

**BOARD OF PAROLE HEARINGS**

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



January 05, 2018

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF LOS ANGELES  
210 W. TEMPLE ST., RM 16-105  
LOS ANGELES, CA 90012

**Subject: NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name :        DAVANZO, NICHOLAS,JOSEPH  
CDCR# :                AU2892  
Location :             Valley State Prison  
Court Case# :        GA091889-01

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: DAVANZO, NICHOLAS, JOSEPH  
CDCR Number: AU2892  
Institution: Valley State Prison

### 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 inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

#### Case Factor #1- Current Commitment Offense

The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. Inmate's current commitment offense is PC 245(A)(4) Assault with Force Likely to Produce GBI (6/12/14), wherein inmate and his girlfriend got into an argument over inmate's girlfriend wanting to get an abortion of their child while being two months pregnant. Inmate pushed his girlfriend twice as she refused to leave his residence. The second push caused victim to hit her head on a metal pole. It is not clear from available documentation what injuries she sustained. Officers arrested inmate with the use of force as he resisted arrest. Inmate was sentenced to a total term of 8 years on the current commitment offense. From available documentation - the circumstances aggravating the inmate's current risk of violence are: there were one or more victims who suffered physical injury or threat of physical injury. From available documentation, the circumstances mitigating the inmate's current risk of violence are: the inmate did not personally use a deadly weapon and there was only one conviction. When balancing the aggravating circumstances against the mitigating circumstances of the inmate's current commitment offense, they tend to show that the circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence due to the violence exhibited by inmate.

#### Case Factor #2- Prior Criminal Record

The inmate's prior criminal history began in 2010 and continued until the commitment offense in 2013. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions: PC 459 Burglary (2010) and PC 22210 MFG/Sale/Etc Leaded Cane/Billy/Etc (2012). From available documentation, the circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are: the inmate was incarcerated for a felony conviction within five years prior to inmate's current conviction (inmate was convicted of PC 22210 MFG/Sale/Etc Leaded Cane/Billy/Etc on 6/14/12 and convicted of the most recent commitment offense on 6/12/14). From available documentation, the circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are: the inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. When balancing the

aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence as inmate's felony criminal record exhibits no violence.

**Case Factor #3- Institutional Adjustment**

The inmate has been incarcerated at CDCR on the current commitment offense since 8/14/14, a period of approximately 3 years and 5 months. The inmate has not been found guilty of any institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. During incarceration, inmate has participated in positive programming including: GED courses, adult basic education, computer literacy, visual and performing arts, substance abuse programing – NA (1/9/16-5/12/16), vocational building maintenance, and has worked as a PIA farm worker. There are no aggravating circumstances in the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence. The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence: the inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since inmate's last admission to prison, there is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since inmate's last admission to prison, the inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time, and the inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to inmate's criminal behavior, such as substance abuse, for a sustained period of time. When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence because inmate's institutional record shows overall compliance with institutional rules and as inmate has thus far shown that inmate is attempting to positively rehabilitate himself by remaining violence free and by participating in rehabilitative or self-help programming, vocational, educational, and work assignments.

**Case Factor #4- Response to Legal Notices**

A response to the Legal Notices received from Vanessa Anderson in opposition to release was reviewed and considered in this decision.

**SUMMARY:** When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age (32), the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence. Great weight is given to the facts that the inmate did not personally use a deadly weapon in the commitment offense, that inmate's prior felony criminal record consists of no violent felony convictions, and that inmate is attempting to positively rehabilitate himself by remaining violence free and by participated in rehabilitative or self-help programming, vocational, educational, and work assignments during his incarceration. These facts show that inmate is not a current risk of violence as inmate has not exhibited any violence since 2013 and is working on rehabilitating himself. The inmate is approved for release.



JANUARY 4, 2018

**SIGNATURE**

**REVIEW DATE**

**CHAKUR, KYROS**

**NAME**

If you believe this decision contains an error of fact, an error of law, or if you have additional information you believe would change the outcome of this decision, you may request that it be reviewed by the Board of Parole Hearings by sending a written request to:

Board of Parole Hearings  
Attn: Nonviolent Parole Review  
P.O. Box 4036  
Sacramento, CA 95812-4036

Your request must be post marked within 30 calendar days from the date you received this decision and your request must include a brief statement explaining why you believe the decision is wrong. You may include additional information to support your request.

**BOARD OF PAROLE HEARINGS**

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January 02, 2018

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF LOS ANGELES  
210 W. TEMPLE ST., RM 16-105  
LOS ANGELES, CA 90012

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : CASILLAS, ALFREDO  
CDCR# : E50320  
Location : California State Prison, Corcoran  
Court Case# : A776839

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: CASILLAS, ALFREDO  
CDCR Number: E50320  
Institution: California State Prison, Corcoran

### 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 inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

#### Case Factor #1- Current Commitment Offense

The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 7 years for a PC 245(a)(1) (Assault with a deadly weapon) on 5/23/94 and 1 one year for a PC 4502 (Possession of a weapon by an inmate) on 8/23/94 for a total of 8 years consecutive to the inmate's original commitment offense.

