

Proposition 57 Aftermath ...
State Prison Inmates Under Review By CDCR
For Expedited (Early) Release [Updated: October 30, 2018]

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 style="text-align: center;">Anthony Grayson Aguilar</p> <p>SCUK CRCR 14-78584 SCUK CRCR 13-75022</p>	10/23/2015	<p>PC § 1320.5 Bail Jumping</p> <p>VC § 2800.2 Recklessly Evading Peace Officer in Motor Vehicle</p> <p>H&S Code § 11378 [Lake Co. Superior Court] Meth: Possession for Sale</p> <p>H&S Code § 11378 [Yolo Co. Superior Court] Meth: Possession for Sale</p>		80 mos.	07/03/2017	<p>09/20/2017: Expedited Release DENIED.</p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering the finding on each of case factors for Anthony Aguilar, AY2292, both aggravating and mitigating, they do tend to show that he poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of reasons: <u>CURRENT COMMITMENT OFFENSE:</u> Mr. Aguilar's offenses are: 2 counts of Health and Safety Code (HS) §11378 – Possession of C/S for Sale (1/22/14); Vehicle Code (VC) §2800.2(a) – Evade/Attempt to Evade Peace Officer/Reckless Driving (11/1/13; and Penal Code (PC) §1320.5 – Failure to Appear (2/26/14), for which Mr. Aguilar was sentenced to a total term of 8 years and 4 months.</p> <p>On 11/1/13, Mr. Aguilar fled after a traffic stop at speeds of up to 100 MPH on a roadway where the posted speed was 35 MPH. During the chase, he once travelled in the opposite lane.</p> <p>In aggravation, Mr. Aguilar's reckless driving rose to the level of a threat of violence; and he was sentenced to two or more felonies as part of the crimes leading to the current prison term. In mitigation, no weapon was used in this offense; and there was no physical injury to any victim. On balance this offense is aggravating because Mr. Aguilar's behavior rose to the level of a threat of violence to the public.</p> <p>On 1/22/14, police observed a vehicle in which Mr. Aguilar</p>
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						<p>was a passenger cross over the double yellow lines. The police signaled a traffic stop, and the driver fled. During the chase, Mr. Aguilar was observed throwing a plastic bag out the rear window. A search of the vehicle yielded 77 grams of meth; 90 grams of marijuana. The package thrown from the vehicle contained controlled substances.</p> <p>In aggravation, Mr. Aguilar was sentenced to two or more felonies as part of the crimes leading to the current prison term. In mitigation, no weapon was used; there was no violence or threat of violence; and there was no physical injury to victims. On balance this offense is mitigating because Mr. Aguilar did not engage violent, threatening, or assaultive behavior.</p> <p>The following details are taken from the Mendocino County Criminal Complaint, filed on 8/27/14. Mr. Aguilar failed to appear on 2/26/14, in his case for violation of VC §2800.2(A).</p> <p>In aggravation, Mr. Aguilar was sentenced to two or more felonies as part of crimes leading to the current prison term. In mitigation, no weapon was used; there was no violence or threat of violence in this offense; and there was no physical injury to any victim. On balance this offense is mitigating because there was no violence, threat of violence, or assaultive behavior involved.</p> <p>When balanced together, the commitment offenses are aggravating because in one of the offenses (evading peace officer), Mr. Aguilar engage in behavior which rose to the level of a threat of violence wherein he drove in a reckless manner in disregard for public safety.</p> <p><u>CRIMINAL RECORD:</u> Mr. Aguilar's prior criminal history began in 2003 and continued until the last of the</p>

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

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

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

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						<p><u>FACTOR 3 – INSTITUTIONAL BEHAVIOR/PROGRAMMING</u></p> <p>The inmate was received into the CDCR on the present term on 12/23/15 and has been in prison for approximately one year and eight months. There are no negative circumstances associated with the inmate's incarceration on the current term. Positive circumstances include (1) other than a February 2017 CDCR-128A counseling chrono for being absent from work, the inmate has remained disciplinary free during her current incarceration; (2) she has attended adult educational classes; (3) completed a Vocational Computer Literacy course; and (4) participated in the Narcotics Anonymous program. Accordingly, the inmate's overall institutional adjustment is a mitigating factor.</p> <p><u>FACTOR 4 – RESPONSES TO LEGAL NOTICES</u></p> <p>No response to the Legal Notices was received.</p> <p>SUMMARY:</p> <p>The inmate's current commitment offenses did not involve violence on her part; her prior criminal history does not reflect a pattern of violence; and she has performed reasonably well while in prison on the current term. Based on these positive aspects of her case, all of the relevant case factors have been deemed factors in mitigation. As such, the inmate is not considered an unreasonable risk of violence to the community at this time and her release is approved.</p> <p><i>Keith Stanton</i></p>
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<p style="text-align: center;">David Matthew Andrews</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>08/16/2017: Expedited Release GRANTED.</p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four factors of Mr. Andrews’ case, both aggravating and mitigating, they show he does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p><u>Commitment Offense(s):</u></p> <p>Mr. Andrews’ current commitment offenses are a mitigating factor in this case.</p> <p>On 5/27/14, Mr. Andrews was sentenced to 10 years for the following 8 felonies arising from multiple cases.</p> <ul style="list-style-type: none"> ▪ 4 counts of Burglary 2nd PC 459 ▪ Burglary 1st PC 459 ▪ 2 counts of Possession of Controlled Substance HS 11377(a) ▪ POSS F/A EX-FEL PC 12021(a)(1) <p>In the first case on 11/3/10, Mr. Andrews will [sic] was arrested depending on parole search where law enforcement found methamphetamine, marijuana, a digital scale, burglary tools, disguises and 2 firearms. It was later determined the stolen firearms were from a first-degree burglary committed by Mr. Andrews. He was sentenced to probation and ordered to participate in drug court.</p> <p>Subsequently on 1/25/14, after receiving information regarding Mr. Andrews’ efforts to sell stolen items online, the product of multiple burglaries, law-enforcement using</p>
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						<p>a confidential informant set up a buy rendezvous. Per the arrest [sic] Mr. Andrews was in possession of multiple stolen items including three laptop computers, stolen credit cards/ID cards, multiple personal documents, stage monitors, collectible coins, stolen checks, burglary tools and 7 g of methamphetamine. The stolen items were identified by a variety of victims from multiple burglaries.</p> <p>The aggravating circumstances are Mr. Andrews was convicted of multiple felonies, and he was on parole when he committed the first crime in 2010.</p> <p>The mitigating circumstances are there were no injury to the victims, no weapons was [sic] used and there is no indication of a threat of violence during any of the aforementioned felonies. In addition, all but one offenses possession of a firearm in 2010 are property and drug crimes. In conclusion, the multiple mitigating circumstances outweigh the aggravating circumstances in finding that the current commitment offenses are a mitigating factor.</p> <p><u>Prior Criminal History:</u></p> <p>Mr. Andrews' felony criminal record began in 2005, concluding with the current commitment offenses in 2014. Mr. Andrew's 9 year criminal history is a mitigating factor in this case.</p> <p>Mr. Andrews' criminal history consists of 3 felony convictions. He has 2 convictions for Burglary 2nd PC 459 in 2005 and 2007. In 213 he was sentenced to two days in the county jail for Possession of Controlled Substance for Sale HS 11378.</p> <p>The aggravating circumstances are he has 3 or more felony</p>

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

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						<p>Conclusion: When considering each of the aforementioned four criteria, noting the multiple the [sic] mitigating factors, and the absence of any aggravating factors, it is concluded Mr. Andrews does not pose an unreasonable risk of violence to the community.</p> <p>Mr. Andrews' criminal history, including the current commitment offenses consists of primarily property crimes and drugs with no indication of violence. This factor weighs heavily in concluding he does not pose an unreasonable risk of violence to the community.</p> <p><i>Karen Fleming</i></p>
<p>Christopher Buenrostro</p> <p>SCUK CRCR 16-85077 SCUK CRCR 16-85570 SCUK CRCR 16-85980</p>	07/14/2016	<p>VC § 2800.2(a) Reckless Evading</p> <p>H&S § 11379(a) [Methamphetamine] Transportation for Sale</p> <p>VC § 2800.2(a) Reckless Evading</p> <p>H&S § 11378 [Methamphetamine] Possession for Sale</p>	This defendant is a drug dealer, who further endangers the motoring public and our peace officers by fleeing and recklessly evading police officers in his vehicle when the police try to arrest him.	68 mos.	08/24/2017	<p>10/06/2017: Expedited Release DENIED.</p> <p>Decision based on the reasons stated below:</p> <p>Inmate Christopher Buenrostro (BA5348) is being reviewed for early release pursuant to Proposition 57. The issue is whether he represents an unreasonable risk of violence to the community if released from prison at this time. The relevant mitigating and aggravating factors were considered and tend to show the inmate does currently pose an unreasonable risk of violence.</p> <p>REASONS:</p> <p><u>FACTOR 1: CURRENT COMMITMENT OFFENSES:</u> 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</p>

