

**Proposition 57 Aftermath ...**  
**State Prison Inmates Under Review By CDCR**  
**For Expedited (Early) Release** [Update: November 14, 2017]

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
<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 Owing: \$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.  FACTOR 1 – COMMITMENT OFFENSES  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>
<p style="text-align: center;"><b>David Matthew Andrews</b></p> <p>SCUK CRCR 14-75785 SCUK CRCR 10-15344 SCUK CRCR 10-10659</p>	05/27/2014	<p>PC § 459/460(b) x 4 Commercial Burglary Restitution Owing: \$2,368.88</p> <p>PC § 12021(a) Felon Possessing Firearm</p> <p>PC § 459/460(a) Residential Burglary</p>	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	<p><b>08/16/2017: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four factors of Mr. Andrews’ case, both aggravating and mitigating, they show he does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Commitment Offense(s)</p> <p>Mr. Andrews’ current commitment offenses are a mitigating factor in this case.</p> <p>On 5/27/14, Mr. Andrews was sentenced to 10 years for the following 8 felonies arising from multiple cases.</p> <ul style="list-style-type: none"> <li>▪ 4 counts of Burglary 2<sup>nd</sup> PC 459</li> <li>▪ Burglary 1<sup>st</sup> PC 459</li> <li>▪ 2 counts of Possession of Controlled Substance HS 11377(a)</li> <li>▪ POSS F/A EX-FEL PC 12021(a)(1)</li> </ul> <p>In the first case on 11/3/10, Mr. Andrews will [sic] was arrested depending on parole search where law enforcement found methamphetamine, marijuana, a digital scale, burglary tools, disguises and 2 firearms. It was later determined the stolen firearms were from a first-degree burglary committed by Mr. Andrews. He</p>

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						<p>was sentenced to probation and ordered to participate in drug court.</p> <p>Subsequently on 1/25/14, after receiving information regarding Mr. Andrews' efforts to sell stolen items on line, the product of multiple burglaries, law-enforcement using a confidential informant set up a buy rendezvous. Per the arrest [sic] Mr. Andrews was in possession of multiple stolen items including three laptop computers, stolen credit cards/ID cards, multiple personal documents, stage monitors, collectible coins, stolen checks, burglary tools and 7 g of methamphetamine. The stolen items were identified by a variety of victims from multiple burglaries.</p> <p>The aggravating circumstances are Mr. Andrews was convicted of multiple felonies, and he was on parole when he committed the first crime in 2010.</p> <p>The mitigating circumstances are there were no injury to the victims, no weapons was [sic] used and there is no indication of a threat of violence during any of the aforementioned felonies. In addition, all but one offenses possession of a firearm in 2010 are property and drug crimes. In conclusion, the multiple mitigating circumstances outweigh the aggravating circumstances in finding that the current commitment offenses are a mitigating factor.</p> <p>Prior Criminal History</p> <p>Mr. Andrews' felony criminal record began in 2005, concluding with the current commitment offenses in 2014. Mr. Andrew's 9 year criminal history is a mitigating factor in this case.</p>

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						<p>Mr. Andrews' criminal history consists of 3 felony convictions. He has 2 convictions for Burglary 2<sup>nd</sup> PC 459 in 2005 and 2007. In 213 he was sentenced to two days in the county jail for Possession of Controlled Substance for Sale HS 11378.</p> <p>The aggravating circumstances are he has 3 or more felony convictions. He was not free from incarceration for more than 5 years before the commitment offense, as he was released to parole on 3/25/10, and returned to CDCR on 6/5/14.</p> <p>Circumstances in mitigation are the offenses are for property crimes notwithstanding the two days he spent in jail for possession for sales, and he has no known juvenile record. Mr. Andrews minimal time in the free community here eight months before he began his burglary spree that led to his current incarceration, is concerning. However there is no indication of violence which supports the conclusion his prior criminal history is a mitigating factor.</p> <p>Institutional Adjustment</p> <p>Mr. Andrews has been incarcerated for the commitment offense [sic] since 6/5/14, a period of approximately 38 months. Mr. Andrews' institutional record since his most recent incarceration in CDCR does show compliance with institutional rules and programming. To his credit he has been active since the beginning of his term. He currently participates in AA/NA, vocational welding and multiple modules of rehabilitative programming including cage rage , criminal gangs anonymous, parenting and completion of houses of healing. In addition he is making efforts to advance educationally by participating in college</p>

