

**BOARD OF PAROLE HEARINGS**

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



August 25, 2021

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SISKIYOU  
PO BOX 986  
YREKA, CA 96097

**Subject: NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : ARTELLAN, TIMOTHY,PAUL  
CDCR# : BG4358  
Location : Substance Abuse Treatment Facility and State Prison  
Court Case# : 171348, 171364

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has denied the inmate for release. Enclosed is a copy of the board's decision.

If you believe the board's decision contains an error of law or error of fact, or you have new information you believe would have materially impacted the board's decision had it been known at the time of the decision, please submit a written statement to:

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

Please direct any inquiries concerning the inmate's release to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS  
NV Processing Unit

# NONVIOLENT DECISION FORM

## NONVIOLENT INFORMATION

Inmate Name: ARTELLAN, TIMOTHY, PAUL  
CDCR Number: BG4358  
Institution: Substance Abuse Treatment Facility and 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 for Artellan, Timothy, BG4358:** When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.

#### **Statement of Reasons:**

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

The circumstances of the inmate's current commitment offense(s) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 10 years on the current commitment offense(s). The commitment offense(s) is/are

4/19/2018 Conviction: PC 311.11(b) Possess Child Pornography Involving Person Under 18 W/Prior & PC 664/288(a) L&L Child Under 14 Years - Attempt & PC 136.1(c) Prevent/Dissuade Vic/Witness;  
And 3/28/2018 Conviction: PC 29800(a)(1) Poss/Own F'Arm by Felon & PC 30305(a) Possess Ammunition by Prohibited Person.

In 9/2017, Police Officers arrived at Inmate's residence and searched his residence pursuant to a search warrant. Inmate was not at the residence at the time but arrived at the residence as Officers were in the process of searching his residence. Police found a firearm and ammunition in Inmate's residence, as well as child pornography on Inmate's cell phone and computer and many pornographic DVDs in Inmate's bedroom. Inmate stated that the "street kids" were "setting him up" so that he would buy more marijuana from them, as he had done in the past. Police stated to Inmate that Minor Male Victims had made statements that Inmate was essentially trying to entice the Minor Victims into engaging in oral sex and other sexual acts, such as subjecting the Minor Victims to watching child pornography. Inmate again replied that the Victims were "trying to set him up".

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:

There were one or more victims who suffered physical injury or threat of physical injury. There is a threat of violence against the minor victims in this case because of the inherent inability of the minor to escape the situation and the lasting psychological trauma suffered by the victim at the hands of the adult inmate. By possessing pornography, Inmate's actions perpetuate the harm caused to Victims each time the pornography is viewed, especially when Inmate is requiring Minor Victims to also view the pornography with Inmate. In addition, the Minor Victims told Police that Inmate was trying to get them to engage in oral sex with Inmate.

Therefore, the current crimes are found to be an aggravating risk factor in the case.

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

The inmate's prior criminal history began in 2002 and continued until the commitment offense(s) in 2018. The

inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:

Felonies:

2/2009: PC 311.2(b) Obscene Mat Depict Minor: Comm Consid.

Assaultive Misdemeanors:

3/2002: PC 273a(b) Willful Cruelty to Child & PC 273.5(a) Inflict Corporal Inj: Spouse/Cohab.

The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity 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.
2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction(s). Inmate was paroled from a prior felony conviction in 7/2011 and he was convicted of the current commitment offenses in 3/2018, which is a period of almost 7 years later.

The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:

The inmate's prior criminal conviction(s) coupled with his current conviction(s) show a pattern of assaultive behavior. Inmate has prior misdemeanor convictions for the assaultive crimes of PC 273a(b) Willful Cruelty to Child & PC 273.5(a) Inflict Corporal Inj: Spouse/Cohab. Inmate's current commitment offenses involve an inherent threat to Minors, both through the possession of pornography, as well as through the behavior that is part of the attempted PC 288(a) conviction. In addition, Inmate has a prior felony conviction in 2/2009 for PC 311.2(b) Obscene Mat Depict Minor: Comm Consid. Therefore, Inmate's assaultive/threatening behavior in his prior criminal history and in the current commitment offenses combined establish a pattern of assaultive behavior.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the aggravating circumstance outweighs the mitigating ones. Inmate has shown a pattern of assaultive behavior against Minor Victims primarily. This aggravating circumstance has been weighed heavily, especially in light of the vulnerability of Minor Victims. Therefore, the Prior Criminal Record Factor is found to be aggravating.

### **Case Factor #3 - Institutional Adjustment**

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since June 6, 2018, a period of approximately 3 years and 3 months.

The inmate has been involved in the following activities:

Reliable, Confidential Memos: None.

Violent RVRs: None.

Other Serious RVRs: None.

Work/Vocational/Educational Activities:

Transitions: 79 hours;

General Education Dev:  $316+258+531= 1105$  total hours.

Self-help/Rehabilitative Activities:

Cognitive Behavior Intervention - SOP: over 6 hours;

CBI - Life Skills: 102 hours thru 7/2021.

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

1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.
2. 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 last admission to prison.
3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. Inmate has completed about 1200 hours in these types of activities, which is considered sustained participation.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:

The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as sex offending or substance abuse. Inmate's

current commitment offenses involve sex offending against Minor Victims and Inmate admitted to buying marijuana from Minor Victims. However, Inmate has not engaged in sustained programming to address either of these issues.

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 aggravate the inmate's current risk of violence or significant criminal activity because the aggravating circumstance outweighs the mitigating circumstances. While the inmate has no RVRs or confidential memos, this is outweighed by the limited self-help/rehabilitative programming. The inmate has not yet successfully participated in self-help and rehabilitative programming to address the circumstances of his criminal behavior, including sex offender treatment programming and other such programming, for a sustained period. Inmate's limited participation in self-help or rehabilitative programming to address the aggravating, inherently threatening sexually deviant behavior exhibited in the current commitment offenses weighs heavily against those other circumstances present in mitigation. In addition, Inmate admitted to Police that he had been purchasing marijuana from his Minor Victims, yet Inmate did not engage in sustained programming to address substance abuse issues. Accordingly, the Institutional Adjustment Factor is found to be aggravating.

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

There were no responses to Legal Notices.

**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, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.

To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

All of the factors are aggravating. In addition, the aggravating Current Commitment Offenses and Inmate's limited participation in self-help or rehabilitative programming to address the aggravating, inherently threatening sexually deviant behavior exhibited in the current commitment offenses are weighed very heavily. Inmate's behavior in the Current Commitment Offenses is not only inherently threatening in nature but it also perpetuates the harm caused to Minor Victims each time the pornography is viewed. Accordingly, these facts have been weighed heavily, leading to the conclusion that Inmate poses a current, unreasonable risk of violence or a current unreasonable risk of significant criminal activity to the community. The inmate is denied for release.



August 24, 2021

**SIGNATURE**

**REVIEW DATE**

**PINGITORE, LETIZIA - Deputy Commissioner**

If you believe this decision is not correct, you may send 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 were served this decision and your request must include a brief written statement explaining why you believe the decision is not correct. You may include additional information to support your request.