

BOARD OF PAROLE HEARINGS

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February 19, 2016

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FEB 22 2016
Yolo County District Attorney

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

Subject: **NON-VIOLENT SECOND STRIKER RELEASE DECISION**
Inmate's Name: HOLLINGSWORTH, KEVIN,WAYNE
CDCR#: AN0290
COURT CASE#: CRF121874

The California Department of Corrections and Rehabilitation (CDCR) is mandated by court order to have a parole process that allow 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

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: HOLLINGSWORTH, KEVIN,WAYNE
CDCR Number: AN0290
Institution: California Correctional Center

BPH DECISION

JURISDICTIONAL REVIEW

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

REVIEW ON THE MERITS

- [X] Recommendation to release approved.
[] Recommendation to release denied.

Decision based on the reasons stated below:

When considering together the findings of each of the inmate Kevin Hollingsworth AN0290 five Case Factors, both aggravating and mitigating, they do not tend to show that he poses an unreasonable risk of violence to the community. Release is approved.

CF #1- Current Commitment Offense

The inmate's current commitment felony is a mitigating factor. The 2nd strikes are two courts of VC 23152[b] [03] Driving under the influence with priors. The circumstances of the crime are: A video tape revealed inmate driving into a curb, exiting the vehicle in an obviously intoxicated state and entering a casino. Inmate claimed he only began drinking in the casino. There are no aggravating factors for consideration with respect to the offense. The mitigating circumstances of the crime are: there was no victim involved, no weapon was employed during its commission, there was no harm or physical injury to anyone, there was no violence or threats of violence, and the crime was not part of a large-scale criminal activity or gang related. The inmate's current commitment offense is a mitigating factor

CF #2- Prior Criminal Record

The inmate's criminal history began in 1984 with the first arrest and continued until the 2nd Strike sentencing on December 6, 2012. When balancing the aggravating circumstances of the record, which are: the inmate has also suffered prior felony conviction(s) for: Driving under influence with injury VC23153 [A] (2004); Attempted robbery PC 884/212.5[c] (1997); Possession of a controlled substance HS11377A (1994); Evading peace officer VC2800.2 (1993); Attempted robbery PC 664/212.5[B] (1991); the inmate's first strike was a violent offense pursuant to PC 667.5[c] or serious offense pursuant to PC 1192.7, the inmate was not free from incarceration for 5 years prior to the second strike offense (he was released for a parole violation on September 28, 2007 and committed the 2nd Strike offenses on March 25, 2012), the inmate has suffered more than 3 felony convictions, and the prior felony convictions show a pattern of similar repetitive criminal conduct, i.e. continuing to engage in substance abuse, with the concomitant mitigating circumstances of the prior criminal record, which are that the inmate does not have multiple serious felony convictions pursuant to PC section 1192.7 or violent felony convictions pursuant to PC section 667.5[c], the inmate's prior criminal record is an aggravating factor.

CF #3- Institutional Adjustment

The inmate has been incarcerated on the second strike offense since December 11, 2012. During his current

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

confinement period, inmate has suffered the following negative circumstances: 115's for: Use of methamphetamine (3/2014), Asking for a substance from others – inmate asked two individuals for 'a chew' (1/2014), Smoking 10/2013). In mitigation, inmate has no rules violations involving violence and he has participated in or completed the following positive programs: yard work, firefighting, physical fitness training, fire camp, and earned multiple positive work reviews. After balancing the positive factors against the negative factors, the inmate's institutional record does show an overall compliance with institutional rules and programs and therefore is a mitigating factor.

CF #4- Medical Condition

Inmate does not suffer from a medical condition that would decrease his ability to reoffend

CF #5- Response to Legal Notices

The response from the District Attorney for the County of Yolo to the Legal Notices in opposition to the release was considered in this decision.

DECISION: When balancing the aggravating factors in this case: the prior criminal record, with the attendant mitigating factors: the second strike crime and inmate's institutional behavior, the mitigating factors – with the overall absence of violence - outweigh the aggravating factors. The inmate does not pose an unreasonable risk of violence to the community and release is approved.

Kenn Allen

February 18, 2016

SIGNATURE

REVIEW DATE

ALLEN, KENNETH

NAME