The inmate was serving a term of 16 years to life for a PC 187 conviction. During his incarceration for this offense he engaged in behavior that led to two additional convictions. On 1/15/15, subsequent to a Board of Parole Hearing, the inmate was found suitable for parole and granted parole. However, the inmate was required to serve his sentence for the two Thompson Terms prior to release on parole.

The facts of the convictions are the following:

PC 245(a)(1):

On 9/30/92 the inmate and another inmate physically assaulted the victim inmate and slashed him three times with a weapon. The victim sustained injuries, was medically treated, and was released back into the general prison population.

On 5/23/94 the inmate was in possession of an inmate manufactured weapon, a spear/arrow. The inmate used this weapon to assault another inmate. The inmate propelled the spear/arrow from his cell at the victim while the victim was walking near the inmate's cell. The spear/arrow hit the victim in the head, temple area. The victim sustained superficial injuries.

The circumstances aggravating the inmate's current risk of violence are:

1. The inmate personally used a weapon
2. 2 victims suffered physical injuries

The mitigating circumstances pertaining to the inmate's current risk of violence are the following:

1. There are no mitigating circumstances pertaining to the inmate's current risk of violence.

Analysis: When balancing the lack of aggravating circumstances against the mitigating circumstances of the inmate's current commitment offenses, they tend to show that the circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence. The inmate used a weapon during the commission of each of the offenses, and the victims sustained injuries. Overall, the aggravating factors outweigh the mitigating factors as to the inmate's current risk of violence.

#### Case Factor #2- Prior Criminal Record

The inmate's felonious prior criminal history began in 1988 and continued until the commitment offenses in 1995. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions: 1988 PC 187 with the use of a weapon (Murder), 1994 PC 245(a)(1) (Assault with a deadly weapon), 1995 PC 4502 (Possession of a weapon by an inmate).

The circumstance of the inmate's prior criminal record that aggravate the inmate's current risk of violence is:

- (1) There are no applicable aggravating circumstances pertaining to the inmate's current risk of violence.

The circumstance of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:

- (1) The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence. The inmate was convicted of PC 187 in 1988 and continued his violent criminal conduct up 1995. However, since 1995 the inmate has progressively improved his behavior. At one time, the inmate was a very violent individual. However, his last criminal conviction was 22 years ago, which is a significant amount of time. Considering the relevant factors and the standard of review, which mandates that the inmate's current risk of violence is to be assessed, the inmate's lack of criminal history and convictions for violence over the last 22 years is a dominating mitigating factor. The inmate's prior convictions, particularly the PC 187, are horrific. However, the passage of time coupled with the lack of violent behavior over the last 22 years diminishes the prejudicial impact of the prior convictions. Thus, the inmate's prior criminal history is a mitigating factor for the reasons discussed above.

#### Case Factor #3- Institutional Adjustment

The inmate has been incarcerated at CDCR on the current commitment offenses since 1/15/15, a period of approximately 1 year 11 months. The inmate was granted parole for the life crime on 1/15/15. The inmate was paroled to CDCR to serve the sentences imposed for the current commitment offenses.

The circumstances of the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence:

- (1) There are no circumstances of the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:

- (a) The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his or her last admission to prison (1/15/15).
- (b) There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his or her last admission to prison.
- (c) The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time, such as:

- i. Family Relationships
- ii. Criminal Thinking
- iii. Anger Management
- iv. Porter - Custodial Captain Porter
- v. Alternatives to Violence - D Alternative to Violence #3, D AVP Workshop Basic
- vi. Voluntary ABE III
- vii. Dining Room Line Server
- viii. Dining Room Scullery
- ix. Vocational Computer Literacy

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence, because the inmate has participated in and/or completed some self-help programs and educational programs. Furthermore, the inmate has not sustained any rule violations since 1/15/15 that indicate he has engaged in violence or criminal activity while incarcerated.

**Case Factor #4- Response to Legal Notices**

There was a response to the Legal Notices in support of release from Alfredo Casillas supporting release, dated 12/8/17, which was reviewed and considered in this decision.  
There was a response to the Legal Notices in opposition to release from Sacramento District Attorney's Office, DDA Teal Ericson, dated 12/21/17, which was reviewed and considered in this decision.

**SUMMARY:** When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including (the passage of time – 22 years since the commission of the last current commitment offense), (the inmate's age), (the inmate's physical and cognitive limitations), the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence. The inmate's prior criminal history is horrible. However, the passage of time, institutional behavior since his commitment for the current commitment offenses, and completion of rehabilitative programs mitigate the impact of the inmate's prior criminal history. The inmate has not sustained any rule violations pertaining to violence while in prison for the current commitment offenses, has managed to maintain employment while in prison, and has completed several self-help programs that are targeted toward his prior criminal oriented lifestyle. Overall, the mitigating factors outweigh the aggravating factors.

The inmate is approved for release.



DECEMBER 29, 2017

**SIGNATURE**

**REVIEW DATE**

**NIJER, CHRISTINE**

**NAME**

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