

BOARD OF PAROLE HEARINGS

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May 16, 2016

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MAY 17 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: DAVIS, BRITT

CDCR#: AK8806

COURT CASE#: 113209

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: DAVIS, BRITT
CDCR Number: AK8806
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:

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

Statement of Reasons:

Current Commitment Offense: The second strike offense is PC 347(a)(1) Willful Poison to cause injury. On 7/13/11, Yolo County Sheriff's Department responded to a call from the inmate's wife that she had been poisoned. Inmate's wife went to the refrigerator and grabbed her Dr. Pepper bottle and had a drink. This caused a burning sensation in her throat and she began vomiting due to the introduction of bleach. Inmate denied putting bleach in her drink, but admitted to putting nail polish remover inside a beer can in the hopes she would ingest it. The mitigating circumstances are: 1) no weapon was used during the commitment offense; 2) there was no threat of violence involved; 3) Drug/Alcohol use was involved as the inmate stated he was an alcoholic and methamphetamine user. The aggravating factor was that she had burned her throat while ingesting the soda. When balancing the aggravating circumstances and the mitigating circumstances, the current offense is a mitigating factor.

Prior Criminal Record: The inmate's criminal record began in 2001 and continued until the second strike crime in 2011. The relevant felony conviction is: PC 422 Terrorist Threats (2001). The aggravating circumstances were: 1) the first strike was serious under PC 1192.7. The mitigating circumstance related to the prior criminal record are: 1) 3 or less felony convictions; 2) No multiple serious or violent felony convictions under PC 1192.7 or PC 667.5(c); 3) Greater than 5 years free between 2nd strike (7/13/11) and previous incarceration (1/2/03). When balancing the aggravating circumstances and the mitigating circumstance, the inmate's criminal record is an aggravating factor due to the serious nature of his first strike.

Institutional Adjustment: Inmate has been incarcerated on the second strike offense since 2/21/12. During his current incarceration, inmate has suffered 1 CDC-128 violation for compliance with rules dated 6/7/12. Inmate is no longer married to the victim. He was married in the institution to [REDACTED] on 1/15/13. He is currently in the Camp Firefighting Program, has also worked in the main kitchen, as a clerk and a cook and been involved on the Inmate Advisory Committee. He has received laudatories for his work as a cook and in the canteen. He has received several exceptional supervisory work reports. The inmate has utilized his time by taking an anger management class (letter

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

dated 1/26/12) and bible study (letter dated 2/6/12), while in the Yolo County Jail. Additionally, while in the State Institution, he has attended substance Abuse Programs (NA and AA), Alternatives to Violence, and Veterans in Prison groups, as well as completing training certificates in Wastewater Treatment. Therefore his current institutional time would be considered a mitigating factor.

Medical Condition: Inmate does not suffer from a medical condition.

Response to Legal Notices: Support letters were reviewed from family and friends.

Decision: When balancing the aggravating factors in this case, the prior criminal record, with the mitigating factor in this case, the second strike crime and institutional behavior the mitigating factors outweigh the aggravating factors. The inmate does not pose an unreasonable risk of violence to the community and release is granted.



May 13, 2016

SIGNATURE

REVIEW DATE

GROTTKAU, MICHAEL

NAME