

**Proposition 57 Aftermath ...**  
**State Prison Inmates Under Review By CDCR**  
**For Expedited (Early) Release** [Update: August 16, 2017]

Name of Convict	Date Committed to Prison	Crimes Convicted and Sentenced Together	Special Notes	State Prison Sentence Imposed	Required Parole Board Legal Notice Date	Board of Parole Hearings Nonviolent Parole Review Decision
<b>Anthony Grayson Aguilar</b>  SCUK CRCR 14-78584 SCUK CRCR 13-75022	10/23/2015	PC § 1320.5 Bail Jumping  VC § 2800.2 Recklessly Evading Peace Officer in Motor Vehicle  H&S Code § 11378 [Lake Co. Superior Court] Meth: Possession for Sale  H&S Code § 11378 [Yolo Co. Superior Court] Meth: Possession for Sale		80 mos.	07/03/2017	Pending ....
<b>Crystal Sue Aikens</b>  SCUK CRCR 15-81859	09/17/2015	PC § 459/460(a) Residential Burglary Restitution Owning: \$600  PC § 496(a) Receiving Stolen Property > \$950	This defendant is a recidivist who steals from those around her when not incarcerated. She suffered a prior Strike conviction for residential burglary, a separate conviction for felony grand theft, and a separate conviction for receiving stolen property in 2007 – all in the Sonoma County Superior Court. In 2008 she was further convicted of felony burglary in the second degree and felony forgery, also in the Sonoma County Superior Court. In 2011 she was convicted in the Yolo County Superior Court of felony possession of methamphetamine. She had served two prison terms prior to this case.	64 mos.	07/05/2017	<b>08/09/2017: Expedited Release GRANTED.</b>  Decision based on reasons state below:  Inmate Crystal Aikens (WF3791) is being reviewed for early release pursuant to Proposition 57. The issue is whether she would pose an unreasonable risk of violence to the community if released at this time. After balancing the four relevant case factors, aggravating and mitigating, they tend to show the inmate does not currently represent an unreasonable risk of violence.  <b>FACTOR 1 – COMMITMENT OFFENSES</b>  The inmate is currently serving a 5-year, 4-month prison term for P459/460(a), Burglary 1 <sup>st</sup> (offense date 06/10/15) and P496(a) Receiving Stolen Property (RSP) (offense date 04/26/15). According to the statements in the POR, the burglary appears to have involved the

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						<p>inmate taking personal property belonging to the victim (birth certificate, bank statements, receipts, checks and a bank card) when she packed up and [then] left the motel they were staying in. The RSP charged involved her attempting to sell stolen tools. The one aggravating factor applicable to both crimes is that the inmate was sentenced to prison for two or more felonies. Mitigating circumstances include (1) no weapon was used in either offense; (2) there was no violence or threat of violence in the offenses; (3) the offenses did not involve physical injury to any victim; (4) the inmate was using drugs at the time; and (5) the crimes were limited to property theft.</p> <p>Neither of the commitment offenses involved violence or injury. On balance, they are a mitigating factor.</p> <p>FACTOR 2 – PRIOR CRIMINAL RECORD</p> <p>The inmate's criminal record of felony convictions began in 2007 with a P487(a) Grand Theft conviction. The inmate's other prior felony convictions include P459 Burglary 1<sup>st</sup> (2008); Burglary 1<sup>st</sup> (2008); P470a [Forged] Driver's License (stayed) (2008); P496(a) RSP (2008); H11377(a) Possession of CS (2012); and P459 Burglary 2<sup>nd</sup> (2008). Aggravating circumstances related to the inmate's prior record include (1) she has been convicted of 3 or more prior felonies; (2) she was not free from incarceration for at least 5 years prior to committing the current offenses (last released from custody was 04/06/14; RSP offense occurred 04/26/15); and (3) her prior felonies show a pattern of similar repetitive criminal conduct (property theft). Mitigating circumstances include (1) the inmate's prior felony convictions are limited to property and drug offenses; and (2) she has no known prior juvenile criminal record.</p>

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						<p>The inmate's prior felony convictions, although fairly numerous, do not reflect a propensity for physical violence and the majority of the convictions were in 2008 – almost 10 years ago. On balance, the inmate's prior criminal record is considered a mitigation factor.</p> <p><b>FACTOR 3 – INSTITUTIONAL BEHAVIOR/PROGRAMMING</b></p> <p>The inmate was received into the CDCR on the present term on 12/23/15 and has been in prison for approximately one year and eight months. There are no negative circumstances associated with the inmate's incarceration on the current term. Positive circumstances include (1) other than a February 2017 CDCR-128A counseling chrono for being absent from work, the inmate has remained disciplinary free during her current incarceration; (2) she has attended adult educational classes; (3) completed a Vocational Computer Literacy course; and (4) participated in the Narcotics Anonymous program. Accordingly, the inmate's overall institutional adjustment is a mitigating factor.</p> <p><b>FACTOR 4 – RESPONSES TO LEGAL NOTICES</b></p> <p>No response to the Legal Notices was received.</p> <p><b>SUMMARY</b></p> <p>The inmate's current commitment offenses did not involve violence on her part; her prior criminal history does not reflect a pattern of violence; and she has performed reasonably well while in prison on the current term. Based on these positive aspects of her case, all of the relevant case factors have been deemed</p>

