

BOARD OF PAROLE HEARINGS

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



August 20, 2021

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : ZAVALA, ANTHONY, MARTIN
CDCR# : BI0374
Location : Valley State Prison
Court Case# : 181117

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: ZAVALA, ANTHONY,MARTIN
CDCR Number: BI0374
Institution: 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 Zavala, Anthony, BI0374: 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 6 years on the current commitment offense(s). The commitment offense(s) is/are under case number 181117, date of offense on 10/12/2018, with a date of conviction on 10/18/2018, for PC127-Subordination of Perjury - Conspiracy (3 years doubled to 6 years due to prior strike) for a total 6 years.

On or about 10/12/2018, the inmate and his accomplice conspired together and with another unidentified person agreed to the following: that the accomplice would use the inmate's girlfriend as an alibi witness to help the accomplice in his pending criminal case; and the accomplice wrote a letter to the inmate's girlfriend and scripted out what he (accomplice) wanted the inmate's girlfriend would state in exchanged for money.

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.
- 3.There was only one conviction.

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 2017 and continued until the commitment offense(s) in 2018. 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: PC422-Criminal Threats (12/13/2017). On 1/19/2017, the inmate called CPS employee three times and threatened to shoot CPS employees. The inmate had contacted a CPS employee regarding placement of his child because he was upset about his child's daycare provider and threatened to go to his residence and assault them. The probation report indicated that the inmate used marijuana and methamphetamine; and that the inmate was currently homeless and has no employment.

The inmate is required to register as per PC290 (He has a conviction for on PC311.11 (a)-Child pornography misdemeanor in 12/2018, which mandates PC 290 registration and see below for a statutory rape). The inmate was convicted of the following assaultive misdemeanors: PC243(e)1-Battery on non cohabitant,

spouse, dating (7/22/2014, sentenced to 90 days, but sentence was suspended); and PC261.5-Sex with Minor (7/22/2014).

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 a felony conviction within five years prior to his current conviction because the inmate was incarcerated in 12/2017 for PC422-Criminal threats, while the inmate was convicted of his current commitment offense on 10/18/2018, which was within less than one year.

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 although the inmate was not convicted of a statutory violent felony, great weight was given to the fact that the inmate's prior conviction for PC422-Criminal Threats had involved assaultive conduct. His prior conviction for threat of violence is more probative of his current risk of violence because he has demonstrated that incarceration for that prior offense did not deter the inmate's criminal behavior. Therefore, it has been determined that the inmate's prior criminal record aggravates the inmate's current risk of violence.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since December 11, 2018, a period of approximately 2 years and 8 months.

The inmate has been involved in the following activities: During the current incarceration, the inmate participated in the following activities:

RVRS:

Delaying a Peace Officer in the Performance of Duties (10/26/2020).

Absent from work Assignment (Administrative: 6/4/2019).

CONFIDENTIAL:

Confidential Reports/Memorandum (10/17/2019).

WORK/EDUCATION/VOCATION:

Main Kitchen Baker for 10/2020 (32.50 hours).

Adult Basic Education III from 09/2019 to 12/2019 for 4 months (averaging 23 hours per month).

General Education 12/2019 and 3/2020 (2.5 hours per month).

SELF-HELP/REHABILITATIVE:

ISUDT Intensive from 4/2021 to 8/2021 for 5 months (averaging 19 hours per month).

Substance Abuse Program (Reentry) from 4/2019 to 9/2019 for 5 months (averaging 29 hours per month).

Anger Management from 4/2019 to 9/2019 for 5 months (averaging 10 hours per month).

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 was no mitigating factor.

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 or her last admission to prison or has one or more recent serious institutional Rules Violation Reports. Here, the inmate has one recent serious RVRS for Delaying a Peace Officer in the Performance of Duties (10/26/2020). There was no evidence that this RVRS had a direct nexus to the current commitment offense;

2.There was 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;

3.The inmate has limited participation in available vocational, educational, or work assignments. Here, the inmate is commended for working and participating in educational assignments. These assignments are a great start. . He is encouraged to further his education so to increase his TABE reading score or obtain his GED. Thereafter, he is encouraged to complete a vocation or obtain marketable skills. By participating in work, educational, or vocational assignments for a sustained period of time, the inmate is working on obtaining an education or marketable skills so that he can obtain a job in the community, develop his work ethics, focus his

time in a positive, structured, and deliberate way where he can contribute to the community, spend his time at work focusing on a life free from criminal activity

4. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate is commended for participating in substance abuse programs for 10 months and anger management. He needs to look at why he committed the current commitment offense and then address all of the criminal behavior to abate his criminal and addictive thinking and conduct. He has been incarcerated for approximately 2 years and 8 months, and has not completed any rehabilitative programming for a sustained period of time that specifically addresses his criminal behavior on this current incarceration. Without consistent and a sustained period of time working on rehabilitative programming, the inmate will continue to face criminal thinking and criminal behavior. He is encouraged to complete correspondence and/or other available programming 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 great weight was given to the fact that the inmate had a confidential memorandum involved in illegal activity, even though it did not involve any violence or threat of violence; that the inmate did not have any viable marketable skills to abate his criminal activity in the community; and that the inmate has limited participation in self-help or rehabilitative programming to address his criminal behavior. Without the self-help or rehabilitative programming to address the inmate's criminal behavior, the inmate will continue to re-offend, as a prior incarceration has not deterred the inmate's criminal behavior. Therefore, it has been determined that the inmate's institutional behavior aggravates the inmate's current risk of violence.

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 inmate, by letter dated 7/8/2021, supporting release.

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, the inmate's 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 panel 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 panel fully considered any mitigating impact of each documented disability on all of the factors considered.

The mitigating factor was the current commitment offense because the inmate did not personally use a deadly weapon, no victims suffered physical injury or threat of physical injury, and there was only one conviction. However, great weight was given to the prior criminal record and the institutional adjustment. In the prior criminal record, the inmate prior offense consisted of an assaultive behavior. Incarceration has not deterred the inmate from committing the current commitment offense. In the institutional adjustment, the inmate has confidential memorandum that involved illegal activity. The inmate needs to take all available self-help rehabilitative programming for a sustained period of time in order to change his criminal and addictive behavior and thinking. He is also encouraged to further his education and complete a vocation or obtain viable marketable skills to abate his criminal activity. Accordingly, based on the totality of the circumstances, the inmate poses a current, unreasonable risk of violence to the community. The inmate is denied for release.



August 19, 2021

SIGNATURE

REVIEW DATE

MEIGHAN, TERESA - 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.