

BOARD OF PAROLE HEARINGS

P.O. BOX 4036
SACRAMENTO, CA 95812-4036
(916) 445-4072



November 7, 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: JOHNSON, MICHAEL, ALLEN

CDCR#: AS9026

COURT CASE#: CRF131587

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

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: JOHNSON, MICHAEL, ALLEN
CDCR Number: AS9026
Institution: Sierra Conservation Center

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 together the findings on each of the four of the inmate's 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.

Statement of Reasons:

Case Factor #1- Current Commitment Offense

The inmate's current commitment offense is a mitigating factor in this case. The commitment offenses are HS §11377 (Possession C/S) and HS §11350 (Possession C/S). Inmate was on parole and for that reason he was stopped while walking by an officer who knew him and knew of his conditions of parole. He was found to be in possession of methamphetamine. When balancing the aggravating circumstances of which there are none, and the mitigating circumstances which are: (1) no weapon was used in the commitment offense; (2) there was no violence or threat of violence in the commitment offense; (3) there was no physical injury to the victim in the commitment offense; (4) the commitment offense involved drug use, the inmate's current commitment offense is a mitigating factor.

Case Factor #2- Prior Criminal Record

The inmate's prior criminal history began in 1992 when he was convicted of PC §187, murder in the second degree as a juvenile and continued until the commitment offence in 2014. The inmate's prior criminal record is an aggravating factor in this case. When balancing the aggravating circumstances which are: (1) The inmate's first strike was a violent offense pursuant to PC §667.5(c) or serious offense pursuant to PC §1192.7; (2) the inmate was not free from incarceration for 5 years prior to the second strike offense-paroled on 8/24/2011 and reentered prison on 3/18/2014; (3) the inmate has been convicted of more than 3 felony convictions -PC §187(murder) in 1992, PC §459 (Burglary 2nd) in 2003, PC §459 (Burglary 1st) times 2 & HS §11377 (Possession C/S) in 2007, PC §459 (Burglary 2nd) in 2008 and the mitigating circumstances which are: (1) the inmate does not have multiple serious felony convictions pursuant to PC §1192.7 or violent felony convictions pursuant to PC §667.5(c); (2) the prior felony convictions were for drug use or property offense, the inmate's prior criminal record is an aggravating factor in the case.

Case Factor #3- Institutional Adjustment

NON-VIOLENT SECOND STRIKER DECISION FORM**REVIEW ON THE MERITS**

The inmate has been incarcerated on the commitment offense since 3/18/2014 , a period of approximately 2.5 years. During incarceration the inmate has suffered no negative factors. During incarceration the inmate has participated and completed the following positive programming: criminal thinking, voluntary ABE I, substance abuse program, faith groups, substance abuse recovery support groups. After balancing the positive factors against the nonexistent negative factors , the inmate's institutional record shows overall compliance with institutional rules and programs and therefore is a mitigating factor in the case.

Case Factor #4- Response to Legal Notices

There was a response to the Legal Notices from the Yolo County District Attorney's Office in opposition to the release and was considered in the decision.

SUMMARY: When balancing the aggravating factor in this case, the prior criminal record with the mitigating factors in this case, the commitment offence and his institutional behavior, the mitigating factors outweigh the aggravating factor. This decision is mindful of the inmate's first crime when he was a juvenile but it was very long ago. Since that time, his offences are either drug or property crimes. No violence in 24 years. The inmate does not pose an unreasonable risk of violence to the community and release is approved.

**November 4, 2016****SIGNATURE****REVIEW DATE****KLINK, STEPHEN****NAME**