incarcerated person has successfully participated in vocational, educational, or work assignments for a sustained period of time. The incarcerated person has participated in Voluntary College and completed one class, and has worked in Firehouse Training for almost 800 hours. <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <p>The incarcerated person has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to the incarcerated person's criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant</p>

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						<p>criminal activity because the incarcerated person has been discipline free during the current term of incarceration, has not engaged in unlawful activities, and has participated in education and firefighting training. Although the incarcerated person has not engaged in rehabilitative/self-help programs, lesser weight is given to this circumstance; the commitment offenses did not involve the use of a weapon, injury or the threat of injury to a victim. In the circumstances of the current commitment crimes, recent positive behavior is more probative of a risk of violence to the community than is the lack of program participation. Great weight is given to the incarcerated person's lack of any misconduct during 2 years 7 months of incarceration. On balance, the mitigating circumstances outweigh the incarcerated person's lack of programming.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: The Placer County District Attorney's Office, dated 6/30/2023 and 6/13/2022. The Shasta County District Attorney's Office, dated 6/28/2023. The incarcerated person, dated 8/30/2022 and 6/4/2022.</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 (2 years 7 months of incarceration), the incarcerated person's age (43), and the incarcerated person's physical and cognitive limitations, the factors mitigating the incarcerated person's current risk of violence outweigh the factors aggravating the incarcerated person's current risk of</p>

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						<p>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 incarcerated person's Prior Criminal Record is an aggravating factor in this decision. Joseph Bailey was convicted of Second Degree Robbery in 2012. The incarcerated person fought with two security guards who were attempting to detain him for theft from a store. The incarcerated person's felony criminal history is one of theft related crimes. The incarcerated person has not been arrested or convicted for any offense, either misdemeanor or felony, involving violence in the 11 years since the 2012 robbery conviction. Because this conviction is over 10 years old, and because of the lack of any violent behavior since that crime, lesser weight is given to the aggravating case factor. The other two case factors are mitigating. On balance, the mitigating case factors outweigh the aggravating fact. The incarcerated person is approved for release.</p> <p style="text-align: right;"><i>Thomas Sparks</i></p>

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<p>Joseph Elton Bailey</p> <p>21CR01617</p>	<p>11/12/2021</p>	<p>PC § 182.5(a)(4) Conspiracy to Cheat/Defraud a Person of Property</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>64 mos.</p>	<p>06/03/2022</p>	<p>08/04/2022: Expedited Release DENIED.</p> <p>Decision for Bailey, Joseph, BM9696: 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 9 years & 4 months on the current commitment offenses. The commitment offenses are as follows:</p> <p>PC 496(a) - Receiving Stolen Property PC 530.5(a) - Use ID of Another to Obtain Personal Identifying Information PC 182(a)(4) - Conspiracy to Commit Fraud PC 182(a)(4) - Conspiracy to Commit Fraud PC 182(a)(4) - Conspiracy to Commit Fraud PC 182(a)(4) - Conspiracy to Commit Fraud</p> <p>The inmate was sentenced to a principal term of 2 years & 8 months for the conviction of PC 496(a) based upon the lower term of sixteen months doubled as a "second strike" pursuant to PC 667(e)(1). The inmate was sentenced to consecutive terms for each of the remaining five convictions with each sentence comprised of one-third the two year middle term doubled as a "second strike". The total term is 9 years & 4 months.</p>

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						<p>Facts of the Commitment Offenses: On 06/07/2019, local law enforcement authorities responded to a single vehicle collision involving the inmate who provided the officers with a fraudulent driver's license. A subsequent search of the inmate's belongings revealed many items that indicated mail theft including an insurance settlement check belonging to the victim. On 03/17/2020, the inmate and accomplice used the victim's credit card to make four fraudulent transactions at a department store. On 02/09/2020 and 02/13/2020, the inmate made four separate retail purchases using checks previously stolen from the victim's mailbox.</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> <ul style="list-style-type: none"> • The inmate did not personally use a deadly weapon. • No victims suffered physical injury or threat of physical injury. <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 2004 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: 2004 PC 459 - Burglary 2nd Degree 2004 PC 666 - Petty Theft With Prior 2004 PC 496(a) - Receiving Stolen Property 2008 PC 496(a) - Receiving Stolen Property</p>

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						<p>2010 PC 666 - Petty Theft With Prior 2012 PC 211 - Robbery 2nd Degree 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: 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 the inmate's current convictions. Prior to the current crimes, the inmate was incarcerated from 08/28/2012 through 06/25/2015 for his convictions of PC 211 and VC 10851(a). The inmate was convicted of the current crimes in 2021 which is more than 5 years from the date the inmate was last in custody.</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 has a violent felony conviction as defined by PC 667.5(c) within the past 15 years. In 2012, the inmate was convicted of PC 211 - Robbery 2nd Degree which is a violent felony as enumerated within PC 667.5(c).</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 being free from incarceration for five years prior to the current convictions is outweighed by the inmate's conviction of a statutorily violent felony within the past 15 years. When the inmate committed the crime enumerated within PC 667.5(c) (2nd degree robbery), the inmate engaged in criminal conduct so egregious and dangerous that it is deemed by society to be violent as a matter of law.</p>

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						<p>Accordingly, as between the inmate’s most recent period of incarceration or the intrinsic violence of the inmate’s prior felony conviction, the latter is more relevant to the inmate’s potential for iniquitous behavior and more probative to the determination of the inmate’s risk of re-offending in a violent or harmful manner.</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 13, 2021, a period of approximately 1 year & 7 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Rules Violations Reports- None</p> <p>Confidential Information- None</p> <p>Vocational Assignments- 05/20/2022 to Current - Vocational Building Maintenance</p> <p>Educational Assignments- None</p> <p>Work Assignments- None</p> <p>Rehabilitative or Self-Help Programming- 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> <ul style="list-style-type: none"> • The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the admission to prison. • There is no reliable information in the confidential section of the inmate’s central file indicating

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						<p>that 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> <ul style="list-style-type: none"> The inmate has limited participation in available vocational, educational or work assignments. As the inmate’s current crimes appear, at least in part, to be financially motivated, upgrading in the areas of vocational, education and employment skills is of particular importance for the inmate’s development of marketable skills in order to obtain gainful, lawful employment and otherwise successfully re-integrate into the community upon release from custody. A review of the central file shows that the inmate began participating in Vocational Building Maintenance in May of 2022. While the inmate’s positive participation in the vocational assignment is commendable, the inmate has not successfully participated in available vocational, educational or work assignments as the inmate’s participation to date has not been sustained over a sufficient period of time. The inmate’s unsuccessful participation in vocational, educational, or work assignments is probative of the inmate’s risk of recidivism and likelihood that the inmate will continue to engage in criminal behavior. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for a sustained period of time. As demonstrated by the inmate’s risk of recidivism and aggravated risk of violence reflected in the inmate’s criminal history including the inmate’s prior violent felony conviction, the inmate would clearly benefit from sustained programming in relevant areas that have been problematic for the inmate in the

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						<p>past in order to avoid future criminality. According to a review of the central file, however, the inmate is not currently participating in any rehabilitative or self-help programs, nor has the inmate participated in any programming since the admission to prison for the current term. The inmate's participation in rehabilitative or self-help programming to date has not successfully and sufficiently addressed the circumstances that contributed to the inmate's criminal behavior for a sustained period of time which in turn is probative of the inmate's current risk of recidivism and continued violent or dangerous 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 the positive efforts the inmate has demonstrated during the current term such as the absence of disciplinary actions and the absence of confidential information in the inmate's central file while notable are insufficient to outweigh the aggravating circumstances. The inmate has not participated in positive programming for a sustained period of time and accordingly has not successfully addressed the circumstances that contributed to the criminal behavior and salient issues of the inmate's criminality. These circumstances in aggravation are given great weight in particular due to the inmate's risk of recidivism and aggravated risk of violence demonstrated by the inmate's criminal record and, therefore, any positive aspects of the inmate's institutional behavior are insufficient to outweigh the aggravating circumstances. Therefore, the inmate's institutional adjustment is found to be an aggravating factor in this case.</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: the inmate dated 06/04/2022 and the Placer County District Attorney's Office dated 06/13/2022.</p> <p>SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including 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 is a factor that mitigates the inmate's current risk of violence in this case. Whereas, the inmate's prior criminal record and the inmate's institutional behavior are factors that aggravate the inmate's current risk of violence. In reaching this decision, great weight is given to the inmate's overall criminal record including the prior conviction of a violent felony as defined by PC 667.5(c) which shows that the inmate's previous criminality, convictions and periods of incarceration have failed to deter further acts of criminal misconduct which in turn demonstrates the unreasonableness of the inmate's current risk of violence. Great weight is also given to the probative value of the inmate's institutional behavior and adjustment during the current term such as the absence of sustained and effective programming directed at successfully addressing the inmate's criminogenic needs. The aggravating risk factors which includes violent criminality coupled with the failure to successfully participate in positive programming to address the inmate's criminogenic needs are highly probative of the inmate's current risk to re-offend in a violent or threatening manner upon release.</p>
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						<p>For these reasons and those addressed in this decision, 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>Matthew Brueckner</i></p>
<p style="text-align: center;">Michael Bradford Bitney</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>To: Board of Parole Hearings California Department of Corrections & Rehabilitation</p> <p>From: Eloise Kelsey, Deputy District Attorney Mendocino County District Attorney's Office</p> <p>Subj: Opposition to Inmate Michael Bitney's (Inmate # BA5347) Early Release</p> <p style="text-align: center;">March 1, 2024</p> <p>To the Board of Parole Hearing:</p> <p>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</p>	<p>264 mos.</p>	<p>02/26/2024</p>	<p>04/11/2024: Expedited Release DENIED.</p> <p>Decision for Bitney, Michael, BA5347: 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 incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 22 years on the current commitment offenses. The commitment offenses are PC 192(C)(1) Vehicular Manslaughter with Gross Negligence, 6 years doubled to 12 years due to a prior strike conviction, with an enhancement of 5 years assessed pursuant to VC 20001(C) Fleeing the Scene After Committing Vehicular Manslaughter; VC20001(B)(2) Hit and Run Causing Death or Permanent Serious Injury, 2 years; with a 5 year enhancement assessed pursuant to PC667(A)(1) Prior Serious Felony Conviction, for a total term of 22 years. The date of the convictions is 5/5/2016.</p> <p>On 10/17/14, the incarcerated person (IP) intentionally</p>

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			<p>through the wall of a motel room. The only apparent plausible reason for this crime is revenge against a hotel guest in an adjoining room who Bitney believed had allowed his dog to bite Bitney's cat. The ensuing collision claimed the life of a 44-year-old woman named Karen Zuehlsdorf (Karen) and injured her infant nephew, Cole K. (Cole).</p> <p>Karen and Cole were tourists who were enjoying the beautiful scenery on the Mendocino Coast, and who had done nothing to injure or offend Bitney. In fact, Bitney did not even know them. However, when he made the decision to ram his vehicle into their room, Bitney did know that the room they were in was occupied.</p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Michael Bitney.</p> <p><u>A. Trial Court Procedural History of SCTM-CRCR-2014-79343-002</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</p>			<p>drove his truck through a window and wall of a hotel room, killing a female victim who was standing in front of the window holding a baby, and injuring the infant who required transport to a Children's Hospital for treatment. The IP then backed his truck up and fled the scene. 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"> 1. The incarcerated person personally used a deadly weapon. The Court determined the IP intentionally used his vehicle as a weapon to drive through the victim's hotel room window/wall. 2. There were one or more victims who suffered physical injury. Victim Karen Zuehlsdorf was killed and the infant she was holding required transport to a Children's Hospital for treatment. Therefore, the current crimes are found to be an aggravating risk factor in the case. <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The incarcerated person's prior criminal history began in 1984 and continued until the commitment offenses in 2016. The incarcerated person's prior criminal record is a factor mitigating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 1983 3 counts of PC 211 Robbery; 1988 HS 11350 Possession of Controlled Substance; 1999 HS 11377 Possession of Controlled Substance.</p> <p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> 1. The incarcerated person has not been convicted

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			<p>manslaughter with gross negligence] 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].¹</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</p>			<p>of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>2. The incarcerated person 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 IP was free of incarceration for greater than 5 years prior to his 5/5/16 conviction on the commitment offenses. The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person'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 incarcerated person's prior criminal record mitigate the incarcerated person's current risk of violence or significant criminal activity because there are no aggravating circumstances to weigh against the mitigating circumstances of the absence of a PC 667.5(C) violent conviction in the past 15 years, and the IP being free of incarceration during the 5 years prior to his 5/5/16 conviction date on the commitment offenses.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since July 28, 2016, a period of approximately 7 years, 8.5 months. The incarcerated person has been involved in the following activities:</p> <p>Serious Rules Violations: None. Reliable Confidential Memos: None. Note - IP housed in Psychiatric Inpatient Program 1/20/21 - 1/27/21. Work/ Education / Vocation:</p>

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			<p>Judge Ann Moorman found Bitney competent to stand trial.</p> <p>On December 15, 2014, Bitney's attorney again declared a doubt about his competence to stand trial, and proceedings were again suspended. This time, Dr. Sylvia Shirikian was appointed to examine Bitney for competence. Dr. Shirikian concluded that Bitney was feigning the symptoms of mental illness in order to avoid the consequences of his horrific conduct. On January 26, 2015, Mendocino County Superior Court Judge Clayton 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 the 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</p>			<p>1/29/2022-Present Adult Basic Education I, 551.5 hours 12/28/2019-1/20/2020 Adult Basic Education I, 0 hours 12/25/2019-1/28/2022 Enhanced Outpatient Program, 478 hours 7/06/2019-12/27/2019 Physical Health & Wellness, 21 hours 5/14/2019-12/24/2019 Enhanced Outpatient Program, 28 hours 4/30/2019-7/5/2019 Physical Health & Wellness, 9 hours 2/08/2019-4/3/2019 Physical Health & Wellness, 7 hours 10/02/2018-12/26/2019 Voluntary ABE III, 15 hours 9/30/2017-9/20/2018 Voluntary ABE I, No hours documented. Total – 1109.5 hours Rehabilitative / Self-Help: 3/02/2019-4/3/2019 Mental Health & Wellness, 3 hours 11/6/23 - 4/8/24, Therapeutic Group Life Skills, 14.75 hours 10/12/23 - Present, Therapeutic Expressive Group, 19.25 hours Mental Health Services Delivery System - Relevant Group Attendance: Self-Help Group 15 hours Coping Skills 108.7 hours The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity: 1. The incarcerated person has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison and does not have recent institutional Rules Violation Reports, as classified by the department as serious, as specified in subdivision (a) of section 3315 of article 5 of subchapter 4 of chapter 1 of Division 3 of this title.</p>

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			<p>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 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, the 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</p>			<p>2. There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison. The following circumstances of the incarcerated person’s institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person’s current risk of violence or significant criminal activity:</p> <p>1. The incarcerated person has limited participation in available vocational, educational, or work assignments. Over his approximately 7 years, 8.5 months term to date, the IP has had no work or vocational assignments, and his total hours of 1109.5 hours in education to date are not found to be sustained and successful.</p> <p>2. The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The IP's commitment offense involved intentionally driving his vehicle through the wall/window of the victim's hotel room, killing a female victim, and injuring the infant she was holding. The IP's participation in his rehabilitative groups and mental health groups to date are not found to be sustained and successful in addressing the circumstances that contributed to the IP's violent and deadly criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person’s institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person’s current risk of violence or significant criminal activity because the IP's commitment offense involved intentionally driving his vehicle through the wall/window of the victim's hotel room, killing a female victim and injuring the infant she was holding. The IP's</p>

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			<p>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 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</p> <hr/> <p>¹ In fact, Bitney had been convicted of three robberies in this court proceeding, even though only a single prior "strike" offense was alleged in the complaint. Because of this, Bitney's commitment offense could have been charged as a third strike.</p> <p>once Penal Code section 654 was considered. 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</p>			<p>participation in his rehabilitative groups and mental health groups to date are not found to be sustained and successful in addressing the circumstances that contributed to the IP's violent and deadly criminal behavior. Additionally, the IP's participation in work/vocation/education assignments was found to be limited. The foregoing aggravating circumstances are found to outweigh the mitigating circumstances of the absence of RVRs or confidential information of criminal activity on the current term due to the gravity of the behavior manifested at the time of the commitment offense which caused the death of one victim and the injury of an infant, and the absence of documented rehabilitative programming to address the circumstances contributing to the behavior with tools and skills the IP can take back into the community from his current custodial environment to overcome the stressors and triggers he will face.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: A letter from the IP Michael Bitney dated 3/11/24; a letter from Dan Zuehlsdorf (Deceased Victim's Husband) dated 3/5/24; and a letter from the Mendocino County District Attorney's Office dated 3/1/24. There are additional responses contained in the IP's file from prior decisions which were reviewed and considered in this decision.</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 IP's current age of 65 and the IP's cognitive limitations, the</p>
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			<p>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 seven years of this remaining sentence, Bitney has been referred for "Nonviolent" Early Parole Release.</p> <p><u>B. Administrative Review Criteria</u></p> <p>The Mendocino County District Attorney is not provided with the institutional programming information CDCR has traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusions:</p> <p>When considering the known case factors for Inmate Michael Bitney, we believe that this inmate poses an unreasonable risk of violence to the local community. We therefore adamantly oppose early release.</p> <p><u>1. 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</p>			<p>factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p> <p>The IP's commitment offenses were found to aggravate the IP's current risk of violence as a female victim was killed, and the infant she had in her arms was injured and required transport to a Children's Hospital for treatment. The IP's institutional adjustment was also found to aggravate the IP's current risk of violence given the IP's participation in his rehabilitative groups and mental health groups to date are not found to be sustained and successful in addressing the circumstances that contributed to the IP's violent and deadly criminal behavior. Additionally, the IP's participation in work/vocation/education assignments was found to be limited. The foregoing aggravating circumstances are found to outweigh the mitigating circumstances of the IP's prior criminal record, as well as the absence of RVRs and confidential information of criminal activity on the current term due to the gravity of the behavior manifested at the time of the commitment offense which caused the death of one victim and the injury of an infant, and the absence of documented rehabilitative programming to address the circumstances contributing to the behavior and providing the tools and skills the IP can take back into the community from his current custodial environment to overcome the stressors and triggers he will face.</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 above, the author fully considered any mitigating impact of each documented disability on all of the factors considered. The incarcerated person is denied for release.</p>

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			<p>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 residents. In one of these instances, Bitney used a homophobic slur against another motel guest.</p> <p>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>Later that day, Bitney intentionally</p>			<i>John Denvir</i>

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			<p>rammed his truck into this man's room. When Bitney rammed through the wall of the motel room, Karen Zuehlsdorf – a tourist from Lafayette, California – and her infant nephew Cole were inside. The force of the impact punctured Karen's heart in two places, inflicted significant trauma on her other internal organs, and covered her in debris from the wall of the hotel room. Cole was also injured by Bitney, although his injuries were – through the grace of providence alone – not severe. The force of the impact was so strong that Karen's cell phone was still lodged in his vehicle when he was later apprehended.</p> <p>After killing Karen, Bitney backed his truck out of the motel room. When other tourists staying at the motel heard the collision, they came out from their rooms and then attempted to prevent Bitney from driving away. However, their efforts were unsuccessful; rather than stopping and rendering aid to the woman he had just mortally wounded, Bitney fled, demonstrating both a guilty conscience and an acute lack of remorse.</p> <p>Bitney's lack of remorse was</p>			

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			<p>confirmed once law enforcement confronted Bitney with the consequences of his actions. Rather than showing even the least bit of empathy or compassion for Karen and Cole, Bitney repeatedly asked to be released and then feigned a complete lack of understanding of the <i>Miranda</i> advisement – this, despite having been a repeat participant in the criminal justice system. This theme repeated itself throughout the subsequent prosecution as Bitney repeatedly malingered and feigned mental illness in order to insulate himself from the consequences of his actions.</p> <p>Then, in the course of his interview with Mendocino County Probation, Bitney feigned ignorance of the commitment offense entirely, 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 absolutely no remorse for taking Karen’s life or injuring Cole. Throughout the interview, Bitney had a demeanor that the deputy probation officer described as a “lack of affect” – a demeanor often observed in psychopaths and sociopaths.</p>			

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			<p>The deputy probation officer also noted that Bitney had a “White Pride” tattoo on 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 or cover the tattoo in the thirty years that had elapsed.</p> <p>In sum, the commitment offense can only be described as a senseless act of violence and petty revenge that took the life of one innocent and very nearly took the life of another. There is no question that this was an aggravated offense by any standard.</p> <p><u>2. 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 & Safety Code section 11350(a) [possession of controlled substance] in 1989.</p>			

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			<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 controlled substance sales].</p> <p>In 1994, Bitney was convicted of a misdemeanor violation of Vehicle Code section of 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 & Safety Code section 11377(a) [possession of controlled substance] and a misdemeanor violation of Health & 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>In aggravation, Bitney was previously convicted of three strike offenses. These offenses show that</p>			

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			<p>– from an early age – Bitney has had no compunction about using force and violence against other people when it serves his real or perceived interests.</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 offense. However, given the seriousness of the offense 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 significant 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. ²</p> <p><u>3. 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</p>			

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			<p>District Attorney is therefore unable to assess this factor. However, given Bitney's lack of insight about his own role in this tragedy, it is difficult to imagine that he has gained any insight or remorse in the years that have elapsed since his prior parole hearing, or that he is no longer a risk to seriously injure others at the slightest provocation, real or perceived.</p> <p><u>C. 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, his utter lack of remorse, his attempts to manipulate the criminal justice system to his benefit to avoid accountability, his significant and violent criminal history, and his pattern of substance abuse are aggravating factors which demonstrate that he poses an unreasonable risk to public safety if released.</p> <p>For the above stated reasons, the Mendocino County District Attorney's Office respectfully asks this Board to deny early release to Inmate Michael Bitney.</p> <p>Sincerely,</p>			
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			<i>Eloise Kelsey</i> Deputy District Attorney			
<p style="text-align: center;">Michael Bradford Bitney</p> <p>SCTM CRCR 14-79343</p>	07/19/2016	<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 Bitney's Early Release: Dated: 03/02/2023</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. The only apparent plausible reason for this crime is revenge against a hotel guest in an adjoining room who Bitney irrationally believed had allowed his dog to bite Bitney's cat. The ensuing collision claimed the life of a 44-year-old woman named Karen Zuehlsdorf (Karen) and injured her infant nephew, Cole K. (Cole).</p> <p>Karen and Cole were tourists who were enjoying the beautiful, rugged scenery on the Mendocino Coast, and who had done nothing to injure or offend Bitney. In fact, Bitney did not even know them. However, when he made the decision to ram</p>	264 mos.	02/24/2023	<p>04/06/2023: Expedited Release DENIED.</p> <p>Decision for Bitney, Michael, BA5347: 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 22 years on the current commitment offenses. The commitment offenses are Mendocino# CR1479343, Convicted 5/5/2016.</p> <p>(1) PC192(c)(1) 20001 (c) Vehicular Manslaughter With Gross Negligence with enhancement for Fleeing the Scene</p> <p>(2) VC20001 (b)(2) Hit and Run Causing Death or Permanent Serious Injury</p> <p>FACTS: On 10/17/2014, Inmate intentionally drove his truck through the window and wall of a hotel room, killing a female victim who was standing in front of the window holding a baby as well as injuring the infant before fleeing the scene.</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</p>

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			<p>his vehicle into their room, Bitney did know that the room they were in was occupied.</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. Trial Court Procedural History of SCTM-CRCR-2014-79343-002</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] 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]. 1</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</p>			<p>following circumstances make this an aggravating factor in the case:</p> <p>(1) The inmate personally used a weapon. The Court found that Inmate intentionally used his vehicle as a weapon to drive through the victim's hotel room window.</p> <p>(2) One or more victims suffered physical injury or threat of physical injury. One victim was killed, and an infant was injured. 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:</p> <p>1984: 3 counts of PC 211 robbery 1988: HS 11350 possession of controlled substance 1999: HS 11377 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> <ol style="list-style-type: none"> The inmate has not been convicted of a violent felony as defined under PC 667.5(c) in the past 15 years. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to the inmate's current convictions. <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>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 Ann Moorman found Bitney competent to stand trial.</p> <p>On December 15, 2014, Bitney's attorney again declared a doubt about his competence to stand trial, and proceedings were again suspended. This time, Dr. Sylvia Shirikian was appointed to examine Bitney for competence. Dr. Shirikian concluded that Bitney was feigning the symptoms of mental illness in order to avoid the consequences of his horrific conduct. On January 26, 2015, Mendocino County Superior Court Judge Clayton 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</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 Inmate has not been convicted of a violent strike offense in the past 15 years or incarcerated for a misdemeanor conviction involving physical injury to a victim or felony conviction within 5 years prior to Inmate's current convictions, and there are no relevant aggravating circumstances to consider.</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 July 28, 2016, a period of approximately 6 years 9 months.</p> <p>The inmate has been involved in the following activities: Recent Serious Rules Violations: None. Reliable Confidential Memos: None. Work/ Education / Vocation: 01/29/2022-present Adult Basic Education I, 312.5 hours 12/28/2019-1/20/2020 Adult Basic Education I, 0 hours 12/25/2019-1/28/2022 Enhanced Outpatient Program, 478 hours 07/06/2019-12/27/2019 Physical Health & Wellness, 21 hours 05/14/2019-12/24/2019 Enhanced Outpatient Program, 28 hours 04/30/2019-7/5/2019 Physical Health & Wellness, 9 hours 02/08/2019-4/3/2019 Physical Health & Wellness, 7 hours 10/02/2018-12/26/2019 Voluntary ABE III, 15 hours 09/30/2017-9/20/2018 Voluntary ABE I, No hours documented.</p> <p>Rehabilitative / Self-Help: 03/02/2019-4/3/2019 Mental Health & Wellness, 3 hours</p>

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			<p>was eventually amended to include special allegations under the 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.</p> <p>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 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, the 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</p>			<p>Mental Health Services Delivery System:</p> <ul style="list-style-type: none"> • Coping / Coping Skills, 108.7 hours • Mood Management, 9 hours • Interpersonal/ Social Skills / Communication, 44.02 hours Total -161.72 hours <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"> 1. The inmate has not been found guilty of institutional rules violations resulting in physical injury or threat of physical injury or recent serious RVRs since the inmate's last admission to prison. 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. <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"> 1. The inmate has limited participation in available vocational, educational, or work assignments. Although Inmate has participated in approximately 870.5 hours of educational programming, Inmate's participation is considered limited due to Inmate's violent commitment offenses. 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. <p>Inmate's approximately 3 hours of participation in self-help programming and 161.72 hours of mental health programming is limited considering the violence involved</p>
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			<p>preparation of a pre-sentencing investigation report (PSI). 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 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.</p> <p>In fact, Bitney had been convicted of three robberies in this court proceeding, even though only a single prior "strike" offense was alleged in the complaint. Because of this, Bitney's commitment offense could have been charged as a third strike.</p> <p>Once Penal Code section 654 was considered. At the time of sentencing, Bitney's total pre-sentence credits amounted to 3</p>			<p>in Inmate's commitment offenses. 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 limited participation in vocation, education and work assignments and limited rehabilitative programming to address the circumstances that contributed to Inmate's violent criminal behavior. Although Inmate has not committed a crime or rules violation since Inmate's most recent admission to prison, these circumstances are dramatically outweighed by Inmate's limited programming in work, education, vocation and rehabilitative programming due to the extreme violence involved in Inmate's commitment offenses.</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: Michael Bitney (Inmate) 3/20/2023, Mendocino County District Attorney's Office 3/7/2023, Stephen Snyder (Deceased Victim's Father) 3/7/2023 with attachments including letters from other family members previously submitted for prior evaluations, Dan Zuehlsdorf (Deceased Victim's Husband) 3/6/2023.</p> <p>There are additional responses contained in the inmate's file from prior evaluations that have also been reviewed and considered.</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 age, the inmate's physical and cognitive</p>