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						<p>correspondence courses. This author notes two 128-As in 2015 and 2016 for avoiding work. However, the absence of any 115s couple with his participation in a plethora of positive programming, [sic] supports the conclusion that his institutional adjustment is a mitigating factor.</p> <p>Legal Notices: There were no responses to Legal Notices.</p> <p>Conclusion: When considering each of the aforementioned four criteria, noting the multiple the [sic] mitigating factors, and the absence of any aggravating factors, it is concluded Mr. Andrews does not pose an unreasonable risk of violence to the community.</p> <p>Mr. Andrews' criminal history, including the current commitment offenses consists of primarily property crimes and drugs with no indication of violence. This factor weighs heavily in concluding he does not pose an unreasonable risk of violence to the community.</p> <p><i>Karen Fleming</i></p>
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<b>Christopher Buenrostro</b>  SCUK CRCR 16-85077 SCUK CRCR 16-85570 SCUK CRCR 16-85980	07/14/2016	VC § 2800.2(a) Reckless Evading  H&S § 11379(a) [Methamphetamine] Transportation for Sale  VC § 2800.2(a) Reckless Evading  H&S § 11378 [Methamphetamine] Possession for Sale	This defendant is a drug dealer, who further endangers the motoring public and our peace officers by fleeing and recklessly evading police officers in his vehicle when the police try to arrest him.	68 mos.	08/24/2017	<b>10/06/2017: Expedited Release DENIED.</b>  Decision based on the reasons stated below:  Inmate Christopher Buenrostro (BA5348) is being reviewed for early release pursuant to Proposition 57. The issue is whether he represents an unreasonable risk of violence to the community if released from prison at this time. The relevant mitigating and aggravating factors were considered and tend to show the inmate does currently pose an unreasonable risk of violence.  REASONS:  <b>FACTOR 1: CURRENT COMMITMENT OFFENSES</b> The inmate is currently serving a 5-year, 8-month prison term for two counts of V2800.2(a) Evading a Peace Officer (offense dates of 02/25/16 and 04/23/16); H11379 Transporting/Import a Controlled Substance (CS) (also on 04/23/16); and H11378 Possession of CS (occurring 04/18/16). In the 04/23/16 crimes, the inmate fled from police in a vehicle, reaching speeds in excess of 100 mph, and was in possession of approximately 242 doses of methamphetamine. In the 04/18/16 possession crime, on 04/16/16, an officer observed the inmate driving with a suspended driver's license. The inmate stopped the vehicle upon seeing the officer and took off running. The officer subsequently located several baggies containing meth and digital scales in his vehicle and the inmate was arrested two days later. In the 02/25/16 offense, the inmate was driving a pick-up truck with passengers and fled from police during a traffic enforcement stop. He reached speeds in excess of 90 mph in a 30 mph zone, ran a red light, ran into a ditch and then fled on foot



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						<p>while continuing to ignore police commands. Meth was found in the truck. Note that the record reflects the inmate was on probation at the time of the crimes.</p> <p>AGGRAVATING CIRCUMSTANCES:  1) The evading offenses posed a threat of violence to the community;  2) The inmate was sentenced to prison for two or more felonies;  3) The inmate was on probation at the time of the commitment offense.</p> <p>MITIGATING CIRCUMSTANCES:  1) No weapon was used;  2) There was no violence or threat of violence to the/any victim;  3) There was no physical injury involved;  4) The inmate was using drugs at the time of the 04/23/16 crime.</p> <p>ANALYSIS:  The inmate was committed to prison for multiple felonies; two of which threatened the community. His repetitive criminality outweighs the mitigating circumstances in view of the magnitude of the threat. The inmate's commitment offenses are therefore an aggravating factor.</p> <p>FACTOR 2: PRIOR CRIMINAL HISTORY  The inmate's prior criminal history is limited to one felony conviction in 2011 for H11378, Possession of CS For Sale for which he received probation.</p> <p>AGGRAVATING CIRCUMSTANCES:  1) The inmate's probation was revoked on 03/27/13 and he was sentenced to 365 days jail. He was</p>

