

**BOARD OF PAROLE HEARINGS**

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August 17, 2017

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : CASTLEBERRY, CHARLES, EDWARD  
CDCR# : AP9700  
Location : Folsom State Prison  
Court Case# : CRF152368

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

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AUG 18 2017

YOLO COUNTY DISTRICT ATTORNEY

# NONVIOLENT DECISION FORM

## NONVIOLENT INFORMATION

Inmate Name: CASTLEBERRY, CHARLES, EDWARD

CDCR Number: AP9700

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: When considering together the findings on each of the four of inmate Charles Castleberry CDC# AP9700 case factors, both aggravating and mitigating, they do not tend to show that he 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 offenses are a mitigating factor in this case. The commitment offenses are HS 11377 – Possession of Controlled Substance for Sale; and HS 11377 – Possession of Controlled Substance, for which the inmate was sentenced to a total of 5 years.

On 4/21/15, when contacted by police inmate was found to be in possession of 7 grams of methamphetamine.

In aggravation, the inmate was sentenced to two felonies as part of crimes leading to the current prison terms; the inmate was on parole at the time of the commitment offenses, having paroled on 12/2/14, and the commitment offenses occurred on 4/21/15. In mitigation, no weapon was used in the commitment offense; there was no violence or threat of violence to any victim; and there was no physical injury to any victim.

On balance, the commitment offenses are a mitigating factor because the crimes involved no violent or assaultive behavior, and no threat of violence, or injury to any victim.

#### #2- Prior Criminal Record

The inmate's prior criminal history began in 1984 and continued until the commitment offenses in 2015. The inmate's prior criminal record is an aggravating factor in this case. The prior criminal record includes: HS 11379 – Transportation of Controlled substance (1984); PC 245 (A) (1) – Assault GBI Likely (1998); PC 422 – Criminal Threat Death/GBI Likely (1998); PC 530.5 (A) – Unlawful Use of Personal Identification (2004); PC 12021 (a) (1) – Felon Possess Firearm (2004); PC 476a (A) – Insufficient Funds/Intent to Defraud (2008); and HS 11377 (a) – Possession of Controlled Substance (2013).

In aggravation, the inmate has committed 3 or more felonies including serious juvenile adjudications; the

prior criminal record shows a pattern of assaultive behavior with 2 assaultive crimes; the inmate was not free from incarceration for 5 years prior to the commitment offenses in that he was paroled on 12/2/14, and the commitment offenses occurred on 4/21/15; and the prior felony convictions/serious juvenile adjudications show a pattern of similar repetitive criminal conduct with 2 convictions related to controlled substances; and two assaultive crimes. In mitigation, the inmate has no known juvenile criminal record.

On balance, the prior criminal record is an aggravating factor because the record includes a pattern of assaultive and repetitive criminal conduct, and the inmate was not free from incarceration for 5 years prior to the current commitment offenses.

**Case Factor #3- Institutional Adjustment :**

The inmate has been incarcerated on the current offense since 9/17/15, a period of approximately 2 year. During incarceration the inmate received one 115 serious rules violation on 6/28/17 for possession of contraband – inmate constructed hot plate. The inmate is assigned to PIA maintenance repair, and participates in CGA Rehabilitation Program; Narcotics Anonymous, and Denial Management Workshop.

On balance, though the inmate has had one rules violation, because the violation did not involve violent or assaultive behavior, and because the inmate has engaged in positive programming, the institutional adjustment is a mitigating factor.

**Case Factor #4- Response to Legal Notices**

In response to Legal Notices, a 8/1/17 letter was received and considered from the Yolo County District Attorney's Office.

**SUMMARY:** When balancing the aggravating factor (the prior criminal record), against the mitigating factors (the commitment offense, and the institutional adjustment), greater weight is given to the mitigating factors because though the criminal record has two assaultive crimes, they occurred 19 years ago, and since that time, the inmate has not engaged in assaultive or violent behavior. Inmate's institutional adjustment also shows that he has engaged in positive self-help programming. On this record, inmate does not pose an unreasonable risk of violence, and release is approved.

*Dianne R. Dobbs*

AUGUST 16, 2017

SIGNATURE

DOBBS, DIANNE

NAME

REVIEW DATE