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			<p>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. Now, however, after serving barely more than six years of this remaining sentence, Bitney has been referred for "Nonviolent" Early Release.</p> <p>B. Administrative Review Criteria</p> <p>The Mendocino County District Attorney is not provided with the institutional programming information CDCR has traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusions:</p> <p>When considering the known case factors for Inmate Michael Bitney, we believe that this inmate poses an unreasonable risk of violence to the local community. We therefore adamantly oppose early release.</p> <p><u>Current Commitment Offense</u> Bitney's newest offenses are felony</p>			<p>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 commitment offense is aggravating as it involved great violence and resulted in the death of a victim and injury of an infant. Inmate's institutional adjustment is also aggravating due to Inmate's limited participation in work, education, vocation and rehabilitative programming to address the circumstances that contributed to Inmate's extremely violent conduct. Although Inmate's prior criminal record is mitigating because Inmate has not been convicted of a violent strike offense in the past 15 years and was not convicted of a felony or assaultive misdemeanor in the 5 years prior to Inmate's current convictions, this factor is given minimal weight as it is less probative of Inmate's current risk of violence than Inmate's more recent violent conduct and insufficient programming to address the circumstances contributing thereto. Therefore, based on the forgoing balancing of relevant factors, Inmate poses a current risk of violence or significant criminal activity. The inmate is denied for release.</p> <p><i>Kendra Weber</i></p>
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			<p>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 residents. In one of these instances, Bitney used a homophobic slur against another motel guest.</p> <p>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</p>			

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			<p>room.</p> <p>Later that day, Bitney intentionally rammed his truck into this man's room. When Bitney rammed through the wall of the motel room, Karen Zuehlsdorf - a tourist from Lafayette, California - and her infant nephew Cole were inside. The force of the impact punctured Karen's heart in two places, inflicted significant trauma on her other internal organs, and covered her in debris from the wall of the hotel room. Cole was also injured by Bitney, although his injuries were - through the grace of providence alone - not severe. The force of the impact was so strong that Karen's cell phone was still lodged in his vehicle when he was later apprehended.</p> <p>After killing Karen, Bitney backed his truck out of the motel room. When other tourists staying at the motel heard the collision, they came out from their rooms and then attempted to prevent Bitney from driving away. However, their efforts were unsuccessful; rather than stopping and rendering aid to the woman he had just mortally wounded, Bitney fled, demonstrating both a guilty conscience and an acute lack of remorse.</p> <p>Bitney's lack of remorse was</p>			

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			<p>confirmed once law enforcement confronted Bitney with the consequences of his actions. Rather than showing even the least bit of empathy or compassion for Karen and Cole, Bitney 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 malingered and feigned mental illness in order to insulate himself from the consequences of his antisocial actions.</p> <p>Then, in the course of his interview with Mendocino County Probation, Bitney feigned ignorance of the commitment offense entirely, 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 absolutely no remorse for taking Karen's life or injuring Cole. Throughout the interview, Bitney had a demeanor that the deputy probation officer described as a "lack of affect" - a demeanor often observed in psychopaths and sociopaths.</p> <p>The deputy probation officer also</p>			

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			<p>noted that Bitney had a "White Pride" tattoo on 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 or cover the tattoo in the thirty years that had elapsed.</p> <p>In sum, the commitment offense can only be described as a senseless act of violence and petty revenge that took the life of one innocent and very nearly took the life of another. There is no question that this was an aggravated offense by any standard.</p> <p><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 & Safety Code section 11350(a) [Possession of a Controlled Substance] in 1989.</p> <p>After serving a jail sentence for that offense, Bitney was arrested for attempted robbery; this was pieced down to a misdemeanor violation of Penal Code section 487.1 [theft from</p>			

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			<p>person] in 1990.</p> <p>In 1993, Bitney was convicted of a misdemeanor violation of Penal Code section 653f(d) [soliciting controlled substance sales].</p> <p>In 1994, Bitney was convicted of a misdemeanor violation of Vehicle Code section of 23 52(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 & Safety Code section 1377(a) [possession of controlled substance] and a misdemeanor violation of Health & Safety Code section 550(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 this offense.</p> <p>In aggravation, Bitney was previously convicted of three strike offenses. These offenses show that - from an early age - Bitney has had no compunction about using force and violence against other people when it serves his real or perceived interests.</p> <p>The only mitigating fact related to Bitney's criminal history is that his criminality - though still frequent -</p>			
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			<p>was less severe between his initial prison commitment and this offense. However, given the seriousness of the offense 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 significant 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><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. However, given Bitney's lack of insight about his own role in this tragedy, it is difficult to imagine that he has gained any insight or remorse in the years that have elapsed since his prior parole hearing, or that he is no longer a risk to seriously injure others at the slightest provocation, real or</p>			
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			<p>perceived.</p> <p>C. Conclusion Irrespective of Bitney's institutional adjustment, the Mendocino County District Attorney's Office believes that the senseless nature of Bitney's commitment offense, his utter lack of remorse, his attempts to manipulate the criminal justice system to his benefit to avoid accountability, his significant and violent criminal history, and his pattern of substance abuse are aggravating factors which demonstrate that he poses an unreasonable risk to public safety if released.</p> <p>For the above stated reasons, the Mendocino County District Attorney's Office respectfully asks this Board to deny early release to Inmate Michael Bitney.</p> <p>Sincerely, <i>Jerry N. Lulejian</i> Deputy District Attorney</p>			
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<p style="text-align: center;">Michael Bradford Bitney</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: 03/07/2022</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 Bradford 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 (Karen) and injured her infant nephew, Cole K (Cole). Karen and Cole were tourists who were enjoying the beautiful, rugged scenery on the Mendocino Coast, and who had done nothing to injure or offend Bitney. In fact, Bitney did not even know them. However, when he made the decision to ram his vehicle into their room, Bitney did know that the room they were in was occupied.</p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Michael Bitney.</p>	<p>264 mos.</p>	<p>02/24/2022</p>	<p>04/14/2022: Expedited Release DENIED.</p> <p>Decision for Bitney, Michael, BA5347: 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 22 years on the current commitment offenses. The commitment offenses are as follows:</p> <p><u>Commitment Offense</u> PC 192(c)(1) / VC 20001(c) - Vehicular Manslaughter With Gross Negligence, with enhancement for Fleeing Scene After Committing Vehicular Manslaughter.</p> <p><u>Sentence Components</u> The inmate was sentenced to a principal term of 12 years for the conviction of PC 192(c)(1) based upon the upper term of six years doubled as a "second strike" pursuant to PC 667(e)(1). The inmate was sentenced to an additional 5 years for the VC 20001(c) offense enhancement. The inmate was sentenced to an additional 5 years for the sentence enhancement pursuant to PC 667(a)(1) - Prior Felony Conviction Serious Offense. The total term is 22 years.</p> <p><u>Facts of the Commitment Offense</u> On 10/17/2014, the inmate drove his truck through the front wall of a local tourist motel room. The female victim and her infant child were in the motel room at the time of the collision and the victim sustained fatal injuries. The</p>

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			<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] 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</p>			<p>inmate fled the scene, but was later apprehended. 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> <ul style="list-style-type: none"> The inmate personally used a deadly weapon. The inmate drove his large pickup truck through the front wall of a motel room. The pickup truck is considered a deadly weapon given the size and weight of the object and the manner in which the object was used. There were one or more victims who suffered physical injury or threat of physical injury. The female victim inside the motel room suffered fatal injuries. The victim's infant child was also seriously injured. Therefore, the current crimes are found to be an aggravating risk factor in the case. <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 2014. 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 PC 211 - Robbery 1984 PC 211 - Robbery 1984 PC 211 - Robbery 1989 HS 11350(a) - Possession Controlled Substance 1999 HS 11377(a) - Possession 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> <ul style="list-style-type: none"> The inmate has not been convicted of a violent
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			<p>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 Ann Moorman found Bitney competent to stand trial.</p> <p>On December 15, 2014, Bitney's attorney again declared a doubt about his competence to stand trial, and proceedings were again suspended. This time Dr. Sylvia Shirikian was appointed to examine Bitney for competence. Dr. Shirikian concluded that Bitney was feigning the symptoms of mental illness in order to avoid the consequences of his horrific conduct. On January 26, 2015, Mendocino County Superior Court Judge Clayton 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>felony as defined in Penal Code 667.5(c) within the 15 years prior to this review. The inmate has no felony convictions, violent or otherwise, within the previous 15 years.</p> <ul style="list-style-type: none"> 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 the inmate's current conviction. <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 several mitigating circumstances and no aggravating circumstances. The inmate has not been convicted of a violent felony as defined by PC 667.5(c) within the past 15 years. The inmate has been free from incarceration for a criminal conviction (a misdemeanor involving physical injury or felony of any nature) for 5 or more years prior to the current conviction.</p> <p>Therefore, the prior criminal record is found to be a mitigating risk factor 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(s) since July 28, 2016, a period of approximately 5 years & 9 months.</p> <p>The inmate has been involved in the following activities: Rules Violations Reports None</p>

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			<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 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</p>			<p>Confidential Information None</p> <p>Vocational Assignments None</p> <p>Educational Assignments</p> <ul style="list-style-type: none"> • 01/29/2022 to Current - Adult Basic Education I [56.5 Hours] • 12/28/2019 to 01/20/2020 - Adult Basic Education I [No Hours Reported] • 10/02/2018 to 12/26/2019 - Voluntary Adult Basic Education III [Voluntary] • 09/30/2017 to 09/20/2018 - Voluntary Adult Basic Education I [Voluntary] <p>Work Assignments None</p> <p>Rehabilitative or Self-Help Programming</p> <ul style="list-style-type: none"> • 05/14/2019 to 01/28/2022 - Enhanced Outpatient Program [506 Hours] • 04/30/2019 to 12/27/2019 - Physical Health & Wellness [30 Hours] • 03/02/2019 to 04/03/2019 - Mental Health & Wellness [3 Hours] • 02/08/2019 to 04/03/2019 - Physical Health & Wellness [7 Hours] <p>The inmate's participation in the Mental Health Services Delivery System ("MHSDS") at the Enhanced Outpatient Program ("EOP"), Mental Health Crisis Bed Inpatient ("MHCBI") and Acute Care Facility ("ACUTE") levels of care during the current term including the educational opportunities and individual and group therapy have been considered in rendering this decision.</p>

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			<p>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 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 six years of this remaining sentence, Bitney has been referred for "Nonviolent" Early Release.</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> <ul style="list-style-type: none"> • The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the admission to prison. • There is no reliable information in the confidential section of the inmate's central file indicating that the inmate has engaged in criminal activity since his last admission to prison. <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> <ul style="list-style-type: none"> • The inmate has limited participation in available vocational, educational or work assignments. Other than approximately 57 recorded hours of participation in Adult Basic Education I, the inmate's participation in vocational, educational or work assignments has been very limited. Therefore, a review of the inmate's central file shows that the inmate has not participated in available vocational, educational, or work assignments in an amount or degree sufficient for the development of pro-social behaviors and marketable skills in order for the inmate to obtain gainful, lawful employment and otherwise successfully re-integrate into the community upon release from custody. The inmate's unsuccessful participation in vocational, educational, or work assignments is probative of the inmate's risk of recidivism and likelihood that the inmate will continue to engage in criminal behavior. • The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for

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For Expedited (Early) Release [Updated May 14, 2024]

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
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			<p><u>Administrative Review Criteria</u> The Mendocino County District Attorney is not provided with the institutional programming information CDCR has traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusions: When considering the known case factors for Inmate Michael Bitney, we believe that this inmate poses an unreasonable risk of violence to the local community. We therefore adamantly oppose early release.</p> <p><u>Current Commitment Offense</u> 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</p>			<p>a sustained period of time. As demonstrated by the inmate's violent and assaultive criminal conduct underlying the current crime, the inmate would clearly benefit from sustained programming in relevant areas that have been problematic for the inmate in the past in order to avoid future criminality. Other than the inmate's participation in the MHSDS, however, the inmate's participation in rehabilitative and self-help programs has been very limited. Therefore, while the inmate participation in the MHSDS demonstrates that the inmate has been actively addressing mental health concerns, the inmate's lack of meaningful participation in rehabilitative or self-help programming to date shows that the inmate has neither sufficiently addressed the circumstances that contributed to the inmate's criminal behavior for a sustained period of time nor sufficiently mitigated the inmate's current risk of violence or significant criminal activity. The inmate's failure to successfully participate in rehabilitative or self-help programming for a sustained period of time to address the salient issues and circumstances that contributed to the inmate's criminal behavior is probative of the inmate's current risk of recidivism and continued violent or dangerous 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 the positive efforts the inmate has demonstrated during the current term such as the absence of disciplinary actions and the absence of confidential information in the inmate's central file while notable are insufficient to outweigh the aggravating circumstances. The inmate has failed to mitigate the risk to re-offend by successfully participating in positive programming for a sustained period of time in order to address the inmate's criminal</p>
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			<p>Code section 192(c)(1). 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 residents. In one of these instances, Bitney used a homophobic slur against another motel guest.</p> <p>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>Later that day, Bitney intentionally rammed his truck into the man's room. When Bitney rammed through the wall of the motel room, Karen Zuehlsdorf - a tourist from Lafayette, California - and her infant nephew Cole were inside. The force of the impact punctured Karen's heart in two places, inflicted significant trauma on her other internal organs, and covered her in debris from the wall of the motel room. Cole was also injured by Bitney, although his injuries were - through the grace of providence alone - not severe. The force of the</p>			<p>thinking and violent tendencies. In light of the violent and assaultive nature of the commitment offense including the injuries inflicted upon the victims, the positive aspects of the inmate's institutional behavior are insufficient to outweigh the aggravating circumstances or sufficiently mitigate the inmate's current risk of violence.</p> <p>Therefore, the inmate's institutional adjustment is found to be an aggravating factor in this case.</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: Dan Zuehlsdorf dated 03/13/2022; Stephen Snyder dated 03/07/2022; and the Office of the District Attorney for the County of Mendocino dated 03/07/2022. <i>Note: The above-listed responses are those received subsequent to issuance of the Nonviolent Offender Review on the Merits Decision Form dated 11/03/2020. With that said, all responses received by the board including those received and documented in prior NVROM decisions have been reviewed and considered in the formulation of the decision herein.</i></p> <p>SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including 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</p>

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			<p>impact was so strong that Karen's cell phone was still lodged in his vehicle when he was later apprehended.</p> <p>After killing Karen, Bitney backed his truck out of the motel room. When other tourists staying at the motel heard the collision, they came out from their rooms and then attempted to prevent Bitney from driving away. However, their efforts were unsuccessful; rather than stopping and rendering aid to the woman he had just mortally wounded, Bitney fled, demonstrating both a guilty conscience and an acute lack of remorse.</p> <p>Bitney's lack of remorse was confirmed once law enforcement confronted Bitney with the consequences of his actions. Rather than showing even the least bit of empathy or compassion for Karen and Cole, Bitney 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 malingered and feigned mental illness in order to insulate himself from the consequences of his</p>			<p>decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>While the inmate's prior criminal record is a mitigating factor due to the absence of any violent felony convictions within the past 15 years and the lack of incarceration for a felony conviction or misdemeanor conviction involving physical injury within 5 years of the conviction for the current crime, the commitment offense coupled with the inmate's negative institutional adjustment are a more recent and more probative reflection of the inmate's current and unreasonable risk of violence. The violent and assaultive nature of the commitment offense is highly probative of the risk of violence the inmate currently poses to the public. Additionally, the inmate has failed to sufficiently address the circumstances and salient issues contributing to the inmate's criminal behavior through sustained and successful participation in rehabilitative or self-help programming nor has the inmate participated in vocational, education or work assignments in order to successfully develop the pro-social behavior and marketable skills required for the inmate to successfully re-integrate into the community. As a result, the inmate has failed to mitigate the current risk to re-offend in a violent or threatening manner upon release.</p> <p>For these reasons and those addressed in this decision, 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>Matthew Brueckner</i></p>
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			<p>antisocial actions.</p> <p>Then, in the course of his interview with Mendocino County Probation, Bitney feigned ignorance of the commitment offense entirely, 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 absolutely no remorse for taking Karen's life or injuring Cole. Throughout the interview, Bitney had a demeanor that the deputy probation officer described as a "lack of affect" - a demeanor often observed in psychopaths and sociopaths.</p> <p>The deputy probation officer also noted that Bitney had a "White Pride" tattoo on 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 or cover the tattoo in the thirty years that had elapsed.</p> <p>In sum, the commitment offense can only be described as a senseless act of violence and petty revenge that took the life of one innocent and very nearly took the life of another. There is no question that this was an aggravated offense by</p>			
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			<p>any standard.</p> <p><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 those offenses.</p> <p>After being released from prison, Bitney was convicted of a felony violation of Health & 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 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 & Safety Code section 11377(a) [possession of controlled substance] and a misdemeanor violation of Health & Safety Code section</p>			

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			<p>11550(a) [under the influence of a controlled substance]. 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]. On October 17, 2014, Bitney was arrested for this offense. In aggravation, Bitney was previously convicted of three strike offenses. These offenses show that - from an early age - Bitney has had no compunction about using force and violence against other people when it serves his real or perceived interests. 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 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 significant risk to reoffend once released. On balance, Bitney's criminal record is an aggravating factor because of its frequency, and because of the</p>			

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			<p>serious, felonious acts of violence that bookend this history.</p> <p><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. However, given Bitney's lack of insight about his own role in this tragedy, it is difficult to imagine that he has gained any insight or remorse in the two years that have elapsed since his prior parole hearing, or that he is no longer a risk to seriously injure others at the slightest provocation, real or perceived.</p> <p>CONCLUSION: Irrespective of Bitney's institutional adjustment, the Mendocino County District Attorney's Office believes that the senseless nature of Bitney's commitment offense, his utter lack of remorse, his attempts to manipulate the criminal justice system to his benefit to avoid accountability, his significant and violent criminal history, and his pattern of substance abuse are aggravating factors which demonstrate that he poses an unreasonable risk to public safety if</p>			
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			<p>released. For the above-stated reasons, the Mendocino County District Attorney's Office respectfully asks this Board to deny early release to Inmate Michael Bitney.</p> <p>Sincerely, <i>Joshua Rosenfeld</i> Deputy District Attorney</p>			
<p style="text-align: center;">Antonio Calderon-Rosas</p> <p>SCUK CRCR 16-87319 SCUK CRCR 20-36268</p>	<p>07/27/2021</p>	<p>PC § 243(D) Battery with Bodily Injury</p> <p>PC § 246.3(A) Negligent Discharge of a Firearm</p> <p>PC § 29800(A)(1) X 2 Felon in Possession of a Firearm</p> <p>VC § 23152(A)/23550 Driving While Under the Influence with a Prior Felony DUI Conviction</p>		<p>96 mos.</p>	<p>03/24/2023</p>	<p>05/04/2023- Expedited Release DENIED.</p> <p>Decision for Calderon-Rosas, Antonio, BP6329: 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 8 years on the current commitment offense(s). The commitment offense(s) is/are VC 23152(B) DUI with BAC .08 w/Priors Within 10 Years, 3 years; VC 23152(A) DUI Within 10 years of Priors, stayed; PC 243(D) Battery with Serious Injury, 1 year; PC 246.3(A) Discharge a Firearm with Gross Negligence, 8 months; 2 counts of PC 29800(A) Felon in Possession of a Firearm, 8 months each count, with a 2 year enhancement pursuant to PC 12022.1</p>

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						<p>Offense Committed While Released on Bail, 2 years, for a total term of 8 years. The dates of the convictions are 12/1/16 and 7/7/21.</p> <p>On 9/4/16, officers stopped the inmate while he was driving a motorcycle without a license plate and without a helmet. The inmate had objective signs of impairment due to alcohol consumption, and he admitted to having consumed 4 to 5 Coronas. The inmate's BAC was determined to be .21.</p> <p>On 8/19/20, officers conducted a probation search of the inmate which yielded a .380 handgun with a fully loaded 7 round magazine and a round in the chamber. The firearm was located in the waistband of the inmate's pants.</p> <p>On 9/21/20, officers responded to a report of an assault and brandishing of a firearm. Officers spoke to the inmate's father, who advised he was in a verbal argument with the inmate, his son. At a certain point, the inmate retrieved a firearm from a box, raised the weapon in the air and fired it. He then told his father something along the lines of the next one is for you.</p> <p>The inmate's father went inside the residence and obtained a phone from his other son, Angel, and called law enforcement. The inmate then struck his father on the right side of his face, causing him to lose consciousness and fall. The inmate then began kicking his father on the back, ribs, and arms while he was on the ground, and also punched him in the back of the head while he was on the ground.</p> <p>On 10/11/20, an officer conducted a probation search of the inmate's backpack and recovered a 9mm semi-automatic pistol.</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>

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						<p>1. The inmate personally used a deadly weapon. The inmate discharged a firearm, and threatened to shoot his father.</p> <p>2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate's father suffered serious injuries when he was kicked and punched after being knocked down by the inmate, and other motorists and pedestrians on the street where the inmate was driving a motorcycle with a .21 BAC suffered a 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 2012 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: 2012 Misdemeanor DUI and Reckless Driving, Washington State; 2014 VC 2800.2 Reckless Evading, VC 10851(A) Vehicle Theft, HS 11377(A) Possession of C/S, PC 496(A) Receiving Stolen Property; and VC 23153(B) DUI .08 BAC/Cause Bodily Injury.</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>1. The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive</p>
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						<p>behavior. The inmate's assaultive behavior commenced in 2012 with his misdemeanor DUI conviction, continued with his 2014 DUI with injury conviction and again with his 2016 commitment offense conviction for DUI with priors noting a .21 BAC. The pattern culminated with the inmate's 2021 conviction for battery with serious injury when he fired a weapon into the air and threatened to shoot his father, then after his father called law enforcement, the inmate kicked and punched him after knocking him down.</p> <p>2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from CDCR on his prior term on 8/11/15, and he was convicted of two of his five commitment offenses on 12/1/16, less than 1 year, 4 months later. Of note is that his prior term included a DUI with injury conviction, and he was convicted on 12/1/16 of DUI with 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 September 14, 2021, a period of approximately 1 year, 7.5 months.</p> <p>The inmate has been involved in the following activities: Serious RVRs: Tattooing 12/9/22 Under the Influence of Alcohol 10/11/22 Relevant Confidential: Memorandum dated 10/16/22. Work/Vocational Assignments: Camp Firefighter 4/29/23 - Present, 15 hours to date; 4/14/23 - 4/28/23, 82.5 hours; 7/19/22 - 10/12/22, 450 hours; 4/19/22 - 7/18/22, 465 hours; 4/7/22 - 4/18/22, 52.5 hours Fire Fighter Training 3/25/22 - 4/7/22, 60 hours,</p>

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						<p>completed Voluntary Physical Fitness 3/2/22 - 3/25/22, 36 hours, completed Physical Fitness Training 3/2/22 - 3/25/22, completed, hours not documented Education Assignments: Transitions 10/19/22 - 1/4/23, 18 hours Self-Help Participation: None documented</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: A letter from the inmate dated 3/30/23.</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 and the inmate's age of 32, 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 record was found to aggravate the inmate's current risk of violence given the inmate's pattern of assaultive behavior commenced in 2012 with his misdemeanor DUI conviction, continued with his 2014 DUI with injury conviction and again with his 2016 commitment offense conviction for DUI with priors noting a .21 BAC. The pattern culminated with the inmate's 2021 conviction for battery with serious injury when he fired a weapon into the air and threatened to shoot his father, then after his father called law enforcement, the inmate kicked and punched him after knocking him down. Additionally, the inmate was released from CDCR on his</p>

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						<p>prior term on 8/11/15, and he was convicted of two of his five commitment offenses on 12/1/16, less than 1 year, 4 months later. The inmate's commitment offenses were also found to aggravate the inmate's current risk of violence due to his use of a firearm, as well as the serious physical injuries he inflicted on his father, and the threat of physical injuries other drivers and pedestrians suffered when the inmate drove with a .21 BAC. Lastly, the inmate's institutional adjustment was also found to aggravate the inmate's current risk of violence as the inmate was found guilty of an RVR dated 10/11/22 for Under the Influence of Alcohol. The RVR, which took place less than 7 months ago, involved the inmate being found "highly intoxicated" after drinking hand sanitizer, and is given aggravating weight due to the nexus with the inmate's DUI with prior commitment offense. Additionally, to date, the inmate has no documented self-help participation to address his substance abuse, a circumstance which contributed to his criminal behavior. The foregoing aggravating circumstances are found to outweigh the mitigating circumstance of the absence of a PC 667.5(C) violent conviction and the inmate's sustained and successful work/vocational 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 Denwir</i></p>

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<p>Eric Dean Campbell</p> <p>SCUK CRCR 18-94217</p>	<p>07/26/2018</p>	<p>PC § 459/460(A) First Degree Burglary</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>96 mos.</p>	<p>04/04/2022</p>	<p>05/19/2022- Expedited Release APPROVED.</p> <p>Decision for Campbell, Eric, BH0587: 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 8 years on the current commitment offenses. The commitment offenses are:</p> <p>(1) PC 459 – Burglary 1st for which the inmate received a term of 8 years, (doubled per PC667(b) (1)/PC1170.12, a prior strike enhancement).</p> <p>FACTS: On May 6, 2018, inmate Eric Campbell entered a residence while the occupant was at work. He ransacked the dwelling and pulled all of the victim’s belongings out of her drawers and closets. He stole a purple suitcase full of clothing, a Michael Kors purse and wallet, the victim’s passport and credit cards.</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"> 1. The inmate did not personally use a deadly weapon. 2. No victims suffered physical injury or threat of

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						<p>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 1987 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> <p>1987 – PC 459 Burglary 1st (CYA term) 1989 – PC 243(D) Battery with serious bodily injury 1989 – PC 496.1 Receive stolen property 1989 – PC 4532(B) Escape from jail with force 1992 – PC 459 Burglary 2nd 1995 – PC 475 Possession of forged notes 2000 – PC 459 Burglary 1st 2000 – PC 459 Burglary 1st 2009 – PC 484G(B) Theft by misrepresentation 2015 – HS 11378 Possession of controlled substance for sale</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 was incarcerated for a felony conviction within five years prior to his current conviction. The inmate was released to Post-Release Community</p>

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						<p>Supervision (PRCS) on 5/23/17. He was convicted of the current offense on 5/21/18, just one year 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 inmate's inability to remain crime free in the community for any significant period of time, which demonstrates prior incarcerations were not a deterrent to criminality and is probative of his risk to reoffend and commit significant 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 offenses since August 16, 2018, a period of approximately 3 years, 9 months. The inmate has been involved in the following activities: WORK HISTORY: Porter Laundry VOCATIONAL TRAINING: Forklift Operator Safety Training EDUCATIONAL PROGRAMS: None SELF-HELP PARTICIPATION: Intensive Substance Use Disorder Treatment Narcotics Anonymous Anger Management SERIOUS RULES VIOLATIONS: None CONFIDENTIAL INFORMATION: Confidential Memorandum dated 2/17/20 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 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 has remained free of any serious RVRs.</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. A confidential memo was reviewed, but it could not be substantiated.</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 demonstrated good citizenship while incarcerated in CDCR. He remained disciplinary free and maintained a good work record. His institutional adjustment is aggravated by his limited efforts in rehabilitative programming, but this circumstance does not outweigh his admirable efforts in other areas. It is noted that the inmate is currently attending an Intensive Substance Use Disorder Treatment Program.</p> <p><u>Case Factor #4 - Response to Legal Notice</u> 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 factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity. Inmate Campbell has a long history of theft offenses. His</p>

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						<p>current commitment offense represents his fourth prison term for residential burglary. In this case, the victim was not at home when the inmate entered her apartment and searched through her drawers and closets, taking things of value. However, the crime is considered to be a mitigating factor because the inmate did not use violent or assaultive behavior in the commission of the crime and the victim was not threatened or physically injured.</p> <p>The inmate's long criminal history is considered to be an aggravating factor due to his quick rate of recidivism which shows that his prior incarcerations were not a deterrent to future criminal behavior. While this factor does aggravate the inmate's current risk, it is given less weight due to the fact that the inmate's extensive criminal history is primarily theft offenses, and he does not have a history of violent or assaultive behavior.</p> <p>While incarcerated on this term, the inmate has remained disciplinary free, and he maintained an admirable work record. His minimal rehabilitative efforts are clearly outweighed by the other mitigating circumstances.</p> <p>Therefore, after considering together the findings on each of the inmate's case factors, it is determined 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>Kathleen Newman</i></p>
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<p>Bruce Evan Cartwright, Jr.</p> <p>SCUK CRCR 18-95722</p>	<p>05/02/2019</p>	<p>PC § 496(D) X 2 Possession of a Stolen Vehicle</p> <p>PC § 1170.12 X 2 Prior Strike Conviction</p>		<p>88 mos.</p>	<p>12/07/2021</p>	<p>02/14/2022- Expedited Release APPROVED.</p> <p>Decision for Cartwright, Bruce, BJ4238: 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: <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 7 years and 4 months on the current commitment offenses. The commitment offenses are PC 496(d), receipt/possession of a stolen vehicle, with a prior strike conviction per PC 667(b)-(i)/1170.12. The conviction date was 4/4/19. The date of the offenses was 8/8/18 and 12/15/18.</p> <p>On 12/5/18, the inmate was driving a stolen vehicle. The inmate was stopped by police as a suspect in a shoplifting incident, and later it was determined the vehicle had been stolen earlier that day.</p> <p>On 8/8/18, inmate was driving a truck that had been stolen earlier in the day. A witness indicated he saw the vehicle the inmate was driving hit an embankment and go airborne. The truck came to a rest in a field. The inmate was the only occupant of the truck. The inmate had severe injuries requiring hospitalization.</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.</p> <p>2. No victims suffered physical injury or threat of physical injury.</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 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>2011: PC 460(a), first degree burglary.</p> <p>2012: PC 460(a), first degree burglary.</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>2. The inmate's prior criminal convictions coupled with the inmate's current convictions shows a pattern of similar criminal conduct that is decreasing in severity. The inmate's criminal record consists of property theft crimes. The first two convictions in 2011 and 2013 were first degree burglaries which are classified as serious felonies because of the intrusion of a residence and the potential for injuries should a resident be inside at the time of the burglary. The inmate's two current convictions were for being in possession of stolen property, which are property/theft type crimes, but are not classified as serious felonies. The pattern of the inmate's crimes show a lesser degree of crime, and the reduced severity and passage of time are considered a mitigating factor in this review.</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>1. The inmate was incarcerated for a felony conviction within five years prior to the inmate's current convictions. The inmate was paroled from a prior prison term on 7/13/14. On 4/4/19, about 4 years and 9 months later, the inmate was convicted of the current 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 May 30, 2019, a period of approximately 2 years and 10 months.</p> <p>The inmate has been involved in the following activities: SERIOUS RULES VIOLATIONS 12/23/19: Conspire to distribute a controlled substance. WORK/VOCATIONAL/EDUCATIONAL ASSIGNMENTS Recreational Aid. SELF-HELP/REHABILITATIVE PROGRAMMING Mental Health and Wellness. CBI Outpatient. CBI Intensive Outpatient. Program was not completed. 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"> 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 the inmate's last admission to prison. 2. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior, such as substance abuse. <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"> 1. The inmate has been found guilty of institutional Rules Violations Reports resulting in threat of physical injury since the inmate's last admission to prison. The inmate was found guilty of conspiracy to distribute a controlled substance in prison in 2019, over two years ago. 2. The inmate has limited participation in available vocational, educational, or work assignments. The inmate participated in only 24 hours of work programming, which is an insignificant number of hours that does not contribute to the inmate's future successful transition to becoming self-sufficient. <p><u>Case Factor #4 – Response to Legal Notice</u> 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 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.</p> <p>In addition, during this current term of incarceration, the inmate has received services through the Mental Health Services Delivery System (MHSDS) at the Enhanced Out Patient (EOP) and Correctional Clinical Case Management System (CCCMS) levels of care. These services have been considered in rendering this decision.</p> <p>In determining whether the inmate poses a current risk of violence or significant criminal behavior, the presence of only mitigating factors indicate the inmate does not pose that risk. There are no aggravating risk factors. The current offenses involve the theft/possession of stolen vehicles, property crimes which did not pose a threat of injury to</p>

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						<p>others. The inmate's prior criminal record was mitigating because the inmate's prior two convictions were for serious felonies related to theft/property (residential burglaries), and almost five years later, the current felonies of possession of stolen property are classified as a lesser degree of theft related property crimes. The passage of time, the reduction in severity of crime, and the lack of a violent felony in the inmate's history indicate a reduced likelihood of recidivism. Lastly, since the inmate's rules violation for conspiracy to distribute controlled substances in prison two years ago, the inmate has been free of rules violations and has participated in a sustained period of programming addressing substance abuse, which is a significant factor that has led to the inmate's criminal history. All these factors indicate the possibility of the inmate recidivating is reduced, and indicate the inmate does not pose a current risk of violence or significant criminal activity to the community. The inmate is approved for release.</p> <p style="text-align: right;"><i>Cory Woodward</i></p>

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<p>Brandon Joseph Conwell</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>12/06/2021</p>	<p>02/04/2022: Expedited Release DENIED.</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:</p> <p>HS11378: possession of controlled substance for sale (sentenced to 6 years-3 years doubled as a second strike offense)</p> <p>On January 9, 2018, an enforcement stop was conducted on the inmate's vehicle. A search of the vehicle identified 7 bags of ecstasy pills, 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> <ol style="list-style-type: none"> 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.

