

BOARD OF PAROLE HEARINGS

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November 21, 2017

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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: RICHARDSON, ANDREW,JUSTIN
CDCR#: BC3930
COURT CASE#: CRF164207

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

11-27-17 Scanned/mailed ww

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: RICHARDSON, ANDREW,JUSTIN
 CDCR Number: BC3930
 Institution: Sacramento Central Office

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 inmate's, Andrew Richardson (cdc#BC3930), four case factors, both aggravating and mitigating, they do not tend to show that the release would pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

Case Factor #1- Current Commitment Offense is a Mitigating Factor

The inmate's current commitment offense is VC-10851a(3)-Taking Vehicle without Owner's Consent. On 7/26/2017, the inmate stole the Victim's vehicle keys and then took the Victim's vehicle without the Victim's Consent. The inmate was sentenced to a total term of 2 years and 8 months on the current commitment offense.

There is no aggravating circumstance.

The mitigating circumstances are:

1. No weapon was used;
2. there was no violence or threat of violence;
3. there was no physical injury to the victim; and
4. the commitment offense involved property theft.

Accordingly, the inmate's current commitment offense is a mitigating in the case:

1. Due to no violence of any kind exhibited by the inmate.

Case Factor #2- Prior Criminal Record is a Mitigating Factor

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The inmate's prior criminal history began in 2008 and continued until the commitment offense 2016. The inmate has the following serious juvenile adjudications criminal conviction: juvenile conviction at the age of 17 was for PC211-Robbery 1st degree in 2008 and PC422-Threaten Crime with Intent to terrorize in 2008; and the inmate has no prior adult felony convictions.

The aggravating circumstance is:

1. The inmate has a prior conviction for a violent offense pursuant to PC section 667.5(c), (PC-211-Robbery 1st degree in 2008).

The mitigating circumstance is:

1. The inmate was free from incarceration for at least 5 years prior to the date of the commitment offense (the inmate was last incarcerated in 2008 for PC 211-Robbery and incarcerated for the most recent commitment offense on 03/02/2017); and
2. the inmate has not been convicted of more than 2 felony offenses.

When balancing the aggravating circumstances against the mitigating circumstances, the inmate's prior criminal record overall is a mitigating factor in the case:

1. Due to the inmate's felony criminal record is not extensive and the last violent act was committed in the distant past, more than 9 years ago; and
2. the inmate was free from incarceration for at least 5 years prior to the date of the commitment offense.

Case Factor #3- Institutional Adjustment is an Aggravating Factor

The inmate has been incarcerated on the commitment offense since 02/23/2016, a period of approximately one year and 9 months.

1. During incarceration the inmate has suffered a serious rule violation report, as the inmate was found guilty and assessed for 115-Conspiracy to commit a Battery on a prisoner on 7/09/2017, where the inmate was acting as a lookout for a cell fight and once the inmate saw the officer coming, the inmate stated: "they're coming."
2. During incarceration the inmate has participated in the following positive programming: voluntary GED, transitions (education), and worked at PIA Metal Products.

After balancing the positive factors against the negative factors and even though the inmate is commended for some positive rehabilitative efforts, the inmate's institutional record does not show overall compliance with institutional rules and therefore is an aggravating factor in the case as the inmate has thus far shown that he has not positively rehabilitated himself, that he cannot follow the rules and regulations in a structured environment, and cannot remain disciplinary free.

Case Factor #4- Response to Legal Notices

The response to the Legal Notice received from the District Attorney for the County Yolo, dated July 25, 2017, in opposition to early release was considered in this opinion.

DECISION

When balancing the aggravating factor in this case: the institutional adjustment and rehabilitative programming, with the mitigating factors: the commitment offense and prior criminal record, the mitigating factors outweighs the aggravating factor. Great weight is given to the facts that the commitment offense is not one of violence (car theft); that the inmate's

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prior felony criminal record consists of two serious juvenile adjudication, one of which consist of a violent felony conviction (Robbery in 2008), which occurred in the distant past, more than 9 years ago when the inmate was 17 years old; that the inmate does not have any prior adult felony conviction; and that while the inmate was found guilty of a serious 115, the inmate was not directly fighting with another individual, as the inmate's participation was minor (the inmate was merely the "lookout" individual). The inmate does not pose an unreasonable risk of violence to the community and release is approved.

Teresa Meighan

November 20, 2017

SIGNATURE

REVIEW DATE

MEIGHAN, TERESA

NAME