

BOARD OF PAROLE HEARINGS

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



July 31, 2020

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : LAWHORN, JEFFREY,STUART
CDCR# : BC2319
Location : Deuel Vocational Institution
Court Case# : 2015955

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: LAWHORN, JEFFREY,STUART
CDCR Number: BC2319
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 Lawhorn, Jeffrey, BC2319: 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) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 17 years on the current commitment offense(s). The commitment offense(s) is/are HS 11378 Possession of Controlled Substance for Sale (doubled to 6 years per PC667(b)-(i) / PC1170.12), HS 11378 Possession of Controlled Substance for Sale (1y 4m consecutive), HS 11366 Keep Place: Sell/Etc Narcotic Controlled Substance (6y), and HS 11366.6 Use Fortified Building for Sale/Manufacture Controlled Substance (2y 6m) with enhancements of PC 667.5(b) Prior Prison Term/Non Violent new offense is any felony (1 year), HS 11370.4(b)(2) Poss/Purch/CSP Meth/Amph/PCP Exceeding 1 kilo/30 Ltr (3y) and HS 11370.2(c) Possess/Sell Controlled Substance with Prior (3y) (convicted on 12/12/16).

On July 9, 2015, a search warrant was executed at inmate's and inmate's co-defendant's residence. Large amounts of methamphetamine were discovered in the total amount of 570.7 grams (1 pound, 4.13 ounces). Large amounts of marijuana were discovered in the total amount of 1019 grams (2 pounds, 3.94 ounces). The living room appeared to be set up as a drug processing area. The agents located methamphetamine, marijuana, scales, packaging material, spoons, scoops, and pay/owe records. There were numerous surveillance cameras setup around the perimeter of the house as well as motion detector alarms set up inside of the doors of the residence. Inmate has a methamphetamine use problem.

In January 2015, inmate was arrested for being in possession of over a pound of methamphetamine and \$20,000. While in the county jail, inmate placed a phone call to his parents indicating that inmate may have large amounts of currency at his parent's residence. A search of said residence recovered \$3980 and 1839 grams (approximately 4 pounds) of methamphetamine in a safe for which inmate had provided the code to his parents during the telephone conversation.

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:

There were multiple convictions involving large-scale criminal activity.

Therefore, the current crimes are found to be an aggravating risk factor in the case.

Case Factor #2 - Prior Criminal Record

The inmate's prior criminal history began in 1979 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:

PC 12020(A) Possess/MFG/Sell Dangerous Weapon (1979)
PC 496 (A) Receive/Etc Known Stolen Property – 2 counts (1980)
PC 487.2 Grand Theft Person (1985)
PC 4532(b) Escape Jail/etc while charged with Felony (1985)
PC 459 Burglary 2nd (1987)
PC 496 (A) Receive/Etc Known Stolen Prop (1987)
VC 10851(A) Taking Vehicle without Owner's Consent/Vehicle Theft – 2 counts (1987)
PC 211 Robbery 2nd Used Firearm (1989)
PC 212.5 Robbery 2nd (1992)
Attempted Grand Theft (1992)
Arson (1998; out of state)
Unlawful Possession of Methamphetamine (2006; out of state)
HS 11378 Possession of Controlled Substance for Sale (2007)
HS 11379(a) Sale or Transport Controlled Substance (2007)
Theft 1st Degree (8/20/12; out of state; 3 days jail)

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's prior criminal convictions coupled with inmate's current convictions show a pattern of similar criminal conduct that is increasing in severity because the inmate's prior convictions consisted of mainly property and controlled substance crimes, while his current commitment offenses involve multiple convictions involving large-scale criminal activity.

The inmate was incarcerated for a felony conviction within five years prior to inmate's current convictions. The inmate was convicted of Theft 1st Degree on 8/20/12 with a 3 days jail sentence and convicted of the most recent commitment offenses on 12/12/16. The inmate was free from incarceration from a conviction for approximately four years and four months before inmate's conviction of the commitment offenses.