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						<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 offense 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: 2007: PC261.5(c)-sex with minor 3 plus years younger 2007: PC236-false imprisonment 2012: PC487-grand theft 2015: PC211-robbery: first degree PC236-false imprisonment</p> <p>Under the review criteria, there are not any mitigating circumstances of the inmate's prior criminal record that are applicable.</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 May 31, 2018, a period of approximately 3 years 9 months. The inmate has been involved in the following activities: Institutional Rule Violation Reports (Serious) 7/13/2021: constructive possession of a cellular telephone 3/24/2021: possession of a cellular telephone 10/23/2020: tattoo paraphernalia 9/1/2020: refusing to provide urine sample for testing 7/19/2020: tattooing 4/28/2020: constructive possession of a cellular telephone 1/13/2020: battery on a prisoner 1/10/2020: possession of a cellular telephone 9/19/2019: battery on a prisoner</p>

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						<p>5/12/2019: tattoo paraphernalia 4/8/2019: tattooing</p> <p>Work Assignments: kitchen worker porter</p> <p>Vocational Assignments: vocational building maintenance vocational auto mechanics</p> <p>Educational Assignments: None</p> <p>Self-Help and Rehabilitative Programming: None</p> <p>Under the review criteria, there are not any mitigating circumstances of the inmate's institutional behavior that are applicable.</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 under the review criteria, there are only circumstances in aggravation and none in mitigation.</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: Brandon Cornwell received in December 2020.</p> <p>SUMMARY: 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>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 criminal record demonstrates that he incurred a violent felony conviction (robbery) in the past 15 years; which is probative of an elevated risk for violence and his institutional behavior demonstrated assaultive behavior during the current term, multiple reliable confidential memorandums (deemed reliable) indicating that he has engaged in criminal activity during the current term and that he has yet to participate in self-help and rehabilitative programming over a sustained period of time to address his criminal behavior. 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>

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<p style="text-align: center;">Esteban Nicholas Fausto</p> <p style="text-align: center;">22CR00331 SCUK CRCR 19-31507</p>	<p style="text-align: center;">02/24/2023</p>	<p style="text-align: center;">PC § 245(A)(1) Assault With a Deadly Weapon</p> <p style="text-align: center;">PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p style="text-align: center;">PC § 1170.12 Prior Strike Conviction</p>		<p style="text-align: center;">60 mos.</p>	<p style="text-align: center;">04/15/2024</p>	
<p style="text-align: center;">Ramon Miguel Flores</p> <p style="text-align: center;">SCTM CRCR 20-36346</p>	<p style="text-align: center;">09/17/2021</p>	<p style="text-align: center;">PC § 311.11(B) Possession of a Child Pornography</p> <p style="text-align: center;">PC § 1170.12 Prior Strike Conviction</p>		<p style="text-align: center;">96 mos.</p>	<p style="text-align: center;">09/12/2022</p>	<p>11/10/2022: Expedited Release DENIED.</p> <p>Decision for Flores, Ramon, BF6865: 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 eight (8) years on the current commitment offenses. The commitment offense is Possession of Child Pornography with Prior Specified Conviction (PC 311.11(b)).</p> <p>The inmate was convicted on August 19, 2021. The court imposed a prison term of four (4) years, doubled to eight (8) years pursuant to a strike prior (PC 667(b)-(i)/PC</p>

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						<p>1170.12). On or about May 22, 2020, the inmate was in possession of pornographic pictures and videos showing children, specifically a two-year-old boy and a girl approximately eight 8 to 10 years old, engaging in sexual acts. 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) One or more victims suffered physical injury or the threat of physical injury. The inmate possessed child pornography. For sex crimes against minors, there is an inherent threat of violence because of the minor's inability to escape the situation and the lasting psychological trauma suffered by the victim at the hands of the perpetrator. Here, the inmate's possession of child pornography perpetuates said harm each time he views or distributes the pornography. 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 2017 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: Adult Felony Priors</p> <ul style="list-style-type: none"> • 2017 – PC 664 / PC 261(a)(2) – Attempted Forcible Rape of a Child Under 14 Years Old, • 2017 – PC 288(c)(1) – Lewd and Lascivious Acts Upon a Child Between 14 and 15 Years Old While 10 Years Older,

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						<ul style="list-style-type: none"> • 2017 – PC 288.4 – Meeting a Minor for Lewd Purposes. 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 inmate has not been convicted of a statutorily violent felony. 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 (5) years prior to his current conviction. The inmate was convicted of Attempted Forcible Rape, Lewd and Lascivious Acts Upon a Child, and Meeting a Minor for Lewd Purposes on December 1, 2017. The inmate was sentenced to a prison term and released on February 19, 2019, within approximately two (2) years and eight (8) months his conviction for the commitment offense. 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 he was incarcerated for prior sex related felonies within at least two (2) years and eight (8) months of his current sex related conviction. The inmate’s inability to remain crime free in the community for any significant period demonstrates that the prior incarceration for sex related felonies was not a deterrent to continued sex related criminality and is probative of his risk to reoffend. Accordingly, the prior criminal record factor is overall aggravating. <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 offense since October 20, 2021, a period of approximately one (1) year and one (1) month.</p> <p>The inmate has been involved in the following activities:</p> <ul style="list-style-type: none"> - No record of serious RVRs - No vocation training assignments - No education assignments - No work assignments - 10 hours substance abuse group - 90 hours life skills <p>During this current term of incarceration, the inmate received services through Mental Health Services Delivery System at the Correction Clinical Case Management System level. Records indicate that the inmate's participation may have included educational opportunities, as well as individual and group therapy sessions. Such additional programming and counseling sessions were considered in rendering this decision.</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 not been found guilty of any finalized institutional RVRs resulting in physical injury or the threat of physical injury since his last admission to prison or recent serious RVRs. The inmate did not incur any serious RVRs during the current prison term.</p> <p>(2) There is no reliable information in the confidential section of the inmate's central file indicating that he 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>

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						<p>(1) The inmate has not participated in available vocational, educational, or work assignments for sustained periods. During current term, there are no records indicating that the inmate has enrolled or participated in vocational, educational, or work assignments. Accordingly, under the review criteria, this is an aggravating circumstance.</p> <p>(2) The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his particular criminal behavior. Though the inmate has participated in at least 100 hours of rehabilitative or self-help programming, there is no indication that such programs focused on the circumstances of the inmate's commitment offense. In light of the serious nature of the inmate's commitment offense and prior convictions, the programming he has completed is insufficient to mitigate the current risk of violence and the inmate would benefit from sustained programming in relevant areas that have been problematic for him in the past in order to avoid future criminality. With that understanding, the inmate's limited engagement in programming to address the salient factors that contributed to his commitment offense for a sustained period is probative of his risk to re-offend. Under the review criteria, this is an aggravating circumstance.</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 he has not yet successfully participated in self-help or rehabilitative programming to address the circumstances of his criminal behavior for a sustained period. Though the inmate has not incurred any serious RVRs during the current term, his non-participation in self-help or rehabilitative programming concerning the circumstances</p>

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						<p>of his commitment offense is a factor that weighs heavily against any potentially mitigating circumstance. Accordingly, the institutional adjustment factor is overall aggravating.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>Letter of self-support from the inmate dated 09/22/22.</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 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>Under the review criteria, the inmate's current commitment offense, prior criminal record, and institutional behavior are considered aggravating. In reaching this decision, great weight was given to the inmate's conduct exhibited in the commitment offense and his failure to remain crime-free for a sustained period. The commitment offense involved serious behavior, as the inmate possessed child pornography. By possessing such material, the inmate perpetuated the physical and physiological abuse the children suffered in the creation of said pornography. As to the inmate's prior criminal record, within two (2) years and eight (8) months of being</p>
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						<p>incarcerated for multiple felonies related to sex crimes against a minor child, the inmate was convicted of the sex related commitment offense. Great weight was also given to the inmate's institutional behavior. Though the inmate has not incurred any serious RVRs during the current prison term, he has limited to no participation in self-help or rehabilitative programming concerning the factors that contributed to his serious commitment offense for sustained periods. For all these reasons, the inmate poses a current, unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Michael Mette</i></p>
<p>Ramon Miguel Flores SCTM CRCR 20-36346</p>	<p>09/17/2021</p>	<p>PC § 311.11(B) Possession of a Child Pornography</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>96 mos.</p>	<p>09/11/2023</p>	<p>10/29/2023: Expedited Release DENIED.</p> <p>Decision for Flores, Ramon, BF6865: 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 incarcerated person's current commitment offense aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of eight years on the current commitment offense. The commitment offense is PC 311.11(b) Possess Child Pornography Involving Person Under 18 w/Prior (8 years as a Second Striker).</p> <p>On May 22, 2020, the incarcerated person possessed child</p>

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						<p>pornography, including videos and images. One of the videos depicted a woman, known to the incarcerated person and named as a co-defendant, performing oral copulation on her two-year old son. Investigation revealed that the woman had sent the incarcerated person pictures and videos of her abusing her son and that the incarcerated person had saved pornographic material.</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. The incarcerated person's actions related to the procurement and viewing of child pornography presents the inherent threat of physical injury to the minor victim(s) depicted in the videos and images.</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 incarcerated person's prior criminal history began in 2017 and continued until the commitment offense in 2021. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions:</p> <ol style="list-style-type: none"> 1. 2017: PC 664/261(a) Attempted Rape w/Force Minor 14 or Older 2. 2017: PC 288(c)(1) L&L Victim 14/15 Years Old and Age Difference of 10+ Years 3. 2017: PC288.4(b) Arrange Meeting w/Minor w/Intent Sex

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						<p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> The incarcerated person 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>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> The incarcerated person was incarcerated for a felony conviction within five years prior to his current conviction. The incarcerated person was released from a prior incarceration on February 19, 2019, and convicted of the current offense on August 19, 2021, less than three years later. <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because of the incarcerated person's inability to remain crime free in the community for any significant period of time, which demonstrates prior incarceration was not a deterrent to his sexual offending and is probative of the incarcerated person's risk. The incarcerated person's inability to refrain from sexual offending behavior and repeat criminality are more probative of his risk of violence or significant criminal activity to the community than the lack of a statutorily defined violent felony conviction in the past 15 years.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p>
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						<p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense since October 20, 2021, a period of approximately two years.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>Serious Rules Violation Reports: None</p> <p>Confidential Information: None</p> <p>Vocational Assignments: 1. Computer & Related Technology: 2/23/23-9/15/23 (167.25 hours)</p> <p>Educational Assignments: None</p> <p>Work Assignments: None</p> <p>Self-Help/Rehabilitative Programming:</p> <ol style="list-style-type: none"> 1. CBI – Life Skills: 4/11/22-3/2/23 (hours, Completed) 2. White Bison: 8/20/22-2/13/23 (28.00 hours, Completed) 3. Timeless: 2/24/23-9/18/23 (42.00 hours) 4. CGA: 2/28/23-9/18/23 (46.75 hours) 5. Phoenix Alliance: 3/25/23-9/18/23 (50.00 hours) 6. Recovery from Violence: 1/7/23-3/25/23 (hours unknown), 10/3/22 (24 hours, Completed Tier 2), 7/5/22 (24 hours, Completed Tier 1) <p>The incarcerated person is also a participant in the Mental Health Services Delivery System at the CCCMS level of care. OnDemand records indicate the incarcerated person has had some limited contact with clinical staff and social workers, but no completed group treatment.</p> <p>The following circumstances of the incarcerated person's</p>

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						<p>institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <p>1. The incarcerated person has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison and does not have recent institutional Rules Violation Reports, as classified by the department as serious, as specified in subdivision (a) of section 3315 of article 5 of subchapter 4 of chapter 1 of Division 3 of this title.</p> <p>2. There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison. The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <p>1. The incarcerated person has limited participation in available vocational, educational, or work assignments. Records indicate some participation in a vocation. Overall, the incarcerated person's participation to date does not rise to the level of being considered successful participation for a sustained period of time and he is encouraged to continue.</p> <p>2. The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as sexual offending. The incarcerated person has some limited participation in self-help programming, which does not rise to the level of being considered successful participation for a sustained period of time, especially when viewed in light of the sexual offending behavior demonstrated in the commitment offense.</p>

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						<p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because he has limited participation in vocational, educational or work assignments, and limited participation in self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as sexual offending. The incarcerated person's limited participation in self-help or rehabilitative programming is a circumstance that weighs heavily against those other circumstances present in mitigation, especially when viewed in light of the sexual offending behavior demonstrated in the commitment offense.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision:</p> <p>1. The incarcerated person, received September 20, 2023. Additionally, there are responses from prior NV reviews in the inmate's file that have been reviewed and considered in this decision.</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 incarcerated person's age (36 years old), and the incarcerated person's physical and cognitive limitations (9.8 RL, CCCMS), the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p>

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						<p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. 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 incarcerated person's current commitment offense, prior criminal record, and institutional behavior are all case factors which aggravate the incarcerated person's current risk of violence. As there are no mitigating case factors present in this matter, the incarcerated person is inherently an unreasonable risk of violence or significant criminal activity to the community at this time.</p> <p>The incarcerated person's current offense involved the inherent threat of physical injury to the minor victims depicted in the pornographic images and videos. Further, the incarcerated person's prior criminal record demonstrates prior incarceration was not a deterrent to his sexual offending as he was free from incarceration for less than three years before his current conviction. Lastly, the incarcerated person has limited participation in vocational, educational or work assignments, and limited participation in self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as sexual offending.</p> <p>For these many reasons, the incarcerated person poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Neal Chambers</i></p>
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<p style="text-align: center;">Richard Domingo Flores</p> <p>SCUK CRCR 20-35240</p>	<p>08/18/2020</p>	<p>PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>48 mos.</p>	<p>07/18/2022</p>	<p>09/06/2022: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: CCR Title 15, section 2449.2(b)(1) provides that BPH has jurisdiction to review an inmate for release if the inmate's earliest possible release date is at least 180 calendar days after inmate's non-violent parole eligible date. BPH does not have jurisdiction to conduct a review in this case as the inmate's EPRD is 10/29/22, which is less than the required time. This case is being administratively closed with no jurisdiction.</p> <p style="text-align: right;"><i>Shannon Hogg</i></p>
<p style="text-align: center;">Antoinette Morgan Florez</p> <p>21CR02342</p>	<p>05/23/2023</p>	<p>PC § 530.5(A) Identity Theft</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 530.5(c)(2) Identity Theft with a Prior</p>		<p>32 mos.</p>	<p>01/02/2024</p>	<p>02/08/2024: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: Inmate. Inmate is not currently eligible for Non-violent eligibility. BPH does not have jurisdiction to conduct a review on the merits. This date has been moved into the future (08/25/2024).</p> <p style="text-align: right;"><i>Ali Zarrinam</i></p>

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<p>Eric Michael France</p> <p>SCUK CRCR 19-32305</p>	<p>12/12/2019</p>	<p>HS § 11378 Possession of a Controlled Substance For Sales</p> <p>PC § 12022(C) Personal Arming in the Commission of a Drug Offense</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>120 mos.</p>	<p>07/08/2022</p>	<p>09/16/2022: Expedited Release DENIED.</p> <p>Decision for France, Eric, BL1927: 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 ten years on the current commitment offense. The commitment offense is HS 11378 (possession of controlled substance for sale), for which the inmate received a sentence of three years which was doubled in accordance with PC 667(b)-(i)/PC 1170.12 with an enhancement in accordance with PC 12022(c) for being armed during the commission of the offense.</p> <p>On 8/11/19 the inmate possessed heroin and methamphetamine for sale. He was armed with a 9 mm pistol during the offense.</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 victims suffered physical injury or threat of physical injury. There was only one conviction. Therefore, the current crimes are found to be a mitigating</p>

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						<p>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 1991 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>1991: PC 459 (2nd-degree burglary), PC 451(d) (arson) 1995: PC 12021(a)(1) (possession of firearm by felon), PC 1320(b) (failure to appear for felony charge) 1996: PC 459 (2nd-degree) 2001: PC 12021(a)(1) 2014: PC 29800 (possession of firearm by felon), PC 18715 (possession of explosive device in public)</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 misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction. He was released on PRCS on 2/7/17 following his 2014 convictions, and the date of his current conviction was 10/16/19, which was within 3 years, and</p> <p>The inmate was previously approved for release by the board under this article and returned to state prison with a new conviction because the inmate was released from prison and paroled on 02/17/2017 under BPH 50 percent</p>

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						<p>NVSS release, and now the inmate was convicted of a new offense on 10/16/2019.</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 although the inmate prior convictions did not involve any statutory violent felony or did not involve any physical harm or threat of physical harm to victims, great weight was given to the fact that the inmate was released from prison by the board under the BPH 50 percent release and now has a new conviction, within less than three years. This is so because he has demonstrated that a prior incarceration and early release from prison will not deter the inmate from coming back to prison. The inmate has been involved in criminal activity for more than 28 years, but was given the opportunity to serve BPH 50 percent NVSS Release for his prior incarceration, but he did not take that opportunity to address his criminal behavior and live a life free from criminal activity. Therefore, it has been determined that the inmate's prior criminal record aggravates his 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 offense on January 2, 2020, a period of approximately two years and eight months.</p> <p>The inmate has been involved in the following activities:</p> <p>EDUCATION: None reported</p> <p>WORK: Barber</p> <p>VOCATION:</p>

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						<p>None reported</p> <p>SELF-HELP/REHABILITATION: CBI Outpatient</p> <p>SERIOUS RULES VIOLATIONS: None reported</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.</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 inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his or criminal behavior, such as substance abuse, for a sustained period of time. He participated in a Cognitive Behavioral Intervention program for approximately one and a half years.</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. His experience in these areas is limited to approximately three months in a barber assignment.</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 less weight was given to the fact that the inmate has no</p>

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						<p>disciplinary write-ups in prison because the inmate's victims in the community. Great weight was given to the factor that the inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as, but not limited to, substance abuse treatment. He also needs to participate in education, vocational, or work assignment to promote pro-social activity. Therefore, it has been determined that the inmate's institutional behavior aggravates the inmate's current risk of violence in the community.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received a response to the legal notices regarding the inmate's nonviolent review. The following response was reviewed and considered in this decision: Letter from the inmate dated 7/14/22.</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 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>The mitigating factor was the current commitment offense because the inmate did not personally use a deadly weapon, no victims suffered physical injury or threat of physical injury, and there was only one conviction. However, great weight was given to the prior criminal record and the institutional adjustment. In the prior criminal record, the inmate was released from prison for prior conviction under the early release under BPH 50 percent NVSS release, which did not deter the inmate from re-offending within less than three years from the current</p>

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						<p>commitment offense. In the institutional adjustment, the inmate is encouraged to further work on his vocation, work, and/or education. With education and viable marketable skills, the inmate will be able to maintain a lawful job that promotes pro-social activity in the community. He needs to take all available self-help rehabilitative programming for a sustained period of time in order to change his criminal and addictive behavior and thinking, especially, but not limited to, substance abuse treatment programs. He needs tools and coping mechanisms to address his criminal behavior because prior incarceration and early release under BPH 50 percent NVSS release did not deter his criminal thinking and behavior. Accordingly, based on the totality of the circumstances, the inmate poses a current, unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Daniel Blake</i></p>
<p>Eric Michael France SCUK CRCR 19-32305</p>	<p>12/12/2019</p>	<p>HS § 11378 Possession of a Controlled Substance For Sales</p> <p>PC § 12022(C) Personal Arming in the Commission of a Drug Offense</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>120 mos.</p>	<p>07/10/2023</p>	<p>08/17/2023: Expedited Release DENIED.</p> <p>Decision for France, Eric, BL1927: 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 incarcerated person’s current commitment offense(s) mitigate the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 10</p>

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						<p>years on the current commitment offense(s). The commitment offense(s) is/are HS11378-possession of a controlled substance for sale (doubled to 6 years per PC667(b)-(i)/PC1170.12) enhanced by PC12022(c)-armed with a firearm (4 years).</p> <p>INCIDENT: On 8/11/2019, incarcerated person possessed heroin and methamphetamine while armed with a 9mm pistol. [Of note, the above account was based on the related complaint. There was no available police report, probation report or appellate decision describing the incident.] 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"> 1) The incarcerated person did not personally use a deadly weapon; 2) No one suffered injury and there were no threats of physical injury involved in the incident; and 3) There was only one conviction. <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The incarcerated person’s prior criminal history began in 1988 and continued until the commitment offense(s) in 10/16/2019 (conviction date). The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: PC459-burglary 2nd and PC451(d)-arson (1991); PC12021(a)-felon in possession of a firearm (1995); PC1320(b)-failure to appear on felony charge (1995); PC460(b)-burglary 2nd (1996); PC12021(a)-felon in possession of a firearm (2001); PC29800-felon/addict in possession of a firearm and PC18715(a)(1)-</p>

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						<p>possession of destructive device in public (2014); and the current offense (10/16/2019). These are felony convictions. Incarcerated person's last incarceration period, related to a prior felony conviction, ended on 2/7/2017 after the Board of Parole Hearings (BPH) approved him for release pursuant to Non-Violent Second Strike (NVSS) review. The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are: In the past 15 years, incarcerated person was not convicted for a PC667.5(c) violent felony. Between 8/16/2008 and 8/16/2023 (today's date), incarcerated person has no felonies classified as violent under PC667.5(c). The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are: In the 5 years preceding the current conviction, incarcerated person was incarcerated for a felony conviction. The last incarceration period, for a prior felony, ended on 2/7/2017 after BPH approved incarcerated person for release in accordance with NVSS review. The conviction date for the current offense is 10/16/2019. As such, incarcerated person was free from incarceration for less than 3 years when convicted for the current offense. This indicates the last felony incarceration period and release from a lengthy prison term did not deter or diminish risk factors linked to criminal conduct for a substantial period of time. It further indicates incarcerated person did not sufficiently participate in rehabilitation programs. Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's</p>

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						<p>current risk of violence or significant criminal activity because , while there are no PC667.5(c) violent felony convictions in the past 15 years, this case factor indicates the last felony incarceration period did not significantly deter circumstances or risk factors associated with criminal conduct despite being approved for release by BPH. Further, this case factor shows incarcerated person did not sufficiently rehabilitate during the last felony incarceration period.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since January 2, 2020, a period of approximately 3 years and 7 months (43 months).</p> <p>The incarcerated person has been involved in the following activities:</p> <p>a. Rehabilitation Program(s). Medication Assisted Treatment program Cognitive Behavioral Intervention/Integrated Substance Use Disorder Treatment (ISUDT). Health and Wellness-Substance Use Narcotics Anonymous (NA) [at least 9 participation hours]. Health and Wellness-Life Skills [at least 7 participation hours]. Alcoholics Anonymous [no participation hours noted].</p> <p>b. Work. Barber for about 4 months [at least 490.00 participation hours].</p> <p>c. Vocation. Healthcare Facilities Maintenance-Custodial Safety Orientation for Porters. Earned certificate acknowledging completion (12/23/2020).</p> <p>In addition, incarcerated person has no serious rule</p>

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						<p>violations.</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1) There is no reliable confidential information in the central file indicating criminal activity; and 2) Incarcerated person has not incurred a serious rule violation resulting in physical injury or threat of physical injury. <p>As noted above, incarcerated person has not incurred any serious rule violations.</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1) Incarcerated person has limited participation in rehabilitation programs addressing circumstances contributing to criminal behavior. <p>As noted above, incarcerated person has participated in various rehabilitation or treatment programs, like MAT, AA, NA and ISUDT, but these programs primarily address substance use. Incarcerated person has not significantly participated in other relevant programs addressing additional circumstances contributing to criminal behavior for a sustained period of time. As such, the current incarceration period shows insufficient abatement of all circumstances contributing to criminal behavior; and</p> <ol style="list-style-type: none"> 2) Incarcerated person has limited participation in available education, vocation or work assignments. Incarcerated person has not significantly participated in an education. <p>Although incarcerated person completed Healthcare Facilities Maintenance and was assigned as a barber for at least 490 hours, this amount of time is not substantial in comparison to the overall length of the current</p>
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						<p>incarceration period (43 months). Incarcerated person is commended for making efforts to enhance marketable skills and work, but incarcerated person can make further gains in education, vocation or work.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because , while there is no reliable confidential information to indicate incarcerated person has engaged in criminal activity and there are no serious rule violations related violence or assaultive behavior, incarcerated person has not sufficiently participated in rehabilitation programs fully addressing all the salient circumstances contributing to criminal behavior. As such, the current incarceration indicates insufficient abatement of circumstances contributing to criminal behavior.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: the incarcerated person (7/14/2022).</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 incarcerated person's age (55), the incarcerated person's physical and cognitive limitations, the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the</p>

