

BOARD OF PAROLE HEARINGS

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



February 03, 2023

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : METCALFE, GARRETT,ANDREW
CDCR# : BU5721
Location : North Kern State Prison
Court Case# : 201477, 21480, 201573

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: METCALFE, GARRETT,ANDREW

CDCR Number: BU5721

Institution: North Kern 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 Metcalfe, Garrett, BU5721: 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 eight years, eight months on the current commitment offense(s). The commitment offense(s) is/are one count of PC 459, first degree burglary; one count of PC 459, second degree burglary; two counts of PC 29800(a)(1), possession of firearm by felon; one count of PC 30305(a), possession of ammunition by prohibited person; two counts of VC 10851(a), vehicle theft; and one count of PC 496(a), receiving stolen property.

The inmate received a base term of two years on his controlling offense, doubled to four years due to a prior strike conviction; two years, eight months consecutive on two subordinate counts at one year, four months each; concurrent terms on his final five subordinate counts; and an additional two years pursuant to PC 12022.1 for committing the offenses while on bail or honor release, for a total aggregate term of eight years, eight months.

On October 29, 2020, the inmate was seen driving a truck that had been reported stolen from an Inn earlier that morning. A search of the truck uncovered three unpackaged syringes, one unopened syringe and one syringe loaded with heroin.

On August 25, 2020, the inmate and an accomplice were captured on video stealing a vehicle. Detectives later learned the inmate had a large key ring with keys belonging to other stolen vehicles.

On or about December 1, 2020, the inmate broke into a shop and stole items, including an air compressor.

On April 9, 2021, the inmate and an accomplice were found in a stolen jeep. Inside the vehicle were four rifles that had been reported stolen from inside a victim's residence months earlier.

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 2016 and continued until the commitment offense(s) in 2021. 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:

2016: PC 459, second degree burglary

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 under PC 667.5(c) in the past 15 years.
2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current convictions.

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

There are no aggravating circumstances in this section.

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 there are no aggravating circumstances to balance against the mitigating circumstances in this section.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since November 14, 2022, a period of approximately two months.

The inmate has been involved in the following activities:

Serious Rules Violations:
01/03/2023: Fighting

Confidential Information:
None

Work, Educational, Vocational Assignments:
None

Self Help Programming:
None

CCCMS/EOP/MH:
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:

There is no reliable information in the confidential section of the inmate's central file indicating he has engaged in criminal activity since his 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 Violation Reports resulting in physical injury or threat of physical injury since his admission to prison or recent serious rules violations. His serious rule violation is both recent and violent.
2. The inmate has no participation in available vocational, educational or work assignments. There is no information indicating participation in an assignment.
3. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. There is no information indicating he has programmed to address his criminal behavior.

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 he has behaved violently in prison and that behavior is very recent. In addition, he has not yet programmed to address his criminal behavior. Ultimately, his three aggravating circumstances outweigh his one mitigating circumstance in this section.

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 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 has been in prison for approximately two months now. One month ago, he sustained a serious rule violation for fighting. In addition, he has not yet programmed to address his criminal behavior. His institutional adjustment is overall aggravating, more recent in time relative to his other factors and, as such, more indicative of his current risk. Accordingly, it received great weight. With greater weight, it outweighs his two mitigating factors in this case. Careful consideration of all factors indicate that the inmate currently poses an unreasonable risk of violence or significant criminal activity to the community. The inmate is denied for release.



February 2, 2023

SIGNATURE

REVIEW DATE

WONG, NANCY - 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.