

BOARD OF PAROLE HEARINGS

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



July 14, 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: MOSS, THOMAS, RAY

CDCR#: AZ2415

COURT CASE#: CRF151157

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

JUL 15 2016

Yolo County District Attorney

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: MOSS, THOMAS, RAY
 CDCR Number: AZ2415
 Institution: Folsom 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:

Decision: Upon consideration of each factor, discussed in detail below, the aggravating and mitigating factors tend to show that Inmate Moss does not pose 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 current commitment offense is PC 487 (grand theft). Inmate stole a bicycle that the Davis police had used in the "bate bike" program to catch thieves. When balancing the aggravating circumstances which are: none, against the mitigating circumstances which are: no weapon was used, no violence or threat of violence, no physical injury, and the commitment offense involved theft; the inmate's current commitment offense is a mitigating factor

Case Factor #2 – Prior Criminal Record

The inmate's prior criminal history began in 1994 and continued until the current commitment offense in 2015. The inmate's prior criminal record is a mitigating factor in this case. When balancing the aggravating circumstances which are: The inmate's first strike was serious or violent under PC 1192.7 or PC 667.5(c), (PC 451 arson), and the inmate has sustained more than three felony convictions (2002 – HS 11377 possession of a controlled substance, PC 2003 – PC 245(a)(1), 2003 – PC 451(c) arson, 2005 – PC 530.5 using another's ID to obtain credit, and 2014 – HS 11377) ; against the mitigating circumstances which are: the inmate does not have multiple serious or violent felonies under PC 667.5(c) or PC 1192.7, and the inmate was out of prison custody more than five years prior to his current commitment offense (inmate was last released from prison custody on 8/11/09 and incarcerated on the current commitment offense on 3/3/16); the prior criminal history is a mitigating factor because, even though inmate has some violent criminal activity, it was thirteen years ago.

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

Case Factor #3 – Institutional Adjustment

The inmate has been incarcerated on the current commitment offence 3/3/16. During incarceration the inmate has suffered the following rules violations: none. He has participated in the following positive none. The inmate's institutional adjustment is a mitigating factor.

Case Factor #4 – Medical Condition

The inmate does participate in the in the Mental Health System at the CCCMS level but it would not decrease his ability to reoffend.

Case Factor #5 – Responses to Legal Notices

A letter was received in response to the legal notices from Yolo County District Attorney's Office. The letter was read and considered.

Summary: When balancing the aggravating factor in this case (none) against the mitigating factors (current commitment offense, prior criminal record, and institutional behavior) the mitigating factors outweigh the aggravating factors in this case. The inmate does not pose an unreasonable risk of violence to the community and release is approved.

Kelly Fowler

SIGNATURE

FOWLER, KELLY

NAME

July 13, 2016

REVIEW DATE