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						<p>therefore not free from incarceration for at least 5 years prior to committing the current commitment offenses in 2016.</p> <p>MITIGATING CIRCUMSTANCES:  1) The inmate has not been convicted of more than two prior felonies;  2) The inmate has no known juvenile record.</p> <p>ANALYSIS:  The inmate's prior criminal record is not extensive and does not reflect violence or juvenile criminal activity. The inmate's limited number of prior felony convictions and lack of prior violence outweighs the aggravating circumstance that less than 5 years elapsed from his last release from custody till his current crimes. His prior criminal record is therefore a mitigating factor.</p> <p>FACTOR 3: INSTITUTIONAL BEHAVIOR/PROGRAMMING  The inmate was received into the CDCR on the current term on 07/28/16 and has been in state prison for a little over one year and two months.</p> <p>NEGATIVE CIRCUMSTANCES:  1) None.</p> <p>POSITIVE CIRCUMSTANCES:  1) The inmate has remained disciplinary free in prison;  2) The inmate has held institutional jobs as a porter, kitchen worker and sewer worker;  3) The inmate has participated in self-help programming such as several AA/NA courses, Living in Balance, Parenting and Toastmasters.</p> <p>ANALYSIS:  The inmate has behaved appropriately during while [sic]</p>

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						<p>incarcerated and programmed in a positive manner. There are no negative circumstances. His institutional adjustment is therefore a mitigating factor.</p> <p>FACTOR 4: RESPONSES TO LEGAL NOTICES A response to the Legal Notices was received from the inmate and was considered.</p> <p>SUMMARY: Although the inmate's prior criminal history is limited and non-violent and he has performed well for the past year while in prison, his commitment to prison for four felonies, two of which created an extreme risk to the public, is deemed to warrant substantial weight when assessing his risk to the community. At this time, the aggravating factor of the commitment offenses is found to outweigh the mitigating factors of the inmate's prior record and recent institutional adjustment. Accordingly, he is determined to an [sic] unreasonable risk of violence to the community at this time and his release is denied.</p> <p><i>Keith Stanton</i></p>
<p>Larry Pewee Commander</p> <p>SCUK CRCR 12-20977</p>	04/18/2013	<p>PC § 417.8 Brandishing Weapon to Resist Arrest</p> <p>PC § 69 Resisting Executive Officer By Means of Force</p> <p>PC § 417.8 Criminal Threats</p>		124 mos.	None Received.	<p><b>08/07/2017: Expedited Release DENIED.</b></p> <p>Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they do tend to show that Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Case Factor #1 – Current Commitment Offense</p> <p>The commitment offenses are: (1) PC §417.8, exhibiting</p>

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						<p>a firearm/deadly weapon to resist arrest; (2) PC §69, obstructing/resisting an executive officer; and (3) PC §422, criminal threats. All three offenses arise from the same course of conduct. The following facts are summarized from the probation report. On 2/22/12 two officers responded to a report that Mr. Commander was damaging a home and tearing up clothing. The clothing belonged to his girlfriend. The officers found Mr. Commander sitting in a chair in a neighbor's yard. When they approached him, Mr. Commander yelled at them to "get the fuck out of here." He then sprang out of the chair and brandished a knife at the officers. When the officers drew their firearms Mr. Commander started running away, still carrying the knife. He was soon captured. During his arrest Mr. Commander claimed to have guns and that when he 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>

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						<p>Mr. Commander's criminal history began in 1993 and continued until the current commitment offense in 2012. He has the following prior felony convictions: (1) assault with a deadly weapon and use of a firearm, PC 245(a)(2)/PC 12022.5 in Mendocino County on 9/24/1993 (a juvenile conviction); (2) PC 245(a)(1), assault with force likely to cause GBI, in Del Norte County on 3/12/1998, which was an offense he committed while he was incarcerated in PBSP; and (3) assault with force likely to cause GBI, PC 245(a)(1), in Mendocino County on 1/7/2002. He was paroled from this commitment on 4/28/2007. He was returned to CDCR twice for parole violations, and the current offense was committed on 2/22/12. The current commitment is his next felony conviction.</p> <p>The aggravating circumstances are: (1) Mr. Commander has a prior conviction for a violent offense pursuant to PC §667/5(c); (2) he has been convicted of three or more felonies; (3) his criminal history shows a pattern of assaultive behavior in that all three of his prior convictions involve a violation of PC §245; and (4) he was not free from incarceration for 5 years prior to the current commitment offense. There are not mitigating circumstances. When balancing the aggravating 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</p>