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 inmate's escalation of criminal behavior into large-scale criminal activity. Furthermore, inmate was not free from incarceration for five years prior to the commitment offenses, which evidences inmate's continued inability to follow the rules and norms of society. The inmate's commission of yet more criminal offenses within such a short time frame, reflects an ongoing pattern of criminal behavior undeterred by repeated custodial sanctions, and is reflective of a current risk, which is not mitigated by the inmate's lack of a violent PC 667.5 felony conviction within the past 15 years. Therefore, the prior criminal history is an aggravating risk factor in the case.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since February 13, 2017, a period of approximately three years and five months.

The inmate has been involved in the following activities:

Serious RVRs: none.

Work:

dining room worker (9/28/19-3/3/20 – 5m; 14.5 hours total)
porter (3/22/18-3/4/19 – 1y)

Vocational: none.

Education:

adult basic education III (3/4/20-4/6/20 – 1m)

Self-Help:

substance abuse programing – AA (8/31/18-3/4/19 – 6m)

substance abuse programming – NA (8/17/18-3/4/19 – 6m)
reentry preparation programs (1/23/18-1/24/18 – 1 day; 3/17/20-4/6/20 – 3 weeks)

Confidential Information: 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:

The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since inmate's 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 inmate's last admission to prison.

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 limited participation in available vocational, educational, or work assignments. Inmate has not received any educational achievements and has not participated in or completed any vocational training. Furthermore, based on inmate's needs due to his extensive criminal history of taken others' property and selling drugs for a living, inmate has worked minimally up until now. Inmate needs to show sustained work habits and educational and vocational achievements so that the public can be reasonably assured that inmate is able to support inmate in the free community without taking the property of others and/or selling drugs.

The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to inmate's criminal behavior, such as substance abuse, as six months of substance abuse programming is a good start but is not enough to rectify inmate's long history of substance abuse. Furthermore, inmate has not yet fully dealt with the other causative factors of inmate's resort to criminal behavior, including why inmate participated in large-scale criminal activity. Failure to successfully engage in rehabilitative or self-help programming to address the relevant issues of one's criminality for a sustained period of time is probative of the risk to re-offend. Inmate has further work to do to be able to successfully reintegrate into society as a law-abiding non-violent individual.

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, even though inmate is commended for some positive rehabilitative efforts, inmate has not meaningfully participated in rehabilitative or self-help programming to address the circumstances that contributed to inmate's criminal behavior so that the public can be reasonably assured that inmate will not return to the community with the same criminal mentality. Moreover, inmate has not successfully participated in vocational, educational, or work assignments for a sustained period of time in order to better inmate so that inmate will not return to the community to continue his criminal behavior.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in support of release from the inmate received on 6/28/18, 6/27/19, and 6/24/19, and Derek Biddle received on 6/26/19 which were reviewed and considered in this decision.

There were response(s) to the Legal Notices in opposition to release from the District Attorney for the County of Siskiyou dated 7/5/18 which were 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 (59), and any physical and/or 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 below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

As there are no mitigating circumstances present in this matter, inmate is inherently an unreasonable risk of significant criminal activity to the community at this time. Great weight is given to the fact that the commitment offenses involved large-scale criminal activity, as this shows that inmate has graduated to much more serious crimes then when he started his criminal career in 1979. Great weight is given to the fact that inmate's criminal behavior has escalated into large-scale criminal activity which displays inmate's disregard of public safety and that inmate has not only continued his criminal behavior but has intensified his criminal mentality to include other individuals in his crimes. Great weight is given to the fact that inmate was not free from incarceration for five years prior to the commitment offenses as this demonstrates that inmate has not learned how to properly conduct oneself in society within the confines of the law and societal expectations. Great weight is given to the fact that inmate has not meaningfully participated in rehabilitative or self-help programming, vocational, educational, or work assignments while incarcerated as this shows that inmate has not addressed the circumstances that contributed to inmate's criminal behavior. This further evidences that inmate has not worked on improving inmate so that the public can be reasonably assured that inmate will not return to the community with the same criminal mentality to be a detriment to

society rather than a law-abiding and contributing citizen.

Inmate's inability to follow the rules and norms of society in committing large-scale criminal activity and the fact that inmate has not meaningfully participated in rehabilitative or self-help programming to address the circumstances that contributed to inmate's criminal behavior makes inmate a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.



SIGNATURE

CHAKUR, KYROS - Deputy Commissioner

July 29, 2020

REVIEW DATE

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.