

BOARD OF PAROLE HEARINGS

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



December 21, 2017

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
210 W. TEMPLE ST., RM 16-105
LOS ANGELES, CA 90012

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : LOCKE, BENNIE,T
CDCR# : BA0246
Location : California Men's Colony
Court Case# : MA067626

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has approved the inmate for release. Enclosed is a copy of the board's decision.

Please direct any inquiries concerning the inmate to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: LOCKE, BENNIE,T
CDCR Number: BA0246
Institution: California Men's Colony

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 based on the reasons stated below:

Decision: When considering together the findings on each of the inmate Bennie Locke's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

Case Factor #1 – Current Commitment Offense

The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of four years on the current commitment offense. The commitment offense is PC 245(a), assault with a deadly weapon. On December 20, 2015 the inmate and a co-defendant assaulted the victim with a knife, causing lacerations on her right knee and lip. The victim, a female co-defendant and the inmate were drinking alcohol together in the victim's apartment when an argument escalated and the inmate and his co-defendant used knives to cut the victim. They then fled in a vehicle and were later apprehended.

The circumstances aggravating the inmate's current risk of violence are the inmate personally used a deadly weapon and there were one or more victims who suffered physical injury or threat of physical injury.

The circumstance mitigating the inmate's current risk of violence is there was only one conviction.

Analysis: When balancing the aggravating circumstances against the mitigating circumstance of the inmate's current commitment offense, they tend to show that the circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence because the inmate personally used a deadly weapon and the victim suffered injuries requiring medical treatment.

Case Factor #2- Prior Criminal Record

The inmate's prior criminal history began in 1980 and continued until the commitment offense in 2015. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions; PC 211, robbery with a deadly weapon in 1980, HS 11350, possession of narcotic controlled substance in 1983, HS 11350 possession of narcotic controlled substance in 1987, HS 11351, possession of controlled substance for sale and HS 11350, possession of controlled substance in 1989, PC 496.1, receiving stolen property in 1990, VC 10851, vehicle theft in 1993, VC 2800.2, evading while driving recklessly in 2000, PC 273.5, inflict corporal injury on spouse and PC 529.1, false identity in 2007, and possession of controlled substance in jail/prison in 2011.

The circumstance of the inmate's prior criminal record that aggravates the inmate's current risk of violence is the inmate was incarcerated for a felony conviction within five years prior to his current conviction, which was PC 4573.6, possession of controlled substance in jail/prison in 2011.

The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence is 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.

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 because he does not have a PC 667.5 conviction in the past 15 years.

Case Factor #3- Institutional Adjustment

The inmate has been incarcerated at CDCR on the current commitment offense since May 27, 2016, a period of approximately one year seven months.

There are no circumstances of the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence; the inmate has not 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, 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 or her last admission to prison, the inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time in that he has been participating in ABE II since December 2016, and the inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, including Life Awareness, a substance abuse program and he completed Transitions in September 2017.

Analysis: When balancing the lack of aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, educational, and rehabilitative programming mitigate the inmate's current risk of violence because the inmate is continuing to improve his educational level by participating in ABE II with overall satisfactory reviews, participates in substance abuse and other rehabilitative programs, and has no violent rule violations.

Case Factor #4- Response to Legal Notices

There was a response to the Legal Notices in support of release from the inmate received December 4, 2017 and a response from the District Attorney's Office of Los Angeles County opposing release received December 12, 2017 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 inmate's age of 57 and educational limitations, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.

The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in over 15 years, he has no violent rule violations during this incarceration, he has completed Transitions, is enrolled in a substance abuse program and ABE II. The inmate is approved for release.



DECEMBER 20, 2017

SIGNATURE

REVIEW DATE

SOARES, ANA

NAME

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LOS ANGELES, CA 90012

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : BRULEE, DAVIONTE, LAMAR
CDCR# : BD9136
Location : California State Prison, Los Angeles County
Court Case# : TA142985

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has approved the inmate for release. Enclosed is a copy of the board's decision.

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