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						<p>incarceration he had no serious rules violations. He has participated and completed positive programming in Anger Management, Substance Abuse and Criminal Thinking. He has completed vocational training in Auto Body and Computer Literacy. He has worked as a porter, kitchen crewman, clerk and PIA Facilities Maintenance. He is presently assigned as an unskilled ADA worker. After balancing the positive factors against the negative factors, Mr. Commander's institutional record shows overall compliance with institutional rules and is a mitigating factor. He has programmed well and has no rules violations.</p> <p>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 19 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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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>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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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
<b>Jesus Anthony Herrera</b>  SCUK CRCR 16-86852	09/27/2016	PC § 69 Resisting Executive Officer By Force or Violence		32 mos.	05/16/2017	<b>11/07/2017: Expedited Release DENIED.</b>  Decision based on the reasons stated below:  Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they demonstrate that Mr. Herrera poses an unreasonable risk of violence to the community. Accordingly, Mr. Herrera is denied release.  Case Factor #1 – Current Commitment Offense Mr. Herrera’s current commitment offense PC69 Resisting Officer w/Force/Violence, is an aggravating factor in this case.  On 8/4/17, Mr. Herrera was in public and appeared to be intoxicated. When an officer attempted to stop Mr. Herrera, Mr. Herrera stated, “Fuck you,” charged the officer, slapped the officer’s hand and shoved the officer backwards while continuing to swear. The officer deployed a canine, which grabbed Mr. Herrera by the arm. The officer attempted to subdue Mr. Herrera but Mr. Herrera punched the officer and the pair began to grapple. The canine was deployed a second time and bit Mr. Herrera in the knee. After a violent struggle, Mr. Herrera ran away a short distance before the officer caught up to him and another struggle ensued. The canine bit Mr. Herrera again as the grappling continued. Additional officers arrived and subdued Mr. Herrera. The officers confirmed Mr. Herrera’s parole status and took him into custody.  Mr. Herrera entered a plea agreement and was sentenced to a total term of 2 years, 8 months on the current commitment offense.

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						<p>The aggravating circumstances are: 1) There were two or more officers involved in the commitment offense; 2) There was violence or threat of violence to the officers during the offense; and 3) Mr. Herrera was on parole at the time of the offense.</p> <p>The mitigating circumstances are: 1) No weapon was used; and 2) No physical injury to a victim occurred.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's current commitment offense is an aggravating factor because of the level of violence involved in the continued resistance of the officers and canine during the offense.</p> <p>Case Factor #2 – Prior Criminal Record  Mr. Herrera's prior criminal record is an aggravating factor in this case. His prior criminal history, which began in 1997 and continued until the commitment offenses in 2016, includes the following serious juvenile adjudications and/or adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 1997: Age 15: PC422 Terrorist Threats;</li> <li>2. 1997: Age 15: PC 417.4 Brandish Firearm Replica;</li> <li>3. 2012: PC 273.5 Inflict Corporal Injury on Spouse/Cohab;</li> <li>4. 2012: PC422 Terrorist Threats; and</li> <li>5. 2014: PC3000.08.</li> </ol> <p>The aggravating circumstances are: 1) Mr. Herrera has been convicted of 3 or more felonies (including serious juvenile adjudications); 2) His criminal record shows a pattern of assaultive behavior; 3) Less than 5 years elapsed between his release from a prior incarceration on 1/14/14 and the current offense on 8/4/16; and 4)</p>

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						<p>His prior felony convictions (including serious juvenile adjudications) show a pattern of similar/repetitive conduct.</p> <p>No mitigating circumstances are present.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's prior criminal record is an extremely aggravating factor because of the length of the history, as well as the frequency and threatening nature of offenses.</p> <p>Case Factor #3 – Institutional Adjustment Mr. Herrera has been incarcerated on the commitment offense since 10/13 16, a period of approximately 13 months.</p> <p>During incarceration, Mr. Herrera has not incurred any RVRs. He has participated in or completed the following positive programming: Anger Management, Substance Abuse.</p> <p>After balancing the positive factors against the negative factors, Mr. Herrera's institutional record shows overall compliance with institutional rules and is a mitigating factor because he has not incurred any RVRs and is participating in positive programming.</p> <p>Case Factor #4 – Response to Legal Notices No responses to Legal Notices were received.</p> <p>SUMMARY: When balancing the aggravating factors in this case, the commitment offense and prior criminal record, with the mitigating factor in this case, institutional behavior, the aggravating factors outweigh the mitigating factor. Mr. Herrera may be commended</p>

