

**BOARD OF PAROLE HEARINGS**

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January 5, 2017

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

**Subject: NON-VIOLENT SECOND STRIKER RELEASE DECISION**

Inmate's Name: CARBONI, DAKOTA, JAMES

CDCR#: AS7764

COURT CASE#: CRF155970

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: CARBONI, DAKOTA, JAMES

CDCR Number: AS7764

Institution: Mule Creek 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:

Issue: Does Dakota Carboni pose an unreasonable risk of violence to the community? When considering together the findings on each of Carboni's four case factors, both aggravating and mitigating, they tend to show the Carboni does not pose an unreasonable risk of violence to the community. Therefore, early release is granted.

Statement of Reasons:

Current Commitment Offense: The second strike offense is: PC 459 Burglary in the Second Degree (2015). On 10/13/15, video surveillance recorded Carboni breaking into the kitchen area of an apartment complex; ultimately he stole approximately \$3,900.00 worth of tools and equipment then turned off their electrical power. In the plea agreement, an aggregate sentence of 32 months in prison was imposed. The aggravating circumstances are: 1) multiple victims lost their property and 2) Carboni was on probation or parole when he committed the commitment offense. The mitigating circumstances are that: 1) no specific threats were reported, 2) no injuries were reported, 3) nothing was used as a weapon against a person nor were any weapons reported, and 4) this was solely a property crime. When balancing the aggravating circumstances of multiple victims against a property crime, Carboni's current non-violent offense is a mitigating factor.

Prior Criminal Record: Carboni's three adult prior felony criminal convictions span a three year period and include: Burglary in the First Degree (PC 459, 2014), Burglary in the Second Degree (PC 459, 2012), and Possession of a Controlled Substance (HSC 11377a, 2013). The aggravating circumstances are: 1) Carboni's first strike of Burglary in the First Degree is a "serious" or "violent felony [breaking into a residence to steal a laptop]; 2) the priors are more than 2 and 3) Carboni was released from prison on parole 12/2/14 and re-admitted to prison on 3/17/16 for the commitment offense; so less than 5 years passed free of custody. The mitigating circumstances are: 1) there are not multiple "serious" or "violent" felonies and 2) this is a pattern of property and/or drug offenses. When balancing the aggravating circumstances and the mitigating circumstances; Carboni's non-violent adult prior felony criminal record is a mitigating factor.

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

Institutional Adjustment: Carboni has been incarcerated in prison on the second strike offense since 3/17/16 — almost 10 months. Carboni is disciplinary free and no adverse activity is noted this term. Carboni is currently unassigned. However, he has completed the physical fitness training and firefighting training and participated as a camp laborer at the fire camp. He also participated in culinary for a short time. Balancing the positive participation against the lack of any substantial concerns, Carboni's overall institutional adjustment is a mitigating factor.

Response to Legal Notices: Opposition was received from the Yolo County Office of the District Attorney. They note that he has a considerable number of probation and/or parole violations between his felony convictions; this included 6 parole violations in 2015 (the commitment offense was a parole violation with a new term). Their response was read and considered.

DECISION: When balancing the aggravating factors in this case, the repetitive nature of his thefts over a brief span of time against the non-violent nature of his crimes, his repetitive drug relapses, and almost one year of conforming behavior with the positive accomplishments of his participation in training and the fire camp, Carboni while at some risk for repeating property or drug offenses does currently pose an unreasonable risk of violence to the community and early release is granted.

*Marc D. Remis*

January 4, 2017

SIGNATURE

REVIEW DATE

REMIS, MARC

NAME