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						<p>Disability and Effective Communication System as well as the incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered. The aggravating case factors, the prior criminal record and the institutional adjustment, outweigh the mitigating case factor, the current offense.</p> <p>Although the current offense does not involve violence or assaultive behavior and incarcerated person has not incurred a serious rule violation involving physical injury or threat of physical injury during the current incarceration period, incarcerated person was convicted for the current offense less than 5 years from the last felony incarceration period. Moreover, the last felony incarceration period ended after BPH approved incarcerated person for release. This aggravating circumstance of the prior criminal record case factor indicates the last felony incarceration period did not sufficiently deter or diminish circumstances contributing to criminal behavior and show the need for greater rehabilitation to abate salient circumstances contributing to criminal behavior. However, during the current incarceration period, incarcerated person has not sufficiently participated in rehabilitation programs to fully address salient circumstances contributing to criminal behavior for a sustained period of time. This indicates the current incarceration period, like the last felony incarceration period, has not sufficiently ameliorated circumstances contributing to criminal behavior. As such, incarcerated person poses a current unreasonable risk of violence to the community or a current unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p><i>Vijay Desai</i></p>

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<p>Michael Ray France</p> <p>SCUK CRCR 15-82338 SCUK CRCR 18-94426</p>	09/30/2019	<p>PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p>PC § 667.5(B) Prison Prior</p> <p>PC § 136.1(A)(2) Attempt to Prevent/Dissuade a Witness/Victim</p> <p>PC § 1170.12 Prior Strike Conviction</p>		48 mos.	07/08/2022	<p>08/17/2022: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: Inmate France was released to PRCS Mendocino County on 08/11/22. BPH does not have jurisdiction to conduct a review on the merits. This case is being administratively closed with no jurisdiction.</p> <p><i>Shannon Hogg</i></p>
<p>Francisco Enrique Gonzalez</p> <p>22CR00040</p>	03/24/2022	<p>PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p>HS § 11370.1(A) Possession of a Controlled Substance While Armed</p> <p>PC § 1170.12 X 2 Prior Strike Conviction</p>		64 mos.	12/04/2023	<p>01/19/2024: Expedited Release APPROVED.</p> <p>Decision for Gonzalez, Francisco BR9773: 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 incarcerated person's current commitment offenses mitigate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 5 years and 4 months on the current commitment offenses. The commitment offenses are:</p>

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						<p>HS11370.1(a) – Possession of Controlled Substance while armed with a loaded firearm – 4 years PC29800(a)(1) – Felon in Possession of Firearm – 1 year and 4 months (consecutive) On 1/5/2022, officers observed Mr. Gonzalez at a gas station. When the officer searched Mr. Gonzalez, he found a clear bag containing methamphetamine. After obtaining consent to search the vehicle, police located two firearms and ammunition, including a loaded Smith and Wesson firearm. The bag the firearm was found in had the words, “hater Proof,” which matches the tattoo on Mr. Gonzalez’s head.</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"> 1. The incarcerated person did not personally use a deadly weapon. 2. No victims suffered physical injury or threat of physical injury. 3. There were no convictions involving large-scale criminal activity. <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 incarcerated person’s prior criminal history began in 2008 and continued until the commitment offenses in 2022. The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 2008: PC186.22 – Criminal Gang Activity 2010: PC186.22 – Criminal Gang Activity</p>

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						<p>2013: PC29800(a)(1) – Felon in Possession of Firearm 2016: PC245(a)(1) – Assault with a Deadly Weapon *Released 4/15/2018 2020: HS11378 – Possession of Controlled Substance for Sale *Released 6/28/2021</p> <p>The circumstances of the incarcerated person’s prior criminal record that mitigate the incarcerated person’s current risk of violence or significant criminal activity are: 1. The incarcerated person 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 incarcerated person’s prior criminal record that aggravate the incarcerated person’s current risk of violence or significant criminal activity are: 1. Mr. Gonzalez was incarcerated for two felony convictions within five years prior to his current convictions. Mr. Gonzalez was convicted of his current offenses on 2/9/2022, which less than one year after he was released from prison from his prior felony term for Possession of a Controlled Substance for Sale on 6/28/2021 and less than four years after he was released from his prior felony term for Assault with a Deadly Weapon on 4/15/2018.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person’s prior criminal record aggravate the incarcerated person’s current risk of violence or significant criminal activity because Mr. Gonzalez was convicted of his current offense less than five years after he was released from prison from his prison terms. While Mr. Gonzalez has not been convicted of a violent felony under Penal Code section 667.5(c) in the past 15 years, that mitigating factor was outweighed by the aggravating factor in this case. In reaching this decision, greater weight was given to the</p>

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						<p>brief period of time between Mr. Gonzalez's current conviction and his release from prison from his prior felony terms. Although Mr. Gonzalez's most recent prior conviction for Possession of a Controlled Substance and his current conviction did not involve assaultive behavior, he was released from prison for Assault with a Deadly Weapon just four years prior to his current conviction. Therefore, when balancing all of the factors, it was determined that Mr. Gonzalez's prior criminal history aggravates his current risk of violence or significant criminal activity.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since April 18, 2022, a period of approximately 9 months.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>Confidential Information: There is confidential information in Mr. Gonzalez's central file, specifically Confidential Memorandum dated September 10, 2023, which is an addendum to the March 7, 2023 Confidential Memorandum. The September 10, 2023 does not provide clear reliable evidence that Mr. Gonzalez engaged in criminal activity since his last admission to prison.</p> <p>Rules Violations Reports (RVRs): None.</p> <p>Educational Programming: None.</p> <p>Work/Vocational Training: 7/21/2022 – current – Porter (over 3,000 hours with satisfactory supervisor reports)</p> <p>Self-help or Rehabilitative Programming:</p>

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						<p>None.</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The incarcerated person has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison and does not have recent institutional Rules Violation Reports, as classified by the department as serious, as specified in subdivision (a) of section 3315 of article 5 of subchapter 4 of chapter 1 of Division 3 of this title. 2. There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison. 3. The incarcerated person has successfully participated in vocational, educational, or work assignments for a sustained period of time. Mr. Gonzalez has worked for over 3,000 hours as a Porter with satisfactory supervisor reports, which is found to be successful participation for a sustained period of time. <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The incarcerated person has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior. <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant</p>

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						<p>criminal activity because Mr. Gonzalez has remained discipline free, there is no reliable information in the confidential section of his central file indicating he has engaged in criminal activity since his last admission to prison, and he has successfully participated in work assignments. While Mr. Gonzalez has not participated in self-help or rehabilitative programming to address the circumstances that contributed to his criminal behavior, that aggravating factor is outweighed by the mitigating factors in this case. Specifically, the fact that Mr. Gonzalez has not engaged in criminal activity, and he has remained discipline free was given great weight. Additionally, Mr. Gonzalez has worked over 3,000 hours as a porter with satisfactory supervisor reports, which should improve his work opportunities in the community upon parole and was also given great weight. Consequently, Mr. Gonzalez's overall institutional adjustment mitigates his 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>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 factors mitigating the incarcerated person's current risk of violence outweigh the factors aggravating the incarcerated person's current risk of violence or significant criminal activity.</p> <p>While Mr. Gonzalez's prior criminal record was found to be aggravating due to the brief period of time between his release from prison from his prior felony terms and his current conviction, that factor is outweighed by his mitigating commitment offenses and institutional adjustment, which are more recent in time and more</p>

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						<p>probative of his risk of violence. Specifically, great weight was given to Mr. Gonzalez's commitment offenses because he did not personally use a deadly weapon and no victims suffered physical injury or threat of physical injury. Additionally, Mr. Gonzalez has no violent behavior while incarcerated, there is no reliable information that he has engaged in criminal activity since his last admission to prison, and he has successfully participated in work assignments as a porter, which also weighed heavily in this decision. For these reasons and those detailed above, Mr. Gonzalez is found not to pose a current, unreasonable risk of violence or significant criminal activity in the community despite his aggravating prior criminal record. The incarcerated person is approved for release.</p> <p style="text-align: right;"><i>Norma Loza</i></p>
<p style="text-align: center;">Wesley Chance Hudson</p> <p>21CR00013-B 23CR02313</p>	<p>11/14/2023</p>	<p>VC § 10851(A) Vehicle Theft</p> <p>PC § 594(B)(1) Vandalism</p> <p>PC § 1320(A) Failure to Appear</p>		<p>16 mos.</p>	<p>02/12/2024</p>	<p>03/22/2024: Expedited Release DENIED.</p> <p>Decision for Hudson, Wesley, BV1484: 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 incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 4 years on the current commitment offenses. The commitment offenses are:</p>

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						<p>(1) VC 2800.4– Evading police while driving wrong way for which the inmate received a term of 32 months, (doubled as a second strike).</p> <p>(2) VC 10851(a) – Vehicle theft for which the inmate received a term of 16 months, (doubled as a second strike) consecutive to the other charge.</p> <p>(3) PC 594(b)(1) – Vandalism for which the inmate received a term of 16 months concurrent with the other charge.</p> <p>(4) PC 1320(b) – Failure to appear released on own recognizance for which the inmate received a term of 16 months, concurrent with the other charge.</p> <p>FACTS: On November 14, 2022, a Highway Patrol officer observed Wesley Hudson in a vehicle parked on the wrong side of the road, facing into oncoming traffic. The officer made a U-turn and contacted Hudson. He determined that Hudson did not have a driver’s license and he asked Hudson to give him the key to the vehicle. Hudson refused and began to drive away. The officer followed with lights and siren as Hudson drove at speed over 100 miles per hour in the wrong direction. Hudson attempted to pass other vehicles on a blind curve. Hudson’s actions were so dangerous and reckless, the officer discontinued the pursuit. Ultimately, Hudson crashed the vehicle and attempted to flee on foot.</p> <p>Vandalism – On January 20, 2021, Hudson spray painted a semi-truck and trailer with gang related graffiti. He also painted similar markings on buildings that housed a market and cinema. Hudson was identified through surveillance photos.</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 were one or more victims who suffered physical</p>

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						<p>injury or threat of physical injury. Mr. Hudson drove recklessly on public roadways, in order to evade arrest. In doing so, he endangered the lives of other drivers on the roadway who had to take evasive action to avoid colliding with him, as well as pedestrians and the pursuing officer. This crime is inherently dangerous, and the inmate subjected many members of the public to the threat of physical injury.</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 incarcerated person’s prior criminal history began in 2022 and continued until the commitment offenses in 2022. The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 06/01/22 – 664/211 Attempted Robbery</p> <p>The circumstances of the incarcerated person’s prior criminal record that mitigate the incarcerated person’s current risk of violence or significant criminal activity are: The incarcerated person 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 incarcerated person’s prior criminal record that aggravate the incarcerated person’s current risk of violence or significant criminal activity are: The incarcerated person was incarcerated for a felony conviction within five years prior to his current convictions. Mr. Hudson was convicted of PC664/211 Attempted robbery on 6/1/22. He was sentenced to serve 106 days in jail. Hudson was subsequently convicted of the current offense on 4/11/23, approximately 10 months later.</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 incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because of the inmate's inability to remain crime free in the community for any significant period of time, which demonstrates prior incarcerations were not a deterrent to criminality and is probative of his risk of violence or significant criminal activity.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 22, 2023, a period of approximately 10 months.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>WORK HISTORY: None</p> <p>VOCATIONAL TRAINING: None</p> <p>EDUCATIONAL PROGRAMS: None</p> <p>SELF-HELP PARTICIPATION: None</p> <p>MENTAL HEALTH TREATMENT: The inmate participated in individual and group therapy sessions through the Mental Health Services Delivery System at the Enhanced Out Patient (EOP) level of care.</p> <p>SERIOUS RULES VIOLATIONS: 07/03/23 – Battery on inmate causing serious injury</p> <p>CONFIDENTIAL INFORMATION: 05/22/23 - CDC 128B Confidential Chrono 07/05/23 – Confidential Report</p> <p>The following circumstances of the incarcerated person's</p>

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						<p>institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity: There are no mitigating circumstances to consider. The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity: The incarcerated person has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison or has one or more recent serious institutional Rules Violation Reports. 15 CCR § 2449.5(f)(1). On 7/3/23, Hudson participated in the assault of another inmate. The offenses involved a 3-on-1 battery. The victim suffered serious injuries, including a broken jaw. There is reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison. The incarcerated person has no participation in available vocational, educational, or work assignments. The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. Mr. Hudson is an active participant in the MHSDS. He regularly attends individual and group sessions with his treatment team. In addition to his programming in EOP groups, Mr. Hudson has participated in the Medically Assisted Treatment program (MAT) since 2/16/24. Records show that he is compliant with the treatment protocol. While Mr. Hudson's efforts in this important area are noted and commended, it stands that his participation is considered to be limited and not sufficient to adequately address the underlying causes of his criminal behavior. Analysis: When balancing the aggravating circumstances</p>

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						<p>against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because there are no mitigating circumstances to consider. Mr. Hudson received an RVR for a violent assault on another inmate. There is confidential information indicating that he engaged in criminal activity while in prison, and his programming is limited.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: Wesley Hudson, letter received by BPH on 2/26/24.</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 and the incarcerated person's age of 21 years, the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p> <p>The inmate has a CSRA score of 4.</p> <p>As detailed above, all factors tend to aggravate Mr. Hudson's current risk of violence or risk of significant criminal activity. The current offense involved the reckless endangerment of many citizens when Mr. Hudson willfully drove at speeds over 100 miles per hour in the lane of oncoming traffic. He posed such a risk of danger to the community that the Highway Patrol called off the pursuit. Hudson's prior criminal history is not extensive, with just one prior felony conviction for attempted robbery, but is</p>
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						<p>aggravated because he returned to criminal activity almost immediately after his prior conviction. His quick recidivism is probative of his current risk. Finally, while incarcerated, Mr. Hudson participated in a vicious 3-on-1 assault. The victim suffered multiple injuries, including a broken jaw. Mr. Hudson's institutional adjustment is further aggravated by his limited rehabilitative efforts. Therefore, after considering together the findings on each of the inmate's case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p><i>Kathleen Newman</i></p>
<p>Kyle Wayne Hunter SCUK CRCR 17-88621</p>	<p>05/23/2017</p>	<p>PC § 459/460(A) First Degree Burglary</p> <p>PC § 667.5(B) Prison Prior X 3</p> <p>PC § 667(A) Prior Serious Felony Conviction</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>156 mos.</p>	<p>06/20/2022</p>	<p>08/24/2022: Expedited Release DENIED.</p> <p>Decision for Hunter, Kyle, BD2421: 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 13 years on the current commitment offense. The commitment offense is:</p> <p>1. PC 459-First Degree Burglary, for which the inmate received a term of 4 years which was doubled to 8 years</p>

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						<p>pursuant to PC 667(b)-(i) and PC 1170.12 for a prior conviction of a serious or violent felony.</p> <p>On 12/23/16 inmate and his crime partner entered into a private residence and took several items of personal property belong to the victims, including jewelry, a laptop and a handgun. The victims were not personally present during the offense. Inmate told officers the only reason he committed the burglary was to “get drugs.”</p> <p>The offense was enhanced by 5 years pursuant to PC 667(a)-consecutive. The court also found true three sentencing enhancements for having served three prior prison terms under PC 667.5(b)(1). However, the court stayed imposition of the sentencing on these enhancements.</p> <p>Inmate was convicted of this offense on 04/12/17.</p> <p>It is noted that inmate has an in-custody conviction (Tate Term). Per BPH policy, the Tate Term will be documented and addressed under inmate’s institutional adjustment, below.</p> <p>The total term for the above offenses and enhancements was fixed at 16 years. (13 years for the above offense and 3 years, consecutive, for the Tate Term).</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"> 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. <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>

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						<p>The inmate's prior criminal history began in 2006 and continued until the commitment offense(s) in 2022. 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"> 1. 10/11/2006: VC 10851(a)-Vehicle Theft. 2. 01/12/2007: PC 288(a)-L&L Acts with a Child Under the Age of 14. 3. 09/16/2008: PC 290.018(b)-Failure to Register Under PC 290. 4. 12/18/2013: PC 290.018(b)-Failure to Register Under PC 290. <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"> 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 was convicted of PC 288(a) on 01/12/07. This offense is classified as a PC 667.5(c) violent felony. The NV review date is 08/23/22. These dates are 15 years, 7 months and 11 days apart. <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"> 1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction. Inmate was last released from prison on 10/1/15 after serving a term for Failure to Register as a Sex Offender pursuant to PC 290 et seq. He was convicted on the current commitment offense on 04/12/17. These dates are within five years of each other. <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 of the following: In mitigation, inmate has not been convicted of a PC 667.5(c) violent felony within the last 15 years. In aggravation, inmate was only able to remain free for incarceration for 18 months prior his conviction on the current offense. The prior offense, Failure to Register as a Sex Offender under Penal Code section 290, et seq., is recent in time and is considered a presumptive threat of violence since the inmate was legally required to register due to the earlier conviction for Lewd and Lascivious Acts with a Minor (PC 288(a)) and the failure to register in an attempt to hide his location threatened the members of the community and the victim. The inmate stated that he was under the influence of methamphetamine at the time of the molestations. As a result, it was given significant weight and therefore outweighs the inmate’s lack of a violent felony conviction, which is very distant in time and less probative of any decreased risk of violence. Taken as a whole, the inmate’s prior criminal history is indicative of a current risk of violence or significant 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 since June 1, 2017, a period of approximately 5 years, 2 months and 21 days.</p> <p>The inmate has been involved in the following activities: Rules Violations Reports (RVR’s): During his current term the inmate has not been found guilty of any RVR’s resulting in physical injury or the threat of physical injury. During his current term inmate has been found guilty of the following recent and serious RVR’s not involving physical injury or the threat of physical injury:</p>

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						<p>1. 03/20/22: delaying a peace officer refusing to accept housing.</p> <p>2. 04/22/21: possession of a controlled substance in an institution.</p> <p>3. 03/19/21: unauthorized possession of medication.</p> <p>TATE TERM: On 05/06/21 the inmate was convicted of PC 4573.6- possession of a controlled substance in jail/prison. He received a sentence of 3 years, consecutive.</p> <p>Work Assignments: A review of inmate's central file indicates that inmate has participated in the following work assignments during his current term:</p> <p>1. Porter from: 03/14/21 to 07/29/21. No hours of participation are noted in SOMS. 11/04/20 to 02/08/21. No hours of participation are noted in SOMS. 10/24/19 to 09/23/20. SOMS indicates approximately 358.25 hours of participation. 09/10/19 to 10/23/19. SOMS indicates approximately 96.25 hours of participation. 01/04/19 to 09/09/19. SOMS indicates approximately 452.50 hours of participation. 09/26/18 to 01/03/19. SOMS indicates approximately 271.75 hours of participation.</p> <p>2. Yard Worker from 06/28/18 to 09/25/18.</p> <p>Vocational Assignments: A review of inmate's central file indicates that inmate has participated in the following vocational assignments during his current term:</p> <p>1. Computer & Related Technology</p> <p>Educational Assignments: A review of inmate's central file indicates inmate has</p>

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						<p>participated in the following educational assignments during his current term:</p> <ol style="list-style-type: none"> 1. College AA/AS Degree Program: No hours of participation are noted in SOMS, Cultural Anthropology, Marriage/Families/Intimate Relationships, college Success, Into to Sociology and Crime & Society. 2. Onsite College from: No hours of participation are noted in SOMS, Child family & Community, Psychology of Adjustment, Biological Anthropology, College composition, US History and Principles of Management. 3. GED Program: SOMS indicates approximately 18 hours of participation. <p>Self-help and Rehabilitative Programming: A review of inmate's central file indicates inmate has participated in the following self-help or rehabilitative programming during his current term:</p> <ol style="list-style-type: none"> 1. CBI-ISUDT Outpatient. 2. NA: SOMS indicates approximately 2 hours of participation. 3. Arts in Corrections: SOMS indicates approximately 6 hours of participation. 4. AA: No hours of participation are noted in SOMS. 5. Wiccan Services: No hours of participation are noted in SOMS. <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"> 1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury or has one or more serious and recent RVR's since his last admission to prison. As set forth, the inmate has been found guilty of multiple serious RVR's. He also has in-custody conviction for the

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						<p>possession of a controlled substance in a prison (Tate term).</p> <p>2. The inmate has limited participation in any rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, specifically in the area of substance abuse. The inmate stated in the POR that his substance abuse issues caused the commitment offense. Then, while incarcerated on this term, the inmate incurred two recent RVRs related to drug use in addition to the new Tate term conviction for a drug-related offense. This clearly demonstrates that the inmate is non-responsive to treatment and has not sufficiently addressed the stressors and triggers that permit him to continue engaging in this type of drug-related misconduct. For this reason, the inmate has not yet participated in adequate and relevant self-help programming to address the circumstances of his criminal behavior in a program intensity and dosage sufficient to meet his current risk or mitigate his current risk of violence.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received a response to the legal notices regarding the inmate's nonviolent review from the inmate dated 06/23/22. The response was reviewed and considered in this decision.</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 of approximately five years and three months, inmate's current age of 35 and any physical 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. The aggravating circumstances of inmate's prior criminal</p>

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						<p>record and of his institutional adjustment outweigh the mitigating circumstances of his commitment offense. The commitment offense did not involve the use of any weapons or the threat of physical injury to any victims. However, the inmate was only able to remain free from incarceration following a prior offense involving the presumptive threat of violence for approximately 18 months prior to his conviction on the current offense. During his current term inmate has not yet adequately addressed the causative factors of his criminal behavior in the community, specifically in the area of substance abuse, in an effort to address his risk factors and mitigate his current risk of violence.</p> <p>These aggravating circumstances are recent in time and directly related to a current risk of violence. As such, they were given significant weight and therefore outweigh the mitigating factors of inmate's commitment offense, which is distance in time and now less probative of any current mitigated risk of violence.</p> <p>Based on a totality of the evidence inmate does continue to represent a current unreasonable risk of violence or significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Patrick Reardon</i></p>
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<p>Kyle Wayne Hunter</p> <p>SCUK CRCR 17-88621</p>	<p>05/23/2017</p>	<p>PC § 459/460(A) First Degree Burglary</p> <p>PC § 667.5(B) Prison Prior X 3</p> <p>PC § 667(A) Prior Serious Felony Conviction</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>156 mos.</p>	<p>06/27/2023</p>	<p>08/09/2023: Expedited Release DENIED.</p> <p>Decision for Hunter, Kyle, BD2421: 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 incarcerated person's current commitment offenses mitigate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 13 years on the current commitment offenses. The commitment offenses are:</p> <p>1) PC459: burglary: first degree (sentenced to 8 years) (convicted on April 12, 2017)</p> <p>Case Enhancements for Prior Conviction or Prison Terms:</p> <p>a) PC667(a)(1): prior felony conviction of serious offense (sentenced to 5 years)</p> <p>b) 3 counts of PC667.5(a): prior prison term/violent new offense is any felony (sentence stayed on each count)</p> <p>On December 23, 2016, the incarcerated person and accomplice entered into an unoccupied private residence and stole personal property items belonging to the victims; including a handgun, laptop and jewelry. Mr. Hunter related that the reason he committed the burglary was to "get drugs".</p> <p>The incarcerated person was subsequently convicted of PC4573.6: possession of a controlled substance in jail/prison (a Tate Decision/In-Prison Offense); which will</p>

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						<p>be addressed under Mr. Hunter's Institutional Adjustment below.</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"> 1) The incarcerated person did not personally use a deadly weapon. 2) No victims suffered physical injury or threat of physical injury. 3) There were no convictions involving large-scale criminal activity. 4) There was only one conviction. <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 incarcerated person's prior criminal history began in 2006 and continued until the commitment offenses in 2022. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions:</p> <p>2006: VC10851(a)-vehicle theft 2007: PC288(a)-lewd & lascivious acts on a child under 14 years of age (convicted 1/12/2007) 2008: PC290.018(b)-failure to register under PC290 2013: PC290.018(b)-failure to register under PC290</p> <p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> 1) The incarcerated person 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. Mr. Hunter was

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						<p>convicted of PC288(a) on January 12, 2007; which is a violent felony conviction pursuant to this section that occurred approximately 7 months outside the 15 year review period.</p> <p>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are:</p> <p>1) The incarcerated person was incarcerated for a felony conviction within five years prior to his current conviction. The incarcerated person was released to parole following a prior felony conviction on October 1, 2015 and convicted of the current commitment offense on April 12, 2017 (a period of time less than 5 years after his release from prison). Mr. Hunter was additionally convicted of possession of a controlled substance in prison (a TATE offense); while he was incarcerated on the current offenses. Thus, even a current incarceration was not a deterrent to continued criminal activity.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because the inmate was free from incarceration for a relatively short period of time before being convicted of the current offense. The fact that the inmate 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 five years before being convicted of the current offenses. The fact that the inmate has not remained free from incarceration for any sustained period of time aggravates his current risk of violence or significant criminal activity; as 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 and</p>

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						<p>commit significant criminal activity. It is also noted that the incarcerated person's prior offense was for failure to register as a sex offender under Penal Code section 290, et seq; which is presumptive of a threat of violence since Mr. Hunter was required to register due to his previous conviction for Lewd & Lascivious Acts with a child under the age of 14 years and the failure to register in an attempt to hide his location was a threat to the victim and members of the community. It is also noted that Mr. Hunter was under the influence of methamphetamine at the time of the molestations. The fact that the incarcerated person has not been convicted of a violent felony in the past 15 years, is outweighed by the totality of the aggravating circumstance that is highly probative of an elevated risk of violence or significant criminal activity.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 1, 2017, a period of approximately 6 years 2 months.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>Institutional Rule Violation Reports (Serious) 3/20/2022: refusing to accept assigned housing-delaying a Peace Officer 4/22/2021: possession of a controlled substance in an institution 3/19/2021: unauthorized possession of medication Work Assignments 3/14/2021-7/29/2021: porter (no hours documented) 11/4/2020-2/8/2021: porter (no hours documented) 9/2018-5/2020: porter (1177 hours) 7/2018-9/2018: yard worker (195 hours) Vocational Assignments</p>

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						8/2021-8/2023: vocational computer & related technology (376 hours) Educational Assignments 8/14/2023-8/8/2023: voluntary college-currently assigned (no hours documented) 4/2023-8/2023: HSE (4 hours) 1/17/2023-5/30/2023: voluntary college-completed (PHSC with "C" grade) 1/17/2023-5/30/2023: voluntary college-completed (PHSC lab with "B" grade) 1/17/2023-5/30/2023: voluntary college-completed (BUS 10 with "A" grade) 1/6/2023-5/31/2023: voluntary college-completed (MUSG14- grade in progress) 1/1/2023-1/1/2023: voluntary college-assigned (Anthro 185-withdrawn, Math 160-withdrawn, Coun 105-"F" grade) 2/8/2021-7/29/2021: voluntary college (completed: cultural anthropology "A" grade, Marriage/families-"A" grade, college success-"A" grade, intro to sociology-"A" grade, crime and society-"A" grade) 8/27/2020-7/29/2021: onsite college (completed: child, family & community "A" grade, psychology of adjustment-"A" grade, biological anthropology-"A" grade, college composition-"C" grade, US 1877-present-"B" grade, management leadership-"A" grade) 8/19/2019-8/23/2020: onsite college (completed: modern culture-"B" grade, intro to peer sup for pyschoso-"B" grade, intro to psychosocial rehab-"D" grade) 8/2018-8/2018: arts in corrections (6 hours) 7/13/2018-1/3/2019: onsite college (no specifics documented) 4/12/2018-6/27/2018: wiccan services (no hours documented) 12/2017: GED (18 hours) Self-Help and Rehabilitative Programming

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						<p>3/2022-6/2022: ISUDT outpatient (4.75 hours attended-75 hours unexcused absence) 6/2021-7/2021: ISUDT outpatient (26 hours) 2/2021-5/2021: ISUDT intensive (109 hours) 1/2019-2/2019: NA (2 hours) 8/2018: AA (no hours documented) 11/2017-1/2018: celebrate recovery (2 hours) Incarcerated person's submitted documents 3/17/2021: certificate of completion victim impact Confidential None MAT Program: Mr. Hunter participates in the MAT program. It was noted that the incarcerated person most recently tested positive for marijuana and amphetamines/methamphetamines in March & June 2023. The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity: 1) There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison. 2) The incarcerated person has successfully participated in vocational, educational, or work assignments for a sustained period of time. Mr. Hunter has participated in over 1300 hours of work assignments, 376 hours of vocational assignments and has upgraded educationally by completing many college level courses. Mr. Hunter's participation thus far is deemed to be successful participation for a sustained period of time. The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p>