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						for his recent rehabilitative efforts. However, those are outweighed by his lengthy and threatening criminal record and the violent nature of his commitment offense. Accordingly, Mr. Herrera is denied release.  <i>Neal Chambers</i>
<p style="text-align: center;"><b>Donald Gordon Powell</b></p> <p>SCUK CRCR 15-81852</p>	07/24/2015	<p>PC § 496(a) Receiving Stolen Property &gt; \$950 Valuation = \$22,076.75</p>	The term imposed by the local judge was doubled as the prosecution had alleged and proved up a prior Strike conviction. The Three Strikes law was passed, and then later modified, both by the voters, to ensure "longer prison commitments" for those who fall within the Three Strikes statutes.	48 mos.	07/05/2017	<p><b>08/16/2017: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Issue: Does Mr. Donald Powell (CDC# AX-4476) pose an unreasonable risk of violence to the community? When considering Mr. Powell's findings on this four case factors, both aggravating and mitigating, the factors demonstrate that Mr. Powell does not pose an unreasonable risk of violence to the community.</p> <p>Statement of Reasons:</p> <p>Current Commitment Offense:</p> <p>Mr. Powell's current commitment offense(s) is a mitigating factor in this case. The commitment offenses are:</p> <p>On 6/9/2015, after the Victim watched Mr. Powell steal his mail which included "Money Orders." The Victim followed him and pointed out Mr. Powell's vehicle to the Police. During the search, the Officers found 19 stolen checks in the names of 11 different Victims. Many of the checks had been altered (even the ones he just took), and either had the names whited out or written over and now had the name of "Donald Powell" on them on the "pay to" line. The checks totaled above</p>

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						<p>20,000. On 1/19/2016, he was convicted of PC 475(C) Forgery of a completed check, Money Order. On 7/20/2015, he was convicted PC496(A) Buy/Receive Stolen Property.</p> <p>Mr. Powell's [sic] was sentenced to a total term of 5 years on the above convictions. His convictions will be examined for aggravating and mitigating factors that are common to the cases because the convictions are related in time and type. He has the following aggravating factors (1) there were at least two victims of the above crimes, and (2) he was sentenced to two felonies.</p> <p>His mitigating points are (1) no weapon was used, (2) no violence, (3) no threats to a Victim, (4) no injuries to any Victim, and (5) theft related charges only.</p> <p>Mr. Powell's pervasive factors are that he altered and stole checks a theft related crime; therefore, his current offense is mitigating.</p> <p>Prior Criminal Record</p> <p>Mr. Powell's prior criminal history began in 2008 and continued until the commitment offenses in 6/9/2015. His prior criminal record is an aggravating factor. He has the following serious criminal convictions (Adult): on 3/18/2008 – (1) PC 459 Burglary First Degree (Serious Felony per PC 1192.7(c)), (2) PC 459 Burglary Second Degree, (3) PC 476a Non-Sufficient Fund Check, and (4) PC 475(c) Possess Check with Intent to Defraud; and on 10/18/2011 – (5) PC 475(a) Possess Forged Paper and (6) VC 10851 Vehicle Theft.</p> <p>In review of Mr. Powell's prior record, the aggravating</p>

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						<p>points are: (1) he has three or more felony convictions, (2) he was released CDCR on 10/8/2014 and current offense date of 8/6/2015 which is less than 5 years, (3) a pattern of similar repetitive conduct is established by his multiple checks, fraud, and forgery type convictions. Mr. Powell's mitigation factors are the following: (a) the majority of his convictions are theft offenses and (b) he has no known juvenile criminal record. Mr. Powell's criminal history spans nine years, and his history is without a significant source of violent criminal activity.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Powell's prior criminal record is an aggravating factor because he does have multiple convictions and it spans nine years.</p> <p>Institutional Adjustment</p> <p>Mr. Powell has been in custody (CDCR) on the current commitment offense since 8/6/2015 (two years). His behaviors during this confinement are the following: (1) No serious rule violations, (2) working with the Dairy as Mechanic, and (3) working in a Substance Abuse Program. Overall, his institutional record does show compliance with institutional rules and programs; therefore, his institutional conduct is a mitigating factor.</p> <p>Response to Legal Notices:</p> <p>There was a response to the Legal Notices in support of release written by Donald Powell, dated 7/9/2017, which were considered in the decision. There was a response to the Legal Notices in opposition to his release from D.A.'s Office of Shasta County, written by Deputy DA, Stephanie A. Bridgett, dated 7/20/2017,</p>



