

**BOARD OF PAROLE HEARINGS**

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



July 14, 2020

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

**Subject: NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name :       MORALES, DAVID,SOTO  
CDCR# :                BL2844  
Location :             Deuel Vocational Institution  
Court Case# :         181281, 161064

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: MORALES, DAVID,SOTO  
CDCR Number: BL2844  
Institution: Deuel Vocational Institution

## 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 Morales, David, BL2844:** When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity 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 or significant criminal activity. The inmate was sentenced to a total term of five years and four months on the current commitment offense(s). The commitment offense(s) is/are

PC 29800(a)(1), Possess/Own Firearm by Felon or Addict (plea to midterm doubled due to PC 667(b)-(i)/PC 1170.12, strike prior, for four years.)

PC 33215, Manufacture/Sale/POssess Short Barrel Shotgun or Rifle (doubled due to PC 667(b)-(i)/PC 1170.12, strike prior, for four years - concurrent) from an offense on August 13, 2016.

PC 1320(b), Failure to Appear on Felony Charge/Released on Own Recognizance (doubled due to PC 667(b)-(i)/PC 1170.12, strike prior, for one year and four months) from an offense on December 7, 2016.

On or about August 13, 2016, a patrol officer observed a speeding vehicle on the freeway driven by the inmate and conducted a traffic stop. The vehicle smelled of marijuana and the inmate was in possession of marijuana. A probable cause search of the vehicle revealed a stolen loaded Winchester short barrel sawed off twelve-gauge shotgun in a duffle bag. Officers learned that the inmate was a felon.

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.

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 2002 and continued until the commitment offense(s) in 2020. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:

07/11/2002 - Assault 2 (Washington 9A.36)

06/24/2004 - Manufacture/Deliver/Possess with Intent (Washington 69.50.401(a)(1))

06/24/2004 - Possess without a Prescription (Washington 69.50.401(d))

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

1. The inmate was incarcerated for a felony conviction within five years prior to the current conviction(s). The inmate was convicted of an attempt to elude officers on or about August 9, 2018 and was convicted January 2, 2020, approximately one and one-half years later of the commitment offenses. It should be noted that the current convictions are based upon offenses that occurred in 2016. The inmate did commit a traffic violation during the 2018 attempt to elude officers, but the risk to the public in this offense was mitigated by the lack of speeding and by the handling of the incident by law enforcement. The inmate received jail time, not prison for this incident.

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 or significant criminal activity because the criminal history displays a large gap in criminal convictions between 2004 and 2018 and the criminal activity in the current commitment offenses occurred in 2016. Therefore, the inmate's lack of a violent strike felony outweighs the inmate's recidivism.

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

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since January 14, 2020, a period of approximately six months.

The inmate has been involved in the following activities:

Education - none

Work - none

Vocation - none

Self-Help/Rehabilitation

03/05/2020 - Present - Substance Abuse Recovery Support Groups - Options Recovery (4 mo)

02/22/2020 - 03/04/2020 - Substance Abuse Recovery Support Groups - Options Recovery (1/2 mo)

01/31/2020 - Present - Substance Abuse Recovery Support Groups - Celebrate Recovery (6 mo)

Discipline - none

Confidential - none

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:

1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the 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 the last admission to prison.
3. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior, such as substance abuse, for a sustained period of time. The inmate has spent the entire term working on substance abuse issues through participation in Options Recovery and Celebrate Recovery since January of 2020.

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:

1. The inmate has no participation in available vocational, educational, or work assignments.

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 or significant criminal activity because the inmate's lack of serious rules violations for physical injury or the threat thereof was given great weight in that it indicates a reduced risk of violence. In addition, there is no confidential information of criminal activity this term, indicating a reduced risk of violence and a reduced risk of significant criminal activity upon release. The inmate has no educational, work, or vocational assignments but he has applied himself to participation in self-help and rehabilitative programming in

the area of substance abuse recovery this term and his efforts to swiftly address the primary causative factor for his return to incarceration was given weight.

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

There were no responses to Legal Notices.

**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 factors mitigating the inmate's current risk of violence outweigh the factors aggravating 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 below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

The inmate's commitment offense is mitigating as mere possession of a weapon does not meet the criteria for a risk of violence or significant criminal activity. The inmate's criminal history was deemed to be mitigated due to the lack of a violent strike felony within fifteen years. The inmate has displayed recidivism, but his 2018 conviction in Washington State occurred after the offenses of this conviction were committed in 2016. Prior to the 2018 conviction, his last felony conviction was in 2004 and involved controlled substances. Therefore, the recidivism was given less weight than the lack of a violent strike. With regard to institutional adjustment, great weight was given to the lack of assaultive rules violations and the lack of confidential information indicating criminality for the past six months. In addition, weight was given to the inmate's immediate efforts to address substance abuse issues for approximately six months. The inmate is encouraged to continue with substance abuse recovery upon release and to work closely with his parole team. Careful consideration of all factors indicates that the inmate currently does not pose an unreasonable risk of violence or significant criminal activity to the community.. The inmate is approved for release.



July 10, 2020

**SIGNATURE**

**REVIEW DATE**

**NEAL, MIRANDA - 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.