

**BOARD OF PAROLE HEARINGS**

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April 25, 2017

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF YOLO  
301 2ND ST.  
WOODLAND, CA 95695

Subject: **NON-VIOLENT SECOND STRIKER RELEASE DECISION**

Inmate's Name: BEARD, TIMOTHY

CDCR#: AA8859

COURT CASE#: CRF133509

The California Department of Corrections and Rehabilitation (CDCR) is mandated by court order to have a parole process that allows certain offenders convicted of a "second strike" based on a non-violent offense to be eligible for parole after serving 50% of their term. It is for this reason the inmate referenced above was referred to the Board of Parole Hearings (Board) from CDCR with a recommendation for release. The Board reviewed the inmate's record and the Board's decision is to approve.

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

Respectfully,

BOARD OF PAROLE HEARINGS  
NVSS Processing Unit

**RECEIVED**

**APR 26 2017**

**Yolo County District Attorney**

BOARD OF PRISON TERMINATION STATE OF CALIFORNIA  
**NON-VIOLENT SECOND STRIKER DECISION FORM**

**NON-VIOLENT SECOND STRIKER INFORMATION**

Inmate Name: BEARD, TIMOTHY  
CDCR Number: AA8859  
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:

When considering together the findings of each the inmate's case factors, both aggravating and mitigating, they do not tend to show the inmate poses an unreasonable risk of violence to the community. Release is APPROVED.

**STATEMENT OF DECISION**

Mr. Beard's commitment offenses are found to be a mitigating factor. The inmate was convicted of violations of PC 496(A) Receiving Stolen Property and HS 11378 Poss. of Methamphetamine for Sale as the inmate was found to be in possession of stolen property and a baggie and bindles of methamphetamine along with indicia of sales during a parole search on 1/17/13. The inmate was also sentenced for a conviction of a violation of HS 11379 Transport/Sell C/S based on a 8/29/13 contact deputies had with the inmate when he was found to be in possession of five bindles of methamphetamine with other indicia of sales, along with a stun gun. Mitigating circumstances include: No weapons were used by the inmate during the commitment offenses, there was no violence or threats of violence in the commitment offenses, and no victim suffered physical injury in the commitment offenses. The aggravating circumstances that the inmate was sentenced to other felonies in addition to the second strike crime and the inmate was on parole at the time the second strike offenses were committed are found to be outweighed by the mitigating circumstances noted above.

The inmate's prior criminal history began in 2007 and continued until the second strike crime in 2015. Mr. Beard's prior criminal record is found to be an aggravating factor in this case. Aggravating circumstances include: The inmate has been convicted of more than 3 felony offenses, and the inmate had not been free from incarceration for five years prior to the 8/29/13 second strike offense as he was released to parole from a prior term on 1/28/12. The inmate's adult felony criminal record includes: 2007 PC 12025(B)(6) Carry Concealed Weapon on Person/Vehicle; 2007 HS 11377(A) Poss. C/S; 2010 HS 11379 Sale/Transport C/S; 2011 PC 459 Burglary First. The lone mitigating circumstance that the inmate has no known juvenile criminal record is found to be outweighed by the aggravating circumstances noted above.

The inmate has been incarcerated on the second strike offense for just over 40 months, since 12/17/13. The inmate has not had any 115s or 128As on the current term. He has participated in college correspondence courses and well as vocational programming in Vocational Building Maintenance, Vocational Computer Literacy and Vocational Masonry. The inmate has participated in AA, and has been assigned as a Camp Firefighter since 6/23/15. Institutional Behavior is weighed as mitigating.

BOARD OF PRISON TERMS STATE OF CALIFORNIA  
**NON-VIOLENT SECOND STRIKER DECISION FORM**

**REVIEW ON THE MERITS**

There was a letter from the Yolo County District Attorney's Office opposing release in response to Legal Notices sent out in this matter. There were also letters from the inmate and his mother, Christine Valine, supporting release. The letters were read and considered.

When all factors are weighed as a whole, it does not appear that Mr. Beard poses an unreasonable risk of violence to the community. Although weighed as aggravating, the inmate's adult criminal history is not violent. Mr. Beard's commitment offenses involved no use of weapons, violence or threats of violence or injuries. The inmate's Institutional Behavior has been very positive with participation in educational, vocational and self-help rehabilitative efforts with no disciplinary issues. In addition, the inmate has also worked almost 2 years as a Camp Firefighter. Release is approved.



**SIGNATURE**

**DENVIR, JOHN**

**NAME**

**April 24, 2017**

**REVIEW DATE**