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						<p>that was considered in this decision.</p> <p>DECISION: In review, Mr. Powell has eight felony convictions that span nine years; however, the majority of those convictions are theft and paper related, and He does not have an assaultive felony conviction history. When balancing the aggravating factors (his prior criminal history) with the mitigating factors (his current commitment offense and his institutional adjustment), the mitigating factors outweigh the aggravating factor. Thus, Mr. Powell does not pose an unreasonable risk of violence to the community, and his release is approved.</p> <p><i>James Weilbacher</i></p>
<p><b>Jeffrey Miguel Ruano</b></p> <p>SCUK CRCR 09-91948</p>	12/03/2014	<p>H&amp;S § 11351 [Cocaine] Possession for Sale</p> <p>H&amp;S § 11378 [Methamphetamine] Possession for Sale</p> <p>H&amp;S § 11370.2 [Priors x 4]</p> <p>PC § 69 Resisting Peace Officer by Force [San Francisco Co. Superior Court]</p>	<p>Given an unearned chance for rehabilitation at Delancey Street in SF (instead of going straight to prison), this defendant thereafter led CHP and multi-county law enforcement vehicles on a five-county highway, reckless evading car pursuit, which was later used to violate his Mendocino County formal probation.</p> <p>This defendant is also a recidivist. Prior to the violation mentioned above that caused him to be sent to state prison, this convict had already served <u>four</u> prior prison commitments.</p>	220 mos.	07/05/2017	<p><b>08/18/2017: Expedited Release DENIED.</b></p> <p>Decision based on reasons state below:</p> <p>Decision: When considering together the findings on each of the following four aggravating and/or mitigating case factors for inmate Jeffrey Ruano (AV4947), they tend to show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p>Case Factor #1 – Current Commitment Offense</p> <p>Ruano’s current commitment offense [sic] of HS11351 Possession of controlled substance [for sale], HS 11378 Possession of controlled substance for sale, and PC69 Resisting an executive officer is considered an aggravating factor. On July 16, 2009, while on probation for a prior drug case, Ruano was contacted by police</p>

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						<p>and found to have 110 grams of cocaine and 28 grams of methamphetamine. On June 10, 2011, he was sentenced to 16 years, 8 months in prison. However, the sentence was stayed and he was placed on five years felony probation. Ruano committed multiple violations of probation. At a revocation hearing on October 15, 2014, a police officer testified that he found a switchblade knife and a pipe for smoking methamphetamine in Ruano's possession during a probation search. In addition, officers testified they pursued Ruano in a high speed chase that lasted over 100 miles through [Alameda,] Solano, Costa Costa, and Santa Clara counties. Ruano was traveling at a high rate of speed, weaving in and out of lanes, and running red lights. The chase ended after officers laid down spike strips on Interstate 680. In December 2014, the trial court revoked Ruano's probation and imposed the previously imposed sentence of 16 years, 8 months, and 1 year, 8 months for the PC69. The aggravating circumstances include 1) Ruano was sentenced to two or more felonies during the current term; and, 2) he was on probation at the time of the offenses. In mitigation: 1) no weapon was used in the committing offenses; 2) the crimes did not involve violence; and, 3) no one was physically injured. When balancing the aggravating circumstances against the mitigating circumstance [sic], Ruano's current commitment offense [sic] is an aggravating factor due to the extreme danger Ruano posed to the community during the multi-county high speed chase.</p> <p>Case Factor #2 – Prior Criminal Record</p> <p>Ruano's prior criminal record is considered an aggravating factor. He suffered thirteen (13) felony convictions including: HS11351.5 Possession of cocaine</p>

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						<p>base for sale (1987, 1988, and 1991); HS11350 Possession of controlled substance (1989); HS11351 Possession of controlled substance for sale (1992); HS11378 Possession of controlled substance for sale (1996, 1997 – 2 counts, and 2008); VC 10851 Auto theft (1997); VC[2800.2] Evading – 2 counts (1997); and, PC245(a)(1) Assault with a deadly weapon (2006). The factors in aggravation include: 1) Ruano has been convicted of more than 3 felony offenses, as listed above; 2) he was not free from incarceration for at least 5 years prior to the date of the current offense [sic]. Ruano was incarcerated in 2008 on a drug offense and was on probation for that offense when he was arrested on July 16, 2009, and 3) the prior felony convictions show a pattern of similar repetitive criminal conduct. There are no factors in mitigation, therefore, Ruano's prior criminal record is an aggravating factor.</p> <p>Case Factor #3 – Institutional Adjustment</p> <p>Ruano has been incarcerated on the commitment offense since December 30, 2014, a period of 2 years, 8 months. His EPRD is February 28, 2021. Ruano is a 53-year old fifth term. He is currently assigned to the scullery. Ruano incurred a serious rules violation on March 13, 2016 for possession of dangerous contraband. There are confidential memoranda, dated March 23, 2016 and June 26, 2015 which contain negative information. According to a chrono dated July 28, 2015, Ruano is a validated in-active member of the Northern Structure. He has not participated in any rehabilitative programs while in custody this term. His institutional adjustment is deemed an aggravating factor.</p> <p>Case Factor #4 – Response to Legal Notices</p>