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						<p>police in a vehicle, reaching speeds in excess of 100 mph, and was in possession of approximately 242 doses of methamphetamine. In the 04/18/16 possession crime, on 04/16/16, an officer observed the inmate driving with a suspended driver's license. The inmate stopped the vehicle upon seeing the officer and took off running. The officer subsequently located several baggies containing meth and digital scales in his vehicle and the inmate was arrested two days later. In the 02/25/16 offense, the inmate was driving a pick-up truck with passengers and fled from police during a traffic enforcement stop. He reached speeds in excess of 90 mph in a 30 mph zone, ran a red light, ran into a ditch and then fled on foot while continuing to ignore police commands. Meth was found in the truck. Note that the record reflects the inmate was on probation at the time of the crimes.</p> <p>AGGRAVATING CIRCUMSTANCES:</p> <ol style="list-style-type: none"> 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>MITIGATING CIRCUMSTANCES:</p> <ol style="list-style-type: none"> 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>ANALYSIS:</p> <p>The inmate was committed to prison for multiple felonies; two of which threatened the community. His repetitive</p>

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						<p>criminality outweighs the mitigating circumstances in view of the magnitude of the threat. The inmate's commitment offenses are therefore an aggravating factor.</p> <p><u>FACTOR 2: PRIOR CRIMINAL HISTORY</u> The inmate's prior criminal history is limited to one felony conviction in 2011 for H11378, Possession of CS For Sale for which he received probation.</p> <p>AGGRAVATING CIRCUMSTANCES: 1) The inmate's probation was revoked on 03/27/13 and he was sentenced to 365 days jail. He was therefore not free from incarceration for at least 5 years prior to committing the current commitment offenses in 2016.</p> <p>MITIGATING CIRCUMSTANCES: 1) The inmate has not been convicted of more than two prior felonies; 2) The inmate has no known juvenile record.</p> <p>ANALYSIS: The inmate's prior criminal record is not extensive and does not reflect violence or juvenile criminal activity. The inmate's limited number of prior felony convictions and lack of prior violence outweighs the aggravating circumstance that less than 5 years elapsed from his last release from custody till his current crimes. His prior criminal record is therefore a mitigating factor.</p> <p><u>FACTOR 3: INSTITUTIONAL BEHAVIOR/PROGRAMMING</u> The inmate was received into the CDCR on the current term on 07/28/16 and has been in state prison for a little over one year and two months.</p> <p>NEGATIVE CIRCUMSTANCES: 1) None.</p>

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						<p>POSITIVE CIRCUMSTANCES: 1) The inmate has remained disciplinary free in prison; 2) The inmate has held institutional jobs as a porter, kitchen worker and sewer worker; 3) The inmate has participated in self-help programming such as several AA/NA courses, Living in Balance, Parenting and Toastmasters.</p> <p>ANALYSIS: The inmate has behaved appropriately during while [sic] incarcerated and programmed in a positive manner. There are no negative circumstances. His institutional adjustment is therefore a mitigating factor.</p> <p><u>FACTOR 4: RESPONSES TO LEGAL NOTICES</u> A response to the Legal Notices was received from the inmate and was considered.</p> <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>

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Larry Pewee Commander 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.	08/07/2017: Expedited Release DENIED. 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. <u>Case Factor #1 – Current Commitment Offense</u> The commitment offenses are: (1) PC §417.8, exhibiting a firearm/deadly weapon to resist arrest; (2) PC §69, obstructing/resisting an executive officer; and (3) PC §422, criminal threats. All three offenses arise from the same course of conduct. The following facts are summarized from the probation report. On 2/22/12 two officers responded to a report that Mr. Commander was damaging a home and tearing up clothing. The clothing belonged to his girlfriend. The officers found Mr. Commander sitting in a chair in a neighbor's yard. When they approached him, Mr. Commander yelled at them to "get the fuck out of here." He then sprang out of the chair and brandished a knife at the officers. When the officers drew their firearms Mr. Commander started running away, still carrying the knife. He was soon captured. During his arrest Mr. Commander claimed to have guns and that when he got 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. 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

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

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						<p>circumstances against the lack of any mitigating circumstance, Mr. Commander's prior criminal record is an aggravating factor. His criminal history is one of violent behavior.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>Mr. Commander has been incarcerated on the commitment offenses since 5/23/2013, a period of approximately 4 years and two months. During incarceration he had no serious rules violations. He has participated and completed positive programming in Anger Management, Substance Abuse and Criminal Thinking. He has completed vocational training in Auto Body and Computer Literacy. He has worked as a porter, kitchen crewman, clerk and PIA Facilities Maintenance. He is presently assigned as an unskilled ADA worker. After balancing the positive factors against the negative factors, Mr. Commander's institutional record shows overall compliance with institutional rules and is a mitigating factor. He has programmed well and has no rules violations.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>There were no responses to Legal Notices. A letter from Mr. Commander dated 7/5/2017 requesting his release as a non-violent offender was read and considered in making this decision.</p> <p>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</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
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						commitment offense involves the threat of violence. Mr. Commander poses an unreasonable risk of violence to the community. Release is denied. <i>Thomas Sparks</i>
Dennis Earl Finley SCUK CRCR 16-86039	07/19/2016	VC § 23153(b) Driving While Under the Influence of Alcohol w/Injury		48 mos.	05/04/2018	06/13/2018: Expedited Release GRANTED. Decision for Finley, Dennis. When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved. Statement of Reasons: <u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 4 years on the current commitment offense(s). The commitment offense is VC 23153(b)- Driving Under the Influence with Bodily Injury. On 6/7/16, Mr. Finley was involved in a multi-vehicle collision. When officers arrived at the scene, one victim reported that she suffered head and neck injuries as a result of the multi-vehicle collision. Subsequently, officers approached Mr. Finley, wherein they immediately detected the strong odor of an alcoholic beverage emitting from his breath and person. Mr. Finley's speech was slurred and he was unsteady on his feet, he was transported to a local hospital where he provided a blood sample for analysis and subsequently arrested without incident.

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						<p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>There was one victim who suffered physical injury and several others who suffered a threat of physical injury. One victim suffered head and neck pain and the general public as a whole suffered a threat of physical injury as result of the inmate's reckless behavior of driving while intoxicated. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1987 and continued until the commitment offense(s) in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions:</p> <p>1987- HS 11350- Possession of Controlled Substance 1987- HS 11355- Sell Material in Lieu of Controlled Substance 1992- PC 487.2- Grand Theft Person 2004- PC 273.5(e)(1)- Corporal Injury to Spouse within 7 years of Prior Specified Conviction.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> 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. 2. The inmate was free from incarceration for a misdemeanor conviction involving physical
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						<p>injury to a victim or a felony conviction for five years or more prior to his current convictions. The inmate was released from custody on 11/20/06, for the offense of Corporal Injury to Spouse, and the current commitment offense occurred on 6/7/16.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are: The inmate's prior criminal convictions coupled with his current conviction show a pattern of similar criminal conduct that is increasing in severity. His prior criminal record consists of drug related offenses, grand theft person, and corporal injury to spouse. His current conviction increased in severity because the inmate's behavior jeopardized the lives of not only his girlfriend, who was a passenger in the car driven by the inmate, but he also risked the lives of numerous members of the public.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence because he has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years and he was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since September 1, 2016, a period of approximately 1 year 9 months.</p>

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						<p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</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:</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. The inmate has been at CDCR for 1 year 9 months, he has participated in a 12 week Narcotics Anonymous course and a Drug and Alcohol Education course. Based on his history of drug use, coupled with his commitment offense which involved driving under influence resulting in physical injury, he could benefit from additional self-help programming, for a sustained period, which addresses the circumstances that contributed to his criminal behavior. <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from Dennis Finely (letter dated 5/13/18) which</p>

