

BOARD OF PAROLE HEARINGS

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September 16, 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: GOODEN, DANIEL, CYRIL

CDCR#: P49285

COURT CASE#: CRF154078

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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SEP 19 2016

Yolo County District Attorney

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: GOODEN, DANIEL, CYRIL
 CDCR Number: P49285
 Institution: Substance Abuse Treatment Facility and State

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:

When considering together the findings on each of the five case factors below, they tend to show that Daniel Gooden does not pose an unreasonable risk of violence to the community. Early release is therefore granted.

STATEMENT OF REASONS:

Case Factor #1—Current Commitment Offense

Mr. Gooden's current commitment arises out of a 2015 felony conviction for PC 22210, possession of a billy club, sap, etc. In July 2015, police made contact with him in the course of a stolen car investigation. He and 2 others were standing by the stolen car, while a 4th person was in the car. When police talked to him, he kept telling giving them his brother's name and date of birth. The police eventually determined his true identity, and found out he was on parole. A search found a meth pipe and a homemade weapon consisting of a socket tied to a string or cord. He was received by the CDCR on September 17, 2015, for a 2 year, 8 month term.

The only aggravating factor related to the offenses is that there was a threat of violence due to the weapon possession. The pertinent mitigating factors are as follows: 1) No weapon was used; and 2) No physical injury occurred.

After considering the mitigating and aggravating factors, Mr. Gooden's current commitment offense is deemed a mitigating factor.

Case Factor #2—Prior Criminal Record

Mr. Gooden's prior criminal record consists of seven felony convictions as follows: 1995, VC 10851(a) auto theft, PC 4573.6 possession of drugs in jail or prison, and PC 459, first degree burglary; 1999, PC 32, accessory after the fact; 2001, H&S 11377(a) drug possession; 2006, PC 12020(a)(1), possession of a billy club, sap, etc. (The same as his current offense); and in 2008, PC 459 second degree burglary. He also has two misdemeanor convictions, one for burglary in 1994, and one for battery in 1992.

The aggravating factors pertaining to Mr. Gooden's prior record are that 1) His first strike was a serious or violent crime per PC 1192.7/667.5; 2) He has been convicted of more than three prior felonies; 3) His felonies show a pattern of similar conduct; and 4) He had not been free from incarceration for more than five years, as he was last released in

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

June of 2011, and was arrested for the current crime in 2015.

The only mitigating factor regarding Mr. Gooden's prior criminal record is that he has not been convicted of multiple PC 1192.7/667.5 felonies.

After considering the aggravating and mitigating factors, Mr. Gooden's prior criminal record is considered an aggravating factor.

Case Factor #3—Institutional Adjustment

Mr. Gooden has received no 115's, and has been working and attending self-help programs. As such, his institutional adjustment is considered a mitigating factor.

Case Factor #4—Medical Condition

The records indicate that Mr. Gooden has no relevant medical conditions.

Case Factor #5—Legal Notices

In response to the legal notices, Mr. Gooden sent a letter requesting early release, and the Yolo County District Attorney sent a letter opposing early release. These were reviewed and considered.

CONCLUSION:

As discussed above, Mr. Gooden's current commitment is for possession of a prohibited weapon, (A homemade sling or club), which is the second time he was convicted of that offense. His prior criminality is rather extensive, and includes multiple theft and drug offenses. Although Mr. Gooden's over 20 year propensity for thievery and drug use is concerning, it is noted that none of his crimes involved violence or violent behavior other than the one battery in 1992. In addition, Mr. Gooden has not engaged in violence or violent behavior during his current prison term. This places his only violent conviction as occurring 24 years ago. There is thus no indication of any current propensity for violent behavior by Mr. Gooden. In balancing the mitigating and aggravating circumstances relevant to the enumerated case factors, it appears that Mr. Gooden does not currently pose an unreasonable risk of violence to the community.

Early release is therefore granted.

SIGNATURE

POMERANTZ, DALE

NAME

September 15, 2016

REVIEW DATE