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						factors in mitigation. As such, the inmate is not considered an unreasonable risk of violence to the community at this time and her release is approved.  <i>Keith Stanton</i>
<b>David Matthew Andrews</b>  SCUK CRCR 14-75785 SCUK CRCR 10-15344 SCUK CRCR 10-10659	05/27/2014	PC § 459/460(b) x 4 Commercial Burglary Restitution Owing: \$2,368.88  PC § 12021(a) Felon Possessing Firearm  PC § 459/460(a) Residential Burglary	This defendant is a recidivist. He has two prior felony convictions for the same primary offense – commercial burglary. He was not rehabilitated despite serving a term on parole following a prior prison commitment.	132 mos.	07/05/2017	Pending ....
<b>Larry Pewee Commander</b>  SCUK CRCR 12-20977	04/18/2013	PC § 417.8 Brandishing Weapon to Resist Arrest  PC § 69 Resisting Executive Officer By Means of Force  PC § 417.8 Criminal Threats		124 mos.	None Received.	<b>08/07/2017: Expedited Release DENIED.</b>  Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they do tend to show that Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.  Case Factor #1 – Current Commitment Offense  The commitment offenses are: (1) PC §417.8, exhibiting a firearm/deadly weapon to resist arrest; (2) PC §69, obstructing/resisting an executive officer; and (3) PC §422, criminal threats. All three offenses arise from the same course of conduct. The following facts are summarized from the probation report. On 2/22/12 two officers responded to a report that Mr.

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						<p>Commander was damaging a home and tearing up clothing. The clothing belonged to his girlfriend. The officers found Mr. Commander sitting in a chair in a neighbor's yard. When they approached him, Mr. Commander yelled at them to "get the fuck out of here." He then sprang out of the chair and brandished a knife at the officers. When the officers drew their firearms Mr. Commander started running away, still carrying the knife. He was soon captured. During his arrest Mr. Commander claimed to have guns and that when he gout of he would "take care of you," meaning the officers. The knife was recovered after a search of the area. Mr. Commander was convicted in Mendocino County on 6/5/12 and sentenced to a term of 10 years 4 months.</p> <p>The aggravating circumstances are: (1) Mr. Commander was personally armed with a knife; (2) there were multiple victims in the commitment offense; (3) there was violence and/or the threat of violence to the victims; and (4) he was sentenced [on] two or more felonies during the commitment term. The mitigating circumstance is there was no physical injury to the victims. When balancing the aggravating circumstances against the mitigating circumstance, Mr. Commander's current commitment offenses are an aggravating factor. Great weight was given to the [personal] use of a knife and the threats to harm the officers in the future.</p> <p>Case Factor #2 – Prior Criminal Record</p> <p>Mr. Commander's criminal history began in 1993 and continued until the current commitment offense in 2012. He has the following prior felony convictions: (1) assault with a deadly weapon and use of a firearm, PC 245(a)(2)/PC 12022.5 in Mendocino County on</p>

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						<p>9/24/1993 (a juvenile conviction); (2) PC 245(a)(1), assault with force likely to cause GBI, in Del Norte County on 3/12/1998, which was an offense he committed while he was incarcerated in PBSP; and (3) assault with force likely to cause GBI, PC 245(a)(1), in Mendocino County on 1/7/2002. He was paroled from this commitment on 4/28/2007. He was returned to CDCR twice for parole violations, and the current offense was committed on 2/22/12. The current commitment is his next felony conviction.</p> <p>The aggravating circumstances are: (1) Mr. Commander has a prior conviction for a violent offense pursuant to PC §667/5(c); (2) he has been convicted of three or more felonies; (3) his criminal history shows a pattern of assaultive behavior in that all three of his prior convictions involve a violation of PC §245; and (4) he was not free from incarceration for 5 years prior to the current commitment offense. There are not mitigating circumstances. When balancing the aggravating circumstances against the lack of any mitigating circumstance, Mr. Commander's prior criminal record is an aggravating factor. His criminal history is one of violent behavior.</p> <p>Case Factor #3 – Institutional Adjustment</p> <p>Mr. Commander has been incarcerated on the commitment offenses since 5/23/2013, a period of approximately 4 years and two months. During incarceration he had no serious rules violations. He has participated and completed positive programming in Anger Management, Substance Abuse and Criminal Thinking. He has completed vocational training in Auto Body and Computer Literacy. He has worked as a porter, kitchen crewman, clerk and PIA Facilities</p>