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						<p>1) The incarcerated person has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison or has one or more recent serious institutional Rules Violation Reports. As identified above, Mr. Hunter has been found guilty of multiple serious institutional rule violation reports and additionally incurred an in-custody conviction for the possession of a controlled substance in prison (a Tate Term).</p> <p>2) The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. Mr. Hunter has incurred two institutional rule violation reports for substance use, he was convicted of a Tate Term for the possession of a controlled substance in prison, he has (as recently as June 2023) used marijuana and amphetamines/methamphetamines and the current offense was committed for the expressed purpose of getting drugs. In consideration of the foregoing, the limited participation to date is insufficient to be considered successful participation for a sustained period of time. As a result, the inmate has not addressed the circumstances that contributed to his criminal behavior in the commitment offense and his ability to live a crime free life; which increases his recidivism risk and the current risk of violence or significant criminal activity.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because 1) the incarcerated person incurred a new criminal conviction for the possession of a controlled substance in prison, incurred an additional rule violation report for unauthorized possession of medication</p>

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						<p>and has recently used illicit substances; and 2) Mr. Hunter has limited participation in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior; such as substance abuse. The commendable mitigating circumstances are noted; however, they are outweighed by the totality of the aggravating circumstances that are highly probative of Mr. Hunter's elevated current risk of violence or significant criminal activity.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: Kyle Hunter received 9/8/2022 and other responses to legal notices in connection with prior non-violent review consideration.</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 factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person'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</p>
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						<p>institutional behavior. Mr. Hunter's prior criminal record demonstrates that he was free from incarceration for less than 5 years prior to his conviction on the commitment offense and he incurred a new criminal conviction while incarcerated on the current offenses. Mr. Hunter's institutional adjustment demonstrates that he has yet to participate in self-help and rehabilitative programming over a sustained period of time to address his criminal behavior. For these reasons, the inmate poses an unreasonable risk of violence or significant criminal activity to the community. The incarcerated person is denied for release.</p> <p><i>Keith Betchley</i></p>
<p>Robert Curtis James, Jr.</p> <p>SCUK CRCR 20-35622 SCUK CRCR 20-36527 21CR01497</p>	<p>09/23/2021</p>	<p>PC § 530.5(A) X 2 Using the Personal I.D. of Another</p> <p>PC § 1320.5 Failure to Appear</p> <p>PC § 29800(A)(1) Felon in Possession of a Firearm</p>		<p>84 mos.</p>	<p>01/16/2024</p>	<p>02/28/2024: Expedited Release DENIED.</p> <p>Decision for James Jr., Robert, BP8302: 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 incarcerated person's current commitment offenses mitigate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 5 years on the current commitment offenses. The commitment offenses are as follows: Commitment Offenses PC 29800(a)(1) – Possess / Own Firearm by Felon / Addict</p>

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						<p>PC 1320.5 – Failure to Appear Felony Charge PC 530.5(a) – Identity Theft PC 530.5(a) – Identity Theft</p> <p>Sentence Components The incarcerated person was sentenced to a principal term of 3 years for the conviction of PC 29800(a)(1). The incarcerated person was sentenced to a consecutive term of 8 months for each of the remaining three convictions. The total term is 5 years.</p> <p>Facts of the Commitment Offenses: On 07/22/2020, a patrol officer observed the incarcerated person who had an active felony warrant for his arrest. The officer detained and arrested the incarcerated person. While conducting a search incident-to-arrest, a Shinkosha .410 gauge shotgun with a sawed-off barrel was recovered from the incarcerated person's backpack. The officer also recovered a plastic baggie with 0.6 grams of methamphetamine from the incarcerated person's front pocket. The incarcerated person admitted to using both methamphetamine and heroin earlier in the day.</p> <p>On 10/09/2020, the incarcerated person failed to appear for court proceedings in connection with pending felony charges arising out of the above-referenced arrest. A felony warrant for the incarcerated person's arrest was issued.</p> <p>On 11/20/2020, a patrol officer observed an individual wearing a black facemask and black hoodie walking through a closed shopping center. The officer approached and detained the individual. Although the individual gave a false identification, the officer was able to identify the individual as the incarcerated person. Due to the outstanding arrest warrant, the incarcerated person was taken into custody.</p> <p>On 05/22/2021, the incarcerated person entered a local shopping market. The incarcerated person paid for merchandise totaling \$856.90 using a fraudulent check.</p>

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						<p>Later in the day, the incarcerated person entered another shopping market and made a purchase totaling \$775.77 also using a fraudulent check.</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> <ul style="list-style-type: none"> • The incarcerated person did not personally use a deadly weapon. Although officers recovered a sawed-off shotgun from the incarcerated person's backpack, the incarcerated person did not use the shotgun or any other weapon during the commission of the commitment offenses. • No victims suffered physical injury or threat of physical injury. The criminal behavior underlying the commitment offenses did not result in any physical injuries or threat thereof to the victims of the crimes. • There were no convictions involving large-scale criminal activity. There is no evidence or indication that the incarcerated person's criminal behavior was part of an exceptionally sophisticated and/or large-scale criminal enterprise. <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 incarcerated person's prior criminal history began in 2014 and continued until the commitment offenses in 2021. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 2014 PC 496(a) – Receive Stolen Property 2014 PC 1320(b) – Failure to Appear Felony Charge</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>2017 PC 530.5(a) – Identity Theft 2017 PC 530.5(a) – Identity Theft 2017 PC 530.5(a) – Identity Theft 2017 PC 29800(a)(1) – Possess / Own Firearm by Felon / Addict</p> <p>The circumstances of the incarcerated person’s prior criminal record that mitigate the incarcerated person’s current risk of violence or significant criminal activity are: The incarcerated person has not been convicted of a violent felony as defined in PC 667.5(c) within the past 15 years. Although the incarcerated person does have prior felony convictions within the previous 15 years, there are no convictions for any of the violent felonies enumerated in PC 667.5(c).</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person’s prior criminal record aggravate the incarcerated person’s current risk of violence or significant criminal activity because the absence of a statutorily violent felony conviction within the past 15 years is outweighed by the short period of time the incarcerated person was able to remain free from incarceration prior to the current conviction. The incarcerated person’s inability to remain crime-free in the community for any extended length of time shows that the incarcerated person’s recent incarceration was not a deterrent to future criminality. Additionally, the incarcerated person’s continued criminality demonstrates an ongoing and entrenched criminal lifestyle, poor impulse control, and a disregard for public safety all of which is highly probative of the incarcerated person’s aggravated risk of violence or significant criminal activity.</p> <p>Therefore, the prior criminal record is found to be an aggravating risk factor in this case.</p>

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						<p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since October 20, 2021, a period of approximately 2 years & 4 months. The incarcerated person has been involved in the following activities:</p> <p>Rules Violation Reports 12/12/2023 - Battery on Prisoner 07/12/2022 - Possession of Alcohol 06/20/2022 - Possession of Dangerous Contraband Confidential Information None</p> <p>Vocational Assignments 01/14/2022 to 11/18/2022 - Vocational Electronics [565 Hours]</p> <p>Educational Assignments None</p> <p>Work Assignments 02/02/2024 to Current - Dining Room Cook [94.5 Hours] 01/20/2024 to 02/01/2024 - Dining Room Line Server [59.75 Hours] 08/09/2023 to 12/11/2023 - Dining Room Cook [396.75 Hours] 08/08/2023 to 08/08/2023 - Dining Room Kitchen Helper [3.25 Hours]</p> <p>Rehabilitative or Self-Help Programming 08/12/2023 to 12/11/2023 - Cognitive Behavioral Intervention Life Skills [79 Hours] 02/18/2023 to 07/18/2023 - Cognitive Behavioral Intervention Outpatient [83.75 Hours]</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p>

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						<p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because the positive efforts the incarcerated person has demonstrated in his institutional adjustment to date are insufficient to outweigh the aggravating circumstances. The incarcerated person's very recent violent and assaultive behavior described in the 12/22/2023 serious Rules Violation Report is highly probative of the incarcerated person's current risk of violence or significant criminal activity. Accordingly, the incarcerated person has failed to adequately address his criminal thinking and violent tendencies by successfully participating in positive programming for a sustained period of time. In light of the recent violence, the incarcerated person clearly requires a lengthier period of behavioral stability and rehabilitation in order to adequately mitigate his current risk. Therefore, the incarcerated person's institutional adjustment is found to be an aggravating factor in this case.</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 passage of time, the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the</p>

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						<p>Disability and Effective Communication System as well as the incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered. The incarcerated person's current commitment offense is a factor that mitigates the incarcerated person's current risk of violence or significant criminal activity in this case. Whereas, the incarcerated person's prior criminal record and the incarcerated person's institutional behavior are factors that aggravate the incarcerated person's current risk of violence or significant criminal activity. In reaching this decision, great weight is given to the incarcerated person's failure to remain crime free in the community for any significant period of time which shows that the incarcerated person's previous criminality, convictions and incarceration has failed to deter further acts of criminal misconduct. Great weight is also given to the probative value of the incarcerated person's institutional behavior and adjustment during the current term. In particular, the very recent violent and assaultive misconduct exhibited by the incarcerated person shows that the incarcerated person has failed to successfully participate in positive programming to address his criminal thinking and violent tendencies. On balance, the aggravating factors are more probative of the incarcerated person's current risk of violence or significant criminal activity.</p> <p>For these reasons and those addressed in this decision, the incarcerated person poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Matthew Brueckner</i></p>

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<p>James Eugene Jones</p> <p>SCUK CRCR 20-35381</p>	<p>02/26/2021</p>	<p>VC § 2800.2(A) Evading a Peace Officer</p> <p>VC § 10851(A) Vehicle Theft</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>56 mos.</p>	<p>06/13/2022</p>	<p>07/28/2022: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: CCR Title 15, section 2449.2(b)(1) provides that BPH has jurisdiction to review an inmate for release if the inmate's earliest possible release date is at least 180 calendar days after inmate's non-violent parole eligible date. BPH does not have jurisdiction to conduct a review in this case as the inmate's EPRD is 09/18/22, which is less than the required time. This case is being administratively closed with no jurisdiction.</p> <p><i>Shannon Hogg</i></p>
<p>Marc Lucas</p> <p>SCTM CRCR 20-35706</p>	<p>10/07/2021</p>	<p>PC § 422 X 2 Criminal Threats</p> <p>PC § 597(B) Cruelty to Animal</p> <p>PC § 69 Resisting a Peace Officer</p> <p>VC § 2800.2 Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p>	<p>To: Board of Parole Hearings California Dept. of Corrections and Rehabilitation.</p> <p>From: Jerry N. Lulejian, Deputy District Attorney Mendocino County District Attorney's Office.</p> <p>Subj: Opposition to Inmate Marc Lucas' Early Release</p> <p>The Mendocino County District Attorney has received notice that the Board of Parole Hearings (BPH) is reviewing Inmate Marc Lucas (Lucas) for Nonviolent Parole Release.</p> <p>In the case that sent Lucas to State Prison on his current commitment,</p>	<p>240 mos.</p>	<p>06/29/2023</p>	<p>08/11/2023: Expedited Release DENIED.</p> <p>Decision for Lucas, Marc, BB9576: 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 incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 20 years on the current commitment offenses. The commitment offenses are two counts of PC 422, criminal threats; one count of PC 597, cruelty to animals; one count</p>

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			<p>Lucas was first involved in a very seriously dangerous evasion of an officer that almost resulted in head on collisions with several motorists in the opposite lane. Next, in a standoff with Sheriff deputies, Lucas made numerous very serious threats to Sheriff's deputies to blow them up with explosives if they attempted to arrest him, assaulted Sheriff's deputies with a firearm, resisted and deterred Sheriff's deputies in their attempt to arrest Lucas, to say nothing of his act of cruelty to a law enforcement canine by slamming his driver's door on the canine's head when the canine was deployed to assist in Lucas' arrest.</p> <p>Lucas also has a prior history of increasingly serious and violent violations of the law that culminated in the case that sent him to State Prison on his current commitment.</p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Lucas.</p> <p>A. <u>Trial Court Procedural History of SCTM-CRCR-20-35706</u></p> <p>The case from which Lucas is presently serving time in State Prison was filed on August 4, 2020, as a seventeen (17) count complaint, including several counts of Evading a Police Officer, Assault</p>			<p>of VC 2800.2(a), evading with reckless driving; and one count of PC 69, resisting executive officer.</p> <p>The inmate received a base term of three years on this controlling offense, doubled to six years due to a prior strike conviction; four years consecutive on three subordinate counts at one year, four months each; six years concurrent on his remaining subordinate count; and an additional 10 years pursuant to PC 667(a) for two prior serious or violent felony convictions at five years each, for a total aggregate term of 20 years.</p> <p>On August 1, 2020, law enforcement received reports of the inmate being in possession of a firearm and pellet gun. One of the reporting parties stated the inmate had been at his property throughout the night using drugs. Deputies went to the location to apprehend the inmate pursuant to an evading incident on July 17, 2020.</p> <p>At the location, law enforcement observed the inmate driving a Tacoma pulling a trailer and initiated an enforcement stop. The inmate drove past the deputies and led them in a pursuit around town. During the chase, the inmate threw a hammer at a UAV and drove into oncoming traffic with motorists pulling to the side of the road to avoid collision. During the chase, the inmate stopped his vehicle a couple of times, one in which he exited and yelled "back off" at law enforcement. He then got back into his vehicle and continued to flee.</p> <p>The inmate continued to evade officers, driving at unsafe speeds that included accelerating while turning, a maneuver that air-lifted his trailer, causing it to almost flip over. The inmate finally came to a stop due to what appeared to be engine trouble and sat in his vehicle with a rifle. The inmate stated he was armed with an SKS assault rifle, a 3-round burst firearm, ammunition and that he would shoot and kill law enforcement. The inmate barricaded himself in a standoff that lasted six hours. In that time, he threatened to ram deputies with his vehicle</p>

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			<p>with a Deadly Weapon, Resisting or Deterring a Police Officer, and one count of Cruelty to an Animal. The preliminary hearing was held on various occasions in September and October 2020. Lucas has held to answer to all but one count. A sixteen (16) count Information was filed on October 20, 2020. On August 9, 2021, Lucas plead to Count 4 (PC 422 felony), Count 5 (PC 422 felony), Count 8 (Cruelty to an Animal PC 597(b)), Count 10 (Evading an Officer - Vehicle Code Section 2800.2), and Count 13 (Penal Code Section 69 - Threatening an Officer). Lucas also admitted his two strike convictions and stipulated to a sentence of 20 years in State Prison.</p> <p><u>B. Administrative Review Criteria</u></p> <p>The Mendocino County District Attorney is not provided with the institutional programming information CDCR has traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusions: When considering the known case factors for Inmate Lucas, we believe that this inmate poses an unreasonable risk of violence to the</p>			<p>and at one point backed into a patrol vehicle that was occupied by a deputy and a CHP officer. He also threatened to start a fire and blow up law enforcement with gasoline. When the inmate finally exited his vehicle, he stood in his vehicle doorway, concealing his hand periodically throughout the incident. When a canine was deployed to assist in the arrest, the inmate violently slammed his vehicle door, closing it on the dog's head. 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"> 1. The inmate personally used a deadly weapon. He used his vehicle. 2. One or more victims suffered physical injury or threat of physical injury. <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 incarcerated person's prior criminal history began in 1997 and continued until the commitment offenses in 2021. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 1997: PC 422, criminal threats 2001: PC 422, criminal threats 2015: PC 243(c)(1), battery on emergency personnel 2016: PC 245(c), assault with a deadly weapon on peace officer 2016: VC 2800.2(a), evading with reckless driving The circumstances of the incarcerated person's prior</p>
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			<p>local community. We therefore adamantly oppose early release.</p> <p>1. <u>Current Commitment Offense</u></p> <p>On July 17, 2020, at about 10:13 P.M. a Mendocino County Sheriff's Deputy attempted a vehicle stop on a Toyota pickup truck that was driven by Lucas in the Point Arena area of the County. It should be noted that Lucas was on active parole at this time.</p> <p>Once the deputy's marked patrol vehicle was following Lucas, he began evading the traffic stop, requiring the deputy to put on his lights and siren. Lucas continued to evade the traffic stop while the deputy was pursuing with lights and sirens. At one point the deputy's vehicle was close enough to Lucas' vehicle to make a positive identification of Lucas as the driver of the evading pickup truck.</p> <p>Lucas continued his evasion of the deputy's pursuit, including seriously dangerous running of stop signs, diving 95mph, and driving over the double yellow lines and into the opposing lane of traffic multiple times and on blind curves in the road. The deputy lost sight of Lucas' pickup truck at some point based on Lucas' speed. A search was conducted that evening by the</p>			<p>criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are: The inmate has not been convicted of a violent felony as defined under PC 667.5(c) in the past 15 years.</p> <p>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> 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. His prior convictions for battery, assault and reckless driving coupled with his current crime show a pattern of assaultive behavior. 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. He last paroled on November 4, 2018 and received his current convictions on September 9, 2021, less than three years later. <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because he has a pattern of assaultive behavior and is quick to repeat that behavior upon release. His two aggravating circumstances outweigh his one mitigating circumstance in this section.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since February 10, 2022, a period of approximately one year, six months.</p> <p>The incarcerated person has been involved in the following</p>
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			<p>deputy for Lucas and his vehicle to no avail.</p> <p>On July 18, 2020, a photograph of Lucas was located on his Facebook page. This photograph depicted Lucas near the Albion Bridge on Highway 1 in Albion, giving deputies a clue as to where to find Lucas. A warrant for Lucas' arrest was signed on July 22, 2020, by Judge Shanahan of the Mendocino County Superior Court. Parole Officer Bryce Herndon issued a parole warrant for Lucas on July 30, 2020.</p> <p>On July 26, 2020, Lucas spoke on the telephone with deputy Lima and told the deputy that he (Lucas) would not stop for law enforcement if a vehicle stop was attempted, that he (Lucas) did not want anyone to get hurt, and that he (Lucas) would do whatever necessary to avoid arrest. Lucas also mentioned that he had knocked out a Fort Bragg police officer in the past and would have no problem fighting law enforcement if he was not treated with respect.</p> <p>After the pursuit of July 17, 2020, deputies received information from no less than two people that Lucas was possibly armed with a firearm and known to carry a pellet gun. One Angel Olague told deputies that Lucas possessed a .38 caliber firearm in addition to a pellet gun.</p>			<p>activities: Serious Rules Violations: None Confidential Information: None Work, Education, Vocation Assignments: None Self Help in SOMS: CBI - Life Skills 02/01/2023 -- present (137.5 hours) CBI - Outpatient Program 12/07/2022 -- 01/27/2023 (36 hours) 10/07/2022 -- 12/06/2022 (42 hours) 05/04/2022 -- 08/17/2022 (34 hours) CCCMS/EOP/MH: None</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The inmate has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since his admission to prison or recent serious rules violations 2. There is no reliable information in the confidential section of the inmate's central file indicating he has engaged in criminal activity since his admission to prison. <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The inmate has no participation in available vocational, educational or work assignments. There is no indication he has participated in an assignment in this
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			<p>On August 1, 2020, at about 1:35 P.M., based on a tip where Lucas might then be located, deputies traveled to the 28500 block of Albion Ridge Road to apprehend Lucas on his two felony warrants. At about 1:43 P.M. deputies observed a green Toyota Tacoma pulling a trailer driving toward them. Deputies immediately identified the driver of the Tacoma as Lucas. Deputies immediately began following Lucas' Tacoma and turned on their overhead lights and siren to initiate a traffic stop. Lucas refused to stop, and another pursuit occurred. During the approximately 2.5-mile pursuit, Lucas drove most of the time in the oncoming lane of traffic and caused oncoming traffic to pull to the side of the road to avoid a collision. On at least two occasions Lucas stopped his Tacoma, got out and yelled "back off" to the deputies, and then quickly got in his Tacoma and continued driving. The deputies used their public address system to order Lucas to stop but only met with hand gestures and unknown verbal responses.</p> <p>While making a turn on to Albion Ridge Road, Lucas' trailer struck a culvert, went airborne, and almost flipped over. Lucas continued at unsafe speeds. Lucas stopped his</p>			<p>category.</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 is commended for his self-help efforts and is encouraged to continue programming. In addition to the self-help noted above, the inmate is also a participant in the MAT program. He has a positive test for alcohol on January 30, 2023. Because substance use is a causative factor in his commitment offense, his recent use has a direct nexus to his current risk. As such, his self-help programming thus far is insufficient to address his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because his recent substance use has a direct nexus to his current risk. As such, his self-help participation thus far is insufficient to address his criminal behavior and the issues underlying his commitment offense. This circumstance is highly indicative of his current risk and, therefore, warrants great weight. With equal number but greater weight, his two aggravating circumstances outweigh his two mitigating circumstances in this section.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: the inmate undated but received July 19, 2023; the Mendocino County District Attorney's Office dated July 20, 2023.</p>
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			<p>vehicle at approximately 1:50 P.M. and Deputy McGregor gave Lucas commands to drop his gun after seeing Lucas in possession of a long gun. For a moment Lucas tried to drive his vehicle forward but appeared to be having engine trouble. Lucas was then seated in the driver's seat with the driver's door open.</p> <p>From this point until about 7:56 P.M. the situation between Lucas and the deputies developed into an armed barricaded situation until Lucas was taken into custody. Throughout the course of this 6-hour standoff, countless attempts were made to gain Lucas' voluntary compliance to submit to a peaceful arrest. Lucas refused to submit to an arrest, made it clear that he would not come peaceably, and stated he had an SKS rifle, another 3-round burst firearm, and ammunition. During this standoff, Lucas said he would kill law enforcement or have law enforcement kill him. Lucas made threats to kill two unnamed residents, threatened to ram deputies with his vehicle, and at one point backed into Deputy McGregor's vehicle where this deputy and a CHP officer were located.</p> <p>At 1:51 P.M. Lucas exited his vehicle and stood by the driver's side</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 factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person'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 has been in prison for approximately one-and-a-half years now. His commitment offense involved violent behavior. His prior criminal record shows a pattern of assaultive behavior and a quick return to that behavior upon release. Because substance abuse is a causative factor in his current crimes, his recent positive test for alcohol use in prison holds a direct nexus to his current risk. Thus, while he is commended for his efforts, his self-help participation thus far is insufficient to address his criminal behavior and the issues underlying his commitment offense. Careful consideration of all factors indicate that the inmate currently poses an unreasonable risk of violence or significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Nancy Wong</i></p>
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			<p>doorway and kept concealing one of his hands in opposition to deputy demands that Lucas show them his hand. Three times a deputy deployed his canine at Lucas, but Lucas quickly re-entered his Tacoma and shut the door. On the second deployment of the canine Lucas shut the door of his Tacoma violently on the canine's head.</p> <p>At 1:59 P.M. a deputy deployed his Taser and saw the upper and lower probes contact Lucas' abdomen, but instant incapacitation did not occur because Lucas tore the probes out of his abdomen. At 2:00 P.M. the Mendocino County S.W.A.T. team was called in. At 2:14 P.M. Lucas retrieved a gas can from the rear of his vehicle and poured gasoline over the top of his vehicle and on himself, continually threatening to ignite the gasoline, bum himself, his vehicle, law enforcement, and the surrounding forest. Fire-fighting crews were called in to the scene at this point.</p> <p>At 2:20 P.M. Lucas rammed his vehicle into Deputy McGregor's vehicle. Following this, Lucas exited his vehicle and began throwing items from his vehicle and breaking out windows to the attached camper shell on his vehicle with a large ax. Lucas also threw a chain saw at Deputy McGregor and armed</p>			

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			<p>himself with a large ballpein hammer. Between 3:00 P.M. and 7:53 P.M. Lucas spoke with Deputy Denton and a Sheriff negotiator. At 3:30 P.M. the Sheriffs negotiator called Lucas who stated he did not want to speak to the negotiator but said that he had enough gas and ammunition to "blow up the whole area". The negotiator called Lucas 33 times and Lucas answered 5 times. In one of the conversations Lucas told the negotiator that "deputies are going to die" and that he (Lucas) was prepared to die also. In another conversation Lucas declared that "If they [deputies] want to shoot me they can shoot me." In an additional conversation Lucas said "I've got enough fucking shit in here to blow this thing sky high. Tell them [deputies] to fucking come get me. Tell them to come get some if they want some." Further, Lucas said at one point: "Tell him [incident commander] now it's personal. I wasn 't taking it personal before but now it's fucking personal. I fucking had it and the first one that comes up to my door I'm gonna fucking melt . . . I don't give a fuck, they can shoot me right now. Go ahead. I'm fucking waiting, but I'm gonna blow this mother fucker right off the fucking [unintelligible]. I swear to</p>			

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			<p>God. I'm done." At 7:53 P.M. the S.W.A.T. unit executed a plan to extract Lucas from his vehicle in the safest manner possible. A second canine was deployed and bit Lucas in the right calf. Lucas appeared to be searching for something in his sweatshirt pocket, so the other canine was also deployed while deputies approached Lucas. Lucas was immediately brought to the ground by deputies and arrested. Lucas was provided with immediate medical care and transported to Ukiah Valley Medical Center for the injuries he received.</p> <p><u>2. Prior Criminal Record</u></p> <p>Lucas started his adult criminal career with misdemeanor Terrorist Threat (Penal Code Section 422) and Battery (Penal Code section 242) convictions in 1994. Next, was a DUI (VC 23152(a)) misdemeanor in 1995. The severity of his crimes increased thereafter.</p> <p>In 1997 Lucas committed his first strike offense of Terrorist Threats (Penal Code Section 422) as a felony, along with a DUI misdemeanor. Lucas eventually was sent to State Prison for 2 years on this conviction after being granted probation initially.</p>			

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			<p>In 2006 Lucas was convicted of misdemeanor Violation of Domestic Violence Order (Penal Code Section 273.6) and Tattoo Person Under 18 Years (Penal Code Section 653). In 2014 Lucas was convicted of another misdemeanor DUI (Vehicle Code Section 23152(b)).</p> <p>In 2015 Lucas was convicted of Battery of Emergency Person (Penal Code Section 243(c)(1)) as a felony.</p> <p>In 2016 Lucas received his second-strike conviction of Assault with a Firearm on a Peace Officer or Fireman (Penal Code Section 245(c)) and Evading a Police Officer (Vehicle Code Section 2800.2) as felonies and received 5 years in State Prison.</p> <p>We can see that Lucas' prior convictions (along with the conviction that sent him to his present State Prison commitment) are of increasing seriousness and specifically related to violence and threats of violence, establishing Lucas as a real threat to any community that he inhabits.</p> <p>3. <u>Institutional Adjustment</u></p> <p>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</p>			

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			<p>to assess this factor. However, given Lucas' lack of insight about his numerous serious and violent criminal acts, it is difficult to imagine that he has gained any insight or remorse in the years that have elapsed since his present commitment to State Prison, or that he is no longer a risk to seriously injure others at the slightest provocation, real or perceived.</p> <p><u>C. Conclusion</u></p> <p>Irrespective of Lucas institutional adjustment, the Mendocino County District Attorney's Office believes that the senseless nature of Lucas' commitment offenses, his utter lack of remorse as evidenced in his malicious manner in the commission of his present crimes, and his significant and violent criminal history are aggravating factors which demonstrate that he poses an unreasonable risk to public safety if released.</p> <p>For the above stated reasons, the Mendocino County District Attorney's Office respectfully asks this Board to deny early release to Inmate Marc Lucas.</p> <p>Jerry N. Lulejian Deputy District Attorney</p>			

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<p>Michael Lucas</p> <p>SCTM CRCR 18-93527 21CR01386</p>	<p>08/19/2021</p>	<p>PC § 594(B)(1) Vandalism > \$400</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 422 Criminal Threats</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>80 mos.</p>	<p>07/25/2022</p>	<p>08/31/2022: BPH does not have jurisdiction, no further review.</p> <p>Decision based on the reasons stated below: Per SOMS, inmate paroled PRCS to Ukiah parole unit on 08/27/2022. As such, BPH does not have jurisdiction to complete an NV review.</p> <p><i>Michael Gunning</i></p>
<p>Julio Rafael Najera-Leon</p> <p>SCUK CRCR 18-96356 SCUK CRCR 18-96068</p>	<p>01/16/2019</p>	<p>PC § 29800(A)(1) Felon in Possession of Firearm</p> <p>PC § 667.5(B) Prison Prior X 2</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 245(A)(2) Assault With a Firearm</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>120 mos.</p>	<p>10/09/2023</p>	<p>11/22/2023: Expedited Release DENIED.</p> <p>Decision for Najera-Leon, Julio, 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 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 incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of ten years on the current commitment offenses. The commitment offenses are: PC 29800 (possession of firearm by felon), for which the</p>