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						<p>were reviewed and considered in this decision.</p> <p>SUMMARY: When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age (56), the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.</p> <p>The factors mitigating Mr. Finley's current risk overall, his prior criminal history and institutional adjustment, outweigh the factor aggravating his current risk, his current commitment offense.</p> <p>His current commitment offense involved Driving Under the Influence with Bodily Injury, wherein a victim suffered injuries and several vehicles were damaged as a result of his reckless behavior.</p> <p>His prior criminal record consist of drug related crimes, grand theft person, and corporal injury to spouse. Despite his criminal record dating back to 1987, he has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years and he was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction.</p> <p>Lastly, Mr. Finley has been incarcerated for 1 year 9 months, and although he has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. To his credit he has participated in a 12 week Narcotics Anonymous course and completed the Drug and Alcohol Education Workbook. The tools gained in these programs could assist Mr. Finley in the community.</p> <p>Greater weight is given to his positive institutional adjustment. He has not been found guilty of any Institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to</p>
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						<p>prison. Therefore, the factors mitigating his current risk overall, outweigh the factors aggravating his current risk. The inmate is approved for release.</p> <p><i>Excel Sharrieff</i></p>
<p>Johnny Earl Green</p> <p>SCUK CRCR 16-185943 SCUK CRCR 14-79702</p>	07/12/2016	<p>PC § 245(a)(1) Assault with a Deadly Weapon</p> <p>PC § 69 Resisting Executive Officer By Force or Violence</p>	<p>District Attorney's Letter Opposing Early Release, dated April 27, 2018:</p> <p>Dear Board of Parole Hearing: I am in receipt, as of April 24, 2018, of the Board's notice of Nonviolent Parole Release Review for the above-named defendant. For the reasons stated below, I am strongly opposed to the early release of inmate Green.</p> <p>A. Trial Court Procedural History Mendocino County Superior Court Docket Number SCUK CRCR 14-79702</p> <p>By felony two-count complaint filed on or about November 13, 2014, defendant Green was formally charged in Count One with a felony violation of Penal Code §§ 211 and 212.5(c), robbery in the second degree; and in Count Two with a felony violation of Penal Code § 69, resisting executive officer by means of threat or violence.</p> <p>The defendant was arraigned on the aforementioned complaint on November 14, 2014. The Public Defender was appointed as his</p>	84 mos.	04/24/2018	<p>05/31/2018: Expedited Release DENIED.</p> <p>Decision based on the reasons stated below:</p> <p>Do Mr. Green's case factors show that he poses an unreasonable risk of violence to the community? There are four case factors to consider.</p> <p>ANALYSIS</p> <p><u>Current Commitment Offense:</u> Mr. Green's current commitment offense are one count of PC 245(a)(1) – Assault w/Deadly Weapon, PC 1170.12 – Prior Strike conviction, PC 667.5(b) – Prior Prison Term, which occurred on 05/29/16. He was convicted of the offense on 07/12/16.</p> <p>On 05/29/16, while he was on parole, he assaulted the victim and hit him on the head with a rock. He then punched and kicked the victim repeatedly. When police made contact with the victim, they observed that he was bleeding from his left ear and complained of pain in the rib area. The victim believed that Mr. Green was going to kill him.</p> <p>Mr. Green's second commitment offense is one count of PC 69, Resisting/Deterring an Officer w/Threat of Violence. He was convicted of the offense on 01/12/15. The total term of his sentence was seven years.</p>

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			<p>counsel of record. Bail was set at \$90,000 and a preliminary hearing was calendared for November 25, 2016.</p> <p>The defendant was held to answer on the aforementioned charges at the conclusion of the preliminary hearing conducted on November 25, 2016.</p> <p>The defendant was arraigned on the resulting information on December 11, 2014. A jury trial was calendared for January 28, 2015. At the pre-trial conference, conducted on January 12, 2015, the defendant entered a guilty plea to Count Two. Count One was dismissed with a Harvey waiver for all purposes.</p> <p>Letter to Board of Parole Hearings Re: Johnny Earl Green April 27, 2018 Page 2</p> <p>The defendant was offered and he accepted a formal grant of probation for 36 months on February 9, 2015. As a term of that probation, the defendant was ordered to serve a "bullet" (365 days) in the Mendocino County jail.</p> <p>In short order, by May 7, 2015, the defendant was arraigned on a petition alleging violation of probation. He admitted violating probation on May 13, 2015. On May 19, 2015, the defendant's probation was permanently revoked and he</p>			<p>On 11/12/14, store employees observed him shoplifting at a market and called police. When police arrived, he physically resisted arrest by grabbing the officer's stun gun and fleeing on foot. The police pursued him and another physical altercation ensued when he resisted arrest. The police officers received minor injuries as a result of the physical altercations. He was ultimately sentenced to state prison after violating his probation terms on this case.</p> <p>The circumstances in aggravation for the assault offense are: (1) The defendant personally hit the victim on the head with a rock, which was deemed to be a deadly weapon (2) There were one or more victims who suffered physical injury or threat of physical injury. He caused serious bodily injury to the victim's head and rib area. He had multiple physical altercations with police officer, wherein the officers received minor injuries.</p> <p><u>Prior Criminal Record:</u> Mr. Green's prior criminal history began in 2004 and continued until the commitment offense(s) in 2016. His prior criminal record is a factor aggravating the inmate's current risk of violence.</p> <p>The defendant has the following adult criminal convictions: (1) PC 245(a)(1) – Assault w/Deadly Weapon not a Firearm w/GBI in 2004, (2) PC 242 – Battery, and PC 69 – Resisting an Officer both Misdemeanors in 2014.</p> <p><u>Institutional Behavior/Rehabilitative Programming:</u> Mr. Green started his term on the current commitment offenses on 07/28/16 and has been incarcerated for approximately 1 year and 10 months.</p> <p>During his current term he has received a rules violation for fighting, which he was found guilty.</p>
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			<p>was sentenced to 24 months in state prison.</p> <p>Mendocino County Superior Court Docket Number SCUK CRCR 16-85943</p> <p>By felony two-count complaint filed on June 1, 2016, defendant Green was formally charged in Count One with a felony violation of Penal Code § 245(a)(1), assault on another with a rock; in Count Two with a felony violation of Penal Code § 245(a)(4), assault by means of force likely to inflict great bodily injury; in Special Allegation One it was alleged that the defendant inflicted great bodily injury, within the meaning of Penal Code § 12022.7(a); in Special Allegation Two it was alleged that the defendant has previously suffered a prior conviction for Penal Code § 245(a)(1) with a § 12022.7(a) enhancement, within the meaning of Penal Code § 667(a); in Special Allegations Three and Four it was alleged that the defendant has previously suffered separate prior prison commitments, within the meaning of Penal Code § 667.5(b).</p> <p>The defendant was arraigned on the aforementioned complaint on June 2, 2016. The Public Defender was appointed as his counsel of record. Bail was set at \$185,000 and a preliminary hearing was scheduled for June 15, 2016.</p>			<p>Mr. Green has had limited participation in available vocational, educational, or work assignments. He has had no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p><u>Legal Notices:</u> There was a response from the Mendocino County District Attorney in opposition of his early release, which was reviewed and considered in this decision.</p> <p>DECISION:</p> <p>When reviewing all the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the fact that he was previously certified as an MDO and paroled to Atascadero Hospital, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>The inmate's commitment offenses were determined to be an aggravating factor, which together with the case factors of the prior criminal history as well as the institutional adjustment, outweigh any and all circumstances that may work to mitigate the inmate's current risk of violence. The inmate reverted to criminal behavior and victimized the community with thefts and violence, and in the process was involved in physical altercations with peace officers, all within five years of his release from custody. Furthermore, the inmate continues to act out with violence within the institution and has not benefitted from rehabilitative or educational programs designed to prevent violence. The inmate is denied release.</p> <p><i>John Garcia</i></p>
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			<p>On June 15, 2016, the defendant accepted the People's early plea offer and pled no contest to Count One. He also admitted the Strike allegation and Special Allegation Three. He agreed to a stipulated state prison commitment of 60 months with credits limited to 80 percent. The remaining count and special allegations were dismissed with a Harvey waiver for all purposes.</p> <p>On July 12, 2016, the defendant was sentenced to the 60 month state prison commitment, as outlined above.</p> <p><u>B. CDCR Administrative Review Criteria</u></p> <p>While the District Attorney has little experience commenting on and applying the criteria considered in the course of the Nonviolent Parole Review Process, the following effort and resulting comments are tendered for consideration nevertheless:</p> <p>Overall conclusion: When considering the case factors for inmate Johnny Earl Green, to the extent those factors are available to the prosecution for review and comment, it is respectfully asserted that this inmate poses an unreasonable risk of violence to the local community and his early release should be denied.</p>			
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			<p><u>Most Recent Commitment Offense (SCUK CRCR 16-85943)</u></p> <p>Inmate Green's newest offense is a felony violation of Penal Code section 245(a)(1), assault on another with a deadly weapon, to wit, a rock. He committed this violent offense while released on CDCR parole.</p> <p>The defendant was arrested on May 29, 2016 by Ukiah Police Officer Rigby for attacking a homeless inebriate and hitting the man in the head with a rock. When questioned, Green admitted he "took him out." When asked to explain what this meant, Green confirmed he had attacked the victim. Green admitted punching the victim numerous times in the face and then kicking the victim in the ribs. While Green originally denied using a rock, he later admitting hitting the victim over the head with the rock.</p> <p>In aggravation, Green's crime, by definition and by fact, rose to the level of violence. It should be further aggravating that the defendant attacked a man unable to defend himself due to excessive intoxication. Common sense would seem to also militate that committing the commitment offense while on parole should also be aggravating.</p> <p><u>Prior Criminal Record</u></p>			
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			<p>The District Attorney has no information regarding the inmate's prior juvenile criminal history, if any. Based on review of the Mendocino County District Attorney's "local history" database, as well as the inmate's state-wide rap sheet, it is asserted that Green's adult criminal history is the following:</p> <p>October 24, 2002: Green was convicted in Mendocino County of a misdemeanor violation of Penal Code § 148(a), resisting a peace officer. He was granted summary probation with terms for 24 months. This probation was later terminated as unsuccessful on October 18, 2004, based on the underlying facts of the felony next in order.</p> <p>December 20, 2004: While originally charged with attempted murder, Green was ultimately convicted in Mendocino County of a felony violation of Penal Code§ 245(a)(I) with a§ 12022.7 enhancement. Inmate Green was sentenced to CDCR on this matter with a commitment term of 84 months.</p> <p>August 8, 2014: Green was convicted in Mendocino County of misdemeanor violations of Penal Code §§ 242 and 69. Probation was denied and Green was sentenced to 90 days in the Mendocino County jail.</p>			
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			<p>The two commitment offenses are intentionally not mentioned in this section, as they are the main focus of the Board's review and have been noted separately.</p> <p>In aggravation, Green has been convicted of six crimes - three misdemeanors and three separate felonies - that are violent in nature. The prior convictions demonstrate a pattern of violence and repetitive criminal conduct that, by definition and fact, create an ongoing danger to the local community.</p> <p>There are no mitigating factors.</p> <p>On balance, the prior criminal record is an aggravating factor because of the acts of violence at both the misdemeanor and felony level; because of Green's violent, repetitive criminal conduct; because of Green's failure on formal supervision; and the fact that Green was not free from incarceration for a period of five years prior to committing the most recent current offense.</p> <p><u>Institutional Adjustment</u></p> <p>The prosecution has had no information made available to us to be able to participate in an assessment in this regard.</p> <p>Without consideration of Institutional Adjustment, the District Attorney nevertheless respectfully asserts, on balance, that the facts</p>			
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			underlying the commitment offenses and Green's Prior Criminal Record are aggravating factors for the reasons stated above. It is respectfully requested that inmate Johnny Earl Green be denied early "nonviolent" parole release. Candidly, there is nothing in the record demonstrating that this guy is nonviolent. Yours truly, C. David Eyster District Attorney			
Joshua Justice Hayes SCUK CRCR 14-79287 SCUK CRCR 09-89977	01/06/2015	PC § 459/460(a) Residential Burglary VC § 2800.2 Recklessly Evading a Peace Officer PC § 1170.12 Prior Strike Conviction PC § 667.5(b) Prior Prison Commitment		124 mos.	09/11/2018	10/24/2018: Expedited Release DENIED. Decision based on the reasons stated below: Decision for Hayes, Joshua AV7282: When considering together the findings on each of the inmate's four case factors, the inmate poses an unreasonable risk of violence to the community. Release is denied. Statement of Reasons: <u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 10.4 years on the current commitment offenses. The commitment offenses are PC 459 Residential Burglary - 8 years (Doubled per PC 667(b)/PC 1170.12: Strike prior), VC 2800.2(a) Evading or attempting to evade a peace officer - 1.4 years Consecutive. The court also imposed a 1 year Enhancement, pursuant to PC 667.5(b) Prior prison term. Inmate was convicted on 11/21/14 and sentenced on