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						<p>Maintenance. He is presently assigned as an unskilled ADA worker. After balancing the positive factors against the negative factors, Mr. Commander's institutional record shows overall compliance with institutional rules and is a mitigating factor. He has programmed well and has no rules violations.</p> <p>Case Factor #4 – Response to Legal Notices</p> <p>There were no responses to Legal Notices. A letter from Mr. Commander dated 7/5/2017 requesting his release as a non-violent offender was read and considered in making this decision.</p> <p>SUMMARY: When balancing the aggravating factors in this case, Mr. Commander's Current Commitment Offense and Prior Criminal Record with the mitigating factor of his Institutional Adjustment, the aggravating factors outweigh the mitigating factor. Mr. Commander's criminal history involves repeated acts of violence, and the current commitment offense involves the threat of violence. Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.</p> <p><i>Thomas Sparks</i></p>

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<b>Steven Gene Hensley</b>  SCUK CRCR 11-18554 SCUK CRCR 09-89977	01/27/2012	PC § 451(c) x 6 Arson of Forest or Grassland Restitution Owning: \$354,138  PC § 273.5 Inflicting Corporal Injury on Spouse	By definition, while very dangerous in rural counties, this form of arson is legislatively deemed only a serious felony, not violent like other forms of arson.	240 mos.	07/05/2017	<b>08/10/2017: Expedited Release DENIED.</b>  Decision based on reasons state below:  Do Mr. Hensley's case factors show that he poses an unreasonable risk of violence to the community? There are four cases factors to consider.  ANALYSIS  1) Current Commitment Offense: Mr. Hensley's current commitment offense are 19 counts of PC 451(c) – arson of structure or forest land which occurred from 07/05/11 through 08/21/11 and PC 273.5 – inflict corporal injury on spouse which occurred on 03/21/09. He was convicted of the offenses on 01/27/12 and received a total term of 20 years.  On the arson offenses there was a series of unexplained forest fires in Mendocino County between 07/04/11 and 08/21/11. Mr. Hensley admitted to starting 19 of these unexplained fires.  On the 2009 DV offense Mr. Hensley struck his wife in the head and face with his fists. She had numerous injuries to her neck, back and face.  The circumstances in aggravation for the arson offenses are: (1) there were multiple victims; (2) he was sentenced [for] 2 or more felonies during his current prison terms and (3) he was on probation or parole at the time of the commitment offenses.  The circumstances in aggravation for the DV offense: (1) there was injury or GBI suffered by the victim; (2) there



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

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

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						<p>free and has a steady work history.</p> <p>4) Legal Notices; There was no response from Mr. Hensley in support of his early release.</p> <p>DECISION</p> <p>The aggravating circumstances of Mr. Hensley's commitment offenses and prior criminal record outweigh the mitigating circumstances of his institutional behavior and rehabilitative programming. Mr. Hensley has programmed well during his 60 months in prison and has remained violence free. He is to be commended for that. However, the commitment offense involves violence. His criminal record dates back to 1984 and does contain violence, although that was for a robbery in 1991. Also Mr. Hensley [stands] convicted of 19 separate counts of arson. The evidence supports a finding that Mr. Hensley does pose an unreasonable risk of violence to the community at this time.</p> <p>RELEASE IS DENIED.</p> <p><i>Patrick Reardon</i></p>

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<b>Donald Gordon Powell</b>  SCUK CRCR 15-81852	07/24/2015	PC § 496(a) Receiving Stolen Property > \$950 Valuation = \$22,076.75	The term imposed by the local judge was doubled as the prosecution had alleged and proved up a prior Strike conviction. The Three Strikes law was passed, and then later modified, both by the voters, to ensure “longer prison commitments” for those who fall within the Three Strikes statutes.	48 mos.	07/05/2017	Pending ....
<b>Jeffrey Miguel Ruano</b>  SCUK CRCR 09-91948	12/03/2014	H&S Code § 11351 [Cocaine] Possession for Sale  H&S Code § 11378 [Methamphetamine] Possession for Sale  H&S Code § 11370.2 [Priors x 4]  PC § 69 Resisting Peace Officer by Force [San Francisco Co. Superior Court]	<p>Given an unearned chance for rehabilitation at Delancey Street in SF (instead of going straight to prison), this defendant thereafter led CHP and multi-county law enforcement vehicles on a five-county highway, reckless evading car pursuit, which was later used to violate his local probation.</p> <p>This defendant is also a recidivist. Prior to the violation mentioned above that caused him to be sent to state prison, this convict had already served <u>four</u> prior prison commitments.</p>	220 mos.	07/05/2017	Pending ....

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<b>Ivan Ocoltzi Sanchez</b>  SCTM CRCR 13-73915 SCTM CRCR 13-72354	06/08/2015	PC § 245(a)(1) Assault With a Deadly Weapon  PC § 245(a)(1) Assault With a Deadly Weapon	It was found true by a jury that the defendant is a participating member of a criminal street gang.	108 mos.	07/07/2017	Pending ....
<b>Jeremy Lee Simms</b>  SCUK CRCR 14-75767 SCUK CRCR 14-75532 SCUK CRCR 13-75384	08/08/2014	PC § 487© Grand Theft > \$950  PC § 459/459(b) Commercial Burglary  H&S Code § 11379 [Methamphetamine] Possession for Sale	This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court. He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.	160 mos.	07/05/2017	Pending ....