

BOARD OF PAROLE HEARINGS

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



May 27, 2021

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : MORRISON, ROBERT, MICHAEL
CDCR# : BJ3631
Location : California Correctional Center
Court Case# : 171926, 181316

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: MORRISON, ROBERT, MICHAEL
CDCR Number: BJ3631
Institution: California Correctional Center

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 Morrison, Robert, BJ3631: 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 4 years on the current commitment offense(s). The commitment offense(s) is/are

Case 18-1316 (conviction date of April 9, 2019):

PC 1320(b), failure to appear, with inmate receiving the middle base term of 2 years doubled to 4 years pursuant to PC 667(b)-(i)/1170.12.

Two additional accounts of PC 1320(b), failure to appear. Each with 2 years, to run concurrent.

PC 530.2(a), identity theft, with inmate receiving 2 years, to run concurrent.

Case 17-1926 (conviction date of January 16, 2018):

PC 459, first degree burglary, with inmate receiving 4 years to run concurrent.

On December 24, 2017, inmate and a co-defendant burglarized a residence. The resident had passed away prior to and was not present during the burglary.

On May 15, 2018, inmate used the identity of two other persons when he was caught stealing merchandise from within a business. The inmate was in possession of heroin and admitted that he was stealing merchandise to trade for drugs.

On June 22, 2018, inmate failed to appear.

On September 7, 2018, inmate failed to appear.

On October 3, 2018, inmate failed to appear.

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 2018 and continued until the commitment offense(s) in 2019. 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:

There are no relevant convictions to list.

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 no prior criminal convictions.
2. 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.
3. 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 current conviction(s).

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

None.

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 inmate has no prior convictions, no PC 667.5(c) violent felony convictions in the past 15 years and the inmate was free from terms of incarceration for felony conviction or convictions involving physical injury to a victim for the 5 years prior to the current conviction dates.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since May 17, 2019, a period of approximately 2 years.

The inmate has been involved in the following activities:

Rule Violations

02/27/2020 Conspire - Possession of Alcohol

07/17/2019 Battery Causing Serious Injury (this rule violation resulted in a Tate Term, which has yet to be served)

Confidential Information

None.

Work/Education/Vocation

Work

03/04/2021-present: PORTER (2.5 months)

Education

04/21/2020-02/24/2021: General Education Dev (10 months)

Vocation

None.

Self-Help/Rehabilitative Programming

10/27/2020: Cancer Walk

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. 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 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 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 recent serious institutional Rules Violation Reports. The inmate has one rule violation occurring in the last 18 months, i.e. the rule violation from February 27, 2020, which was for Conspire - Possession of Alcohol. The inmate has one rule violation that resulted in physical injury and threat of physical injury, i.e. the July 17, 2019, rule violation for Battery Causing Serious Injury, wherein inmate and another incarcerated person attacked the victim and caused the victim to suffer a lacerated lip and fractured nose.

2. The inmate has limited participation in available vocational, educational, or work assignments. The inmate has approximately 13.5 months of such assignments, which is progress. However, the inmate has not upgraded vocationally. As a result, and overall, inmate's participation is limited.

3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate has criminal behavior that involved violence, i.e. the institutional rule violation for battery causing serious injury, which occurred less than two years ago. The inmate's current self-help/rehabilitative programming is insufficient to address the circumstances contributing to his violent criminal activity.

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 the inmate has one recent and serious rule violation, the inmate has a rule violation for battery causing serious injury, the inmate has limited participation in work, education, and vocation assignments and because the inmate has limited participation in self-help/rehabilitative programming to address the circumstances contributing to his criminal behavior. The inmate has no reliable confidential information that is indicative of criminal activity while incarcerated, which is mitigating. However, the aggravating circumstances depict, among other things, that inmate has violent criminal activity, as depicted in the July 17, 2019, rule violation for battery causing serious injury, and that inmate has limited participation in self-help/rehabilitative programming to address the circumstances contributing to his violent criminal activity, which are probative of a risk of violence. Given that some of the aggravating circumstances are probative of a risk of violence, the combined weight of the aggravating circumstances is sufficient to outweigh the mitigating circumstance and to weigh in favor of aggravating inmate's institutional adjustment.

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: the District Attorney (May 13, 2021).

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 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.

The inmate's aggravating institutional adjustment outweighs the mitigating commitment offenses and prior criminal record. The inmate's commitment offenses are mitigating because the inmate did not use a deadly weapon and because the inmate did not cause anyone to suffer physical injury or threat of physical injury. The inmate's prior criminal record is mitigating because there are no prior convictions, inmate has no PC 667.5(c) violent felony convictions in the past 15 years and because inmate stayed free of relevant terms of incarceration during the 5 years prior to the current conviction date. The inmate's institutional adjustment is aggravating because inmate has a recent and serious rule violation, inmate has a rule violation from July 17, 2019, for battery causing serious injury, the inmate has limited participation in work, education, and vocational assignments, and because inmate has limited participation in self-help/rehabilitative programming to address the circumstances contributing to his violent criminal activity while incarcerated. The inmate's institutional adjustment is representative of inmate's most recent behavior, making it most probative of his current risk, and such depicts inmate attacking another incarcerated person, causing physical injury to the victim, and that inmate has not addressed the circumstances contributing to such violent criminal behavior with sufficient self-help/rehabilitative programming. As a result of the foregoing, the inmate's institutional adjustment carries more weight than the combined weight of the mitigating factors and weighs in favor of aggravating inmate's overall risk. The inmate is denied for release.



May 26, 2021

SIGNATURE

REVIEW DATE

URONE, CHRISTOPHER - 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.