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						<p>1/6/15.</p> <p>On 10/13/14, Victim returned home to find inmate and another with a U-Haul at his residence. The individuals left upon seeing victim. The victim entered his residence to see that his property (computer, laptop, and a tablet) had been taken.</p> <p>A second report was received from another victim who described a similar encounter.</p> <p>Later, deputies caught sight of the same U-Haul and ordered the driver to stop. Inmate told deputies: "Fuck you, I didn't do anything." Deputies advised inmate to exit the vehicle or he would be tased. Inmate was then struck in the arm. He began screaming and left the scene driving at a high rate of speed. Inmate and his partner eventually abandoned the vehicle and attempted to escape on foot.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>There were one or more victims who suffered physical injury or threat of physical injury. This occurred when inmate and his cohort drove away from the deputies at a high rate of speed and attempted to avoid police contact. Their reckless manner of driving placed not only the pursuing officers at risk, but the general public as well. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1994 and continued until the commitment offense in 2014. The inmate's prior criminal record is a factor aggravating the</p>

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						<p>inmate's current risk of violence. The inmate has the following adult criminal convictions: VC 2800.2(a) Evading, HS 11350(a) Possession of controlled substance (2011); PC 496(a) Receiving stolen property (2006); PC 243(d) Battery with serious bodily injury (2004); PC 12021(a)(1) Possession of firearm by felon, PC 459 2nd Degree Commercial Burglary (1997); VC 10851(a) Vehicle theft (1994).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are: Inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are: Inmate was incarcerated for a felony conviction within five years prior to his current conviction. Inmate was convicted of VC 2800.2(a), Evading and HS 11350(a), Possession of controlled substance in 2011, and he was convicted of his current crime in 2014.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because Inmate has a very recent prior conviction for VC 2800.2(a), Evading or attempting to evade. This conviction occurred in 2011. His current crimes also include a VC 2800.2(a), Evading or attempting conviction. Inmate was convicted for these crimes in 2014. A conviction for VC 2800.2(a) is considered inherently threatening because it puts not only the pursuing officers at risk but the general public as well. Consequently, the fact that inmate's prior recent conviction for Evading or attempting having occurred so shortly before his current conviction for the same crime makes his prior criminal record an aggravating</p>

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						<p>factor.</p> <p><u>Case Factor #3 - Institutional Adjustment</u> The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since January 29, 2015, a period of approximately 3.10 years. The inmate has been involved in the following activities: There is no reliable Confidential information in inmate's C-file indicating inmate's participation in illegal activities. Inmate has incurred 115 rule violations: Fighting (2016) Inmate and another were fighting in culinary.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence: 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. Inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. This is evidenced by the 17 months inmate has worked in dining. Inmate has also taken education courses and he did some work for the Protestant chapel. Inmate is now employed as a dorm porter. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior. This is noted by inmate's voluntary participation in NA and CGA even though he is not earning Milestone credits. The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence: Inmate has been found guilty of Institutional Rules</p>

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						<p>Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. This occurred when he received a 115 for Fighting - Resulting in the use of force.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because Inmate began programming in a positive manner shortly after his arrival at CDCR. He began with Protestant services and then he started working in dining. Later, inmate got involved in education. However, he was involved in a physical fight with another inmate in 2016. Although the incident occurred on 2/25/16, it nevertheless was an act of violence on the part of inmate. Consequently, inmate's institutional conduct is an aggravating factor.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from Joshua Hayes, 10/15/18, which were reviewed and considered in this decision.</p> <p><u>SUMMARY:</u> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including taking into consideration all the mitigating factors and all the aggravating factors, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>Inmate's instant crimes placed both pursuing authorities and the general public at great risk in his attempts to avoid arrest. On 6/23/11, a little more than 3 years earlier, inmate was sentenced to a new term for the exact same offense. In both instances, inmate displayed a complete disregard for the safety of others. Once in custody, inmate</p>
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						<p>did begin early and positive programming. However, he also incurred a 115 for Fighting - resulting in the use of force. Accordingly, inmate's release at this time would pose an unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Kenneth Allen</i></p>
<p>Steven Gene Hensley</p> <p>SCUK CRCR 11-18554 SCUK CRCR 09-89977</p>	01/27/2012	<p>PC § 451(c) x 19 Arson of Forest or Grassland Restitution Owing: \$354,138</p> <p>PC § 273.5 Inflicting Corporal Injury on Spouse</p>	By definition, while very dangerous in rural counties, this form of arson is legislatively deemed only a serious felony, not violent like other forms of arson.	240 mos.		<p>08/13/2018: Expedited Release DENIED.</p> <p><u>Decision for Hensley, Steven, AK7619:</u> When considering together the findings on each of the inmate's four cases factors, the inmate poses an unreasonable risk of violence to the community. Release is denied.</p> <p><u>Statement of Reasons:</u></p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's commitment offense(s) aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 20 years on the current commitment offense(s). The commitment offense(s) is/are PC 273.5, inflicting corporal injury on spouse, occurring in 2009, and 19 counts of arson of forest land, PC 451(c), occurring in 2011. Following an extensive investigation in Mendocino County, the inmate, Mr. Hensley, was identified and confessed to lighting 20 fires. He was observed by witnesses, was in the areas of the fires at the time of the fires, and left incriminating evidence on scene. The inmate admitted to alcohol and drug abuse at the time of the offenses.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes,</p>