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						<p>Letters were received in support of early release from Jacqueline Trujillo and Jeffrey Ruano.</p> <p>SUMMARY: When considering together the aggravating factors of Jeffrey Ruano's current commitment offense, his prior criminality, and his negative institutional behavior, it is clear that Ruano poses an unreasonable risk of harm to the community. His criminal history spans 30 years with persistent misdemeanor and felony convictions, numerous parole and probation violations, and little to no behavior that would suggest that he has been rehabilitated. Early release is denied.</p> <p><i>Kathleen Newman</i></p>
<p><b>Ivan Ocoltzi Sanchez</b></p> <p>SCTM CRCR 13-73915 SCTM CRCR 13-72354</p>	06/08/2015	<p>PC § 245(a)(1) Assault With a Deadly Weapon</p> <p>PC § 245(a)(1) Assault With a Deadly Weapon</p>	It was found true by a jury that the defendant is a participating member of a criminal street gang.	108 mos.	07/07/2017	<p><b>08/31/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: After full review and considering together the findings on each of the four of the inmate's case factors, both aggravating and mitigating, they do tend to show that he poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p>Case Factor #1 – Current Commitment Offense The commitment offenses are: On 5/16/13 the inmate committed an assault with a deadly weapon in violation of the criminal street gang act [PC 245(A)(1) and PC 186.22(b)]. The inmate a Sureno gang member attacked a rival gang member with a two foot club hitting him. The inmate was also convicted of assaulting his</p>

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						<p>girlfriend on 8/26/13 [PC 245(A)(1)]. The inmate attacked her while in possession of a knife, by kicking her leaving lacerations and swelling, black and blue marks on her face. The inmate received a term of nine years.</p> <p>Circumstances in aggravating for is [sic] 5/16/13: The inmate used a club/weapon, threatened/injured the victim and he was convicted of multiple offenses.</p> <p>The mitigating circumstances are: None.</p> <p>Circumstances for the 8/26/13 event: The inmate was in possession of a knife, threatened/injured the victim, and was convicted of multiple offenses. Mitigation: None.</p> <p>These circumstances must be balanced relative to risk of physical violence. In the commitment offense there is violence, injury weapons, and gang activity; overwhelming evidence of risk for future violence. The commitment offenses are aggravating.</p> <p>Case Factor #2 – Prior Criminal Record</p> <p>The inmate’s serious juvenile adjudications or prior criminal history began on 5/23/05 for two misdemeanors for submitting a false insurance claim and PC 148 resisting arrest.</p> <p>The aggravating circumstances are: None.</p> <p>The mitigating circumstances are: The inmate was not convicted of any felonies and he was not in custody for five years preceding the commitment offense.</p>

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						<p>Balancing the circumstances when there is no aggravation, no felonies and without incarceration preceding the commitment offenses within five years, the inmate's prior criminal record is mitigating.</p> <p>Case Factor #3 – Institutional Adjustment  The inmate has been incarcerated on the commitment offense since 6/11/15, a period of approximately two years and three months. During incarceration the inmate has committed one rule violation on 9/6/15 for possession of a cell phone. He did completed [sic] substance abuse self-help group lasting five months per Chrono 5/18/16. After three months from incarceration he is in possession of a cell phone, subsequent thereto completed a positive program; however the serious rule violation outweighs the self-help, though very encouraging. Institution adjustment is aggravating.</p> <p>Case Factor #4 – Response to Legal Notice  The inmate submitted a hand printed letter, undated, supporting his early release. This letter was reviewed and considered.</p> <p>SUMMARY: The aggravating factors in this case are the commitment offense and his institutional adjustment however his prior record is aggravating. His assault pursuant to gang activity in May 2013 and the assault against [sic] in September 2013 is weighty evidence of future risk for physical violence outweighing his prior record. His prior record is more remote in time and the aggravation is more current; thus, more relevant to current risk. The inmate does pose an unreasonable risk of violence to the community and release is denied.</p> <p><i>Walter Johnson</i></p>

