

BOARD OF PAROLE HEARINGS

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



September 12, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : BUENTELLO, VALENTIN
CDCR# : AU2948
Location : Sacramento Central Office
Court Case# : CRF156213

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has approved the inmate for release. Enclosed is a copy of the board's decision.

If you believe the board's decision contains an error of law or error of fact, or you have new information you believe would have materially impacted the board's decision had it been known at the time of the decision, please submit a written statement to:

Board of Parole Hearings
Attn: Nonviolent Parole Review
P.O. Box 4036
Sacramento, CA 95812-4036

Please direct any inquiries concerning the inmate's release to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: BUENTELLO, VALENTIN
CDCR Number: AU2948
Institution: Sacramento Central Office

BPH DECISION

JURISDICTIONAL REVIEW

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BPH does not have jurisdiction, no further review.

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BPH has jurisdiction.

REVIEW ON THE MERITS

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Recommendation to release approved.

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Recommendation to release denied.

Decision for Buentello, Valentin, AU2948: When considering together the findings on each of the inmate's four case factors, 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(s) mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of six years on the current commitment offense(s). The commitment offense(s) is/are PC496-receiving stolen property as a second striker for a term of six years.

On 4/03/2015, the victim's laptop was stolen from his residence. An application was used to locate the laptop and it was found to be right outside the inmate's apartment. When arrested, other stolen property was found in the inmate's car.

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

The inmate's prior criminal history began in 2010 and continued until the commitment offense(s) in 2015. 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: PC496(A)-receiving stolen property (2010); PC459-burglary 2nd degree (2012); PC459-burglary 1st degree (2013); HS11377(A)-possession of a controlled substance (2013); and the current commitment offense.

The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:

- 1) 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. The inmate has never been convicted of a violent felony under PC667.5(c).

The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:

1) The inmate was incarcerated for a felony conviction within five years prior to his current conviction. The inmate was last released from custody on 1/30/2015 and he was convicted of the current offense on 3/09/2016.

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 he was free from incarceration for a relatively short period of time before being convicted of the current offense. The fact that the inmate has not been convicted of a violent felony under PC667.5(c) is outweighed by the fact that he was free from incarceration for just over a year before being convicted of the current offense.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since April 28, 2016, a period of approximately two years and four months.

The inmate has been involved in the following activities:

SERIOUS RVRs:

2/10/2018-possession of a cell phone

WORK:

outside work crew from 11/11/2016 to 8/09/2017;
trash operations from 10/07/2017 to 4/10/2018;

VOCATION:

none;

EDUCATION:

ABE from 10/19/2016 to 7/10/2018;

SELF-HELP:

substance abuse from 4/11/2018 to 7/10/2018.

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. While the inmate received a Rules Violations Report on 2/10/2018, it did not involve physical injury or the threat of physical injury.

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, or work assignments for a sustained period of time. While the inmate has not participated in a vocational assignment, he has participated in education classes for close to two years and in work assignments for 15 months. The combination of education and work assignments is enough to be considered a sustained period and so this is a mitigating circumstance.

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

1) The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. In over two years in prison this inmate has only participated in three months of self-help. This is not enough to be considered sustained and can only be considered limited.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence because the inmate has not engaged in violence in prison and has participated in work and educational assignments for a sustained period. Although the inmate has only participated in limited self-help programming, this is outweighed by his remaining violence free and his participation in educational assignments for close to two years and in work assignments for 15 months. For these reasons, while the inmate would without question benefit from additional self-help programming, his lack of violence or criminal activity in his institutional record is given greater weight in light of the fact that his commitment offense did not involve violence. As such, it is determined the inmate's institutional adjustment mitigates the current risk of violence.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in opposition to release from the Yolo County District Attorney's Office dated 8/23/2018, which were reviewed and considered in this decision.

SUMMARY: When reviewing all of the case factors as documented above, taking into account the totality of the

circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.

While the inmate's criminal history is an aggravating factor because he was free from incarceration for a short period of time before the current conviction, the inmate's current commitment offense and institutional adjustment are factors which mitigate the current risk of violence. The inmate has never been convicted of a crime involving violence and the current offense was also a non-violent property related theft crime that did not involve the use of a weapon, or result in any injuries to the victims. While the inmate has only participated in self-help programming for three months, he has remained violence free and has participated in educational and work assignments for a sustained period of time. As such, it is determined the inmate does not pose an unreasonable risk of violence to the community. The inmate is approved for release.



SIGNATURE

MAHONEY, STEVEN - Deputy Commissioner

September 11, 2018

REVIEW DATE

If you believe this decision is not correct, you may send a written request to :

Board of Parole Hearings
Attn: Nonviolent Parole Review
P.O. Box 4036
Sacramento, CA 95812-4036

Your request must be post marked within 30 calendar days from the date you were served this decision and your request must include a brief written statement explaining why you believe the decision is not correct. You may include additional information to support your request.