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

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						<p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since February 2, 2012, a period of approximately six years, six months.</p> <p>The inmate has been involved in the following activities: The inmate reports he has participated in EOP programs including AA/NA, depression management, anger management, aggression replacement training, and thinking for a change. He has worked in the dining room, yard, main kitchen as a cook, clerk, porter, recreation aid, carpenter, adult care giver, canteen worker and in the PIA office.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> 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. 3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. <p>The following circumstances of the inmate's institutional</p>
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						<p>behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>1. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as domestic violence.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because the inmate received a sentence of 20 years for domestic violence and arson. Although he has participated in some programming, there is no indication that he has addressed the circumstances that contributed to his criminal behavior.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate received July 20, 2018 and March 28, 2018 which were reviewed and considered in this decision.</p> <p><u>SUMMARY:</u> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's risk of violence.</p> <p>The inmate caused bodily injury to his wife in the domestic violence offense and has not addressed the circumstances that contributed to the domestic violence or the 19 counts</p>

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						of arson. The inmate is denied for release. <i>Ana Soares</i>
Steven Gene Hensley SCUK CRCR 11-18554 SCUK CRCR 09-89977	01/27/2012	PC § 451(c) x 19 Arson of Forest or Grassland Restitution Owing: \$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	08/10/2017: Expedited Release DENIED. 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) <u>Current Commitment Offense</u> : Mr. Hensley's current commitment offense are 19 counts of PC 451(c) – arson of structure or forest land which occurred from 07/05/11 through 08/21/11 and PC 273.5 – inflict corporal injury on spouse which occurred on 03/21/09. He was convicted of the offenses on 01/27/12 and received a total term of 20 years. 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

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

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						<p>The circumstances in aggravation are: (1) it has been less than 5 years between the date of release from his 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) <u>Institutional Behavior/Rehabilitative Programming</u>: Mr. Hensley started his term on the current commitment offenses on 02/20/12 and has been incarcerated for approximately 5 years and 5 months.</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</p>

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						<p>institutional rules and programs and therefore is a mitigating factor in this case. He has remained violation free and has a steady work history.</p> <p>4) <u>Legal Notices</u>: There was no response from Mr. Hensley in support of his early release.</p> <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>
<p>Jesus Anthony Herrera</p> <p>SCUK CRCR 16-86852</p>	09/27/2016	<p>PC § 69</p> <p>Resisting Executive Officer By Force or Violence</p>		32 mos.	05/16/2017	<p>11/07/2017: Expedited Release DENIED.</p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they demonstrate that Mr. Herrera poses an unreasonable risk of violence to the community. Accordingly, Mr.</p>

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						<p>Herrera is denied release.</p> <p><u>Case Factor #1 – Current Commitment Offense</u> Mr. Herrera’s current commitment offense PC69 Resisting Officer w/Force/Violence, is an aggravating factor in this case.</p> <p>On 8/4/17, Mr. Herrera was in public and appeared to be intoxicated. When an officer attempted to stop Mr. Herrera, Mr. Herrera stated, “Fuck you,” charged the officer, slapped the officer’s hand and shoved the officer backwards while continuing to swear. The officer deployed a canine, which grabbed Mr. Herrera by the arm. The officer attempted to subdue Mr. Herrera but Mr. Herrera punched the officer and the pair began to grapple. The canine was deployed a second time and bit Mr. Herrera in the knee. After a violent struggle, Mr. Herrera ran away a short distance before the officer caught up to him and another struggle ensued. The canine bit Mr. Herrera again as the grappling continued. Additional officers arrived and subdued Mr. Herrera. The officers confirmed Mr. Herrera’s parole status and took him into custody.</p> <p>Mr. Herrera entered a plea agreement and was sentenced to a total term of 2 years, 8 months on the current commitment offense.</p> <p>The aggravating circumstances are: 1) There were two or more officers involved in the commitment offense; 2) There was violence or threat of violence to the officers during the offense; and 3) Mr. Herrera was on parole at the time of the offense.</p> <p>The mitigating circumstances are: 1) No weapon was used; and 2) No physical injury to a victim occurred.</p>

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						<p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's current commitment offense is an aggravating factor because of the level of violence involved in the continued resistance of the officers and canine during the offense.</p> <p><u>Case Factor #2 – Prior Criminal Record</u> Mr. Herrera's prior criminal record is an aggravating factor in this case. His prior criminal history, which began in 1997 and continued until the commitment offenses in 2016, includes the following serious juvenile adjudications and/or adult criminal convictions:</p> <ol style="list-style-type: none"> 1. 1997: Age 15: PC422 Terrorist Threats; 2. 1997: Age 15: PC 417.4 Brandish Firearm Replica; 3. 2012: PC 273.5 Inflict Corporal Injury on Spouse/Cohabitant; 4. 2012: PC422 Terrorist Threats; and 5. 2014: PC3000.08. <p>The aggravating circumstances are: 1) Mr. Herrera has been convicted of 3 or more felonies (including serious juvenile adjudications); 2) His criminal record shows a pattern of assaultive behavior; 3) Less than 5 years elapsed between his release from a prior incarceration on 1/14/14 and the current offense on 8/4/16; and 4) His prior felony convictions (including serious juvenile adjudications) show a pattern of similar/repetitive conduct.</p> <p>No mitigating circumstances are present.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's prior criminal record is an extremely aggravating factor because of the length of the history, as well as the frequency and threatening nature of offenses.</p>
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						<p><u>Case Factor #3 – Institutional Adjustment</u> Mr. Herrera has been incarcerated on the commitment offense since 10/13 16, a period of approximately 13 months.</p> <p>During incarceration, Mr. Herrera has not incurred any RVRs. He has participated in or completed the following positive programming: Anger Management, Substance Abuse.</p> <p>After balancing the positive factors against the negative factors, Mr. Herrera’s institutional record shows overall compliance with institutional rules and is a mitigating factor because he has not incurred any RVRs and is participating in positive programming.</p> <p><u>Case Factor #4 – Response to Legal Notices</u> No responses to Legal Notices were received.</p> <p>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 for his recent rehabilitative efforts. However, those are outweighed by his lengthy and threatening criminal record and the violent nature of his commitment offense. Accordingly, Mr. Herrera is denied release.</p> <p><i>Neal Chambers</i></p>
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Lonnie Lane Hesser SCUK CRCR 16-84306	May 6, 2016	PC § 459/460(a) x 3 Residential Burglary		72 mos.	April 24, 2018	04/23/2018: Expedited Release DENIED. The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. However, it has been determined [that] the inmate is not eligible for the Nonviolent Parole Review Process at this time. As a result, this case has been closed by the Board of Parole Hearings and the inmate will not be considered for release at this time. Please direct any inquiries concerning the inmate to the institution where the inmate is housed. We apologize for any inconvenience this may have caused. JURISDICTIONAL REVIEW: BPH does not have jurisdiction, no further review. REVIEW ON THE MERITS: Decision based on the reasons stated below: On 04/06/18 inmate Hesser was found guilty of a division A2 offense for distribution of a controlled substance for a RVR issued on 01/20/17. Based on these findings, BPH does not have jurisdiction to conduct a review. <i>Shannon Hogg</i>

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Noah Myles Luranhatt SCUK CRCR 15-81135	09/18/2015	PC § 422 Criminal Threats	District Attorney's Letter Opposing Early Release, dated April 27, 2018: We are in receipt, as of April 2, 2018, of your notice of Nonviolent Parole Release Review for the above-named defendant. For the reasons stated below, I am opposed to the early release of inmate Green. A. <u>Trial Court Procedural History</u> SCUK CRCR 16-85943 By felony complaint filed on or about March 26, 2015, defendant Luranhatt was charged with a felony violation of Penal Code section 422, making criminal threats against a Sheriff's Deputy. A Strike allegation was alleged asserting the defendant had previously been convicted of a felony violation of Penal Code section 245(a)(1), assault with a deadly weapon (Mendocino County Superior Court docket number SCUK CRCR 10-15576-002). It was also alleged the defendant had served a prior prison commitment, within the meaning Penal Code section 667.5(b). The defendant was arraigned on the aforementioned complaint on March 27, 2015. The Public	108 mos.	April 3, 2018	05/8/2018: Expedited Release GRANTED. Decision for Luranhatt, Noah, AG4700: When considering the finding on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved. Statement of Reasons: <u>Case Factor #1 – Current Commitment Offense</u> The circumstances of the inmate's current commitment offense(s) aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of nine years on the current commitment offense(s). The commitment offense(s) is/are Regarding [sic] the circumstances of the crime, on 03/25/15, a Mendocino County Sheriff's Deputy conducted a traffic stop on a vehicle. The inmate was the passenger. During the stop, the deputy became suspicious as the inmate was exhibiting unusual behavior. After being informed that the inmate was on active parole for an assault and learning there were two officer safety warnings related to the inmate, the deputy put the inmate in handcuffs to conduct a parole search. As the deputy was applying the restraints, the inmate began tensing his grip, moving around and pulling forward causing the deputy to suspect he was under the influence of a central nervous system stimulant. The inmate was found to be in possession of a hypodermic needle, a small amount of marijuana and a small amount of psilocybin mushrooms and began pleading with the deputy to not take him to jail. The deputy informed the inmate that it would be up to Parole whether or not he went into custody. The Parole Department was contacted and dispatch reported they wanted the inmate taken into custody on a parole hold.

