

BOARD OF PAROLE HEARINGS

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March 22, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : PALMATIER, ROBERT, HAMILTON
CDCR# : BA7141
Location : California Medical Facility
Court Case# : CRF161171

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

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

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: PALMATIER, ROBERT,HAMILTON

CDCR Number: BA7141

Institution: California Medical Facility

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 based on the reasons stated below:

Decision: 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 mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of 4 years on the current commitment offense. The commitment offense is a violation of Penal Code section 530.5(a), in that on or about January 19, 2016, the victim left her wallet in the bathroom of a convenience store. Somehow the inmate obtained possession of the wallet. The inmate fraudulently cashed the victim's personal checks resulting in financial loss to the victim in the amount of \$275.00 (two hundred and seventy five dollars).

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 felonious criminal history began in 1998 and continued until the commitment offense in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions: 1998 – PC 245(b), assault with a semi-automatic firearm resulting in great bodily injury, and 2007 – PC 273.5(a), domestic violence resulting in a traumatic injury.

There no applicable circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence.

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.
- (2) The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more 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 mitigate the inmate's current risk of violence because although the inmate has two prior convictions of violence they are mitigated by the passage of time. The inmate's most violence offense, Penal Code section 245(b) occurred in 1998, which was approximately twenty years ago. The inmate's other offense is a PC 273.5(a) conviction that occurred eleven years ago.

Case Factor #3- Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since August 18, 2016, a period of approximately 1 year and 7 months.

There are no applicable 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 or her last admission to prison. During this period of incarceration the inmate has sustained one concluded Rule Violation: December 31, 2016, for possession of inmate manufactured alcohol. It was noted that the inmate currently has a pending Rule Violation for the misuse of state property. However, this pending Rule Violation was not considered in this decision.
- (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. During this period of incarceration the inmate has participated in the following vocational, educational, or work assignments:

Main Kitchen Worker
Dining Room Line Server
College

- (4) The inmate has successfully participated in 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, if any, for a sustained period of time. During this period of incarceration the inmate has participated and or completed the following rehabilitative programs/groups:

Anger Management
Family Relationships
Criminal Thinking
Substance Abuse Recovery Support Groups/Alcoholics Anonymous 2
Substance Abuse Recovery Support Groups/Alcoholic Anonymous
Substance Abuse Program/SUDT AM-1
Music Theory

Analysis: When balancing the absence of 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 actively engaged himself in rehabilitative programming that would address the circumstances that contributed to his commitment offense. He has consistently held work assignments throughout his incarceration. He has not sustained any Rule Violations pertaining to violence, and there is no information in his confidential file indicating that he has engaged in criminal activity while incarcerated.

Case Factor #4- Response to Legal Notices

There was a response to the Legal Notices in support of release from the inmate, Robert Hamilton Palmatier, dated: February 26, 2018, which was reviewed and considered in this decision.

AND

There was a response to the Legal Notices in opposition to release from the Yolo County District Attorney's Office, dated: March 14, 2018, which was 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, 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.

The inmate's current commitment offense was not violent. The inmate's prior criminal convictions that consisted of violent behavior have been mitigated by the passage of time. The inmate has actively engaged in rehabilitative programming that would address the circumstances that contributed to his commitment offense. The inmate has engaged in work assignments and has participated in college. He has not sustained any violent Rule Violations during his incarceration, nor is there information in the confidential portion of his Central File indicating he has engaged in criminal activity during his incarceration. The inmate is approved for release.



SIGNATURE

NIJJER, CHRISTINE

NAME

MARCH 21, 2018

REVIEW DATE

If you believe this decision contains an error of fact, an error of law, or if you have additional information you believe would change the outcome of this decision, you may request that it be reviewed by the Board of Parole Hearings by sending 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 received this decision and your request must include a brief statement explaining why you believe the decision is wrong. You may include additional information to support your request.