

BOARD OF PAROLE HEARINGS

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



July 13, 2017

RECEIVED

JUL 14 2017

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: MIRANDA-MOORE, CASEY, JONATHAN
CDCR#: BA4237
COURT CASE#: CRF162594

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: MIRANDA-MOORE, CASEY, JONATHAN
 CDCR Number: BA4237
 Institution: North Kern 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 the inmate's 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 offense is a mitigating factor in this case. The commitment offense is PC 30305 (A), possession of ammunition by a prohibited person. On 5/10/16 police conducted the inmate standing next to a truck. Police asked if there were any weapons. The inmate stated, no but there may be some ammunition. The aggravating circumstance is: None.

The mitigating circumstances are: The inmate was not armed, inflicted no injury, & exhibited no threats. When balancing the lack of any aggravating circumstances against the mitigating circumstances, the inmate's current commitment offense is a mitigating factor due to a lack of any violence inherent in the crime or evident in the inmate's perpetration of it.

Case Factor #2- Prior Criminal Record

The inmate's prior criminal history began on 11/1/12 when the inmate was convicted of PC 186.22 participation in criminal street gang activity, a serious felony pursuant to PC 1192.7. The inmate's prior criminal record is a mitigating factor in this case. The aggravating circumstances are: The inmate was not free from custody for five year prior to the commission of the commitment offense. He was released from custody on 11/22/12 and committed the commitment offense on 5/10/16. The mitigating circumstances are: He does not have a juvenile conviction or adjudication record; & he does not have three or more prior felony convictions. When balancing the aggravating circumstances against the mitigating circumstances, the inmate's prior criminal record is a mitigating factor. The inmate has only one prior criminal conviction for PC 186.22 which is a very limited criminal conviction history unresponsive of an aggravated criminal record predictive of future violence and therefore his criminal conviction history is mitigating.

Case Factor #3- Institutional Adjustment

The inmate has been incarcerated on the commitment offenses since 7/4/16, a period of approximately one year. During incarceration the inmate has suffered the following rule violation: In August 2016 he was found guilty of a serious

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

rule violation for fighting and in April 2017 he was found guilty of an administrative rule violation for placing a curtain. He has not completed any self-help course yet but he assigned. The inmate's institutional behavior is aggravating as it shows he is not in compliance with institutional rule.

Case Factor #4- Response to Legal Notices

There is a response to legal notices from the Yolo County District Attorney dated 11/28/16. This letter was read and considered.

SUMMARY: When balancing the aggravating factor in this case (Institutional Adjustment), with the mitigating factors in this case, (The commitment offenses, & prior criminal history), the mitigating factors outweigh the aggravating. The lack any violent criminal convictions, violence in the commitment offense & acquiescence to the officers question to him in the commitment offense bodes against aggravation. The serious rule violation is noted but does not outweigh the foregoing. The inmate does not pose an unreasonable risk of violence to the community and release is approved.

July 12, 2017

SIGNATURE

REVIEW DATE

JOHNSEN, WALTER

NAME