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			<p>Defender was appointed as his counsel of record. Bail was set at \$155,000 and a preliminary hearing was scheduled for April 8, 2015. It is noted in the District Attorney's case file notes that this defendant had also threatened to kill a black Sheriff's Deputy during a prior law enforcement interaction.</p> <p>On April 8, 2015, the defendant pled guilty to the substantive charge. He also admitted as true the Strike allegation and the prior prison allegation.</p> <p>On May 19, 2015, the defendant was sentenced to a suspended state prison sentence of 108 months and placed on formal supervised probation for 36 months. As a condition of probation, the defendant was ordered to serve 180 days in county jail.</p> <p>The defendant violated the terms of his probation in short order. By petition seeking violation of the defendant's probation, filed July 9, 2015, it was alleged that the defendant had been discharged as unsuccessful from the Hilltop substance abuse rehabilitation program on July 2, 2015. It was also alleged that he had failed to keep probation informed of his current</p>			<p>Once the inmate learned he was going to jail, he became threatening and told the deputy that it was now "personal" and stated to the deputy "you better watch your back" as he (the inmate) would "be out of custody soon." The inmate further threatened to kick out the parole [sic] vehicle's windows and beat the deputy's "ass."</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> 1. There were one or more victims who suffered the threat of physical injury. <p>Therefore, the current crimes are found to be an aggravating risk factor in this case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2011 and continued until the commitment offense(s). [sic] The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: PC 245(a)(1) Assault with Deadly Weapon in 2011. Note that the inmate was released to parole on this offense on 01/05/13.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> 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.
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			<p>address and contact information. As of July 8, 2015, the defendant had also failed to provide proof to probation that he had participated in a court-ordered mental health evaluation.</p> <p>The defendant was arraigned on the violation of probation petition on July 19, 2015. A contested probation violation hearing was scheduled for July 28, 2015.</p> <p>The defendant admitted the allegations in the VOP petition on July 28, 2015.</p> <p>Over the District Attorney's objection, the defendant was referred on August 14, 2015 to the drug court team for drug court suitability. Later that same day, the drug court team deemed the defendant unsuitable for drug court participation due to prior violent offenses and lack of ability to meaningfully participate in the drug court program.</p> <p>On August 28, 2015, the court offered the defendant an opportunity to apply for and, if accepted, to participate in and complete the residential Delancey Street program in San Francisco.</p>			<p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <p>1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because the inmate was out of custody less than three years before again committing a crime involving felony violence. The inmate's prior record reflects felony violence. As such, it is probative of a risk for felony violence. Furthermore, the relative short time that elapsed between the inmate's last release from prison and the time he committed the current commitment offense demonstrates the inmate was not deterred from future criminality by incarceration. The inmate's prior criminal record therefore shows an increased risk for felony violence. Accordingly, this aggravating circumstance warrants substantial weight and is deemed to outweigh the fact that the inmate has not been convicted of a crime listed in P667.5(c) during the past 15 years.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since October 1, 2015, a period of approximately two years and seven months.</p> <p>The inmate has been involved in the following activities:</p> <p>Education: The inmate attended adult education classes (ABE) from 01/28/16 to 02/29/16 (approx. 1 month); again</p>
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			<p>On September 15, 2015, it was determined that the defendant had been rejected by Delancey Street.</p> <p>On September 18, 2015, it was further determined that the defendant had temporarily escaped from custody during the Delancey Street interview but was successfully recaptured. Only then did the court deny the defendant's request to be reinstated on probation and ordered the suspended state prison sentenced executed upon. The defendant was sentenced to state prison for the nine years previously suspended. He was awarded 135 days credits for actual days in custody and 134 days of 4019 credits.</p> <p><u>B. Administrative Review Criteria</u></p> <p>While the District Attorney has little experience commenting on and applying the Nonviolent Parole Review Process, the following effort is made nevertheless:</p> <p>Overall conclusion: When considering the case factors for inmate Noah Myles Luranhatt, to the extent those factors are available to the prosecution for</p>			<p>from 06/10/16 to 01/18/17 (approx. 6 months); and GED classes from 12/08/17 to 05/01/18 (approx.. 5 months).</p> <p>Vocation: The inmate began the Vocational Computer Literacy class on 02/09/17 and completed the course on 03/22/17 (completion certificate noted).</p> <p>Work: No work assignment located on the current term.</p> <p>Self-help/Rehabilitative programs: The inmate completed the following self-help programs:</p> <p>Transitions program (04/28/16 – 05/27/16); Family Relations (02/15/17 – 09/25/17; [sic] Criminal Thinking (04/15/17 – 07/31/17); Substance Abuse (06/13/17 – 08/18/17); and Anger Management (06/24/17 – 10/12/17).</p> <p>The inmate also participated in a substance abuse class from 08/08/16 to 01/18/17 (approx. 5 ½ months); attended the Arts & Corrections group 04/10/18 to 04/25/18 (15 days); and Old School Gangs Anonymous from 04/24/18 to 05/02/18 (for approx. 2 hours).</p> <p>Currently, the inmate has been assigned to: the Freedom & Choice (self-awareness) group since 01/17/18; Alcoholics and Narcotics Anonymous since 04/13/18; and Criminal Gangs Anonymous (CGA) as of 04/19/18.</p> <p>The inmate has not received any Rules Violations reports during his current prison term and no confidential information indicates he has been involved in criminal activity during his current incarceration.</p> <p>The following circumstances of the inmate's institutional</p>

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			<p>comment, it is respectfully asserted that <u>this inmate poses an unreasonable risk of violence</u> to the local community and his early release should be denied.</p> <p><u>Current Commitment Offense</u></p> <p>Inmate Luranhatt's newest offense is a felony violation of Penal Code section 422, criminal threats against a peace officer. He committed same while on parole. The defendant was arrested on July 8, 2015 by Deputy Hank Stolfi of the Mendocino County Sheriff's Office for drug-related offenses. Luranhatt then informed the deputy that he (Luranhatt) was going to jail now and had nothing to fear. He claimed to be a "two-time Strike" felon and that Deputy Stolfi had "better watch your back" because this is now "personal." Luranhatt claimed he was a "level four" inmate, referring to his classification level at CDCR. Luranhatt told the deputy that he was going to "do what he had to do" to the deputy, calling the deputy "a punk bitch hiding behind a badge." The deputy's ride-along further</p>			<p>behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> 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 he has engage in criminal activity since his last admission to prison. 3. The inmate has successfully participated in vocational and educational assignments for a sustained period of time. 4. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for a sustained period of time. <p>The following circumstances of the inmate's institutional behavior work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>None.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history and rehabilitative programming mitigate the inmate's current risk of violence because the inmate has not engaged in any serious misconduct while in prison; has attended several rehabilitative programs – both in the areas of education and self-help – and has upgraded vocationally.</p>

