

BOARD OF PAROLE HEARINGS

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



September 16, 2019

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : LEE, QUENTIN, MICHAEL RAY
CDCR# : AS0028
Location : Mule Creek State Prison
Court Case# : CRF132253

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: LEE, QUENTIN,MICHAEL RAY
CDCR Number: AS0028
Institution: Mule Creek 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 for Lee, Quentin, AS0028: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity 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) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 11 yrs on the current commitment offense(s). The commitment offense(s) is/are The commitment offense(s) is/are VC 2800.2(a) reckless evasion, for which he received a 6 year sentence with five 1 year enhancements per PC 667.5(b) (Convicted 9/30/13). In June 2013, he drove past a police officer, who recognized him as having a warrant. She followed him, and discovered the car was stolen. When she tried to pull him over, he led police on a high speed chase, which included him driving on the wrong side of the road. He nearly caused several accidents, and almost hit an elderly man crossing the street while using a walker. When he was stopped by a drawbridge, he exited the car and jumped off the bridge to try and escape. Police caught him as he exited the river.

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:

There were one or more victims who suffered the threat of physical injury. Inmate fled officer in a vehicle at a high rate of speed, driving on the wrong side of the road and almost hitting a an elderly man crossing the street.

Therefore, the current crimes are found to be an aggravating risk factor in the case.

Case Factor #2 - Prior Criminal Record

The inmate's prior criminal history began in 2005 and continued until the commitment offense(s) in 2013. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: The inmate has the following adult criminal convictions: 2005, VC 10851(a) auto theft; 2007, another auto theft and PC 422 criminal threats; 2008, another auto theft and second degree burglary; and in 2009, H&S 11378 drug sales.

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

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 circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or

significant criminal activity are:

The inmate was incarcerated for a felony conviction within five years prior to his or her current conviction. The inmate was released on 12/26/12 and convicted on 9/30/13.

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 or significant criminal activity because of the following: While it is positive that the inmate has not had a violent felony in 15 years, more weight was applied to the fact that the inmate was released 12/26/12 and within a years time, he was convicted on his new 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 December 3, 2013, a period of approximately 5 years and 9 months.

The inmate has been involved in the following activities: Disciplinary:

9/20/16 Behavior that could lead to violence
5/4/16 Use of a controlled substance based on positive test
12/28/15 Positive urinalysis for amphetamine/methamphetamine/morphine
12/19/15 Possession of drug paraphernalia
9/1/15 Possession of a cell phone
8/21/15 Possession of cellular phone and/or charger
8/12/15 Constructive possession of a cellular phone
9/23/14 Fighting

Recreational Aide 9/14 to 1/16 (2,327.5 hrs.); College 5/5/15 to 3/8/19 and 8/26/19 to present (3 years); Sharpening minds 4/28/17 to 8/4/17 (18 hrs.), 8/1/17 to 12/18/17 (6 hrs.); PIA Food and Beverage Packaging 8/4/17 to 6/19/18, and 10/17/18 to 3/8/19 (1,970.25 hrs.); GOGI 7/11/17 to 9/27/17 (4.5 hrs.); Kitchen Scullery 7/11/18 to 9/6/18 (137.75 hrs.); Barber 5/3/19 to 7/18/19 (329 hrs.); Porter 7/19/19 to present (270 hrs.); Chrono dated 12/22/17 for Restorative Academic Mentorship Program (RAMP) 1 1/2 hours weekly, four times a month.

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

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.

The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. The inmate has over 2000 hours as a Recreational Aide, 3 years of College and approx. 2000 hours with PIA packing. Additionally, he has been a barber, porter and worked in the scullery.

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

The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. The inmate on 9/23/14 was caught fighting. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse.

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 or significant criminal activity because of the following: The inmate has not engaged in criminal activity this term and has sustainably participated in work activities with approximately over 5,000 hours and 3 years of College. This was weighted against the violent disciplinary violation for fighting on 9/23/14, and limited self-help programming. Less weight was given to the disciplinary fighting since it occurred almost 5 years ago. The programming was given less weight due to the clean urine testing that came back negative for drug use. Less weight was given to disciplinary since it has been over 3 years since his last positive test. This can be monitored while on parole. More weight was given to the positive work in education by taking 3 years of College and to the working skills the inmate has learned from PIA Food and Beverage Packing with approximately 2000 hours of work.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in support of release from Mr. Lee, dated 7/21/19, 7/26/18 and 5/8/18 which were reviewed and considered in this decision.

There were response(s) to the Legal Notices in opposition to release from the Yolo County District Attorney's Office, dated 8/1/19 which were reviewed and considered in this decision.

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 5 years and 9 months, the inmate's age of 32, the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the

inmate's current risk of violence or significant criminal activity.

The inmate is a 32 year old male that has served 5 years and 9 months of an 11 year sentence. His commitment offense was aggravating since he placed numerous people at risk by running from officers. His prior criminal record was aggravating since in less than a year after release on 12/26/12, the inmate was convicted on a new crime on 9/30/13. While incarcerated, he was involved in a fight on 9/23/14, and has limited self-help programming addressing his substance abuse.

This was weighed against the fact that the inmate has not had a violent felony in the last 15 years, his prior criminal record does not show any violence, and it has been over 5 years since he was in the fight in the institution and over 3 years since testing positive for drugs. He has learned skills from PIA and worked over 5,000 hours of work activity. More weight was given to his ability to learn a trade through PIA, keep employment and seek out 3 years of College curriculum to improve himself educationally. The inmate does not pose an unreasonable risk of violence.. The inmate is approved for release.



September 10, 2019

SIGNATURE

REVIEW DATE

GROTTKAU, MICHAEL - Deputy Commissioner

DECISION

- ☒ X Concurs with approved recommendation to release.
- ☐ Does not concur with approved recommendation to release.

Decision based on the reasons stated below:

Today, the recommendation for approval for release has been reviewed. The facts in the case are documented accurately in each part of the decision. The Nonviolent Review on the merits regulatory criteria under Title 15, Division 2, section 2449.4 and 2449.5 have been properly applied to each case factor. The hearing officer has balanced the aggravating and mitigating circumstances in each case factor. The hearing officer documented, reviewed and considered stakeholder letters properly. These case factors were then balanced and the mitigating factors were determined to outweigh the aggravating factor. This balancing and reasoning for the ultimate decision to approve release was properly documented in the decision. Therefore, the recommend approval decision is adopted and the inmate is found to not pose a current unreasonable risk of violence or significant criminal activity to the community if released at this time. The inmate is approved for release and the recommended decision is adopted and the reviewing party concurs with the approval decision. So ordered.



September 14, 2019

SIGNATURE

REVIEW DATE

SKIPPER-DOTTA, RHONDA - Chief Deputy

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.