

BOARD OF PAROLE HEARINGS

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RECEIVED**MAR 02 2018****Yolo County District Attorney**

February 28, 2018

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

Subject: NON-VIOLENT SECOND STRIKER RELEASE DECISION

Inmate's Name: HUTCHISON, MARK, JASON

CDCR#: AZ7598

COURT CASE#: CRF132402

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: HUTCHISON, MARK, JASON
CDCR Number: AZ7598
Institution: Ironwood 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 following case factors, both aggravating and mitigating, they tend to show that the inmate does not pose an unreasonable risk of violence to the community. Release is Approved.

STATEMENT OF REASONS

Case Factor #1 - Current Commitment Offense

The circumstances of the inmate's current commitment offense mitigates the inmate's current risk of violence. On 2-29-16, the inmate was sentenced to a total term of 6 years on the current commitment offense. The commitment offense is PC1320.5-Failure to Appear on Felony Charge While on Bail.

In June 2013, Inmate was reportedly speeding and driving recklessly on his motorcycle. A motorist reported Inmate to authorities. An Officer made contact with Inmate while he was refueling the motorcycle. A search of Inmate's motorcycle revealed 39.96 grams of methamphetamine affixed to the rear of the motorcycle and \$1,200 cash in his backpack. Inmate was on probation at the time. Inmate was held in the county jail with pending charges. Inmate posted bail then failed to appear in January 2014, to stand for the pending charges. Inmate was arrested in November 2014.

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:

- 1-The inmate did not personally use a deadly weapon
- 2-No victims suffered physical injury or threat of physical injury
- 3-There was only one conviction

Therefore, the current crimes are found to be a mitigating risk factor in the case.

Case Factor #2 - Prior Criminal Record

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

The inmate's prior criminal history began in 1991 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions:

- 1991-PC459-1st Degree Burglary
- 1993- VC10851(a)- Unlawful Taking of a Vehicle
- 1994-HS11378-Possession of Controlled Substance for Sale; and VC10851(a)-Unlawful Taking of a Vehicle
- 1999-PC4501-Assault with DW or Force Likely to GBI By Prisoner
- 2000-HS11378- Possession for Sale; VC2800.2(a)-Driving in Willful Disregard for Safety While Fleeing Pursuing Officer.
- 2005- VC2800.2(a)-Driving in Willful Disregard for Safety While Fleeing Pursuing Officer.
- 2007-HS11377(a)-Possession of Controlled Substance

The sole circumstance of the inmate's prior criminal record that aggravates the inmate's current risk of violence is:

The inmate had a felony conviction within five years prior to his current conviction. Inmate had a felony conviction for which he was released in 2013, then, Inmate committed the current offense within five years.

The sole circumstance of the inmate's prior criminal record that mitigates the inmate's current risk of violence is:

The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because Inmate committed a felony within 5 years of a prior felony conviction.

Case Factor #3-Institutional Adjustment

The inmate has been incarcerated at CDCR on the current commitment offenses since 4-28-16, a period of approximately 1 year and 10 months. During his incarceration for the current offenses, the inmate has not committed any rules violations involving physical injury, nor made any threats of physical injury. He attended ABE III for 3 months and Vocational Computer Literacy classes for 4 months, College Correspondence for 9 months. Additionally, the record reflects the inmate has maintained a work assignment as a Porter from 12/17 to 2/18.

Lastly, the inmate has participated in Transitions Program for 3 months, Alcoholic Abuse for 7 months, Narcotics Substance Abuse for 10 months, Faith Groups, Anger Management for 4 months, and Family Relationships program for 5 months.

There are no circumstances of the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence

- 1-The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.
- 2-There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.
- 3-The inmate has successfully participated in vocational, educational and work assignments, for a sustained period of time.
- 4-The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such a substance abuse, for a sustained period of time.

BOARD OF PRISON HEARINGS STATE OF CALIFORNIA
NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's institutional behavior mitigate the inmate's current risk of violence because Inmate has no aggravating circumstances related to Institutional Adjustment and he has participated in multiple educational and rehabilitative programs to address his criminality.

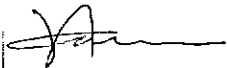
Case Factor #4 Response to Legal Notices

There were no responses to the legal notices.

SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including, the passage of time, the inmate's age, and the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk of violence outweigh the factor's aggravating the inmate's current risk of violence.

More specifically the factors mitigating the inmate's current risk of violence overall outweigh the factors aggravating the inmate's current risk of violence because, although the prior criminal history is an aggravating factor due to Inmate's current offense within 5 years of a prior felony conviction, there is no violence or threat of injury to a victim associated with the commitment offense. Furthermore, Inmate's institutional adjustment has been positive as evidenced by the lack of violence, and his extensive participation in educational and rehabilitative programs to address the factors that contributed to his criminality.

The inmate is Approved for release.



SIGNATURE

GARCIA, JOHN

NAME

February 26, 2018

REVIEW DATE