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			<p>reported that Luranhatt threatened that Deputy Stolfi had “awakened the dragon” and that Deputy Stolfi had better watch out because the defendant “will be out of custody soon.” The defendant commented on the fact that the deputy had a firearm and was “hiding behind his gun,” but Luranhatt noted that he also had guns. Luranhatt threatened to kick out the windows of the patrol vehicle and beat Deputy Stolfi’s “ass.”</p> <p>In aggravation, Luranhatt’s crime, by definition and by fact, rose to the level of a significant threat of violence. It is further aggravating – or a part of that same aggravation – that the defendant threatened to use a firearm in the future. Common sense would seem to militate that committing the commitment offense while on parole should also be aggravating.</p> <p><u>Prior Criminal Record</u></p> <p>Luranhatt’s prior juvenile criminal history involves one misdemeanor offense adjudicated in 2006. Luranhatt was made a ward of the</p>			<p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate (undated) which were reviewed and considered in this decision.</p> <p>There were response(s) to the Legal Notices in opposition to release from Mendocino County District Attorney which were reviewed and considered in this decision.</p> <p><u>SUMMARY:</u> When reviewing all the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate’s age (27) and any physical and cognitive limitations, the factors mitigating the inmate’s current risk of violence outweigh the factors aggravating the inmate’s current risk of violence.</p> <p>The inmate’s current commitment offense involved the threat of harm against an officer, thus making it an aggravating factor (however, it should be borne in mind that the record reflects the inmate was under the influence of drugs at the time he made the threats and the crime did not involve any actual violence or injury). Additionally, the inmate’s prior criminal record reflects violence and less than five years passed between the time he was last released from prison and the date of [sic] he committed his current commitment offense, thereby making his prior record a factor which also aggravates his risk for violent re-offense. However, these aggravating factors must be balanced against the inmate’s institutional adjustment over the past two years and seven months. During this time, the inmate has completed multiple self-help programs, attended educational classes and completed a computer literacy class. Moreover, he has not engaged in any violence, criminal activity or serious</p>
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			<p>court and placed on juvenile probation on May 13, 2006 for a misdemeanor violation of Penal Code section 496(a), receiving stolen property. Luranhatt thereafter violated this grant of juvenile probation ten separate times, beginning on August 8, 2006 and ending on November 20, 2008. The grant of juvenile probation was terminated in November 20, 2008 as unsuccessful.</p> <p>Luranhatt's adult criminal history began relatively quickly thereafter:</p> <p>July 19, 2010: Luranhatt was convicted of a misdemeanor violation of Penal Code section 242. He was granted summary probation with terms for 12 months.</p> <p>August 17, 2010: Luranhatt was convicted of a misdemeanor violation of Penal Code section 243(e)(1), domestic battery. Surprisingly, Luranhatt was granted deferred entry of judgment on the new offense and ordered to attend anger management classes.</p> <p>November 18, 2010: Luranhatt was</p>			<p>misconduct while incarcerated. The inmate's progress in [sic] and behavior in prison has been good. His prison adjustment demonstrates significant rehabilitative gains and does not suggest a high risk for future criminality. Furthermore, the inmate's prison adjustment is the most current factor, thus making it a factor warranting considerable weight. It is recognized that the inmate's prior criminality – both his current crime and prior record – will always create a risk of violence. However, the issue (and standard) is whether it is an “unreasonable” risk. In view of the inmate's positive prison adjustment for sustained period of time, his risk of violence is no longer considered an “unreasonable” risk. For the foregoing reasons, at this juncture, the mitigating factor of the inmate's positive prison performance is found to outweigh the aggravating factors of his current commitment offense and prior criminal record. Accordingly, the inmate is not considered to be an unreasonable risk of violence. The inmate is approved for release.</p> <p><i>Keith Stanton</i></p>
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			<p>convicted of a felony violation of Penal Code section 243(a)(1), assault with a deadly weapon. On February 8, 2011, Luranhatt rejected probation and was sentenced to 36 months in CDCR.</p> <p>February 8, 2011: Given the commitment to state prison, Luranhatt's deferred entry of judgment was terminated. He was ordered to serve 60 days concurrent on the domestic battery, and 60 days concurrent on the earlier battery probation. The battery probation was terminated as unsuccessful.</p> <p>January 1, 2013: Luranhatt was paroled on his felony commitment. Between February 14, 2013 and March 25, 2015, Luranhatt was a wanted parolee at large five times.</p> <p>May 15, 2015: Luranhatt committed the instant commitment offense.</p> <p>In aggravation, Luranhatt has been convicted of three crimes – two misdemeanors and one felony – that are violent in nature. The prior convictions show a pattern of</p>			
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			<p>violence and repetitive criminal conduct.</p> <p>There are no mitigating factors.</p> <p>On balance, the prior criminal record is an aggravating factor because of the acts of violence at both the misdemeanor and felony level; because of the Luranhatt's violent and threatened violent, repetitive criminal conduct; because of Luranhatt's complete and dismal failure on all forms of supervision; and the fact that Luranhatt was not free from incarceration for a period of five years prior to committing the current offense.</p> <p><u>Institutional Adjustment</u></p> <p>The prosecution has had no information made available to participate in an assessment in this regard.</p> <p>Without consideration of Institutional Adjustment, the District Attorney respectfully asserts, on balance, that the facts underlying the commitment offense and Luranhatt's Prior Criminal Record are aggravating factors for the reasons</p>			
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			<p>stated above. It is respectfully requested that inmate Noah Myles Luranhatt be denied release.</p> <p><i>C. David Eyster</i></p>			
<p>James Paul Miller</p> <p>SCUK CRCR 16-88221 SCUK CRCR 14-78294 SCUK CRCR 10-15426</p>	12/22/2016	<p>PC § 4573.5 Bringing Drugs into Jail/Prison</p> <p>PC § 422 Criminal Threat</p> <p>PC § 12021(c)(1) Prohibited Person in Possession of a Firearm</p>			10/12/2018	
<p>Donald Gordon Powell</p> <p>SCUK CRCR 15-81852</p>	07/24/2015	<p>PC § 496(a) Receiving Stolen Property > \$950</p> <p>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>08/16/2017: Expedited Release GRANTED.</p> <p>Decision based on the reasons stated below:</p> <p>Issue: Does Mr. Donald Powell (CDC# AX-4476) pose an unreasonable risk of violence to the community? When considering Mr. Powell’s findings on the four case factors, both aggravating and mitigating, the factors demonstrate that Mr. Powell does not pose an unreasonable risk of violence to the community.</p> <p>Statement of Reasons:</p> <p><u>Current Commitment Offense:</u></p>

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						<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 20,000. On 1/19/2016, he was convicted of PC 475(C) Forgery of a completed check, Money Order. On 7/20/2015, he was convicted PC 496(A) Buy/Receive Stolen Property.</p> <p>Mr. Powell's [sic] was sentenced to a total term of 5 years on the above convictions. His convictions will be examined for aggravating and mitigating factors that are common to the cases because the convictions are related in time and type. He has the following aggravating factors (1) there were at least two victims of the above crimes, and (2) he was sentenced to two felonies.</p> <p>His mitigating points are (1) no weapon was used, (2) no violence, (3) no threats to a Victim, (4) no injuries to any Victim, and (5) theft related charges only.</p> <p>Mr. Powell's pervasive factors are that he altered and stole checks a theft related crime; therefore, his current offense is mitigating.</p> <p><u>Prior Criminal Record:</u></p> <p>Mr. Powell's prior criminal history began in 2008 and</p>

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

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						<p>institutional conduct is a mitigating factor.</p> <p><u>Response to Legal Notices:</u></p> <p>There was a response to the Legal Notices in support of release written by Donald Powell, dated 7/9/2017, which were considered in the decision. There was a response to the Legal Notices in opposition to his release from D.A.'s Office of Shasta County, written by Deputy DA, Stephanie A. Bridgett, dated 7/20/2017, 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 Weißbacher</i></p>
<p>William Villanueva Price</p> <p>SCUK CRCR 12-23809</p>	03/19/2013	PC § 273.5(E) Corporal Injury to a Spouse w/Prior Conviction		120 mos.	09/21/2018	

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Harold Lloyd Rogers SCUK CRCR 14-78953	12/17/2015	VC § 23152(E)/23550.5(A) [DUI- drugs w/felony prior DUI] PC § 1170.12 Prior Strike Conviction PC § 667.5(b) X 2 Prior Prison Commitment		96 mos.	07/03/2018	08/15/2018: Expedited Release DENIED. Decision based on reasons stated below: Decision: When considering together the findings of each of the four factors for inmate Harold Rogers (AY6278), they show that he poses an unreasonable risk of violence to the community. Early release is denied. Statement of Reasons: <u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of eight years on the current commitment offense. The commitment offenses are VC 23152(E)/23550.5(A)(1), DUI within 10 years of other specified violations and PC 667.5(b), prior prison term, as an enhancement. On June 6, 2014 police responded to the scene of a traffic collision. The inmate had hit a tree and evidenced signs of intoxication. He was driving on a suspended license. During the probation investigation, the inmate indicated he had substituted methamphetamine for alcohol as his drug of choice. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case: 1. The inmate personally used a deadly weapon. 2. There were one or more victims who suffered physical injury or threat of physical injury. 3. The inmate created a threat of violence by driving under the influence of alcohol/drugs and caused an

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						<p>accident and self-inflicted injuries. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1985 and continued until the commitment offenses in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: In 1985 the inmate was convicted of PC 459, first degree burglary, in 1989, PC 470, forgery, in 1991, PC 4573.6, possession of drugs in prison, in 2001, PC 10851 (a), vehicle theft, in 2001, PC 4532(b), escape from custody, in 2007 VC 23152(b)/23550(a), DUI/habitual traffic offender, and in 2009, VC23152(b)/23550.5(a), DUI/habitual traffic offender/multiple offenses within 10 years.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are: The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> 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. The inmate has multiple DUI convictions and is a habitual traffic offender. 2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was paroled July 15, 2011 and re-offended June 6, 2014. <p>Analysis: When balancing the aggravating circumstances</p>

