

BOARD OF PAROLE HEARINGS

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



January 09, 2023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
PO BOX 986
YREKA, CA 96097

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : PASLEY, LARRY,WAYNE,JR
CDCR# : BB2061
Location : Kern Valley State Prison
Court Case# : 16538, 161147

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has denied 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: PASLEY, LARRY,WAYNE,JR
CDCR Number: BB2061
Institution: Kern Valley 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 Pasley, Larry, BB2061: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.

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 or significant criminal activity. The inmate was sentenced to a total term of 8 years, 4 months on the current commitment offense(s). The commitment offense(s) is/are as follows:
PC 459 second degree burglary and PC 664/4532(b), attempted escape from prison. He was sentenced to a second strike double term of 6 years for the burglary, 1 year, 4 months for the escape, and had a 1 year PC 667.5(b) enhancement.

In April 2016, he burglarized a truck stop, stealing CB radios, dash cameras, and televisions.
In August 2016, he was released on a 48 hour furlough, and failed to return.

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.

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 1996 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 or significant criminal activity. The inmate has the following adult criminal convictions:

1996, first degree burglary;
1998, H&S 11377(a) drug possession;
2003, PC 69 resisting arrest with force/violence;
2007, misdemeanor PC 273.5(a) corporal injury;
2011, PC 12303.2, possession of explosive device with intent to injure.

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 current convictions, as he was paroled in September 2015 and convicted of the first of the current crimes in May of 2016, just 8 months later.

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: the rapid return to criminal behavior, in this case within only 8 months, is far more probative of the inmate's current risk of violence than his lack of any statutorily violent convictions, and greatly outweighs that sole mitigating factor.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since October 12, 2016, a period of approximately 6 years, 3 months.

The inmate has been involved in the following activities:

Serious RVR's:

The inmate has 24 serious RVR's, 9 of which involved physical violence, and 5 which involved the potential or threat of violence. These include battery on an officer, 4 batteries on inmates, 3 fights, and 2 weapon possessions. The most recent was behavior that could lead to violence in September 2022, 4 months ago. The battery on an officer was in November 2021.

Also noted is that his in-prison criminality has resulted in 2 additional felony convictions, for which the sentence of 5 years total has yet to begin.

Confidential: Reliable memos dated 3/4/21, 12/20/20, & 2/2/20.

Work: Has worked very intermittently since 2017, as a porter and in the dining room. This was because of many interruptions and un-assignments due to AdSeg/ASU placements as a result of his many repeated discipline issues. In addition, when he did work, many of his reviews were unsatisfactory.

Vocational: None.

Education: ABE/GED classes, 13 hours in 2017, 27.5 in 2021, and 15 in 2022; also shown having had 8 hours of college in 2018. Many unsatisfactory progress reports are noted. Also, SOMS shows 2 hours in an EOP education class in September 2021.

Self-Help: SOMS shows only 2 hours in CBI in August 2022. Also receiving EOP/CCCMS services.

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 are no applicable mitigating circumstances.

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 and has one or more recent serious institutional Rules Violation Reports, as listed above;

There is 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 noted memos;

The inmate has limited participation in available vocational, educational, or work assignments, as described and discussed above; and

The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, as next to nothing has been taken. In addition, what little he did engage in has been ineffective, given his discipline record.

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 aggravate the inmate's current risk of violence or significant criminal activity because of the following: There is a lack of any mitigating circumstances to weigh against the aggravating circumstances, all of which are indicative of an aggravation of the inmate's risk of violence: repeated violence and criminality in prison, and no notable or effective self-help or other programming.

Case Factor #4 - Response to Legal Notice

The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: a letter from the inmate, received

2/24/22, plus prior letters.

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 of 45, and any physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.

To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated herein, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

Although the current crimes were mitigating, the other areas were deemed aggravating, as discussed above. Mr. Pasley has engaged in repeated similar criminality for almost his entire adult life. His criminality spans a period of 26 years, 1996 to 2022, ages 19 to 45. He was convicted of the first of the current felonies only 8 months after being paroled from his prior prison term. While in prison after the current convictions, he has engaged in repeated and ongoing criminality and violence. He has taken no notable self-help to address the reasons for his repeated criminality and violence. The same holds true for other programming. These repeated criminal behaviors were recent and show an ongoing continuation of his criminal mentality. These facts show he has not sufficiently addressed the underlying reasons for his repeated and continuing criminality, and also suggests he is unable, or more likely, unwilling, to correct his violent and criminal behavior. This is highly probative of his current risk and likewise shows he poses a current unreasonable risk of violence. These facts also outweigh any applicable mitigating factors, and are indicative of an entrenched and violent criminal mindset that has not yet been adequately addressed, or quite possibly, not addressed at all. As such, the inmate poses a current unreasonable risk of violence and significant criminal activity to the community. The inmate is denied for release.



January 6, 2023

SIGNATURE

REVIEW DATE

POMERANTZ, DALE - 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.