

BOARD OF PAROLE HEARINGS

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Yolo County District Attorney



November 13, 2017

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : MOSS, ERIC, BERNARD
CDCR# : AV0220
Location : California Institution for Men
Court Case# : CRF143648, CRF156086

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

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: MOSS, ERIC, BERNARD
CDCR Number: AV0220
Institution: California Institution for Men

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:

When considering together the findings on each of the four case factors, both aggravating and mitigating, they do not tend to show that inmate (ERIC MOSS- AV0220) would pose an unreasonable risk of violence to the community. Release is approved.

CASE FACTOR #1 CURRENT COMMITMENT OFFENSE- MITIGATING

Mr. Moss current commitment offense is for HS 11379(a) - Sale of Controlled Substance (methamphetamine). As a result of this offense, Mr. Moss was sentenced to 5 years. Mr. Moss sold an undercover officer .7 grams of methamphetamine for \$40.

The aggravating factors relative to the commitment offense are: Mr. Moss was on parole at the time of the commitment offense (he paroled on 7/31/15 and committed his new offense on 10/20/15). The pertinent mitigating factors are as follows: no weapon was used; there was no violence or threat of violence involved; and there was no physical injury to the victim(s).

After balancing the mitigating factors and aggravating factor, Mr. Moss current commitment offense is a mitigating factor, due to the lack of any violence, threat of violence, or physical injury.

CASE FACTOR #2 PRIOR CRIMINAL HISTORY- AGGRAVATING

Mr. Moss prior criminal history began in 1982 and continued until the commitment offenses in 2016. His adult felonies are as follows: PC 12025(b)- Carrying a concealed firearm (3/4/82); Burglary of a building (Texas: 10/4/95); Forgery (Texas: 5/12/98); PC 245(a)(1)- Assault with a Deadly Weapon (7/30/14).

The aggravating factors are: Mr. Moss was convicted of three or more felonies (see above); and he was not free from incarceration for 5 years prior to the commitment offense (he paroled on 7/13/15 and his new term date started 9/1/16). The mitigating factors are: Mr. Moss has no known juvenile criminal record.

When balancing the aggravating factors against the mitigating factor, Mr. Moss's prior criminal record overall is an aggravating factor in the case due to his continued felony convictions and since he was not free from incarceration for five years prior to the commitment offense, which evidences his continued inability to follow the rules and norms of society.

CASE FACTOR #3 INSTITUTIONAL ADJUSTMENT- MITIGATING

Mr. Moss has been incarcerated on the commitment offense since 9/1/16, a period of approximately 1 year 2 months. He was recently assigned as a Porter (10/25/17) and has participated in adult basic education (ABE). He has incurred no 115 Rules Violations.

After balancing the positive factors against the negative factors, Mr. Moss's institutional record does show overall compliance with institutional rules and programs and therefore is a mitigating factor in the case.

CASE FACTOR #4 LEGAL NOTICES

Responses to the Legal Notices received from Mr. Moss in support of early release were considered.

DECISION

When balancing the aggravating factor in this case- Mr. Moss's prior criminal history, with the mitigating factors- his Commitment Offense and Institutional Adjustment and rehabilitative programming, the mitigating factors outweigh the aggravating factor. Great weight is given to the facts that the commitment offense did not include violent acts as well as his lack of any disciplinary issues while incarcerated. Mr. Moss does not pose an unreasonable risk of violence to the community. Early release is therefore warranted by the above case factors.

ESL

SIGNATURE

SHARRIEFF, EXCEL

NAME

NOVEMBER 9, 2017

REVIEW DATE