

BOARD OF PAROLE HEARINGS

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



August 16, 2017

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : ANDREAS, MICHAEL, ANDREW
CDCR# : AK8805
Location : California Medical Facility
Court Case# : 104386

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has approved 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

RECEIVED

AUG 17 2017

YOLO COUNTY DISTRICT ATTORNEY

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: ANDREAS, MICHAEL,ANDREW

CDCR Number: AK8805

Institution: California Medical Facility

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:

Do Mr. Andreas' case factors show that he poses an unreasonable risk of violence to the community?
There are four case factors to consider.

ANALYSIS

1) Current Commitment Offense: Mr. Andreas' current commitment offense is HS 11378-possession of a controlled substance for sale which occurred on 09/10/10. He was convicted of the offense on 02/14/12 and received a total term of 12 years.

Officers made enforcement stop on a vehicle being driven by Mr. Andreas. In the area of the front passenger seat officers found 2 small baggies of methamphetamine, weighing .2 grams and 3 grams, respectively. When officers searched the rest of the vehicle they found a digital scale and 7.3 grams of methamphetamine.

The circumstances in aggravation are: (1) he was on probation or parole at the time of the commitment offenses.

The circumstances in mitigation are: (1) no weapon was used during the commission of the commitment offense; (2) there was no violence or the threat of violence to any victims and; (3) there was no physical injury to any victims.

After balancing the aggravating and mitigating circumstances the current commitment offense is a mitigating factor in this case. This is a drug possession for sale case with no violence, no weapons and no injuries to any victims.

2) Prior Criminal Record: Mr. Andreas' felony criminal record began in 1991 and continued until the current commitment offense in 2012.

Mr. Andreas' felony criminal record prior to the current commitment offense consists of the following felony convictions or serious juvenile adjudications: PC 212.5(c)-second degree robbery in 1991, PC 12020(a)-possession of a weapon in 1992 and HS 11378 possession of a controlled substance in 1998 and 2002.

The circumstances in aggravation are: (1) he has been convicted of 3 or more felonies; (2) it has been less than 5 years between the date of release from his last incarceration on 07/20/06 and the 09/10/10

offense date for his current commitment offense and; (3) his prior felony convictions show a pattern of similar repetitive criminal conduct (2 convictions involving possession of a controlled substance for sale).

The circumstances in mitigation are: (1) he does not have any known juvenile record.

After balancing the aggravating and mitigating circumstances Mr. Andreas' prior criminal record is an aggravating factor in this case. Mr. Andreas' record is lengthy and contains violence.

3) Institutional Behavior/Rehabilitative Programming: Mr. Andreas started his term on the current commitment offense on 02/21/12 and has been incarcerated for approximately 5 years and 6 months.

During his current term he has not been involved in any negative behavior.

During his current term Mr. Andreas has been involved in the following positive behavior: He has remained disciplinary free and has made efforts to upgrade educationally by participating in Adult Basic Education I.

Mr. Andreas' overall institutional behavior and rehabilitative programming does show compliance with institutional rules and programs and therefore is a mitigating factor in this case. He has remained disciplinary free and made effort to improve his level of education.

4) Legal Notices: There was a response from the Yolo County DA's office in opposition to early release. There was a response from Mr. Andreas in support of his early release. All responses were considered in this decision.

DECISION

The mitigating circumstances of Mr. Andreas' commitment offense and his institutional behavior and rehabilitative programming outweigh the aggravating circumstances of his prior criminal record. Mr. Andreas' criminal record is lengthy and it does involve weapons and violence. However, his last felony conviction involving violence was in 1991, approximately 25 years ago. His last felony conviction involving a weapon was in 1992, some 24 years ago. During his 66 months in prison his has remained violation free and refrained from any violence or weapons. He has also programmed in an acceptable manner. Overall, the evidence supports a finding that Mr. Andreas does not pose an unreasonable risk of violence to the community at this time.

RELEASE IS APPROVED.



AUGUST 10, 2017

SIGNATURE

REARDON, PATRICK

REVIEW DATE

NAME

DECISION

Concurs with approved recommendation to release.

Does not concur with approved recommendation to release.

Decision based on the reasons stated below:

On July 1, 2017, Mr. Andreas' case was referred to the Board of Parole Hearings for review pursuant to the Non-Violent Parole Process. After an initial review, Mr. Andreas was approved for release.

After a thorough review, the statement of reasons and the decision to approve Mr. Andreas for release were found to be supported by the record. His commitment offense is a mitigating factor and he has been disciplinary free since his receipt into CDCR over five years ago. The positive factors outweigh his lengthy criminal history.

As a result, Mr. Andreas is determined not to pose an unreasonable risk of violence to the community and the decision to release is affirmed.



AUGUST 15, 2017

SIGNATURE

MOELLER, DANIEL

REVIEW DATE

NAME