

**BOARD OF PAROLE HEARINGS**

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



October 31, 2016

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

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

Inmate's Name: FREELAND, BRIAN, NICHOLAS  
CDCR#: AW5712  
COURT CASE#: CRF131817

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

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Yolo County District Attorney

BOARD OF PAROLE HEARINGS STATE OF CALIFORNIA  
**NON-VIOLENT SECOND STRIKER DECISION FORM**

**NON-VIOLENT SECOND STRIKER INFORMATION**

Inmate Name: FREELAND, BRIAN, NICHOLAS  
CDCR Number: AW5712  
Institution: Sierra Conservation 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:

Does Mr. Freeland pose an unreasonable risk of violence if he is approved for an early parole release?

When considering together the findings of Mr. Freeland's four case factors, both aggravating and mitigating is tends to show that Mr. Freeland would not pose an unreasonable risk of violence if he were approved for an early parole release.

Supporting Reasons:

Current Commitment Offense: Mr. Freeland's current commitment offense is a mitigating factor in this case. Mr. Freeland's commitment offense is based on a felony conviction for PC4592nd[01] Burglary 2nd. Between March 27, 22013 and April 9, 2013, Mr. Freeland took personal property valued at \$1,675.00 by gaining access to the victims' s storage locker unit by boring a hole in a common wall between Mr. Freeland's storage unit and the victim's storage unit. The mitigating factors are that there were no physical injuries to any victims, that the there were no multiple victims, that there was no weapon used in furtherance of the crime, that the subject of the crime was for property gain, and that the offense was not part of a large scale criminal or gang activity. There are no aggravating factors to consider, therefore, Mr. Freeland's current commitment offense is a mitigating factor in this case.

Prior Criminal Record: Mr. Freeland's prior criminal record is an aggravating factor in this case. Mr. Freeland's criminal history spans from 2008 until 2014. His prior felony convictions include PC459 2nd[01] Burglary 2nd, PC12021(a)(1)[01] POSS F/A EX-FEL, HS11478[04] Possession Controlled Substance for Sale, and PC459[06] Burglary 1st for which he received his first strike, (10/3/2008), Aggravating factors are that Mr. Freeland has incurred for than three prior felony convictions, that two of these prior felonies represent a beginning patter for serious property offense behavior, and that there are less than five years between his current commitment offense and his prior incarceration. The mitigating factors are that his criminal history is not extensive, and that there is a significant lack of felony classified as violent. These mitigating factors do not outweigh the aggravating factors previously considered, therefore, Mr. Freeland's prior criminal record is an aggravating factor in this case.

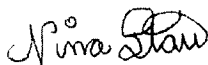
**NON-VIOLENT SECOND STRIKER DECISION FORM**

**REVIEW ON THE MERITS**

Institutional Adjustment/Rehabilitation: Mr. Freeland's institutional adjustment/rehabilitation is a mitigating factor in this case. Mr. Freeland has incurred one recent serious CDCR RVR 115 for Theft of State Property (7/15/16). This is an aggravating factor. Mitigating factors are that the subject RVR 115 does not reflect violent behavior, and that currently, Mr. Freeland is assigned as a Camp Firefighter. These mitigating factors outweigh the aggravating factors previously considered, therefore, Mr. Freeland's institutional adjustment/rehabilitation is a mitigating factor in this case.

Responses to Legal Notices: The Office of the District Attorney sent a letter dated February 19, 2016 in opposition to Mr. Freeland's parole which was considered for the purpose of this review.

In summary, after balancing the mitigating factors of Mr. Freeland's current commitment offense, and his institutional adjustment/rehabilitation, against the aggravating factor of his prior criminal record, it supports a finding of approval for Mr. Freeland's early parole release. Based on these considerations, Mr. Freeland's early parole release is approved.



**SIGNATURE**

**STARR, NINA**

**NAME**

**October 28, 2016**

**REVIEW DATE**