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<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	<p><b>08/17/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four of the inmate's case factors, both aggravating and mitigating, they demonstrate that he poses an unreasonable risk of violence to the community. Accordingly, release is DENIED.</p> <p>Case Factor #1 – Current Commitment Offense</p> <p>The inmate's current commitment offenses are an aggravating factor in this case. The commitment offenses are: (1) PC487 Grand Theft Person; (2) PC459 Burglary 2<sup>nd</sup>; (3) HS11379(a) Transport Controlled Substance.</p> <p>On 1/22/14, Simms took cash from the register of a tire store. The [owner] followed Simms to his car and asked Simms to return the cash. Simms sprayed mace on the [owner].</p> <p>In November and December 2013, Simms took items from a residence. When later confronted about returning the stolen items, Simms threatened victims with a sawed off shotgun. When arrested on separate occasions, Simms was found to be in possession of meth, digital scales, pills, needles, a glass pipe, and large sums of cash.</p> <p>The inmate was sentenced to a total term of 20 years, 4 months on the current commitment offenses.</p>
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						<p>The aggravating circumstances are: (Grand Theft/Burglary) there were 2 or more victims, injury to the victim, violence or threat of violence to the victim; and Simms was sentenced to 2 or more felonies.</p> <p>The mitigating circumstances are: (Transport Controlled Substance) no weapon was used.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, the inmate's current commitment offenses are an aggravating factor because of the violence and injury involved.</p> <p>Case Factor #2 – Prior Criminal Record</p> <p>The inmate's prior criminal record is an aggravating factor in this case. The inmate's prior criminal history began in 1995 and continued until the commitment offenses in 2013 and 2014. The inmate has the following serious juvenile adjudications and/or adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 6/16/95: PC459 1<sup>st</sup> Burglary 1<sup>st</sup>;</li> <li>2. 6/16/95: PC460(b) Burglary 2<sup>nd</sup>;</li> <li>3. 1/15/98: PC460(a) Burglary 1<sup>st</sup>;</li> <li>4. 1/15/98: PC459(b) Burglary 2<sup>nd</sup>;</li> <li>5. 9/21/01: PC12021(a) Felon Possess Firearm;</li> <li>6. 9/24/03: HS11377(a) Possess Controlled Substance;</li> <li>7. 8/26/04: HS11377(a) Possess Controlled Substance;</li> <li>8. 12/17/08: VC2800.2(a) Evade PO: Disregard Safety;</li> <li>9. 12/17/08: VC10851(a) Vehicle Theft;</li> <li>10. 12/17/08: HS11379 Transport Controlled Substance</li> </ol>



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						<p>The aggravating circumstances are: Simms has been convicted of 3 or more felonies, less than 5 years elapsed between release from prior incarceration on 3/22/12 and the new offense on 11/22/13.</p> <p>There are no mitigating circumstances present.</p> <p>When considering the aggravating circumstances and lack of any mitigating circumstances, the inmate's prior criminal record is an aggravating factor because of the length of the history that involves firearm possession and felony evading.</p> <p>Case Factor #3 – Institutional Adjustment</p> <p>The inmate has been incarcerated on the commitment offenses since 8/28/14, a period of approximately 3 years.</p> <p>During incarceration, Simms has not incurred any fully adjudicated RVRs and has participated in college courses.</p> <p>After balancing the positive factors against the negative factors, the inmate's institutional record shows overall compliance with institutional rules and is a mitigating factor.</p> <p>Case Factor #4 – Response to Legal Notices</p> <p>There was a response to the Legal Notices in support of release. A letter from Simms, received 7/18/17, was reviewed and considered in the decision.</p> <p>SUMMARY: When balancing the aggravating factors in</p>

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						<p>this case, the commitment offenses and prior criminal record, with the mitigating factor in this case, institutional behavior, the aggravating factors heavily outweigh anything present in mitigation. Simms' current offenses that involved using mace on a victim, coupled with his lengthy criminal history that includes possession of a firearm and felony evading, demonstrate that he poses an unreasonable risk of violence to the community. Accordingly, release is DENIED.</p> <p><i>Neal Chambers</i></p>