

BOARD OF PAROLE HEARINGS

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June 6, 2017

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 2ND ST.
WOODLAND, CA 95695

Subject: **NON-VIOLENT SECOND STRIKER RELEASE DECISION**

Inmate's Name: DAVIS, ELGIN, FORD, JR

CDCR#: AV4114

COURT CASE#: CRF134804

The California Department of Corrections and Rehabilitation (CDCR) is mandated by court order to have a parole process that allows certain offenders convicted of a "second strike" based on a non-violent offense to be eligible for parole after serving 50% of their term. It is for this reason the inmate referenced above was referred to the Board of Parole Hearings (Board) from CDCR with a recommendation for release. The Board reviewed the inmate's record and the Board's decision is to approve.

Please direct any inquiries concerning the inmate to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NVSS Processing Unit

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U.S. District Court for the District of California

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: DAVIS, ELGIN,FORD,JR
 CDCR Number: AV4114
 Institution: California Institution for Men

BPH DECISION

JURISDICTIONAL REVIEW

- BPH does not have jurisdiction, no further review.
 BPH has jurisdiction.

REVIEW ON THE MERITS

- Recommendation to release approved.
 Recommendation to release denied.

Decision based on the reasons stated below:

Decision:

When considering the findings on each of the four case factors of the inmate, Elgin Davis (CDC AV4114), both aggravating and mitigating, they do not tend to show that he poses an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

Case Factor #1 – Current Commitment Offense

The inmate's current commitment offense is a mitigating factor in this case. The second strike offense of 11/21/2913 was two counts of PC 29800(a), possession/own a firearm by a felon. Two loaded firearms and boxes of ammunition were located during a search of the inmate's residence. When balancing the aggravating circumstance which is that the inmate was on probation at the time of the second strike crime, with the mitigating factors which are there was no violence or threat of violence and there was no physical injury to the victims, the inmate's current commitment offense is a mitigating factor.

Case Factor #2 – Prior Criminal Record

The inmate's prior criminal history began in 1973 and ended in 2013 with the second strike offense. The inmate's prior criminal record is a mitigating factor. In aggravation, he was convicted of three prior felony offenses, two counts of burglary in 1973 and forgery in 1980 in Texas and PC 243(d) battery in 2002 and he was not free from incarceration for five years as he was arrested for petty theft in 2012 and the current offense occurred in 2013. In mitigation, he has no known juvenile record.

Case Factor #3 – Institutional Adjustment

The inmate's institutional record shows compliance with institutional rules and procedures. The inmate has no disciplinary record. He completed a substance abuse program in 2016 and has been working in the kitchen since 2016.

Case Factor #4 – Responses to Legal Notices

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

The District Attorney's Office of Yolo County submitted a letter dated 2/17/2017 opposing early release. The response was considered in this decision.

Summary:

When balancing the aggravating circumstances in this case, which are that the inmate was on probation at the time of the second strike crime, that he was convicted of three prior felony offenses, and he was not free from incarceration for five years, with the mitigating circumstances which are there was no violence or threat of violence and there was no physical injury to the victims, he has no known juvenile record and his institutional record shows compliance with rules and procedures and he completed a substance abuse program, the mitigating factors outweigh the aggravating factors. The inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Ana M. Soares

June 5, 2017

SIGNATURE

REVIEW DATE

SOARES, ANA

NAME