

**BOARD OF PAROLE HEARINGS**

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



May 07, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : MICKEL, ASHLEY,CAINE  
CDCR# : BA5367  
Location : North Kern State Prison  
Court Case# : CRF162392

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: MICKEL, ASHLEY,CAINE  
CDCR Number: BA5367  
Institution: North Kern State Prison

## BPH DECISION

### JURISDICTIONAL REVIEW

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BPH does not have jurisdiction, no further review.

☒

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 Mickel, Ashley, BA5367:** 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 4 years on the current commitment offense(s). The commitment offense(s) is/are Vehicle Code section 10851(a). On May 1, 2016, law enforcement made contact with the inmate and another individual. The other individual was in the driver's seat of a stolen vehicle and the inmate was in the passenger seat -they were both asleep. The vehicle had been reported stolen by the inmate's grandmother. When questioned by law enforcement the inmate indicated that he always borrows his grandmother's vehicle and had possession of it for approximately five days. Upon searching the vehicle and the passengers the following was located: glass smoking pipe, scale, and 6.43 grams of methamphetamine.

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 2008 and continued until the commitment offense(s) 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: 2008 - PC 459, first degree burglary, VC 10851(a), vehicle theft, and 2011 - PC 496d(a), possession of a stolen vehicle.

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 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 misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his or her current conviction(s).

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 the inmate does not have any conviction that pertain to actual violence, and this is a mitigating factor. However, the inmate does have a criminal history consisting of theft crimes, particularly vehicle theft. The inmate has a conviction arising from 2011 for being in possession of a stolen vehicle. The inmate was convicted of this crime on 10/24/11, and the conviction for the current commitment offense occurred on 7/14/16, so the convictions are 4 years and 9 months apart. Since 2008 the inmate has steadily sustained new felony convictions, and this is concerning.

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

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since July 28, 2016, a period of approximately 1 year and 10 months.

The inmate has been involved in the following activities: During this period of incarceration the inmate has not sustained any rule violations.

During this period of incarceration the inmate has engaged in the following work assignments, educational and/or vocational programming:

Voluntary GED, Assigned: 10/4/17, currently assigned  
Warehouse Worker, Assigned: 3/31/17, Currently Assigned  
Porter, Assigned: 1/10/17, Unassigned: 3/30/17  
Voluntary ABE III, Assigned: 9/15/16, Unassigned: 10/25/16

The inmate indicates that he has obtained his forklift license while incarcerated.

During this period of incarceration the inmate has engaged in the following self-help/rehabilitative programming:

Anger Management, Assigned 5/17/17, Completed: 9/6/17

The inmate indicates that he has engaged in the following self-help/rehabilitative programming:

Malachi Dads, Passages, and Anger Management.

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 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 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 or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, such as substance abuse, domestic violence, or gang involvement.

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 consistently held working assignments this period of incarceration and has engaged in educational programming. He has completed Anger Management as well. He has not sustained any rule violations. More self-help/rehabilitative programming that is targeted to the circumstances that contributed to the inmate's commitment offense is desirable. However, overall, the inmate's institutional adjustment has been positive and violence free.

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

There were response(s) to the Legal Notices in support of release from Ashley Mickel, dated: 4/3/18, 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: 4/26/18, 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's age, 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.

Overall, both the inmate's prior criminal history and current commitment offenses are void of violence. He has not sustained any rule violations that pertain to violence. In fact, he has been rule violation free this period of incarceration. He has consistently held a working assignment, and has engaged in educational programming. He has completed Anger Management, and claims to have participated in other programming as well. Additional programming targeting the circumstances that contributed to the inmate's commitment offense is desirable. However, overall, the inmate does not pose an unreasonable risk of violence to the community if released at this time. . The inmate is approved for release.



May 4, 2018

**SIGNATURE**

**REVIEW DATE**

**NIJJER, CHRISTINE - Deputy Commissioner**

**NAME**

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.