

BOARD OF PAROLE HEARINGS

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



August 30, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : TAYBORNE, ROBERT, ANTHONY, JR
CDCR# : BC5322
Location : Richard J. Donovan Correctional Facility
Court Case# : 166506, 164564

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: TAYBORNE, ROBERT,ANTHONY,JR
CDCR Number: BC5322
Institution: Richard J. Donovan Correctional 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 for Tayborne, Robert, BC5322: 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 5 years on the current commitment offense(s). The commitment offense(s) is/are PC 30305 Possession of ammunition by a prohibited person (4 Years), and PC 667.5(b) Prior prison term (1 Year) (8/11/16).

On 8/11/16, Mr. Tayborne was pulled over in his vehicle pursuant to a search warrant to search his vehicle. Officers found 5 rounds of Winchester .357 magnum ammunition in the center console. His phone was checked and officers found messages from the prior day offering to sell a 357 firearm.

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:

The inmate did not personally use a deadly weapon.
No victims suffered physical injury or threat of physical injury.
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 2004 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: HS 11378 Possession of a controlled substance (2004); PC 186.22(a) Criminal gang activity (2004); HS 11377(a) Possession of a controlled substance (2009); HS 11359 Possession of marijuana for sale (2011); HS 11359 Possession of Marijuana for sale (2011).

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

The inmate was incarcerated for a felony conviction within five years (Released 10/15/15) prior to his current conviction (Convicted 1/18/17).

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 of the following: Mr. Tayborne has not been convicted of a violent felony (under PC 667.5(c)), for the last 15 years. This was weighed against the fact that he was on supervised parole at the time of his commitment offense. He was released to parole on 10/15/15 and in less than 2 years he received his current conviction on 1/18/17. Greater weight was given to the fact that while being supervised, he violated the law. Therefore, his prior criminal record is aggravated.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since March 16, 2017, a period of approximately 17 months.

The inmate has been involved in the following activities: No serious disciplinary violations were found. Voluntary General Education Development 3/29/17 to 5/22/17; Dining Room Worker 8/5/17 to 9/18/17; Porter 10/13/17 to 1/12/18; and Dining Room Scullery 1/19/18 to present.

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

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.

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 (Worked over 1 year as a Porter, in the Dining Room and is currently in Scullery. He has been involved in education for 2 months) .

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

The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior (No self-help found).

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 of the following: Mr. Tayborne does not have any serious violations or engagement in known criminal activity while incarcerated this term. He has been active in work and education for 14 of the 17 months incarcerated. This was weighed against the fact that he has not participated in self-help. Mr. Tayborne was incarcerated for having ammo in his vehicle. When weighing the mitigated and aggravated circumstances, his institutional adjustment is mitigated because more weight was given to the fact that he has participated in work and education for most of his term and he has not violated the rules or engaged in criminal activity.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in support of release from Mr. Tayborne, dated 7/19/18 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 8/10/18 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 17 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.

Mr. Tayborne was convicted of having ammo in his vehicle. He has served 17 months of a 5 years sentence. He did not use a weapon, injure a victim and was convicted of a single crime. He has not committed a violent felony in the last 15 years and has not received any serious disciplinary violations while incarcerated. During his last 17 months, he has been active in education and work. This was weighed against his conviction within the last 5 years while on parole and his lack of self-help addressing the circumstances contributing to his criminal behavior. More weight was given to the fact that he has no violent adult convictions in 15 years, his lack of any violence in his commitment offense and lack of any serious institutional violations. Mr. Tayborne does not represent a current risk of violence to the community.. The inmate is approved for release.



August 29, 2018

SIGNATURE

REVIEW DATE

GROTTKAU, MICHAEL - Deputy Commissioner

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.