

**BOARD OF PAROLE HEARINGS**

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



September 14, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : MARTINEZ, ADAM,JR  
CDCR# : AR2305  
Location : California Correctional Center  
Court Case# : CRF13826

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: MARTINEZ, ADAM,JR  
CDCR Number: AR2305  
Institution: California Correctional Center

## 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 Martinez, Adam, AR2305:** When considering together the findings on each of the inmate's four case factors, the inmate poses an unreasonable current risk 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. The inmate was sentenced to a total term of 15 years and 8 months. The commitment offenses are:

- (1) HS 11351 possession of cocaine for sale for which the inmate received a term of 4 years (doubled as a second strike)
- (2) PC 30605(a) possession of an assault weapon for which the inmate received a term of 8 months
- (3) HS 11378 possession of methamphetamine for sale for which the inmate received a term of 8 months
- (4) There was an enhancement pursuant to PC 186.22(a) for criminal street gang activity for which the inmate received a term of 4 years
- (5) There was an enhancement pursuant to PC 12022(c) for being armed with a firearm for which the inmate received a term of 5 years
- (6) There was an enhancement pursuant to OC 12022(c) for being armed with a firearm for which the inmate received a term of 1 year and 4 months (doubled as a second strike. Those are the terms on the current commitment offense(s). The commitment offense(s) is/are listed above. The details of those offenses are as follows: According to the complaint (the only document available regarding the underlying facts), on 02/27/13, the inmate was in possession of cocaine and methamphetamine while in possession of an assault rifle and engaging in these possessions at the direction of and in association with a criminal street gang.

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:

1. There were multiple convictions involving large-scale criminal activity. ["Large-scale criminal activity" is interpreted to mean criminal activity that was part of an exceptionally sophisticated and large-scale criminal enterprise; additionally it includes gang related cases with PC 186.22 enhancements. In this case, the inmate was convicted of a 186.22(a) street enhancement, due to his possession of drugs for sale and weapons at the direction of and in association with a street gang.

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 2011 and continued until the commitment offense(s) in 2013. The inmate's prior criminal record is a factor aggravating the inmate's current risk. The inmate has the following adult criminal convictions:

2011 – PC 12025(b)(6)(a) possession of a loaded firearm

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

1. The inmate was incarcerated for a felony conviction within five years prior to his or her current conviction(s). The inmate was sentenced to 120 days jail on 02/23/11. He was convicted on the current case on 07/19/13

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk because the inmate has one conviction and that was for a non-assaultive crime and he has no convictions for any 667.5(c) offenses. These mitigating circumstances outweigh the circumstance that he was convicted of his current commitment within 5 years of his last release from custody because they do not involve assaultive behavior.

### **Case Factor #3 - Institutional Adjustment**

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since September 5, 2013, a period of approximately 5 years.

The inmate has been involved in the following activities:

Rules Violations: none

Work Assignments: Porter 06/10/17 to 02/16/18 and Camp Fire Fighter 03/22/18 to present (approximately 1 year and 2 months)

Vocational Assignments: Physical Fitness Training 02/17/18 to 03/02/18 (completed); Fire Fighter Training 03/06/18 to 03/16/18 (approximately 1 month)

Educational Assignments: none

Programming and Self Help: Unlocking Your Thinking Open Your Mind, Level 1, completed per chrono dated 03/02/15; Understanding and Recognizing Angry Feelings, Level 3, completed per chrono dated 04/27/15; Thinking for Change, Level 2, completed per chrono dated 04/21/15. The duration of the above referenced programs is unknown.

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

1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his or her 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 or her last admission to prison.  
3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. The inmate has participated in a year and 2 months of work assignments and 1 month of vocational assignments.

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

1. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, such as substance abuse and gang involvement. The inmate's central file shows participation in 3 programs of unknown duration in 2015.

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 because no confidential memos implicate the inmate in any criminal activity, he has avoided rules violations and has sustained participation in assignments, including fire camp.

### **Case Factor #4 - Response to Legal Notice**

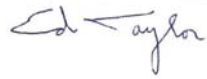
There were response(s) to the Legal Notices in support of release from Inmate 08/03/17 which were reviewed and considered in this decision.

There were response(s) to the Legal Notices in opposition to release from Yolo County District Attorney 08/28/18 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 inmate has been incarcerated for 5 years), the inmate's age, the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk outweigh the factors

aggravating the inmate's current risk.

Overall, the inmate does not pose an unreasonable risk to the community. The factor of his prior criminal history was mitigating because it consisted of one weapons possession charge and did not involve assaultive conduct. While, the factor of his commitment offense was aggravating because it involved crimes done at the direction of a street gang, the factor his institutional adjustment was mitigating and outweighed the factor of his commitment offense because he had no rules violations. It also showed sustained participation in work assignments (including firefighter camp) and some relevant programming. The inmate is approved for release.



**SIGNATURE**

**TAYLOR, EDWARD - Deputy Commissioner**

September 13, 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.