

BOARD OF PAROLE HEARINGS

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November 14, 2017

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name :	NORTH, BRIAN, BLAINE
CDCR# :	BA8502
Location :	California City Correctional Center
Court Case# :	CRF156086

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

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: NORTH, BRIAN, BLAINE
CDCR Number: BA8502
Institution: California City Correctional 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:

Decision

When considering together the findings on each of the four factors of Mr. North's case, both aggravating and mitigating, they show he does not pose an unreasonable risk of violence to the community. Release is approved.

Issue

Does Mr. North pose an unreasonable risk of violence to the community?

Case Factor 1 Commitment Offense(s)

Mr. North's current commitment offense is a mitigating factor in this case.

On 8/9/16, Mr. North was sentenced pursuant to a plea agreement to 5 years for Transport/Import Controlled Substance HS 11379 (a).

On 10/20/15 undercover officers initiated hand to hand drug sales with Mr. North who agreed to furnish them with \$20 worth of methamphetamine. Mr. North sold the officer .5 grams of methamphetamine. He was not arrested in lieu of the ongoing investigation.

Later on that day the undercover officer again approached Mr. North wanting to purchase more methamphetamine. Mr. North orchestrated the transaction and sold the officer \$20 worth of methamphetamine weighing .2 grams. He was subsequently arrested.

As there are no aggravating circumstances, the multiple mitigating circumstances including there was no threat of violence, no injury to the victim, and no weapon was used weigh in favor of concluding the current commitment offense is a mitigating factor in this case.

Case Factor 2 Prior Criminal History

Mr. North's prior criminal history spanning 16 years beginning in 1999 with a misdemeanor conviction for Petty theft PC 490.1, and concluding in 2015 with current commitment offenses, is a mitigating factor in this case.

Mr. North's prior criminal history consists of the following 2 felony convictions.

- 2002 False Checks PC 470 (d)
- 2008 Robbery 2nd PC 212.5 (c)

The single aggravating circumstance is that Mr. North's 2008 conviction is a violent felony pursuant to PC 667.5 (c). The multiple mitigating circumstances are Mr. North was convicted of 2 felonies and he was free from incarceration for more than 5 years as was released to parole on 2/19/11 and returned to CDCR on 9/1/16.

In addition, there is no indication of a juvenile record. Although, the Robbery is a violent felony it occurred 9 years ago therefore gleaning less weight. Considering the multiple mitigating circumstances his prior criminal history is a mitigating factor.

Case Factor 3 Institutional Adjustment

Mr. North has been incarcerated on the commitment offense in CDCR since 9/1/16, a period of approximately 14 months. Mr. North's institutional record since his most recent incarceration in 2016 does show compliance with institutional rules and programming.

To his credit Mr. North remains disciplinary free and participates in multiple programs. He has participated in adult basic education, alternatives to violence, and AA/NA. He is currently assigned to inside out dad and is on the waiting list for the SAP program. Therefore in lieu of no violence, these positive factors indicate his institutional adjustment is a mitigating factor.

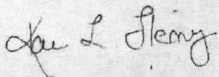
Case Factor 4 Response to Legal Notices

There were responses to the Legal Notices. Mr. North submitted a letter in support of release. The Yolo County District Attorney's office submitted a letter in opposition of release. These documents were considered in this decision.

Conclusion

When considering each of the aforementioned four criteria, noting the single aggravating factor the letter from the District Attorney's Office as balanced with the mitigating factors including the current commitment offense, his prior criminal history, his letter in support of release, and his positive institutional adjustment, it is concluded he does not pose an unreasonable risk of violence to the community.

Although Mr. North has criminal history containing a conviction for Robbery which standing alone is indicative of violence, when balanced against the current absence of violence for nearly a decade such indicates Mr. North does not pose a threat of violence at this time.
Mr. North is approved for release.



SIGNATURE

FLEMING, KAREN

NAME

NOVEMBER 13, 2017

REVIEW DATE