

**BOARD OF PAROLE HEARINGS**

P.O. Box 4036  
Sacramento, CA 95812-4036



March 15, 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: BELISLE, MARK, LEBORNE  
CDCR#: AT3153  
Institution: California State Prison, Sacramento  
Court Case #: F134853

The Board of Parole Hearings (BPH) has reviewed inmate **BELISLE's** Non-Violent Second Striker (NVSS) decision dated February 17, 2016. The decision to approve release was vacated and a new NVSS review ordered.

On March 11, 2016, a recommendation to release was affirmed. Please direct any inquiries concerning the inmate to the institution at which the inmate is housed.

Respectfully,

PRE-HEARING ANALYSIS UNIT  
BOARD OF PAROLE HEARINGS

/amc

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: BELISLE, MARK,LEBORNE
CDCR Number: AT3153
Institution: California State Prison, Sacramento

BPH DECISION

JURISDICTIONAL REVIEW

- BPH does not have jurisdiction, no further review.
[X] BPH has jurisdiction.

REVIEW ON THE MERITS

- [X] Recommendation to release approved.
[ ] Recommendation to release denied.

Decision based on the reasons stated below:

Issue: After considering together the findings on each of the five of the inmate's case factors, both aggravating and mitigating, do those factors tend to show the inmate poses an unreasonable risk of violence to the community?

Statement of Reasons:

1) Current Commitment Offense: Mr. Belisle's commitment offenses, Transporting Marijuana (HS 11360(A)), Possession of Marijuana for Sale (HS 11359) and Possession of a Controlled Substance (HS 11377(A)), are mitigating factors in this case. The commitment offenses for which the inmate suffered conviction in 2014 involved Mr. Belisle speeding, driving a car without license plate and driving with an expired driver's license. A police officer conducted a traffic stop and discovered marijuana, a digital scale, methamphetamine and a narcotic pipe in the car with the inmate. Upon review, there do not appear to be any aggravating circumstances. Mitigating circumstance include a weapon was not used in the offense; the inmate did not threaten anyone or otherwise cause physical harm to anyone. Moreover, the fact that the offense involved drugs is a mitigating factor. When balancing the aggravating circumstances against the mitigating circumstances, the inmate's current commitment offenses are mitigating factors.

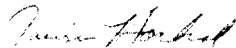
2) Prior Criminal Record: Mr. Belisle's felony convictions began in 1988. The inmate's prior criminal record is an aggravating factor in this case. His criminal record includes felony convictions in 1988 for Robbery in the Second Degree (PC 211), Possession of Cocaine Base for Sale (HS 11351.5) in 1991, Transport/Sale Controlled Substance (HS 11351.5) in 1994, Second Degree Robbery in the state of Washington in 1996 and False Checks/Records with prior prison term (PC 470(D)) in 2000. The aggravating circumstances include the inmate has been convicted of more than three felony offenses. He has been convicted of at least five prior felony offenses. The inmate's prior felony convictions show a pattern of similar repetitive criminal conduct. The inmate's prior felony convictions reflect that the inmate has previously engaged in robberies and drug sales. Mitigating circumstances include the inmate was free from incarceration at least five years prior to the current commitment offense. The inmate paroled in 2009, successfully discharged from parole in 2012 and suffered conviction for the current offense in 2014. After balancing the aggravating circumstances and the mitigating circumstances, Mr. Belisle's prior criminal record is an aggravating factor.

3) Institutional Behavior: Mr. Belisle has been incarcerated since May 1, 2014. During his current term, He has suffered a counseling chrono (or 128A) for failing to report to a vocational assignment in 2014. After balancing the positive factors against the negative factors, the inmate's institutional record shows compliance with institutional rules

NON-VIOLENT SECOND STRIKER DECISION FORM

**REVIEW ON THE MERITS**

4) Medical Condition: Mr. Belisle does not suffer from a medical condition decreasing his ability to reoffend.  
5) Response to Legal Notices: There was no response Legal Notices.  
Decision: When balancing the aggravating factors which include his criminal history against the mitigating factors of his current commitment offense and institutional behavior, the mitigating factors outweigh the aggravating factors and the inmate does not pose an unreasonable risk of violence to the community and release is granted



February 17, 2016

**SIGNATURE**

**REVIEW DATE**

**HOCKENHULL, TAMIZA**

**NAME**

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Review Type: Non-Violent Second Striker Review

Date Initiated: June 16, 2015

Inmate Name: BELISLE, MARK,LEBORNE

CDCR Number: AT3153

Institution: California State Prison, Sacramento

BPH DECISION REVIEW

Decision Upheld

Decision Vacated

COMMENTS

On 2/17/16 the BPH conducted an NVSS review and approved release. The hearing officer found the inmate's second strike crime, his institutional behavior to be mitigating factors in his case and his criminal history to be an aggravating factor. These factors were balanced against each other and the hearing officer found the mitigating factors outweighed the aggravating factor and rendered a decision he would not pose an unreasonable risk of violence if released to the community. On 3/7/16 the DAs Office from Yolo County requested a reconsideration of the BPH decision. The request urges the BPH to reconsider his approval for release for the following reasons: they agree his criminal history is an aggravating factor in the case, but disagree that his second strike offense is a mitigating factor because he was transporting large quantities of marijuana and had past convictions for drug trafficking. Additionally, they argue his second strike crime found to be a mitigating factor does not outweigh his criminal history found to be an aggravating factor. They believe he will continue his criminality upon release. The DAs Office points to no errors of fact, law or policy in the decision. They disagree with the results of the balancing of the factors. However, the DA did not address the inmates institutional behavior. The hearing officer correctly addressed all of the criteria and facts in this case and found in favor of the two mitigating factors. It is within the discretion of the hearing officer to weigh the facts and evidence, balance them and render a decision with a rational basis. In this case, the decision rendered has a rational basis. Pursuant to CCR Title 15, Division 2, section 2042, I find there was no mistake of fact, law or policy in the decision. BPH decision to approve release is affirmed. So ordered.

*Rhonda S Dotta*

SIGNATURE

SKIPPER-DOTTA, RHONDA

NAME

March 11, 2016

REVIEW DATE

NON-VIOLENT SECOND STRIKER DECISION FORM

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*Rhonda S Dotta*

March 11, 2016

SIGNATURE

REVIEW DATE

SKIPPER-DOTTA, RHONDA

NAME