

BOARD OF PAROLE HEARINGS

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May 25, 2016

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

Subject: NON-VIOLENT SECOND STRIKER RELEASE DECISION

Inmate's Name: GARCIA, FRANCISCO, DARIO

CDCR#: AX5097

COURT CASE#: CRF151101

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

RECEIVED

MAY 26 2016

Yolo County District Attorney

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: GARCIA, FRANCISCO, DARIO
 CDCR Number: AX5097
 Institution: Mule Creek State Prison

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:

Issue: When considering together the findings on each of the five of the inmate's case factors, both aggravating and mitigating, they tend to show the inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

Current Commitment Offense: The second strike offense is PC 594(b)(1) Vandalism. On 2/25/15, Woodland Police Department responded to a call of an intoxicated man breaking windows. Victim stated her ex-boyfriend was kicked out of her residence and threw a large river rock through the back window. The mitigating circumstances are: 1) no weapon was used during the commitment offense; 2) there was no threat of violence involved; 3) Drug/Alcohol use was involved; 4) property damage occurred. No aggravating factor was found. When balancing the aggravating circumstances and the mitigating circumstances, the current offense is a mitigating factor.

Prior Criminal Record: The inmate's criminal record began in 2003 and continued until the second strike crime in 2015. The relevant felony conviction is: PC 245(a)(1) Assault with a deadly weapon, PC 12022.7 Inflicting great bodily injury, PC 1320.5 Failure to appear and PC 186.22(a) criminal gang act (2003). The aggravating circumstances were: 1) the first strike was serious under PC 1192.7; convicted of 3 or more felonies; multiple serious PC 1192.7 offenses; criminal record shows a pattern of assaultive behavior; and less than 5 years between incarceration (2/28/11) and the second strike (2/25/15). No mitigating circumstance was found. When balancing the aggravating circumstances and the mitigating circumstance, the inmate's criminal record is an aggravating factor due to the serious nature of his first strike.

Institutional Adjustment: Inmate has been incarcerated on the second strike offense since 8/13/15. During his current incarceration, inmate has not suffered any CDC-128 or CDC-115 violations. The inmate is currently unassigned and no work or self-help was found. Confidential was reviewed, but not used for NVSS purposes. Therefore his current institutional time would be considered a mitigating factor.

Medical Condition: Inmate does not suffer from a medical condition.

Response to Legal Notices: No legal notices were received.

Decision: When balancing the aggravating factors in this case, the prior criminal record, with the mitigating factor in this case, the second strike crime and institutional behavior the mitigating factors outweigh the aggravating factors. The

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

inmate does not pose an unreasonable risk of violence to the community and release is granted.

Michael Grottkau

May 24, 2016

SIGNATURE

REVIEW DATE

GROTTKAU, MICHAEL

NAME