

BOARD OF PAROLE HEARINGS

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August 16, 2017

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : ARAGON, ROBERT, ANTHONY
CDCR# : AT8546
Location : California Medical Facility
Court Case# : CRF141899

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has approved the inmate for release. Enclosed is a copy of the board's decision.

Please direct any inquiries concerning the inmate to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

RECEIVED

AUG 17 2017

YOLO COUNTY DISTRICT ATTORNEY

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: ARAGON, ROBERT, ANTHONY

CDCR Number: AT8546

Institution: California Medical Facility

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 following case factors, both aggravating and mitigating, they do not tend to show that the inmate 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 offense is VC 2800.2 (reckless evasion). On 4/23/14, police officers responded to a report of a man brandishing a firearm. Witnesses reported that the inmate pointed a handgun at them, yelled "back off," and then drove away. The available records provide no further details regarding that incident. When the police located the inmate in his vehicle and attempted to stop him, the inmate fled, leading to a pursuit which ended when the inmate's vehicle collided with a parked vehicle. The inmate fled on foot and surrendered two hours later. A loaded 9mm pistol was found inside the inmate's car. The inmate was sentenced to a total term of seven years on the current commitment offense.

The sole aggravating circumstance related to the current commitment offense is that the inmate was personally armed with a firearm during the commission of the commitment offense. The sole mitigating circumstance is that there was no physical injury to any victims in the commitment offense. When balancing the aggravating circumstance against the mitigating circumstance, the inmate's current commitment offense is a mitigating factor despite the presence of a handgun because the offense itself is essentially non-violent.

Prior Criminal Record: The inmate's prior criminal record is a mitigating factor in this case. The inmate's felony history began in 1998 with a conviction for PC 459, burglary. He has one other felony conviction for PC 211/212.5(c), 1st degree robbery, in 2000.

The sole aggravating factor related to the prior criminal record is that the inmate has a prior conviction for a violent offense pursuant to PC section 667.5(c), specifically, robbery. The mitigating factors are: 1.) The inmate has not been convicted of more than two felony convictions, and 2.) The inmate was free from incarceration for at least five years prior to the date of the commitment offense (he was released on parole on 3/1/09, and the commitment offense occurred on 4/23/14). When balancing the aggravating circumstance against the mitigating circumstances, the inmate's prior criminal record is a mitigating factor because it is relatively brief and because his prior felonies occurred nearly 20 years ago.

Institutional Behavior/Rehabilitative Programming: The inmate has been incarcerated on the current commitment offense since 6/26/14. During his current incarceration, the inmate has been issued CDC-115 RVRs for refusing to provide a urine sample on 7/2/14 and for battery on an inmate on 3/7/16. He is currently assigned to work as a landscape gardener. The available records do not contain evidence of any self-help or rehabilitative programming. After balancing the positive factors against the

negative factors, the inmate's institutional record shows poor compliance with rules, including violent conduct, and is therefore an aggravating factor in the case.

Response to Legal Notices: A letter in opposition to release from the Yolo County County District Attorney dated 8/2/17 and a letter in support of release from the inmate dated 7/6/17 were reviewed and considered.

DECISION: When balancing the aggravating factor in this case, which is the inmate's institutional behavior, with the mitigating factors, which are the inmate's commitment offense and his prior criminal record, the mitigating factors outweigh the aggravating factor. Although the inmate has engaged in violent conduct, such instances have been few and far between. The inmate therefore does not pose an unreasonable risk of violence to the community, and release is approved.

Daniel S. Blake

AUGUST 15, 2017

SIGNATURE

BLAKE, DANIEL

NAME

REVIEW DATE