

BOARD OF PAROLE HEARINGS

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January 19, 2018

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : MELE, JOSEPH,ANTHONY
CDCR# : AY9425
Location : California Correctional Center
Court Case# : 1476113

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has denied 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: MELE, JOSEPH,ANTHONY
CDCR Number: AY9425
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 based on the reasons stated below:

When considering the findings on each of the inmate's case factors, they tend to show that Joseph Mele poses an unreasonable risk of violence to the community. Release is therefore denied.

STATEMENT OF REASONS AND ANALYSIS:

Case Factor #1—Current Commitment Offense

Mr. Mele's current commitment arises out of seven 2015 convictions for multiple felonies involving financial crimes against elder senior citizens. The convictions are as follows: PC 503 embezzlement; two counts of PC 368(d) theft from an elder adult; two counts of Revenue & Taxation Code 19705(a)(1) filing false state income tax returns; PC 186.10(a)(1) money laundering, and PC 487(a) grand theft. Over a period of approximately a year between 2013 and 2014, he engaged in a sophisticated fraud scheme, victimizing two women, ages 92 and 74. He falsely represented himself as a financial advisor, and "invested" their money. In reality, he was stealing their money. In addition to writing checks to himself and using their money for his elaborate lifestyle, he would use their money in schemes involving the purchases of insurance policies and annuities, (for which he would receive a commission), and then surrendering or cashing out those policies. He would then keep the money or use it to buy more policies and annuities, earn more commissions, and then repeat the process yet again. These actions also cost the victims tens of thousands of dollars in termination and surrender fees, as well as tax liabilities. The exact amount of loss is not clear from the file, but it is clear he stole for himself at least \$800,000 from the 92 year old, and caused her additional losses in fees of at least \$400,000. (At one point, an account that had a balance of approximately \$1,600,000 was down to approximately \$388,000.) From the 74 year old, he stole at least \$80,000, plus cost her at least \$105,000 in taxes and fees. (It appears some of the fees incurred by the victims were refunded by the insurance companies after the Police and State Department of Insurance got involved). In addition, when he was confronted by the 74 year old about the \$80,000 he had taken, he paid her back using money from the 92 year old's account(s). He was assisted by his father in these crimes, but Mr. Mele was by far the main actor. Also noted is the fact that after he was arrested, he tried to minimize and justify his actions, including providing a fraudulently obtained "gift affidavit" stating that the 92 year old victim had gifted him the \$800,000 he stole from her. Mr. Mele was received by the CDCR on January 29, 2016 for a 10 year term.

The aggravating factors relative to the commitment offenses are that 1) He has multiple convictions involving a large scale and lengthy financial fraud scheme; and 2) He played a significant role in the crime as compared to others involved.

The mitigating factors relative to the commitment offense are that 1) No weapon was used; and 2) There was no injury or threat of injury.

After considering and balancing the aggravating and mitigating factors, the current commitment offenses are determined to be an aggravating factor due to the scope and sophistication of the scheme and the amounts of loss caused.

Case Factor #2—Prior Criminal Record

Mr. Mele has no prior felony record.

Since there is no prior record, there are no aggravating factors.

The mitigating factors relative to the lack of a prior record are that 1) There are no prior felony convictions; 2) He has no PC 667.5 convictions; and 3) He was free from any incarceration or convictions in the 5 years prior to the commitment offenses.

After considering and balancing the aggravating and mitigating factors, the prior record is determined to be mitigating, due to the lack of any aggravating factors.

Case Factor #3—Institutional Adjustment/Programming

Mr. Mele has been incarcerated since January 29, 2016, a period of approximately 2 years. He has no discipline involving injury or the threat of the same, and has been working as a janitor and then a camp firefighter. He completed vocational office technology, but no indication of any attendance or effort at attendance in self-help could be found, including evidence of any attempts to sign up for any type of self-help. (However, it is noted that in SOMS, it states he did not meet the criteria for several programs, including SAP, criminal thinking, and family relationships).

The only aggravating factor relative to his institutional adjustment is his lack of any self-help relevant to his criminality. However, minimal weight is given to this factor, since he is in fire camp and appears to be ineligible for multiple programs.

The mitigating factors relative to his institutional adjustment are that 1) He has no 115's for behavior that caused or threatened to cause injury; 2) There is no confidential information indicating criminal activity; and 3) He has engaged in work and vocational activity while in prison.

After considering and balancing the aggravating and mitigating factors, Mr. Mele's institutional adjustment is determined to be a mitigating factor despite his lack of self-help, given his ineligibility, his lack of discipline, his efforts at vocational upgrading, and his work as a firefighter.

Case Factor #4—Legal Notices

In response to the legal notices, the inmate sent a letter requesting release. This was reviewed and considered.

CONCLUSION:

As discussed above, Mr. Mele's current commitment arose from him being involved in a sophisticated financial fraud scheme that targeted vulnerable senior citizens, and resulted in unreimbursed losses of hundreds of thousands of dollars. He was the primary actor in the schemes, which were ongoing over a long period of time. These facts suggest a current risk to the public. After balancing the mitigating and aggravating circumstances relevant to the enumerated case factors, it appears clear that Mr. Mele currently poses an unreasonable risk to the community.

Release of Mr. Mele at this time is therefore denied pursuant to the case factors.



JANUARY 18, 2018

SIGNATURE

REVIEW DATE

POMERANTZ, DALE

NAME

If you believe this decision contains an error of fact, an error of law, or if you have additional information you believe would change the outcome of this decision, you may request that it be reviewed by the Board of Parole Hearings by sending 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 received this decision and your request must include a brief statement explaining why you believe the decision is wrong. You may include additional information to support your request.