



FOR INFORMATIONAL PURPOSES

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## **Summary for Incarceration and Parole for John Albert Gardner**

Discharged Offender John Albert Gardner, P-89529, age 30

Born in Culver City, California.

Received from San Diego County on Sept. 18, 2000 with a six-year sentence for two counts of Penal Code 288(A), lewd and lascivious acts on a child under 14 and one count of Penal Code 236, false imprisonment. The offenses were to be served concurrently.

PC 288(A) is a violent offense as defined by the Penal Code; thus, Gardner's credit reduction was limited to 15 percent.

Sept. 14, 2000: Admitted to R.J. Donovan Correctional Facility near San Diego. He was classified at a Level II custody level.

Dec. 4, 2000: Transferred to California Correctional Institution (CCI) in Tehachapi.

Between March 2001 and November 2003, Gardner incurred six rules violations while at CCI: coming to class late, refusing to participate in a work program, possession of a butane lighter and three times for smoking in a state building. All the rules violations were considered minor. Three resulted in a loss of credits totaling 90 days. The 90 days were restored because Gardner incurred no further rules violations.

In 2001, Gardner completed an academic education program and received 32 certification units in a vocational drafting class.

At CCI, Gardner had several prison jobs. From April to June 2002, he worked as an assignment clerk. From July 2002 to January 2003, he worked as a teaching assistant for English as a second language, math and English.

From November 2003 to February 2004, Gardner had a job in a Prison Industry Authority inmate clothing operation. Gardner's job as a trimmer was to cut the threads and trim the fabric after clothing was sewn together.

Feb. 6, 2004: Gardner was placed in the Administrative Segregation Unit at CCI for his safety after he experienced verbal and physical confrontations from other inmates.

April 6, 2004: Transferred to Avenal State Prison. The transfer was for safety concerns.

Sept. 26, 2005: Released to parole. Gardner was not subject to Jessica's Law, which was passed by California voters on Nov. 7, 2006. He was released to parole prior to the passage of Jessica's Law.

At the time of his release to parole, Gardner's conditions of parole included participating in anti-narcotic testing and abstaining from alcohol. Gardner was not to have any contact with anyone under 18 without approval from his parole agent. He was prohibited from living within a half mile of a K-6 elementary school.

Gardner was not to date or socialize with anyone who had custody of a minor and was to have no contact with the victim of his crime and the victim's family and friends. Gardner was not to have or view any pictures, videos or movies geared toward his criminal history or of a sexual nature. He was not to possess any pornography or obscene material, children's games and toys, and pets.

Gardner was to register as a sex offender and be compliant to registration laws and requirements. He was also required to disclose his registration status.

Gardner's parole agent documented on seven occasions that an initial finding of probable cause existed for potentially violating his parole terms. As detailed below, the most serious of these violations was referred to BPH. The other occasions included four low battery alerts from his GPS unit, one suspicion of marijuana possession and one missed meeting at a parole office. None of those six were referred to the board for revocation presumably due to their minor nature. The department is reviewing to determine if the actions taken were consistent with policy and law.

Key paroled activity dates include:

Sept. 13, 2007: Gardner's parole was never revoked; however on this date, he incurred a parole violation when his parole agent found that the college he was living near had a day care center. On Sept. 16, 2007, Gardner was told to move.

Sept. 25, 2007: The Board of Parole Hearings continued Gardner on parole because he had found compliant housing.

Sept. 25, 2007: Placed on GPS monitoring. Even though Gardner was not subject to Jessica's Law, he was on GPS monitoring until he was discharged from parole.

Sept. 26, 2008: Discharged from parole.

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