

BOARD OF PAROLE HEARINGS

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



April 7, 2016

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

RECEIVED

APR 11 2016

Yolo County District Attorney

Subject: **NON-VIOLENT SECOND STRIKER RELEASE DECISION**
Inmate's Name: MOORE, MICHAEL, GUS
CDCR#: P78130
COURT CASE#: 091735

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: MOORE, MICHAEL, GUS
CDCR Number: P78130
Institution: California Medical Facility

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:

APPROVAL DECISION

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

STATEMENT OF REASONS:

Case Factor # 1.COMMITMENT OFFENSE: Mr. Moore's commitment offense is a 4/9/09 conviction of PC 459 burglary 1st. Mr. Moore entered a neighbor's residence and when confronted by a roommate, he fled with the victim's wallet and cell phone. There are no aggravating factors related to the commitment offense. The mitigating circumstances are: 1) no weapon was used during the commitment offense, 2) there was no threat of violence, 3) there was no injury to the victim, and 4) the commitment offense also involved theft. On balance the inmate's commitment offense is a mitigating factor.

Case Factor # 2.PRIOR CRIMINAL RECORD: Mr. Moore's felony convictions include: 1) a 7/10/81 conviction for PC 459 burglary 2nd, 2) a 6/14/93 conviction for burglary 1st, 3) a conviction for VC 4463 (a) falsification of registration papers, 4) a conviction of PC 273.5 corporal injury to a spouse on 7/8/04, 5) another conviction for corporal injury to a spouse, PC 273.5, on 7/19/06, and the commitment offense. The aggravating circumstances related to his prior criminal record are: 1) Mr. Moore has been convicted of more than 3 felonies as listed above, and the commitment offense, and 2) he was not free of incarceration 5 years prior to his commitment offense, he was released from a prior term on 7/9/07 and was incarcerated on 6/11/09 on his second strike. The mitigating circumstance is: 1) he does not have multiple convictions under PC 667.5 (c) or PC 1192.7. On balance Mr. Moore's prior criminal history is a mitigating factor.

Case Factor# 3.INSTITUTIONAL BEHAVIOR: Mr. Moore's institutional behavior shows he has not been compliant with institutional rules and regulations. He has 3 rule violations: 1) on 9/9/15, for possession of tobacco, 2) fighting on 11/6/14, and 3) participating in a group disturbance, 12/4/09. He has worked as a laborer and has received excellent

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

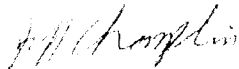
and good evaluations. He is currently attending ABE 1. On balance his institutional record is a mitigating factor.

Case Factor # 4.MEDICAL CONDITION: The inmate does not suffer from a medical condition.

Case Factor # 5.RESPONSES TO LEGAL NOTICES: There was a response to legal notices and it was considered.

SUMMARY: In balancing the aforementioned case factors, Mr. Moore's commitment offense, his prior criminality, and his institutional behavior, they outweigh any aggravating factors when he is considered for release. It is adjudged Mr. Moore does not pose an unreasonable risk of violence to the community.

Release is approved.



April 6, 2016

SIGNATURE

REVIEW DATE

CHAMPLIN, JEFFREY

NAME