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						<p>against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence. The inmate has a pattern of similar criminal conduct with multiple drug and alcohol related offenses, and coupled with his current DUI conviction, exhibits a pattern that is increasing in severity as this offense involved a traffic accident. He re-offended within three years of his parole for DUI within 10 years and as a habitual traffic offender.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 22, 2015, a period of approximately 2 years 8 months.</p> <p>The inmate has been involved in the following activities: He has worked as a porter, a satellite kitchen worker, and as an inmate day laborer.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <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. 3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. <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: The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate is an admitted alcoholic/drug addict and has a history of offenses including burglary, forgery, vehicle theft, DUI, habitual traffic offender, as an adult from 1985 to 2014, 29 years, yet he has not participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because although the inmate has worked while he has been incarcerated, he has not participated in self-help programming or rehabilitation to address the circumstances that contributed to his criminal behavior.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate dated July 10, 2018 which were reviewed and considered in this decision.</p> <p>SUMMARY: When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>The inmate drove intoxicated, endangering the motoring public and causing an accident. His criminal history includes drug and alcohol related offenses exhibiting a</p>

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						<p>pattern of similar criminal conduct that is increasing in severity, with two DUI habitual traffic offender convictions not including the current DUI conviction. He has not participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate is denied for release.</p> <p><i>Ana Soares</i></p>
<p>Jeffrey Miguel Ruano</p> <p>SCUK CRCR 09-91948</p>	12/03/2014	<p>H&S § 11351 [Cocaine] Possession for Sale</p> <p>H&S § 11378 [Methamphetamine] Possession for Sale</p> <p>H&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>08/18/2017: Expedited Release DENIED.</p> <p>Decision based on reasons stated below:</p> <p>Decision: When considering together the findings on each of the following four aggravating and/or mitigating case factors for inmate Jeffrey Ruano (AV4947), they tend to show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>Ruano's current commitment offense [sic] of HS11351 Possession of controlled substance [for sale], HS 11378 Possession of controlled substance for sale, and PC69 Resisting an executive officer is considered an aggravating factor. On July 16, 2009, while on probation for a prior drug case, Ruano was contacted by police and found to have 110 grams of cocaine and 28 grams of methamphetamine. On June 10, 2011, he was sentenced to 16 years, 8 months in prison. However, the sentence was stayed and he was placed on five years felony probation. Ruano committed multiple violations of</p>

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						<p>probation. At a revocation hearing on October 15, 2014, a police officer testified that he found a switchblade knife and a pipe for smoking methamphetamine in Ruano's possession during a probation search. In addition, officers testified they pursued Ruano in a high speed chase that lasted over 100 miles through [Alameda,] Solano, Contra Costa, and Santa Clara counties. Ruano was traveling at a high rate of speed, weaving in and out of lanes, and running red lights. The chase ended after officers laid down spike strips on Interstate 680. In December 2014, the trial court revoked Ruano's probation and imposed the previously imposed sentence of 16 years, 8 months, and 1 year, 8 months for the PC69. The aggravating circumstances include 1) Ruano was sentenced to two or more felonies during the current term; and, 2) he was on probation at the time of the offenses. In mitigation: 1) no weapon was used in the committing offenses; 2) the crimes did not involve violence; and, 3) no one was physically injured. When balancing the aggravating circumstances against the mitigating circumstance [sic], Ruano's current commitment offense [sic] is an aggravating factor due to the extreme danger Ruano posed to the community during the multi-county high speed chase.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>Ruano's prior criminal record is considered an aggravating factor. He suffered thirteen (13) felony convictions including: HS11351.5 Possession of cocaine base for sale (1987, 1988, and 1991); HS11350 Possession of controlled substance (1989); HS11351 Possession of controlled substance for sale (1992); HS11378 Possession of controlled substance for sale (1996, 1997 – 2 counts, and 2008); VC 10851 Auto theft (1997); VC[2800.2] Evading – 2 counts (1997); and, PC245(a)(1) Assault with a deadly</p>

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						<p>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><u>Case Factor #3 – Institutional Adjustment</u></p> <p>Ruano has been incarcerated on the commitment offense since December 30, 2014, a period of 2 years, 8 months. His EPRD is February 28, 2021. Ruano is a 53-year old fifth term. He is currently assigned to the scullery. Ruano incurred a serious rules violation on March 13, 2016 for possession of dangerous contraband. There are confidential memoranda, dated March 23, 2016 and June 26, 2015 which contain negative information. According to a chrono dated July 28, 2015, Ruano is a validated in-active member of the Northern Structure. He has not participated in any rehabilitative programs while in custody this term. His institutional adjustment is deemed an aggravating factor.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>Letters were received in support of early release from Jacqueline Trujillo and Jeffrey Ruano.</p> <p>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</p>

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						<p>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>Ivan Ocoltzi Sanchez</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>08/31/2017: Expedited Release DENIED.</p> <p>Decision based on the reasons stated below:</p> <p>Decision: After full review and considering together the findings on each of the four of the inmate's case factors, both aggravating and mitigating, they do tend to show that he poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The commitment offenses are: On 5/16/13 the inmate committed an assault with a deadly weapon in violation of the criminal street gang act [PC 245(A)(1) and PC 186.22(b)]. The inmate a Sureno gang member attacked a rival gang member with a two foot club hitting him. The inmate was also convicted of assaulting his girlfriend on 8/26/13 [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</p>

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						<p>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><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's serious juvenile adjudications or prior criminal history began on 5/23/05 for two misdemeanors for submitting a false insurance claim and PC 148 resisting arrest.</p> <p>The aggravating circumstances are: None.</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> <p>Balancing the circumstances when there is no aggravation, no felonies and without incarceration preceding the commitment offenses within five years, the inmate's prior criminal record is mitigating.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate has been incarcerated on the commitment offense since 6/11/15, a period of approximately two years</p>

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						<p>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><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The inmate submitted a hand printed letter, undated, supporting his early release. This letter was reviewed and considered.</p> <p>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>
<p>Jeremy Lee Simms</p> <p>SCUK CRCR 14-75767</p>	08/08/2014	<p>PC § 487(c) Grand Theft > \$950</p> <p>PC § 459/459(b) Commercial Burglary</p>	This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court.	160 mos.	07/05/2017	<p>08/17/2017: Expedited Release DENIED.</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</p>

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SCUK CRCR 14-75532 SCUK CRCR 13-75384		H&S Code § 11379 [Methamphetamine] Possession for Sale	He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.			<p>and mitigating, they demonstrate that he poses an unreasonable risk of violence to the community. Accordingly, release is DENIED.</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The inmate's current commitment offenses are an aggravating factor in this case. The commitment offenses are: (1) PC 487 Grand Theft Person; (2) PC 459 Burglary 2nd; (3) HS 11379(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> <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</p>
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						<p>commitment offenses are an aggravating factor because of the violence and injury involved.</p> <p><u>Case Factor #2 – Prior Criminal Record:</u></p> <p>The inmate’s prior criminal record is an aggravating factor in this case. The inmate’s prior criminal history began in 1995 and continued until the commitment offenses in 2013 and 2014. The inmate has the following serious juvenile adjudications and/or adult criminal convictions:</p> <ol style="list-style-type: none"> 1. 6/16/95: PC459 1st Burglary 1st; 2. 6/16/95: PC460(b) Burglary 2nd; 3. 1/15/98: PC460(a) Burglary 1st; 4. 1/15/98: PC459(b) Burglary 2nd; 5. 9/21/01: PC12021(a) Felon Possess Firearm; 6. 9/24/03: HS11377(a) Possess Controlled Substance; 7. 8/26/04: HS11377(a) Possess Controlled Substance; 8. 12/17/08: VC2800.2(a) Evade PO: Disregard Safety; 9. 12/17/08: VC10851(a) Vehicle Theft; 10. 12/17/08: HS11379 Transport Controlled Substance <p>The aggravating circumstances are: Simms has been convicted of 3 or more felonies, less than 5 years elapsed between release from prior incarceration on 3/22/12 and the new offense on 11/22/13.</p> <p>There are no mitigating circumstances present.</p> <p>When considering the aggravating circumstances and lack of any mitigating circumstances, the inmate’s prior criminal record is an aggravating factor because of the length of the history that involves firearm possession and felony evading.</p> <p><u>Case Factor #3 – Institutional Adjustment:</u></p>

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						<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><u>Case Factor #4 – Response to Legal Notices:</u></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 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>