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						<p>incarcerated person was sentenced to a term of 3 years which was doubled in accordance with PC 667(b)-(i)/PC 1170.12 with two one-year enhancements in accordance with PC 677.5(b) for prior prison terms; PC 245(a)(2) (assault with a firearm), one year doubled. On 10/16/18, the incarcerated person brandished a firearm while attempting to rob two victims during a drug deal. On 11/11/18, he possessed three firearms despite being prohibited from possessing firearms. 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 incarcerated person personally used a deadly weapon, specifically, a handgun. 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 incarcerated person’s prior criminal history began in 2011 and continued until the commitment offenses in 2018. The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 2011: PC 211/212.5(c) (Second Degree Robbery), PC 459 (First Degree Burglary); 2015: PC 30305(a)(1) (Felony in Possession of Ammunition). The circumstances of the incarcerated person’s prior criminal record that mitigate the incarcerated person’s current risk of violence or significant criminal activity are: None.</p>

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						<p>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are: The incarcerated person has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years, specifically robbery in 2011. The incarcerated person was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his or her current convictions. He was released on parole on 4/17/18 following his 2011 convictions, and the date of his current convictions was 12/12/18. Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because the incarcerated person was incarcerated as a result of a violent felony conviction only months prior to his current offenses, demonstrating that previous judicial interventions and periods of incarceration have had little effect on his subsequent behavior and his decision to return to violence. There are no mitigating circumstances.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since January 31, 2019, a period of approximately four years and ten months. The incarcerated person has been involved in the following activities: EDUCATION Mental Health Education, 42 hours Transitions, 4/23, 1.5 hours WORK</p>

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						<p>Dining Room, 5/21 - 11/22 Kitchen, 4/21 - 7/21 Porter, 1/20 - 5/20 VOCATION None reported. SELF-HELP/REHABILITATION The inmate's self-help participation is limited to his mental health group participation. Relevant groups and hours include Stress Management 21.3 hours, Coping 9.3 hours, Cognitive Behavioral Therapy 2.5 hours, Life Skills 7.7 hours, Relapse Prevention 2.75 hours, Social Skills/Communication 5 hours. SERIOUS RULE VIOLATIONS Destruction of State Property 7/21/23 Willful Obstruction of Peace Officer in Performance of Duty 6/14/23 Unauthorized Possession of Drug Paraphernalia 10/17/22 Constructive Possession of a Cellular Phone 10/17/22 Refusing Controlled Substance Test 10/17/22 Distribution of Controlled Substance 9/27/22 Fighting 4/20/22, 11/7/20, 5/12/20, 1/19/20 Possession of a Cellular Phone 5/10/22 Constructive Possession of a Cellular Phone 3/24/22, 1/19/21 Theft of State Property/Funds/Property of Another 6/8/20, Delaying a Peace Officer in Performance of Duties 8/26/19 Information describing criminal activity is present in confidential memoranda with the following dates: 9/20/22, 7/2/21. The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity: The incarcerated person has successfully participated in vocational, educational, or work assignments for a sustained period of time. He has participated in work</p>

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						<p>assignments reasonably consistently with nearly 3000 hours reported.</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <p>The incarcerated person 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. He has been found guilty of at least five RVRs resulting in injury or threat of injury, including distribution of a controlled substance and fighting. He has been found guilty of at least six serious RVRs since the last review.</p> <p>There is reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his last admission to prison.</p> <p>The incarcerated person 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. His participation thus far remains limited 2.75 hours attending a relapse prevention group. He has attended other mental health groups in a likewise not sustained, and somewhat sporadic manner.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because they demonstrate multiple recent acts of serious misconduct involving violence and controlled substances, both of which were factors in the commitment offenses. Despite some positive steps in work</p>

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						<p>assignments, the incarcerated person's participation in rehabilitative programs remains limited, and his overall institutional behavior does not reflect rehabilitation.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: None was received in response to the current review. A response from Mr. Najera-Leon from a previous review was reviewed and considered in this decision.</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 and the incarcerated person's cognitive limitations, the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person'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 incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. 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 current offenses involved assaulted behavior with the use of a firearm. The incarcerated person committed these offenses despite having been very recently incarcerated as a result of a violent felony. His multi-year history of repetitive and relatively recent criminal conduct and rule violations while incarcerated tends to increase the relevance of the prior felony offenses. The balance is</p>

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						<p>further tipped when weighing the incarcerated person's limited participation in programs meant to address the circumstances that contributed to his criminal behavior. There are no applicable mitigating circumstances. The incarcerated person is denied for release.</p> <p><i>Daniel Blake</i></p>
<p>Julio Rafael Najera-Leon</p> <p>SCUK CRCR 18-96356 SCUK CRCR 18-96068</p>	<p>01/16/2019</p>	<p>PC § 29800(A)(1) Felon in Possession of Firearm</p> <p>PC § 667.5(B) Prison Prior X 2</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 245(A)(2) Assault With a Firearm</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>120 mos.</p>	<p>10/10/2022</p>	<p>12/05/2022: Expedited Release DENIED.</p> <p>Decision for Najera-Leon, Julio, 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 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 10 years on the current commitment offenses. The commitment offenses are PC 29800(A)(1) Felon in Possession of a Firearm, 3 years doubled to 6 years due to a prior strike conviction; PC 245(A)(2) Assault with a Firearm, 1 year doubled to 2 years due to a prior strike conviction, with two 1 year enhancements assessed pursuant to PC 667.5(B) Prior Prison Term, for a total term of 10 years. The date of the convictions was 12/12/18. Facts drawn from the pertinent police report indicate that on 11/11/18, officers searched the residence where the inmate had stayed the night and the search yielded a firearm. A subsequent search of a vehicle nearby the</p>

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						<p>residence yielded a sawed-off shotgun. The ensuing investigation concluded that both weapons belonged to the inmate.</p> <p>Facts drawn from the Complaint/Information (No POR or Police Reports on the matter found in file): On 10/16/18, the inmate assaulted victim Mychell Vega Ayala with a Firearm.</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"> 1. The inmate personally used a deadly weapon. The inmate assaulted victim Ayala with a firearm. 2. There were one or more victims who suffered a threat of physical injury. The inmate caused victim Ayala to suffer a threat of physical injury when he assaulted her with a firearm. <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 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: 2011 PC 212.5(C) Second Degree Robbery, PC 459 First Degree Burglary; 2015 PC 30305(A)(1) Felon in Possession of Ammunition.</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>None.</p>

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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> <ol style="list-style-type: none"> 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 approximately 11 years ago of second degree robbery, a PC 667.5(C) violent offense. 2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from CDCR on his prior term on 4/17/18, and was convicted of his commitment offenses less than 8 months later on 12/12/18. <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 31, 2019, a period of approximately 3 years, 11 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Pending RVRs, Noted, Not Weighed: 10/17/22 Refusing to Provide Sample for UA, Unauthorized Possession of Drug Paraphernalia, Possession of a Cellular Phone Component 9/27/22 Distribution of a C/S 3/24/22 Fighting</p> <p>Finalized RVRs: Fighting 4/20/22, 11/7/20, 5/12/20, 1/19/20 Possession of a Cellular Phone 5/10/22 Constructive Possession of a Cellular Phone 3/24/22, 1/19/21 Theft of State Property/Funds/Property of Another 6/8/20 Delaying a Peace Officer in Performance of Duties 8/26/19</p> <p>Vocational Assignments: None</p>

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						<p>Education Assignments: None</p> <p>Work Assignments: Dining Room Worker Kitchen Worker Porter</p> <p>Self-Help Participation: The inmate's self-help participation is limited to his mental health group participation, which totals approximately 472 hours on the current term. Relevant groups and hours include Stress Management 21.33 hours, Therapeutic Activities 150.81 hours, Coping 5.08 hours, and Cognitive Behavioral Therapy 2.5 hours, among others.</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"> The inmate has successfully participated in work assignments for a sustained period of time. The inmate has over 2400 documented hours of work as a Dining Room Worker, along with over 400 hours working as a Porter and Kitchen Worker. The foregoing is found to be sustained and successful. <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"> 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 and has one or more recent serious institutional Rules Violation Reports. The inmate's finalized RVRs include 4 RVRs for Fighting dated between 4/20/22 and 1/19/20. There is reliable information in the confidential section of the inmate's central file indicating the inmate

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						<p>has engaged in criminal activity since his last admission to prison. This is noted on confidential memoranda dated 9/20/22 and 7/2/21.</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's self-help has been limited to his mental health group participation, and given the inmate's continued violent behavior during his term, the internalization of same appears limited.</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: A letter from the inmate dated 10/28/21.</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 and the inmate's current age of 30, 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 2018 commitment offenses were found to aggravate the inmate's current risk of violence as the inmate used a firearm to assault a female victim, and caused her to suffer a threat of physical injury. The inmate's prior criminal record was also found to aggravate the inmate's current risk of violence given the inmate was convicted approximately 11 years ago of second degree robbery, a PC 667.5(C) violent offense. Additionally, the inmate was released from CDCR on his prior term on 4/17/18, and was convicted of his commitment offenses less than 8 months later on 12/12/18. Lastly, the inmate's</p>

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						<p>institutional adjustment was also found to aggravate the inmate's current risk of violence as the inmate's finalized RVRs include 4 RVRs for Fighting dated between 4/20/22 and 1/19/20. The inmate's pattern of violent behavior is found to have high probative value 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. Lastly, the inmate's self-help is limited to his mental health group participation, with limited internalization of same being shown given the inmate's continued violent behavior during his term. The foregoing aggravating circumstances are found to outweigh the mitigating circumstance of the inmate's sustained and successful work 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 below, 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>Frank Jay Oneto, Jr.</p> <p>SCUK CRCR 20-36085</p>	<p>04/28/2021</p>	<p>VC § 2800.2(A) Evading a Peace Officer</p> <p>VC § 2800.2(A) Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>48 mos.</p>	<p>05/09/2022</p>	<p>06/27/2022: Expedited Release DENIED.</p> <p>Decision for Oneto, Frank, P90849: 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 4 years on the current commitment offenses. The commitment offenses are 3/24/2021 Conviction: 2 counts of VC2800.2(a) Evade or Attempt to Evade Peace Officer while Driving Recklessly. In 7/2020, Officers attempted to effectuate a valid traffic stop due to the car driven by Inmate having no front license plate and having a large crack going across the windshield. In addition, the license plate was run and it was determined to belong to a different vehicle. Inmate failed to yield, despite the lights and siren being activated by Police, which caused Officers to engage in aggressive, risky maneuvers in the pursuit of Inmate. By engaging in this evading behavior, Inmate exposed both Officers to the threat of injury. 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: There were one or more victims who suffered physical</p>

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						<p>injury or threat of physical injury. As discussed above, Inmate failed to yield, despite the lights and siren being activated by Police, which caused Officers to engage in maneuvers in the pursuit of Inmate. By engaging in this evading behavior, Inmate exposed both Officers to the threat of injury.</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 2000 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>8/2000: PC 289(a)(1) Sexual Penetration with Force; 11/2005: PC 273.5(a) Inflict Corporal Inj Spouse/Cohab; 11/2011: HS 11350(a) Possess Narc Control Substance; 8/2015: HS 11350(a) Possess Narc Control Substance; 5/2017: HS 11377(a) Possess Controlled Substance; 11/2017: VC 2800.2(a) Evade Peace Officer: Disregard Safety & HS 11378(a) Possess Controlled Substance for Sale.</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>1. The inmate's prior criminal conviction(s) coupled with</p>

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						<p>his current conviction(s) show a pattern of assaultive behavior. Inmate has prior convictions for PC 289(a)(1), PC 273.5(a) and VC 2800.2(a); and then, he was convicted of 2 counts of VC 2800.2(a) in the current commitment offenses. In combination, these convictions reveal a pattern of assaultive behavior.</p> <p>2. The inmate was incarcerated for a felony conviction within five years prior to his current conviction(s). Inmate was released from a prior felony term in 2/2019; and then he was convicted of the current commitment offenses in 3/2021, which is a period of less than 3 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 aggravating circumstances outweigh the mitigating one. Inmate demonstrated a pattern of assaultive behavior, as discussed above. In addition, Inmate has demonstrated that he is not able to remain crime-free for a sustained period of time. These aggravating facts have been weighed heavily, and demonstrate Inmate's proclivity towards violence and crime. The aggravating circumstances outweigh the mitigating one that Inmate did not commit a violent felony within the last 15 years. Therefore, the Prior Criminal Record factor is found to be 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 28, 2021, a period of approximately 1 year.</p> <p>The inmate has been involved in the following activities: Reliable, Confidential Memo(s): None. Violent RVRs: None.</p>

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						<p>Other Serious RVRs: None. Work/Vocational/Educational Activities: None. Self-help/Rehabilitative Activities: CBI - Outpatient: 139 hours: Program Completion. 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"> 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. 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>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"> 1. The inmate has no participation in available vocational, educational, or work assignments. 2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. 139 hour of participation is found to be limited, especially in light of the assaultive, aggravating behavior exhibited in the current commitment offenses. <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 aggravating circumstances outweigh the mitigating ones. The fact that Inmate did not engage in sustained programming while in prison was weighed</p>

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						<p>heavily, especially since Inmate exhibited aggravating, assaultive behavior in the current commitment offenses, behavior that needs to be addressed. Sustained self-help and rehabilitative programming would assist Inmate to address the circumstances of his criminal behavior, which, if completed and internalized, would reduce the risk of re-offending and committing crimes again. In addition, Inmate did not engage in available vocational, educational, or work assignments, which would assist him to gain valuable work skills and the like so that he can support himself in the community. While Inmate is commended for not engaging in violence or criminal activity in prison, the above aggravating facts have been weighed very heavily. Therefore, the aggravating circumstances have been found to outweigh the mitigating circumstances, thereby leading to the finding that the Institutional Adjustment Factor is aggravating.</p> <p><u>Case Factor #4 - Response to Legal Notice</u> 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 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</p>

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						<p>the factors considered. All of the inmate's case factors are aggravating; there are no mitigating case factors to consider. Moreover, Inmate has exhibited a pattern of assaultive behavior and has exhibited assaultive, aggravating behavior in the current commitment offenses. Further, Inmate has failed to address the underlying issues of this assaultive behavior by not having engaged in sustained self-help/rehabilitative programming to assist him in addressing the circumstances that led to this assaultive, violent behavior. These facts have been weighed very heavily. Accordingly, it is concluded that 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>Letizia Pingitore</i></p>
<p>Robert Joseph Paul</p> <p>SCUK CRCR 19-30972</p>	<p>06/26/2019</p>	<p>PC § 487(D)(1) Grand Theft of an Automobile</p> <p>VC § 2800.2(A) Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>76 mos.</p>	<p>03/02/2022</p>	<p>04/19/2022: Expedited Release DENIED.</p> <p>Decision for Paul, Robert, BJ7887: 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 and 4 months on the current commitment offenses. The commitment offenses are:</p>

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						<p>1. VC 2800.2(a)- felony evading for which the inmate received a term of 3 years which was doubled to 6 years pursuant to PC 667(b)-(i) and PC 1170.12 for a prior conviction of a serious or violent felony.</p> <p>2. PC 487(d)(1)-grand theft motor vehicle for which the inmate received a term of 8 months which was doubled to 16 months pursuant to PC 667(b)-(i) and PC 1170.12 for a prior conviction of a serious or violent felony-consecutive.</p> <p>A statement of facts about the commitment offenses was not found in inmate's central file. The complaints states that on 04/05/19 inmate, while operating a 2002 Dodge Dakota Pickup, in a willful or wanton disregard for the safety of persons or property, with the intent to flee, did flee and attempt to elude pursuing officers. Officers determined that the vehicle inmate was driving had been stolen and that inmate did not have the owner's permission to possess and drive the vehicle. The inmate was convicted of these offenses on 05/30/19.</p> <p>The total term for the above offenses and enhancements was fixed at 7 years and 4 months.</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. Inmate's actions in evading the officers placed the officers, other motorists and the public at risk of serious physical injury.</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 2008 and</p>

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						<p>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>2008: PC 496(A)-receiving stolen property. 2012: PC 243(c)(2)-battery on a Peace Officer with a PC 12022.7(a) enhancement for the infliction of GBI. 2012: PC 69-resisting an officer with violence with a PC 12022.7(a) enhancement for the infliction of GBI.</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: There are no mitigating circumstances noted.</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"> 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. Inmate was convicted of PC 243(c)(2)-battery on a Peace Officer and PC 69-resisting an officer with violence on 06/04/12. Both offenses were enhanced by PC 12022.7(a) enhancement for the infliction of GBI. Due to the GBI enhancements both offenses are classified as PC 667.5(c) violent felonies. The NV review date is 04/18/22. These dates are within 15 years of each other. 2. The inmate was incarcerated for a felony conviction within 5 years prior to his current conviction. Inmate was last released from prison on 06/27/16 after serving a term for Battery on a Peace Officer and Resisting an officer with violence. He was convicted on the current commitment offenses on 10/23/19. These dates are within 5 years of each other. <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 or significant criminal activity because of the following: The inmate was convicted of two PC 667.5(c) offenses approximately 9 years and 10 months ago. When released on those offenses he committed the current offenses on 04/25/19 and was convicted on 05/30/19. The prior offenses involved violence and assaultive behavior against a peace officer. Inmate's conviction of two PC 667.5(c) violent felonies coupled with his inability to remain free from incarceration for such a short amount of time while in the community are both probative of a current risk of violence. Taken as a whole, and in the absence of any mitigating circumstances, the inmate's prior criminal history is indicative of a current risk of violence or significant 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 offenses since July 11, 2019, a period of approximately 2 years, 9 months and 7 days. The inmate has been involved in the following activities: Rules Violations Reports (RVR's): During his current term inmate has not been found guilty of any RVR's resulting in physical injury or the threat of physical injury. During his current term inmate has been found guilty of the following recent RVR's not resulting in physical injury or the threat of physical injury: 02/20/21: disobeying an order. 02/19/21: continued refusal to work or participate in a work or education assignment.</p> <p>Confidential Information: There is no reliable information</p>

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						<p>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>Work Assignments: A review of inmate's central file indicates that inmate has participated in the following work assignments during his current term:</p> <ol style="list-style-type: none"> 1. Dining Room Worker 2. Main Kitchen Worker <p>Vocational Assignments: A review of inmate's central file indicates that inmate has not participated in any vocational assignments during his current term.</p> <p>Educational Assignments: A review of inmate's central file indicates inmate has participated in the following educational assignments during his current term:</p> <ul style="list-style-type: none"> -Personal Health and Biological Anthropology -U.S. History-Post Civil War -Pharmacology of Drugs -Success in College and Intro into Sociology <p>Self-help and Rehabilitative Programming: A review of inmate's central file indicates inmate has participated in the following self-help or rehabilitative programming during his current term:</p> <ul style="list-style-type: none"> -NA -Anger Management -CBI/Life Skills -AA - CBI/ISUDT -Healing Meditation <p>Inmate also submitted two other letters indicating that he is on multiple waiting lists and is trying to take as much self-help programming as he can.</p> <p>During his current term the inmate has not participated in any individual or group therapy sessions at any level of care in the CDCR Mental Health Delivery System.</p> <p>In mitigation, there is no reliable confidential information indicating that the inmate has been involved in any</p>

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						<p>criminal activity during his current term. He has sustained participation in various educational and work assignments. Inmate is to be commended for this positive programming. However, despite these positive gains, the inmate has not remained disciplinary free. These violations, while recent in time, did not involve any violence and were given very little weight. Of greater concern is that inmate has not yet participated in sufficient rehabilitative or self-help programming to adequately address the circumstances that contributed to the causative factors of his criminal behavior. This aggravating circumstance is recent in time and has a direct nexus to a current risk of violence. As such, it was given more weight and therefore outweighs any circumstances mitigating inmate's institutional adjustment. Taken as a whole, inmate's institutional adjustment is found to be a factor in aggravation.</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:</p> <p>RESPONSES</p> <ol style="list-style-type: none"> 1. The inmate dated 03/28/22 (copies of programming certificates), 08/25/20 and 05/11/20. <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 of 2 years and 9 months, inmate's current age of 34 and any physical 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>

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						<p>Inmate's commitment offenses, his prior criminal record and his institutional adjustment are all factors which aggravate his current risk of violence or risk of significant criminal activity.</p> <p>The commitment offenses involved the threat of physical injury to multiple victims. Inmate was convicted of two PC 667.5(c) violent felonies within the last 10 years. The inmate was not able to remain free from incarceration for more than five years prior to his conviction on the current offenses. One of the prior offenses involved violence and assaultive behavior against a peace officer. In addition, while he has made some recent efforts, the inmate has not yet adequately addressed the causative factors of his criminal behavior in the community in an effort to mitigate his current risk of violence. These are all aggravating circumstances that are probative of a current risk of violence or significant criminal activity.</p> <p>Based on a totality of the evidence, and in the absence of any mitigating factors, inmate does continue to represent a current unreasonable risk of violence or significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Patrick Reardon</i></p>

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<p>Steven Francis Ramier</p> <p>21CR02952 21CR00537</p>	<p>04/06/2022</p>	<p>VC § 2800.2(a) Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 594(B)(1) Vandalism</p> <p>PC § 452(D) X 4 Arson of Property</p>		<p>48 mos.</p>	<p>03/13/2023</p>	<p>04/24/2023: Expedited Release DENIED.</p> <p>Decision for Ramier, Steven, BS1843: 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 4 years on the current commitment offense. The commitment offenses are:</p> <p>Case No. 21CR00537: VC2800.2(a) Evading a Peace Officer While Driving Recklessly, for which the inmate was sentenced to 1 year, 4 months doubled to 2 years, 8 months as a second striker pursuant to PC667(b)-(i)/PC1170.12.</p> <p>The following misdemeanor counts were dismissed with a Harvey waiver: HS11377(a) Possession of Methamphetamine, and PC11364(a) Possession of Drug Paraphernalia.</p> <p>On 11/04/2020, multiple law enforcement agencies engaged in a pursuit of a motorcycle driving recklessly on US-101, with a passenger on the back. The motorcycle, later determined to be driven by the inmate, was traveling at speeds of 120 and 130 MPH, and was observed crossing over the double yellow lines on the highway 3-4 times. When the vehicle exited the highway, it continued at speeds of 86 MPH until the inmate finally pulled over. The passenger's backpack contained methamphetamine which</p>

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						<p>the inmate admitted was his. The inmate was not under the influence of methamphetamine.</p> <p>Case No. 21CR02952: PC594(b)(1) Vandalism, for which the inmate was sentenced to 8 months doubled to 16 months as a second striker pursuant to PC667(b)-(i)/PC1170.12. The inmate was also convicted of four misdemeanor counts of PC452(d) Causing Fire of Property, for which he was sentenced to 180 days jail time.</p> <p>On 12/19/2021, police responded to the scene of a vehicle fire. A FedEx van with a damaged front end was fully engulfed in flames. A second van parked adjacent was also starting to burn, and a truck parked nearby had visible signs of heat damage. A yellow fuel can was sitting near the driver's door and fuel door of the FedEx van, and officers recovered a partially melted drill and battery pack near the fuel door. The officers noted that a nearby bush and an electrical pole were heavily scorched. A review of surveillance video from the parking lot revealed the inmate and his vehicle near the van. The inmate admitted he drilled the underside of the gas tank to steal gasoline from the FedEx truck, causing the vehicle to catch fire.</p> <p>Case No. 21CR02301: PC69(a) Resisting an Officer by Force/Threat, a misdemeanor, for which the inmate pleaded no contest and was sentenced to 120 days in jail.</p> <p>On 10/09/2021 officers attempted to arrest the inmate on an active felony warrant. Upon arrival the inmate attempted to run away from the deputy: he pulled away, squared his feet into a fighting stance, and grabbed the deputy's uniform collar in an attempt to pull him to the ground. Despite directives from the officers to stop fighting, the inmate continued to attempt to assault and run from the officer.</p> <p>Date of conviction on all charges: 04/06/2022. 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> <p>There were one or more victims who suffered physical injury or threat of physical injury. By evading and eluding peace officers while driving recklessly, the inmate willfully and wantonly disregarded the safety of the public. In doing so, the conduct and actions of the inmate threatened members of the public including pedestrians and other drivers on the road, as well as the passenger on the back of his motorcycle and law enforcement officers, with great bodily injury or death. In the vandalism conviction, the inmate's actions caused multiple vehicles to catch fire and damaged other property, exposing those around the area and the first responders to great bodily injury or death caused by the fire.</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 2007 and continued until the commitment offense(s) in 2022. 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>10/2007: PC211 Second-Degree Robbery</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. His conviction for robbery, a statutorily violent felony, occurred over 15 years ago.</p>

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						<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 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>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 there are several mitigating circumstances and no aggravating circumstances. The inmate has not been convicted of a violent felony as defined by PC667.5(c) within the past 15 years. He has been free from incarceration for a criminal conviction (a misdemeanor involving physical injury or felony of any nature) for over 5 years prior to the current conviction. Therefore, the prior criminal record is found to be a mitigating risk factor 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(s) since May 9, 2022, a period of approximately 11 months.</p> <p>The inmate has been involved in the following activities:</p> <p>SERIOUS RULES VIOLATION REPORTS 05/31/2022 battery on a prisoner (3-on-1 battery requiring the use of chemical agents) CONFIDENTIAL INFORMATION none WORK ASSIGNMENTS none</p>

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						<p>VOCATIONAL ASSIGNMENTS none EDUCATIONAL ASSIGNMENTS None</p> <p>SELF-HELP/REHABILITATIVE PROGRAMMING 02/2023 – present CBI Outpatient 22 hours 02/2023 Jumma Prayer 0 hours The inmate is not a participant in the Mental Health Services Delivery System. 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. 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 Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. As noted above, the inmate was involved in a battery on another inmate that required officers to use chemical agents to quell. The inmate has no participation in available vocational, educational, or work assignments. Upgrading in the areas of vocational, educational and employment skills is of particular importance for the inmate’s development of pro-social behaviors and marketable skills in order for the inmate to obtain gainful, lawful employment and otherwise successfully re-integrate into the community upon release from custody. A review of the central file</p>

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						<p>shows that the inmate has no participation in vocational, educational or work assignments, combined, since his admission to prison. As such, the inmate has not developed pro-social behaviors and marketable skills that would help him obtain gainful, lawful employment and otherwise successfully re-integrate into the community upon release from custody. The inmate's unsuccessful participation in vocational, educational, or work assignments is probative of the inmate's risk of recidivism and likelihood that he will continue to engage in criminal behavior.</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. As demonstrated by the inmate's dangerous and threatening criminal conduct underlying the current crimes, he would clearly benefit from sustained programming in relevant areas that have been problematic in the past in order to avoid future criminality. According to a review of the central file, the inmate's participation in rehabilitative and self-help programs is minimal. He is currently enrolled in CBI Outpatient, for which he should be commended. However, he has not yet completed this program nor is he enrolled in any other rehabilitative programming. The inmate has not participated in rehabilitative or self-help programming for a sustained period of time to date and therefore has not successfully and sufficiently addressed the circumstances that contributed to the inmate's criminal behavior. The failure to successfully participate in rehabilitative or self-help programming for a sustained period of time to address the salient issues and circumstances that contributed to his criminal behavior is probative of the current risk to recidivate.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show</p>

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						<p>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 positive efforts the inmate has demonstrated in his institutional adjustment to date are insufficient to outweigh the aggravating circumstances. The violent and assaultive nature of the inmate’s Rules Violation Report is highly probative of the current risk of danger to the public if released into the community. Nor has the inmate participated in positive programming for a sustained period of time and, accordingly, has not successfully addressed the circumstances that contributed to the criminal behavior and salient issues of the inmate’s criminality. In light of the dangerous and threatening nature of the commitment offenses, the positive aspects of the inmate’s institutional behavior are insufficient to outweigh the aggravating circumstances or sufficiently mitigate the inmate’s current risk of violence. Therefore, the inmate’s institutional adjustment is found to be an aggravating factor in this case.</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: 04/04/2023 inmate self-support (includes a statement that the inmate attends CenterPoint drug classes) 04/04/2023 Mindy Castorena, fiancée</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 age, the inmate’s physical and cognitive limitations, the factors aggravating the inmate’s current</p>

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						<p>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>While the inmate's prior criminal record is a mitigating factor due to the absence of any violent felony convictions as defined by PC 667.5(c) in the past 15 years and the lack of incarceration for a felony conviction or misdemeanor conviction involving physical injury within 5 years of the conviction for the current crime, the commitment offenses coupled with the negative institutional adjustment are a more recent and therefore more probative reflection of the inmate's current and unreasonable risk of violence. The dangerous and threatening nature of the commitment offenses, along with the inmate's continued violent and assaultive behavior during the current term, are highly probative of the risk of violence the inmate currently poses to the public. Additionally, the inmate has failed to sufficiently address the circumstances and salient issues contributing to his criminal behavior through sustained and successful participation in rehabilitative or self-help programming; nor has he participated in vocational, education or work assignments in order to successfully develop the pro-social behavior and marketable skills required to successfully re-integrate into the community. As a result, the inmate has failed to mitigate the current risk to re-offend in a violent or threatening manner upon release. For these reasons and those addressed in this decision, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant</p>

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						criminal activity to the community. The inmate is denied for release. <i>Rachel Stern</i>
Ira Redhawk Reyes 21CR0054 SCUK CRCR 20-34548 SCUK CRCR 20-36109	08/04/2021	PC § 246 Shooting at an Inhabited Dwelling PC § 29800(a)(1) X 3 Felon in Possession of a Firearm PC § 30305(a)(1) Felon in Possession of Ammunition PC § 594(b)(1) Vandalism		92 mos.	09/28/2023	11/13/2023: Expedited Release DENIED. Decision for Reyes, Ira, BP4324: 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. Statement of Reasons: <u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 7 years and 8 months on the current commitment offenses. The commitment offenses are: PC 246 Discharge Firearm at Inhabited Dwelling PC 29800(a)(1) Poss/Own Firearm by Felon or Addict PC 29800(a)(1) Poss/Own Firearm by Felon or Addict PC 29800(a)(1) Poss/Own Firearm by Felon or Addict PC 30305(a) Possess Ammunition by Prohibited Person PC 594(b)(1) Vandalism X 2 Enhancement: PC 12022.1 Convicted on 7/2/2021 by plea. STATEMENT OF FACTS On 2/29/2020, Officers had a search warrant that included a tractor trailer where the IP was known to reside. Officers witnessed a bullet hole through the trailer and an

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						<p>expended cartridge casing outside of the trailer. Female victim reported being shot/shot at while inside the trailer. Various phone and phone messages were recovered by officers during this investigation. One message from a victim indicated that the victim was shot/shot at: "Bitch u ain't gonna believe me but i fuckn got shot," and "Omg sis i coulda died." The victim indicated they went to the hospital on 2/28/2020. Eventually, evidence indicated the IP was the shooter and the victim was injured. X-rays revealed a gunshot wound with shattered bone sustained by the victim.</p> <p>On 3/5/2020, there was an active warrant on the IP for assault with a firearm, PC 245(a)(2) and PC 246. Officers witnessed IP exiting a vehicle (Toyota SUV) with a bag, threw the bag, and then evade officers on foot. Inside the bag was a Glock style handgun, a gun holster, a pistol magazine, and green leafy substance.</p> <p>On 3/7/2020, Officers approached a parked GMC SUV that was associated with the victim of the PC 245(a)(2). The witness passenger exited the vehicle and indicated the IP was inside and armed with a handgun. Officers gave numerous commands directing IP to exit the vehicle with his hands up. IP was arrested without incident. Firearm and cartridge casings were recovered from the vehicle. The firing pin on the cartridge casing had a firing pin strike, indicating that they were fired from the recovered firearm. Also received were two expended cartridge casings from another Deputy who investigated a possible drive by shooting there the IP was believed to be the suspect on 3/6/2020.</p> <p>While in Mendocino County jail custody, IP removed the observation camera from his assigned cell and bashed it against the cell door, resulting in the Vandalism conviction as part of this term. He also utilized a food tray to break the glass window of his cell door. These incidents occurred on 2/1/2021 and 1/31/2021. (It is noted that during this</p>

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						<p>time, he also committed battery on a peace officer and battery on an inmate.) 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"> 1. The incarcerated person personally used a deadly weapon, namely, a firearm. 2. There were one or more victims who suffered physical injury or threat of physical injury. One known victim suffered a gunshot wound. Other persons in the general vicinity were under threat of physical injury from the IP discharging a firearm recklessly. Therefore, the current crimes are found to be an aggravating risk factor in the case. <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The incarcerated person’s prior criminal history began in 1999 and continued until the commitment offenses in 2021. The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: 2005 HS 11377 Possess Controlled Substance 2013 HS 11379(a) Transport/Import Controlled Substance 2013 PC 29800(a)(1) Poss/Own Firearm by Felon or Addict 2013 PC 273a(a) Abuse/Endanger Health of Child Released from CDCR on 10/25/2016 (Note: 4/9/2019 PC 3453 120 days jail)</p> <p>The circumstances of the incarcerated person’s prior criminal record that mitigate the incarcerated person’s current risk of violence or significant criminal activity are: -The incarcerated person has not been convicted of a</p>

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						<p>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 incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ul style="list-style-type: none"> - The incarcerated person 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 IP was released from a prior felony term on 10/25/2016, and convicted of the current offenses on 7/2/2021, which is 4 years, 8 months, 7 days later. <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because while the IP may not have any felony convictions pursuant to PC 667.5(c), this is outweighed by the short amount of time from his release from prison for a prior assaultive felony term and the current conviction. The IP was convicted of the current offenses less than five years after his release from a prior term for an assaultive crime, see PC 273a(a). This is probative of a risk of violence. Accordingly, the prior criminal record factor is overall aggravating.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 17, 2021, a period of approximately 2 years, 2 months, 23 days. The incarcerated person has been involved in the following activities:</p> <p>SERIOUS RULE VIOLATION REPORTS: n/a</p>

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						<p>CONFIDENTIAL MEMOS: n/a VOCATIONAL/EDUCATIONAL/WORK ASSIGNMENTS: 5/2023 - 10/2023 Dining Room Line Server 3/2022 - 4/2022 Adult Basic Education III 1/2022 - 4/13/2022 Adult Basic Education I - Completed SELF-HELP AND REHABILITATION: 11/2022-3/2023 CBI - Outpatient Completed 3/2023 Chrono 80% of Living In Balance ISUDT complete Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because the IP has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to the IP's criminal behavior, for a sustained period. He has some self-help, see hours listed above. However, he has yet to fully address the assaultive nature of his various weapon convictions and firearm discharges. Accordingly, the institutional adjustment factor is 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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: IP Self Support, received 10/13/2023.</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 factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant</p>

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						<p>criminal activity. To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the IP's record to determine all physical and cognitive disabilities documented for this IP. 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 IP's current commitment offense, prior criminal record, and institutional behavior are considered aggravating. The IP's current offense involved the use of deadly weapon and threat of physical injury to victims, resulting in at least one gunshot wound victim. The IP'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 five years, before being convicted of the current offenses. The IP 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, for a sustained period of time. For these reasons, the IP poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Eleanore Adams</i></p>
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<p>John Elmer Stoller</p> <p>21CR02241 22CR00738</p>	<p>05/18/2022</p>	<p>PC § 459/460(B) Second Degree Burglary</p> <p>PC § 496(D) Possession of Stolen Vehicle</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>40 mos.</p>	<p>05/31/2023</p>	<p>07/14/2023: Expedited Release APPROVED.</p> <p>Decision for Stoller, John, BS6249: 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 approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the incarcerated person's current commitment offense(s) mitigate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 4 years, 8 months on the current commitment offenses. The commitment offenses are:</p> <ol style="list-style-type: none"> 1. PC 496(d) "possess stolen vehicle" (10-4-21) (16 months doubled per prior strike = 2 years, 8 months) 2. PC 459 2nd "burglary, second degree" (10-5-21) (8 months) 3. HS 11378(a) "possess controlled substance for sale" (7-19-20) (8 months doubled per prior strike = 1 year, 4 months) <p>FACTS:</p> <p>On 10-4-21 the incarcerated person (hereafter, "IP") was observed driving a stolen vehicle. After a traffic stop, he fled on foot but was detained at gun-point, cited and released.</p> <p>On 10-5-21 the IP burglarized a ranger station. No one was present in the ranger station during the burglary.</p> <p>There are no factual reports regarding the 7-19-20 offense. According to the charging document, the IP possessed over two ounces of methamphetamine for sale.</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 no aggravating circumstances, and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> 1. The incarcerated person did not personally use a deadly weapon. 2. No victims suffered physical injury or threat of physical injury. 3. There were no convictions involving large-scale criminal activity. <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 incarcerated person's prior criminal history began in 2007 and continued until the commitment offenses in 2022. The incarcerated person's prior criminal record is a factor mitigating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions:</p> <p>2007 -- PC 273.5(a) "inflict corporal injury on spouse/cohabitant"</p> <p>2015 -- PC 243(d) "battery w/serious bodily injury" (365 days jail)</p> <p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> 1. The incarcerated person 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. None noted. 2. The incarcerated person 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). He paroled
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						<p>on 11-26-08 and served 365 days of County jail in 2015, but he was convicted on the instant matters on 4-20-22, 10-27-21, and 6-7-21, a period exceeding five years from both the parole date and County jail sentence.</p> <p>The circumstances of the incarcerated person's prior criminal record that aggravate the current risk of violence or significant criminal activity are:</p> <p>1. None.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record mitigate the incarcerated person's current risk of violence or significant criminal activity because they show a lack of a "violent" conviction and the IP's ability to refrain from criminal behavior for an extended period of time, which is reflective of his behavioral stability and ability to follow the rules and norms of society. Also, there are no aggravating circumstances to weigh against. Consequently, the prior criminal record is found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 30, 2021, a period of approximately 13 months.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>SERIOUS RULE VIOLATION REPORTS: None. CONFIDENTIAL INFORMATION: None. VOCATIONAL/EDUCATIONAL/WORK ACTIVITIES: College (5/23 - in progress), GED Class (6 hr, 3/23), Clothing Distribution (498.5 hr, 1/23 - 7/23), ABE III (30 hr, 2/23 - 3/23) SELF-HELP: Alcoholics Anonymous (2 hr, 5/23), Responsible</p>

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						<p>Father (6 hr, 5/23 - 7/23), Anger Management (8 hr, 4/23 - 7/23), Narcotics Anonymous (8 hr, 4/23 - 7/23)</p> <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The incarcerated person has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison and does not have recent institutional Rules Violation Reports. 2. There is no reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since his or her last admission to prison. None noted. 3. The incarcerated person has successfully participated in vocational, educational, or work assignments for a sustained period of time, including nearly 500 hours in the Clothing Distribution job assignment. <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior. As noted above, the IP's self-help participation is deemed limited. <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming mitigate the incarcerated person's current risk of violence or significant criminal activity because he has maintained behavioral</p>

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						<p>stability, worked a significant amount of hours, and participated in education and some self-help. Although self-help participation is deemed limited, the lack of rule violation reports, lack of confidential information, participation in education, participation in work activities, and some self-help, are circumstances more probative of current stability and accorded greater weight. On balance, therefore, the IP's institutional adjustment is a mitigating factor.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: IP's self-support (6-30-23) (10 pg), IP's self-support (6-29-23) (21 pg), and Jerry Stoller (6-27-23).</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 (13 months), the incarcerated person's age (38), the incarcerated person's physical and cognitive limitations (none), the factors mitigating the incarcerated person's current risk of violence outweigh the factors aggravating the incarcerated person'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 IP's record to determine all physical and cognitive disabilities for this IP. 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 under review are mitigating. There are no</p>

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						<p>aggravating factors to weigh against. The IP's prior record mitigates his risk because it shows he had coping skills to remain law abiding in the community for an extended period of time, and he does not have a "violent" felony in the past 15 years. The commitment offenses are mitigating because there was no weapon involved and no threat of physical injury in any of the cases. His institutional adjustment factor is mitigating despite limited self-help programming. In prison, the IP participated in a considerable amount of hours working in the clothing distribution job assignment. He remained discipline-free and free of confidential information, showing behavioral stability. Although in a limited fashion, he did participate in college and some self-help activities. Overall, his institutional adjustment shows only pro-social behavior. Thus, the IP does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is approved for release.</p> <p style="text-align: right;"><i>Rosalio Castro</i></p>
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<p style="text-align: center;">Richard Thomas Sullivan</p> <p>SCUK CRCR 18-93672</p>	<p>09/21/2018</p>	<p>VC § 10851(a) Theft of a Vehicle</p> <p>PC § 459/460(B) Second Degree Burglary</p> <p>VC § 2800.2(a) Evading a Peace Officer</p> <p>PC § 667.5(B) X 5 Prior Prison Commitment</p>		<p>124 mos.</p>	<p>02/16/2022</p>	<p>04/15/2022: Expedited Release DENIED.</p> <p>Decision for Sullivan, Richard, BH5979: 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 ten (10) years and four (4) months on the current commitment offenses. The commitment offenses are:</p> <p>CONVICTION DATE: July 27, 2018 CODE / OFFENSE / SENTENCE</p> <ol style="list-style-type: none"> 1. VC 10851(e) Vehicle Theft with Prior / 4 years (upper term) 2. PC 459 Second Degree Burglary / 8 months (1/3 midterm consecutive) 3. VC 2800.2(a) Evade Officer While Driving Recklessly (1/3 midterm consecutive) <p>*PC 667.5(b) Prior Prison Term (5 counts)/ 5 years consecutive (1 year x 5 counts)</p> <p>On March 15, 2018, the inmate, who had nowhere to live, broke into the victim's vacation home and stayed there. The victim arrived to his vacation home in the midst of the inmate occupying said home. The inmate explained to the victim that he didn't intend to steal anything and then fled. A few days later, a deputy attempted to stop the inmate,</p>

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						<p>who was driving a stolen vehicle. The inmate reacted by driving away from the deputy at a high rate of speed, in excess of sixty (60) miles per hour (MPH), as he crossed over double yellow lines on multiple occasions. He turned a corner, lost control of his vehicle, struck a utility pole, and stopped after he hit two large rocks. He exited the vehicle and fled 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. The inmate drove his vehicle recklessly to avoid arrest, which is inherently dangerous and implies the threat of injury.</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 1994 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> <p>YEAR / CODE / OFFENSE 1994 PC 459 First Degree Burglary PC 459 Second Degree Burglary 1998 PC 666 Petty Theft with a Prior 2002 PC 666 Petty Theft with a Prior 2005 VC 10851(a) Vehicle Theft 2008 PC 12020(a) Manufacture/Possess Deadly Weapon 2009 PC 496(a) Receipt of Stolen Property</p>

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						<p>2010 PC 666 Petty Theft with Prior 2012 PC 666.5(a) Vehicle Theft with Prior VC 2800.2(a) Evade Officer While Driving Recklessly 2015 PC 666.5(a) Vehicle Theft with Prior</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. He was released from his last prison term in March of 2018 and convicted of his current offenses four (4) months later in July of 2018.</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 from incarceration for a lengthy period of time. He was free from his last prison sentence for only 4 months when he re-offended. His failure to maintain his freedom is a circumstance that weighs heavily against other mitigating circumstances because it aggravates his risk of recidivism and current violence to 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 October 18, 2018, a period of approximately</p>

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						<p>three (3) years and six (6) months. The inmate has been involved in the following activities: SERIOUS RULE VIOLATIONS</p> <ol style="list-style-type: none"> 1. October 11, 2021 Refusing to Provide Urine Sample for Testing of Controlled Substances (CS) 2. August 6, 2021 Battery on an Inmate 3. August 6, 2021 Battery with a Deadly Weapon 4. May 27, 2020 Unauthorized Possession of Drug Paraphernalia 5. April 22, 2020 Possession of a Cellular Telephone 6. March 31, 2020 Fighting 7. March 5, 2020 Possession of a Cellular Telephone 8. March 1, 2020 Possession of Contraband 9. February 25, 2020 Possession of a Cellular Telephone 10. January 20, 2020 Borrowing of Personal Property 11. March 22, 2019 Battery on an Inmate <p>There is a Confidential Memorandum that was deemed to be reliable dated January 30, 2021, implicating the inmate in criminal activity.</p> <p>VOCATIONAL & WORK ASSIGNMENTS</p> <ul style="list-style-type: none"> - May 2021 to March 2022 / Facility C Program Porter - September to November 2019 / Vegetable Prep Crew <p>EDUCATIONAL ASSIGNMENTS None</p> <p>SELF-HELP/REHABILITATIVE PROGRAMS None</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 there are no mitigating circumstances. The inmate has serious Rule Violations for violent behavior. There is a Confidential Memorandum implicating him in criminal activity. He has limited participation in educational, work, and vocational assignments. Moreover, the inmate has no participation in self-help programs.</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: INMATE RICHARD SULLIVAN, dated March 16, 2022 and Gatehelp Inc, dated March 3, 2021.</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 and the inmate's age, forty-six 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>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 offenses, prior criminal record and his institutional behavior aggravate his current risk for</p>

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						<p>violence. He is incarcerated for dangerous behavior - the inmate drove recklessly to avoid detention by a peace officer. His prior criminal record also aggravates his risk because he has failed to maintain his freedom from incarceration for a lengthy period, aggravating his risk of recidivism and danger. Finally, the inmate's institutional behavior aggravates his risk because he engaged in institutional misconduct involving violent behavior. There are no factors that mitigate the inmate's risk for violence, as such, the inmate poses a current risk of violence to the community. The inmate is denied for release.</p> <p><i>Mary Dang</i></p>
<p>John Anthony Vella 22CR01752</p>	<p>08/02/2022</p>	<p>PC § 69(a) Resisting a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>32 mos.</p>	<p>10/12/2023</p>	<p>11/22/2023: Expedited Release DENIED.</p> <p>Decision for Vella, John, BU1231: 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 incarcerated person's current commitment offense aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 2.8 years on the current commitment offense. The commitment offense is PC 69 [02] Resisting/Deterring officer with Threat/Violence – 2.8 years (Doubled per Penal Code 667, subds. [b] - [j] or 1170.12: Strike Prior),</p>

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						<p>Subject was convicted on 08/02/22. On 07/16/22, subject was sleeping on a parked motorcycle when awakened by a CHP officer. Subject admitted recent use of methamphetamine and was arrested for DUI. Subject denied being DUI and pulled both hands away from the officer. Subject then aggressively faced the officer in a bladed stance with clenched fists. Subject suddenly fled and had to be taken to the ground by the officer. 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>There were one or more victims who suffered physical injury or the threat of physical injury. Subject physically resisted being arrested causing the CHP officer to risk injury caused by subject's aggression against him. 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 incarcerated person's prior criminal history began in 1994, and continued until the commitment offenses in 2022. The incarcerated person's prior criminal record is a factor aggravating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions: PC29800(a)(1)[01] Poss/Own Firearm by Felon or Addict (10/23/2018) PC29800(a)(1)[01] Poss/Own Firearm by Felon or Addict (2018) PC30305(a)[01] Possess Ammunition by Prohibited Person (2018) PC4502(a)[01] Possession/Manufacture of Deadly Weapon by Prisoner (1998)</p>

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						<p>PC192 (a) Vol. Manslaughter/Use of firearm - a violent felony, as defined in subdivision (c) of section 667.5 of the Penal Code (1995)</p> <p>HS11377 (a) Possession of controlled substance Reduced to Misdemeanor (1994)</p> <p>PC242 Battery (1992)</p> <p>The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:</p> <p>1. The subject has not been convicted of a violent felony, as defined in subdivision (c) of section 667.5 of the Penal Code within 15 years of this review.</p> <p>The circumstances of the incarcerated person's prior criminal record that aggravate the incarcerated person's current risk of violence or significant criminal activity are:</p> <p>1. The subject's prior criminal convictions, coupled with subject's current conviction, show a pattern of assaultive behavior. Subject has suffered separate, prior convictions for: PC4502(a)[01] Possession/Manufacture of Deadly Weapon by Prisoner (1998), PC192 (a) Vol. Manslaughter/Use of firearm (1995), PC242 Battery (1992). These crimes involve conduct that is both assaultive and inherently threatening. Subject's current conviction also has an assaultive and threatening nature as well, which demonstrates a continuation of this pattern of assaultive behavior.</p> <p>2. The subject was not free from incarceration for a felony conviction for five years or more prior to subject's current conviction. Subject was released to PRCS jurisdiction for the 2018 PC29800(a)(1)[01] Poss/Own Firearm by Felon or Addict conviction on 02/22/22, and subject was convicted of the current crime 08/02/22, within less than 1 year of such release.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior</p>

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						<p>criminal record aggravate the incarcerated person's current risk of violence or significant criminal activity because subject has a history of past convictions for assaultive and threatening behavior. This criminal record of repetitive assaultive conduct and subject not remaining free within the community for 5 years, coupled with the very assaultive and threatening behavior involved in the new current crime for which subject has been convicted, make subject's continuing assaultive conduct and assaultive criminal record an aggravating risk factor that outweighs the fact that subject has not been convicted of a violent felony within 15 years of this review.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since September 12, 2022, a period of approximately 14 months.</p> <p>The incarcerated person has been involved in the following activities:</p> <p>RVR's for physical injury or threat thereof/Serious RVR's: Possession of controlled substance in Jail/Prison. On 05/25/21, subject was in possession of an inmate manufactured hypodermic syringe and a spare plunger concealed within the cane. Subject was convicted of PC4573.6[03] Possession of a controlled substance in Jail/Prison and received a two-years Consecutive TATE term on 12/08/22. The RVR was not considered in this decision.</p> <p>Confidential information: None Vocational training: None Work assignments: Dining (164.5 hours) Educational programming: ABE3 (5 weeks/4 hours)</p>

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						<p>GED (113 hours) Self-help classes/rehabilitative programming: CBI Outpatient (2 Months/2 hours - currently)</p> <ol style="list-style-type: none"> 1. The subject has not been found guilty of institutional RVR's resulting in physical injury or threat of physical injury since subject's last admission to prison, or of a Serious RVR. 2. There is no reliable information in the Confidential section of the subject's central file indicating that subject has engaged in criminal activity since subject's last admission to prison. 3. The subject has successfully participated in vocational, educational, or work assignments for a sustained period. <p>The following circumstances of the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> 1. The subject has limited participation in available rehabilitative or Self-help/rehabilitative programming to address the circumstances that contributed to subject's criminal behavior. Subject has been incarcerated for a total of 14 months. The subject has participated in some Self-help programming, as noted. However, given the nature of the commitment offense, which included the subject being assaultive and threatening while under the influence of narcotics, subject must program in a manner to fully address the circumstances that contributed to the subject's criminal behavior for a sustained period of time. <p>In addition, subject has participated in self-help programming while incarcerated with the MAT program. However, subject's records reflect failed drug tests: Amphetamines on 09/19/23, 08/14/23, 05/19/23, Fentanyl on 08/14/23, 05/19/23. Given the recent drug use and the</p>

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						<p>fact that it involves ongoing criminal activity while incarcerated, this criminal thinking and negative conduct also indicates that the subject's self-help programming is insufficient to address subject's criminal behavior and subject's programming is, therefore, limited.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because and despite 14 months of incarceration, subject has not sufficiently begun to participate in rehabilitative Self-help programming; the efforts to date are not considered sustained or sufficient to address fully subject's criminal thinking and criminal behavior. Subject must program in a manner to fully address the circumstances that contributed to the subject's criminal thinking and behavior for a sustained period of time to ensure that subject will not again resort to such criminal conduct once returned to the community.</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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision: Vella BU1231, 11/03/23.</p> <p>SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including all the aggravating factors and the absence of any mitigating factors, the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person's current risk of violence or significant criminal activity.</p>

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						<p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the subject's record to determine all physical and cognitive disabilities documented for this subject. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all the factors considered.</p> <p>Subject's current crime is aggravating because it involved subject engaging in assaulting and threatening behavior while under the influence of illegal narcotics.</p> <p>Subject's prior criminal record is aggravating because subject was unable to remain free in the community for five years before committing the current offense, and because subject's past crimes and current conviction demonstrate a continued pattern of assaultive behavior.</p> <p>Subject's conduct while incarcerated is aggravating because despite 14 months of incarceration, subject has not done sustained Self-help programming to address the circumstances contributing to subject's criminal behavior to ensure that when returned to the community, subject will not resort back to the same criminal thinking that resulted in subject's commission of the current offense.</p> <p>For such reasons, subject does pose a current, unreasonable risk of violence, or a current, unreasonable risk of significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Kenneth Allen</i></p>
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<p>Jarrett James Williams</p> <p>SCUK CRCR 17-88879</p>	<p>07/07/2017</p>	<p>PC § 459/460(A) X 5 First Degree Burglary</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>256 mos.</p>	<p>03/11/2024</p>	<p>04/29/2024: Expedited Release DENIED.</p> <p>Decision for William, Jarrett, BC5225: 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 incarcerated person's current commitment offenses aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 24 years on the current commitment offenses. The commitment offenses are:</p> <ul style="list-style-type: none"> • 1st Degree Burglary (PC 459) • 1st Degree Burglary (PC 459) • 1st Degree Burglary (PC 459) • 1st Degree Burglary (PC 459) • 1st Degree Burglary (PC 459) • 1st Degree Burglary (PC 459) <p>Enhancements under PC 1170.12 and PC 667. Convicted on 6/14/2017.</p> <p>Recklessly Evading Peace Officer (VC 2800.2(a)) Convicted on 1/27/2017.</p> <p>Facts of the Commitment Offenses: Between 11/2/2015 and 7/8/2016, the incarcerated person committed multiple residential burglaries of eight separate residences, stealing personal property from the victims therein. During the burglaries, the incarcerated person damaged the residences themselves and stole an estimated \$138,000 in valuables, such as jewelry and</p>

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						<p>electronics, from the victims.</p> <p>On or about 1/15/2016, the incarcerated person was observed in a parked car with its lights on in a church parking lot. Law enforcement officers approached the car to investigate, however when the officers attempted to contact the car and driver, the incarcerated person accelerated their car away from the officers. The incarcerated person sped through a stop sign and drove on the wrong side of the road as the officers tried to stop them; during the pursuit, the incarcerated person exceeded 75 miles per hour, drove on the wrong side of the road and failed to stop for multiple stop signs. The incarcerated person's car ultimately got stuck in mud, at which point the incarcerated person fled on foot but was ultimately apprehended. The incarcerated person had been drinking shortly before the incident.</p> <p>On or about 7/15/2016, the incarcerated person and an accomplice were stopped by police officers and found in possession of 22.2 grams of methamphetamine and several items, such as jewelry and tools, that had been recently stolen from a local residence.</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. While evading and eluding peace officers, the incarcerated person willfully and wantonly disregarded the safety of the public. In doing so, the conduct and actions of the incarcerated person threatened members of the public including pedestrians and other drivers on the road as well as law enforcement officers with great bodily injury or death.</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 incarcerated person’s prior criminal history began in 1990 and continued until the commitment offenses in 2017. The incarcerated person’s prior criminal record is a factor aggravating the incarcerated person’s current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions:</p> <p>Adult Convictions:</p> <ul style="list-style-type: none"> • 1990: Escape Jail with Force (PC 4532(a)), misdemeanor • 1993 Battery on Peace Officer with Injury (PC 243(c)), released from CDCR on 3/17/1995 • 1998: Vehicle Theft (VC 10851(a)) – separate case from below • 1998: Vehicle Theft (VC 10851(a)) • 2000: Vehicle Theft (VC 10851(a)); Hit and Run: Death or Injury (VC 20001(a)); Reckless Evading (VC 2800.2(a)), released from CDCR on 8/2/2002 • 2003: Reckless Evading (VC 2800.2), released from CDCR on 6/29/2006 • 2007: First Degree Burglary (PC 459); Reckless Evading (VC 2800.2(a)), released from CDCR on 9/7/2010 • 2011: Possession of a Controlled Substance (HSC 11377(A)), released from CDCR on 2/27/2015 <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person’s prior criminal record aggravate the incarcerated person’s current risk of violence or significant criminal activity because the absence of a statutorily violent felony conviction within the past 15 years is outweighed by the otherwise violent nature of the incarcerated person’s criminal history reflected in the incarcerated person’s previous and current felony and relevant misdemeanor</p>

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						<p>convictions. Notably, the incarcerated person’s criminal history demonstrates a pattern of assaultive behavior including the violent and dangerous behavior exhibited in the commitment offenses, which has been undeterred by the incarcerated person’s prior periods of incarceration including the period of confinement preceding the current crimes. Moreover, the incarcerated person has engaged in a pattern of entrenched and increasingly severe criminal conduct notwithstanding the detrimental consequences suffered by the incarcerated person and the danger to the safety of the public. Accordingly, the incarcerated person’s poor impulse control, ingrained and unrelenting criminal lifestyle and increasingly elevated risk of reoffending in a violent or assaultive manner is highly probative of the incarcerated person’s current, unreasonable risk of violence or significant criminal activity. Therefore, the prior criminal record is found to be an aggravating risk factor in this case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since March 16, 2017, a period of approximately 7 years. The incarcerated person has been involved in the following activities:</p> <p>Disciplinary Actions:</p> <ul style="list-style-type: none"> • 8/14/2023: Possession of Cell Phone • 3/3/2022: Delaying Peace Officer in Performance of Duties • 7/23/2021: Possession of Cell Phone • 9/5/2020: Destruction of State Property Less than \$400 • 1/9/2019: Tattoo Paraphernalia <p>Vocational Training:</p>

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						07/10/2021 - 08/10/2023 Vocational Computer & Related Technology (359.25 hours) Educational Studies: <ul style="list-style-type: none"> • 12/20/2023 - 12/20/2023 College AA/AS Degree - Bio Psychology (3 credits) • 12/01/2023 - 12/01/2023 College AA/AS Degree - Intro To Ethnics (in progress) • 06/07/2023 - 07/11/2023 College AA/AS Degree - Multicultural Music (withdrew) • 12/17/2022 - 05/25/2023 College AA/AS Degree - Intro To Psychology (no credit) • 06/02/2022 - 08/24/2022 College AA/AS Degree - Political Science (no credit) • 02/16/2022 - 05/13/2023 Crocheting For Charity (31.5 hours) • 01/18/2022 - 03/22/2022 College AA/AS Degree - Intro To Psychology (withdrew) • 08/16/2021 - 10/22/2021 College AA/AS Degree - Social Justice (withdrew) • 08/16/2021 - 10/22/2021 College AA/AS Degree - Business (withdrew) • 02/03/2021 - 07/30/2021 College (Onsite) - Social Issues And Prob (no credit) • 02/03/2021 - 08/02/2021 College (Onsite) - Introduction To Psychology (no credit) • 10/27/2020 - 11/10/2020 College (Onsite) - Introduction To Psychology (withdrew) • 10/27/2020 - 11/10/2020 College (Onsite) - Women In American History (withdrew) • 10/27/2020 - 03/04/2021 College (Onsite) - Student Life Success (3 credits) • 04/04/2020 - 10/13/2022 Drumming (no hours recorded) • 03/04/2020 - 08/08/2020 College (Onsite) - Business (3 credits) • 02/25/2020 - 03/17/2020 Adult Basic

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						<p>Education I (10 hours)</p> <ul style="list-style-type: none"> • 01/18/2020 - 02/27/2020 College (Onsite) - Business (withdrew) • 01/17/2020 - 08/08/2020 College (Onsite) - Political Science (3 credits) • 11/09/2019 - 07/31/2023 Creative Writing (49.25 hours) • 11/02/2018 - 04/15/2019 Inside out Writers (8 hours) • 07/17/2018 - 07/24/2018 Actors' Gang (3.5 hours) • 06/21/2018 - 07/23/2018 Adult Basic Education II (18 hours) <p>Work Assignments: 08/08/2018 - 12/12/2018 Porter (364.5 hours)</p> <p>Rehabilitative Programming:</p> <ul style="list-style-type: none"> • 03/27/2024 - Present O-2 SAR (no hours recorded) • 03/26/2024 - Present Alcoholics Anonymous (2 hours) • 01/13/2024 - Present ISUDT Intensive (67.25 hours) • 11/23/2022 - 06/05/2023 Controlling Anger (13 hours) • 07/26/2022 - 11/23/2022 Self-Awareness & Recovery (no hours recorded) • 06/12/2021 - 08/04/2021 Alcoholics Anonymous (no hours recorded) • 06/12/2021 - 08/04/2021 Narcotics Anonymous (no hours recorded) • 10/13/2020 - 06/11/2021 Alcoholics Anonymous (7.25 hours) • 04/08/2020 - 07/13/2022 Dev. Of Healthy Rel. (7 hours)

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						<ul style="list-style-type: none"> • 04/07/2020 - 07/27/2022 Reboot (no hours recorded) • 03/05/2020 - 6/11/2021 Narcotics Anonymous (16.25 hours) • 01/03/2020 - 02/06/2020 Rise (3 hours) • 06/11/2019 - 06/01/2021 Alcoholics Anonymous (9 hours) • 01/14/2019 - 04/15/2019 Ramp-Skills Development (7.25 hours) • 06/21/2018 - 07/23/2018 Family Relations (CBT) (8.5 hours) • 06/21/2018 - 07/23/2018 Criminal Thinking (CBT) (17 hours) • 06/21/2018 - 07/23/2018 Anger Management (CBT) (25.5 hours) • 06/15/2018 - 07/23/2018 CHS- Catalyst Foundation (2 hours) • 04/18/2018 - 07/13/2018 AA (3.75 hours) • 03/06/2018 - 06/27/2018 In Cell NA (12 hours) • 02/11/2018 - 07/23/2018 In Cell AA (no hours recorded) <p>Chronos / Completion Certificates: 7/7/2023: Participation in Insight into Core Values (12-week course)</p> <p>The incarcerated person's participation in the Mental Health Services Delivery System ("MHSDS") at the Correctional Clinical Case Management System ("CCCMS") level of care from 3/16/2017 to the present, including the educational opportunities and treatment therapies, has been considered in rendering this decision.</p> <p>Records indicate the incarcerated person has met with various clinicians for approximately 31 hours and has engaged in 48 hours of group therapy (Process).</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work</p>

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						<p>history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because the positive efforts the incarcerated person has demonstrated in their institutional adjustment to date are insufficient to outweigh the aggravating circumstances.</p> <p>The incarcerated person's continued involvement in unlawful or prohibited conduct during the current term is probative of the incarcerated person's current risk of dangerousness to the public safety if released into the community. The incarcerated person's limited participation in positive programming has not successfully addressed the circumstances that contributed to the criminal behavior or the salient issues of the incarcerated person's criminality. Specifically, it is clear the incarcerated person has not yet fully addressed their substance abuse this term, which was a circumstance that contributed to the criminal behavior of the commitment offenses. Records reflect that the incarcerated person engaged in the use of methamphetamine and opiates (fentanyl), as reflected in the toxicology screenings dated 7/18/2023 and 4/26/2023. Because of the clear and direct nexus between the incarcerated person's substance use during the commission of the commitment offenses and recent substance use in the institution, participation in rehabilitative or self-help programming has not yet addressed the circumstances that contributed to the criminal behavior.</p> <p>The circumstances in aggravation are given great weight due to the dangerous behavior exhibited by the incarcerated person during the commission of the commitment offenses and the risk of recidivism and aggravated risk of violence or significant criminal activity demonstrated by the incarcerated person's prior criminal record. Therefore, the positive aspects of the incarcerated person's institutional behavior are insufficient to outweigh</p>

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						<p>the aggravating circumstances and/or sufficiently mitigate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person clearly requires a lengthier period of behavioral stability and rehabilitation in order to adequately mitigate the current risk of violence or significant criminal activity. Overall, the circumstances of the incarcerated person's institutional adjustment and behavior are found to be 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 incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision:</p> <p>Any and all responses from prior reviews in the incarcerated person's file have been reviewed and considered in this decision.</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 (7 years), the incarcerated person's age (55 years), and any physical and cognitive limitations (MHSDS, no current finding), the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person'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 incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p>

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						<p>The incarcerated person's current commitment offenses, prior criminal record and institutional adjustment are all factors that aggravate the current risk of violence or significant criminal activity.</p> <p>The threat of physical injuries posed by the incarcerated person's conduct during the commission of the current crimes, the inability to remain crime-free in the community for any significant period of time, the incarcerated person's historical pattern of criminally assaultive behavior, and the continued unlawful activity and prohibited conduct exhibited during the current term all aggravate the incarcerated person's current risk of violence or significant criminal activity.</p> <p>Moreover, the failure to address the salient issues of the incarcerated person's criminality by successfully participating in positive programming for a sustained period of time, particularly in the area of substance abuse, is highly probative of the incarcerated person's current risk to reoffend in a violent or threatening manner if released to the community.</p> <p>In totality, the aggravating risk factors display past and recent violence and criminality as well as the incarcerated person's failure to mitigate the risk of recidivism by successfully participating in positive programming for a sustained period of time.</p> <p>For these reasons and those addressed in this decision, the incarcerated person poses a current, unreasonable risk of violence or significant criminal activity to the community. The incarcerated person is denied for release.</p> <p style="text-align: right;"><i>Brenna Kantrovitz</i></p>

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<p>Jarrett James Williams</p> <p>SCUK CRCR 17-88879</p>	<p>07/07/2017</p>	<p>PC § 459/460(A) X 5 First Degree Burglary</p> <p>PC § 1170.12 Prior Strike Conviction</p>	<p>To: Board of Parole Hearings CDCR From: Scott McMenomey, Deputy District Attorney</p> <p>Re: Opposition to Inmate Jarrett Williams Early Release.</p> <p>The Mendocino County District Attorney has received notice that the Board of Parole Hearings (BHP) is reviewing Inmate Jarret James Williams (Williams) for Nonviolent Parole Release.</p> <p>Williams was committed to the California Department of Corrections and Rehabilitation (CDCR) after she committed no less than seven first degree burglaries and one second degree burglary in Mendocino County and an additional first degree burglary from Lake County. The defendant also had multiple prison priors and a strike prior.</p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Jarrett James Williams.</p> <p>A. <u>Trial Court Procedural History of SCUK-CRCR-1788879</u></p> <p>On January 31, 2017 the Mendocino County District Attorney's Office filed a criminal complaint charging</p>	<p>256 mos.</p>	<p>03/10/2023</p>	<p>04/19/2023: Expedited Release DENIED.</p> <p>Decision for William, Jarrett, BC5225: 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 24 years on the current commitment offense(s). The commitment offense(s) is/are PC 459 First Degree Burglary, 6 years doubled to 12 years due to a prior strike conviction; 4 counts of PC 459 First Degree Burglary, 16 months doubled to 2 years, 8 months on each count due to a prior strike conviction; one count of PC 459 Second Degree Burglary, 8 months doubled to 1 year, 4 months due to a prior strike conviction; and VC 2800.2 Reckless Evading, 3 years doubled to 6 years due to a prior strike conviction, concurrent, for a total term of 24 years. The dates of the convictions is 1/27/17 and 6/14/17.</p> <p>During the months of November of 2015 and June and July of 2016, the inmate carried out eight residential burglaries in Mendocino County, a residential burglary in Lake County, and a commercial burglary in Mendocino County. Reported losses from victims of the residential burglaries exceeded \$138,000. The inmate admitted to Lake County Probation to being an intravenous drug user.</p> <p>On 1/15/16, Lake County Deputies observed the inmate parked with her headlights on in a church parking lot. As</p>

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			<p>Williams with the following: Count #1 - Felony First Degree Burglary on June 21st, 2016 - victim Kikue Hilton Count #2 - Felony First Degree Burglary on June 24th, 2016 - victim Sue Browder Count #3 - Felony First Degree Burglary on June 27th, 2016 - victim Dorothy Ledford Count #4 - Felony First Degree Burglary on July 1st, 2016 - victim Mary Thomas Count #5 - Felony First Degree Burglary on July 5th, 2016 - victim Antonio Gil Count #6 - Felony Second Degree Burglary on July 8th, 2016 - victim Susan Rudich Count #7 - Felony First Degree Burglary on July 10th, 2016 - victim Scott Willoughby On March 29, 2017 a removal order for prisoner to return to Mendocino County was filed as Williams was then in CDCR serving a sentence from Lake County. On May 16th , 2017 an amended complaint was filed adding yet another Felony First Degree Burglary on November 2nd , 2015 along with a strike allegation under 1170.12 of the California penal code for a prior first degree burglary occurring on March 15th , 2007 and seven prior prison terms under penal code</p>			<p>deputies approached the vehicle, it began to travel towards them. The inmate then stopped her vehicle, and stared at the deputies as they attempted to make contact with her. The inmate began to accelerate away from the deputies, ignoring deputies calling out for the inmate to stop as she drove past them. The inmate then refused to yield to deputies in pursuit and drove on the wrong side of the road, through stop signs and at excessive speeds exceeding 75 mph. The inmate ultimately went off the roadway and into a field where her vehicle became stuck in the mud, and the inmate was apprehended after a short foot pursuit. Deputies noted the inmate had the odor of alcohol emanating from her person, and she was found to have a .05 BAC.</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 a threat of physical injury. The inmate caused other motorists, pedestrians and deputies in pursuit to suffer a threat of physical injury when she drove recklessly through stop signs and in opposing traffic lanes attempting to evade deputies.</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 1990 and continued until the commitment offense(s) 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: 1990 PC 4532(A) Escape Jail/Etc. W/Misd.</p>

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			<p>section 667.5(b). A stipulated plea disposition was reached between the parties on June 14th , 2017, the date the preliminary hearing was schedule to occur. Williams pled guilty to four counts of first degree burglary (#'s 2, 4, 5, 8) and one count of second degree burglary (#7). Williams also admitted the strike allegation. The balance of the complaint was dismissed with Harvey waivers. Williams having now been convicted of five separate strike offenses, four from this case and one from earlier. Sentencing occurred on July 7, 2017 wherein the defendant received a combined sentence of twenty four years in the California Department of Corrections for both the Mendocino County case (21 years, 4 months) and the Lake County case (32 months consecutive). As of today's date, the defendant has served less than seven years of the imposed sentence.</p> <p><u>B. Administrative Review Criteria</u> The Mendocino County District Attorney's Office is not provided with the institutional programming information CDCR has traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following</p>			<p>Force/Violence; 1993 PC 243(C) Battery on Peace Officer with Injury; 1998 VC 10851(A) Vehicle Theft x 2; 2000 VC 10851(A) Vehicle Theft, VC 20001(A) Hit and Run: Death or Injury, VC 2800.2 Reckless Evading; 2003 VC 2800.2 Reckless Evading; 2007 PC 459 First Degree Burglary, VC 2800.2 Reckless Evading, 2011 HS 11377(A) Possession of C/S. 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's prior criminal convictions coupled with her current convictions show a pattern of assaultive behavior. The inmate's pattern of assaultive behavior commenced in 1990 with her conviction for escape with force/violence. It continued with her 1993 conviction for battery on a peace officer with injury, a 2000 conviction for hit and run with injury/death along with her first conviction for reckless evading in 2000. The pattern continued again in 2003 and 2007 with additional convictions for reckless evading, and culminated with the inmate's fourth felony reckless evading conviction in 2017. 2. The inmate was incarcerated for a felony conviction within five years prior to her current convictions. The inmate was released from CDCR on her prior term on 2/27/15, and was convicted of her commitment offenses on 1/27/17 and 6/14/17, approximately 1 year, 11 months and 2 years, 4 months later.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p>

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			<p>conclusions: When considering the known case factors for Inmate Jarrett James V,illiams we believe that this inmate poses an unreasonable risk of violence to the communities of Northern California. We therefore adamantly oppose early release.</p> <p>1. <u>Current commitment Offenses</u></p> <p>Williams current offenses are multiple felony burglary offenses under Penal Code section 459. If a mans home is his castle, then no castle is safe from Williams breaching it's walls. Throughout 2015 and 2016, on at least seven separate occasions, Williams entered into the homes of our fellow citizens and not only stole various items of personal property from his victims, but more chillingly stole the peace and sanctuary of being safe in one's home. All of these crimes occurred after having previously been convicted of the same offense and suffering a prison sentence and strike offense.</p> <p>On November 2nd, 2015 Williams entered into the home of victim Doring in Ukiah, California. The victim's house was ransacked. The victim stated she was very upset about the incident and that she has gone through a lot of aggravation</p>			<p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since March 16, 2017, a period of approximately 6 years, 1 month.</p> <p>The inmate has been involved in the following activities: Serious RVRs: Delaying a Peace Officer in Performance of Duties 3/3/22 Possession of a Cellular Phone Component 7/23/21 Destruction of State Property Valued Less Than \$400 9/5/20 Tattoo Paraphernalia 1/9/19 Work/Vocational Assignments: Vocational Computer & Related Technology 7/10/21 - Present, 331.75 hours to date Porter 8/8/18 - 12/12/18, 364.5 hours Education Assignments: VEP College/Intro to Psychology, 12/17/22 - Present, 2.75 hours, In Progress VEP College/Political Science, 6/2/22 - 8/24/22, Grade F, no credit VEP College/Intro to Psychology, 1/18/22 - 3/22/22, withdrew VEP College/Social Justice 8/16/21 - 10/22/21, withdrew VEP College/Business 8/16/21 - 10/22/21, withdrew Onsite College/Social Issues and Problems, 2/3/21 - 7/31/21, Grade F, no credit Onsite College/Intro to Psychology 2/3/21 - 8/2/21, Grade F, no credit Onsite College/Intro to Psych 10/27/20 - 11/10/20, withdrew Onsite College/Women in American History, 10/27/20 - 11/10/20, withdrew Onsite College/Student Life Services, 10/27/20 - 3/4/21, Grade A, completed Onsite College/Business 3/4/20 - 8/8/20, Grade A,</p>

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			<p>because of it.</p> <p>On June 21st, 2016 Williams 81 year old victim Hilton was living alone after her husband passed away. Williams stole more than \$27,000 worth of items from this victim. After the crime, the victim was too terrified to return to her home and ended up moving in with her adult daughter. The victim fully supported a long prison sentence.</p> <p>On June 24th, 2016 Williams broke into the home of victim Browder stealing various items including family jewelry and electronics, much of which was never recovered.</p> <p>On June 27th, 2016 Williams stole more than \$19,000 worth of items from victim Ledford. Amongst the items stolen was jewelry given to the victim by her late husband with a priceless sentimental value. This crime had a tremendous emotional impact on the victim.</p> <p>On July 1st, 2016 Williams stole more than \$43,000 of personal items from inside the home of victim Thomas.</p> <p>On July 5th , 2016 Williams entered into the home of victim Gil stealing various pieces of expensive clothing, jewelry, liquor and toys.</p> <p>On July 9th , 2016 Williams broke into a commercial establishment in Covelo, California by breaking a window and stealing various items.</p>			<p>completed</p> <p>Adult Basic Education I 2/25/20 - 3/17/20, 10 hours</p> <p>Onsite College/Business, 1/18/20 - 2/27/20, no hours/grade documented</p> <p>Onsite College/Political Science, 1/17/20 - 8/8/20, Grade A, completed</p> <p>Adult Basic Education II 6/21/18 - 7/23/18, 18 hours</p> <p>Self-Help Participation:</p> <p>128B dated 1/10/23 notes completion of 12 week "Insight into Core Values" Group</p> <p>Controlling Anger 11/23/22 - Present, 13 hours</p> <p>Crocheting for Charity 2/16/22 - Present, 27 hours</p> <p>AA 6/12/21 - 8/4/21, 0 hours, unassigned due to lack of commitment to program</p> <p>NA 6/12/21 - 8/4/21, 0 hours, unassigned due to lack of commitment to program</p> <p>AA 10/13/20 - 6/11/21, 7.25 hours</p> <p>NA 10/2/20 - 6/11/21, 16.25 hours</p> <p>Development of Healthy Relationships 4/8/20 - 7/13/22, 7 hours, completed</p> <p>RISE 1/3/20 - 2/6/20, 3 hours, unassigned due to lack of commitment to program</p> <p>Creative Writing 11/9/19 - Present, 49.25 hours</p> <p>AA 6/11/19 - 6/1/21, 9 hours</p> <p>Skills Development Group 1/14/19 - 4/15/19, 7.25 hours</p> <p>Inside/out Writers 11/2/18 - 4/15/19, 8 hours</p> <p>Actor's Gang 7/17/18 - 7/23/18, 3.5 hours</p> <p>Family Relationships 6/21/18 - 7/23/18, 8.5 hours</p> <p>CBT Criminal Thinking 6/21/18 - 7/23/18, 17 hours</p> <p>CBT Anger Management 6/21/18 - 7/23/18, 25.5 hours</p> <p>CHS Catalyst 6/15/18 - 7/23/18, 2 hours</p> <p>AA 4/18/18 - 7/13/18, 3.75 hours</p> <p>In Cell NA 3/6/18 - 6/27/18, 12 hours, completed</p> <p>On Demand notes 48.11 hours of CCCMS Process Group Participation</p> <p>The following circumstances of the inmate's institutional</p>

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			<p>On July 10th, 2016 Williams entered the home of victim Willoughby and stole more than \$49,000 worth of items including jewelry and a priceless museum piece. The victim believes a lengthy prison is appropriate.</p> <p>In sum, Williams is a carrier criminal who has no regard for the sanctity of anyone's home. Williams is not one to be rehabilitated following incarceration as demonstrated by the fact Williams continues to commit the same type of offenses as previously incarcerated for. The financial and emotional impact Williams has had on victims, and will continue to have if released early, is incalculable.</p> <p><u>2. Prior Criminal Record</u></p> <p>Williams began his criminal conduct in 1981 in Lake County after having been convicted in Juvenile Court of stealing a vehicle. Williams was sent to the California Youth Authority (CYA) and paroled in 1983. Within a year of being paroled, Williams again committed a felony offense of burglary in 1984 in Mendocino County. Williams was violated on parole and returned to CYA where he was paroled again in 1985.</p> <p>Once again, within a year of being</p>			<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 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 one or more recent serious institutional Rules Violation Reports. The inmate was found guilty of an RVR dated 3/3/22, approximately 13.5 months ago, for Delaying a Peace Officer in Performance of Duties. Given no nexus is found to the reckless behavior of the commitment offense, the RVR is given no weight.</p> <p>2. The inmate has limited participation in available vocational, educational, or work assignments. During the inmate's over six year term, she participated in 8 college courses, completing 3 with the Grade of A. She was also assigned to one work assignment in 2018 for approximately 4 months for 364.5 hours, and has been assigned to Vocational Computer and Related Technology since 7/10/21 with 331.75 hours to date with recent progress reports dated 3/24/23 noting 4 unsatisfactory and 2 satisfactory marks, and 1/19/23 noting 5 unsatisfactory and 1 satisfactory marks. Overall, the foregoing is found to be limited, not sustained and successful.</p> <p>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to her criminal behavior, such as substance abuse. The inmate's commitment offense included her fourth conviction for reckless</p>

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			<p>paroled, William again committed a criminal offense of theft and was violated on parole and returned to CY A. Williams was paroled again in 1987.</p> <p>Becoming an adult, in 1987 Williams was jailed in Lake County for failing to appear in court.</p> <p>The next year, in 1988 Williams had moved on to committing misdemeanor crime in Santa Clara where he was granted 24 months of probation.</p> <p>That same year, 1988, Williams misdemeanor criminal conduct continued in Lake County where he was again granted probation.</p> <p>The following year, 1989, Williams went to prison following a felony escape conviction from Lake County. He was admitted to CDCR and paroled and violated three separate times.</p> <p>In 1989 Williams was convicted in Sonoma County of petty theft and later that same year was convicted of the felony offense of battery on a custodial officer in Lake County. A new four year prison sentence was imposed and he was paroled in 1985. Predictably, Williams was violated on parole and returned to prison on four separate occasions for this offense.</p> <p>In 1996 Williams was again convicted in Sonoma County of</p>			<p>evading, and she was found to have a BAC of .05 after her reckless evading commitment offense. She also committed multiple residential burglaries, and admitted to being an intravenous drug user to probation officials. To date, the inmate's participation in substance abuse self-help is found to be sporadic and limited, not sustained and successful to address substance abuse, a circumstance which contributed to her criminal behavior. It is noted her last documented substance abuse self-help was in June of 2021, with a total over her entire term of approximately 48.25 hours of substance abuse self-help.</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 commitment offense included her fourth conviction for reckless evading, and she was found to have a BAC of .05 after her reckless evading commitment offense. She also committed multiple residential burglaries, and admitted to being an intravenous drug user to probation officials. To date, the inmate's participation in substance abuse self-help is found to be sporadic and limited, not sustained and successful to address substance abuse, a circumstance which contributed to her criminal behavior. It is noted her last documented substance abuse self-help was in June of 2021, with a total over her entire term of approximately 48.25 hours of substance abuse self-help. Additionally, the inmate's work/education/vocational assignments were found to be limited, not sustained and successful. The foregoing aggravating circumstances were found to outweigh the mitigating circumstance of the absence of confidential information of criminal activity when assessing the inmate's current risk of violence.</p>

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			<p>petty theft.</p> <p>In 1997 Williams was again convicted in Mendocino County after stealing a vehicle where he was sentenced to prison.</p> <p>In 1988 Williams was convicted of stealing a vehicle in Lake County and also convicted of stealing yet another vehicle in Mendocino County, both felonies. Prison was again imposed with parole violations to follow his release.</p> <p>In 2003 Williams was convicted in Lake County of felony evading a peace officer with prison priors and was sent back to CDCR. Williams was paroled in 2006 and again violated.</p> <p>Later in 2006 Williams was convicted in Lake County of being under the influence of a controlled substance and obstructing an officer in the performance of his duties. He was granted probation.</p> <p>In 2007 Williams added two more felonies to his record after having committed another felony evading a peace officer conviction and his first felony first degree burglary conviction. He was sent to CDCR, paroled and violated again.</p> <p>In 2010 Williams was convicted of a felony possession of a controlled substance offense along with a strike prior. He was sent to CDCR, paroled and violated again.</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: A letter from the Mendocino County District Attorney's Office dated 3/24/23.</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 and the inmate's current age of 54 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>The inmate's prior criminal record was found to aggravate her current risk of violence given the inmate's pattern of assaultive behavior commenced in 1990 with her conviction for escape with force/violence. It continued with her 1993 conviction for battery on a peace officer with injury, a 2000 conviction for hit and run with injury/death along with her first conviction for reckless evading in 2000. The pattern continued again in 2003 and 2007 with additional convictions for reckless evading, and culminated with the inmate's fourth felony reckless evading conviction in 2017. Additionally, the inmate was released from CDCR on her prior term on 2/27/15, and was convicted of her commitment offenses on 1/27/17 and 6/14/17, approximately 1 year, 11 months and 2 years, 4 months later. The inmate's commitment offenses were also found to aggravate the inmate's current risk of violence as the inmate recklessly drove on the wrong side of the road and through stop signs, causing other motorists, pedestrians and deputies in pursuit to suffer a threat of physical injury. Lastly, the inmate's institutional</p>
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			<p>In 2015 Williams was convicted of misdemeanor vandalism in Lake County and granted probation, which he promptly violated. His probation being terminated as unsuccessful.</p> <p>In 2016 Williams committed his fourth felony evading a peace officer offense in Lake County and was again sent to CDCR. Also in 2016 Williams was convicted of first degree burglary again with a strike prior and was sentenced to CDCR concurrently.</p> <p>In aggravation, Williams has demonstrated that he has no regard for the safety of others while committing his various criminal offenses. Evading a peace officer in the performance of his duties poses an extreme risk to the public, in that, driving in that manner can easily lead to death.</p> <p>In addition, the act of entering into someone's home poses and extreme risk of a violent encounter which could result in the death of a homeowner or Williams himself. Williams has a demonstrated history of criminal behavior which is unchecked whenever he is released to the public.</p> <p><u>3. Institutional Adjustment</u></p> <p>Contrary to practice in traditional</p>			<p>adjustment was also found to aggravate the inmate's current risk of violence as the inmate's commitment offense included her fourth conviction for reckless evading, and she was found to have a BAC of .05 after her reckless evading commitment offense. She also committed multiple residential burglaries, and admitted to being an intravenous drug user to probation officials. To date, the inmate's participation in substance abuse self-help is found to be sporadic and limited, not sustained and successful to address substance abuse, a circumstance which contributed to her criminal behavior. It is noted her last documented substance abuse self-help was in June of 2021, with a total over her entire term of approximately 48.25 hours of substance abuse self-help. Additionally, the inmate's work/education/vocational assignments were found to be limited, not sustained and successful. The foregoing aggravating circumstances were found to outweigh the mitigating circumstances of the absence of a PC 667.5(C) violent conviction, and the absence of confidential information of criminal activity 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><i>John Denvir</i></p>

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			<p>parole proceedings, CDCR does not provide us with information regarding the inmate's institutional adjustment. The Mendocino County District Attorney's Office is therefore unable to assess this factor. However, given William's lack of insight into his continued criminality, it is difficult to imagine that he has gained any insight in the few years that have elapsed since he entered into all of the victim's homes. His record clearly demonstrates that he will continue to be a public safety risk upon release.</p> <p><u>C. Conclusion</u> Irrespective of William's institutional adjustment, the Mendocino County District Attorney's Office firmly believes that William's significant prior criminal record, coupled with his significant, and multiple current offenses, demonstrate that he is a clear public safety danger and should not be released early. For the above-stated reasons, the Mendocino District Attorney's Office respectfully asks this Board to deny early release to Inmate Jarrett James Williams.</p> <p><i>Scott McMenomey</i></p>			

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