

**BOARD OF PAROLE HEARINGS**

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



July 31, 2023

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : LUERAS, VICTOR  
CDCR# : BG0122  
Location : Sierra Conservation Center  
Court Case# : 2015145

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: LUERAS, VICTOR  
CDCR Number: BG0122  
Institution: Sierra Conservation 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 for Lueras, Victor, BG0122:** When considering together the findings on each of the incarcerated person's four case factors, the incarcerated person 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 incarcerated person's current commitment offense(s) aggravate the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person was sentenced to a total term of 21 years on the current commitment offense(s). The commitment offense(s) is/are as follows:

1. PC182(a)(1)/PC211/PC213(a)(1)(b) Conspiracy to Commit Robbery First Degree (12 years as a Second Striker), with enhancement under PC12022.6(a)(1) Loss Exceeds \$65,000 (1 year)
2. PC136.1(b)(1)/(c)(1) Dissuading a Witness (3 years)
3. Enhancement under PC667(a)(1) Prior Felony Conviction of Serious Offense (5 years)

Around 8:30 am on January 29, 2015, a police officer was dispatched to a robbery call reporting that men with guns entered a residence, bound two victims, and stole items. Dispatch advised that a large amount of marijuana, over \$3,000 in cash, \$41,000 of gold nuggets and flake, jewelry, and a vehicle had been stolen from the property.

When officers contacted the victims, the female victim still had tape wrapped around the sleeves of her nightgown. The victims reported that two men, dressed in black and armed with pistols, entered their residence. The female victim awoke to one of the men pointing a gun at her temple. The men pointed revolvers at the victims and stated they would kill them if they moved. The men bound the victims' hands and feet with tape and asked where the victims kept the gold and cash. They also took the victims' cell phones and cut the home phone lines. When the men left, the victims went to a neighbor's home and called police. A witness reported she saw a white SUV parked near the victims' residence. The victims knew the incarcerated person drove a similar vehicle because the incarcerated person's brother had recently lived on the victims' property and had been a caregiver for the male victim's mother until she recently passed. The caregiver knew there was gold and money that had been willed to the male victim.

A BOLO was issued for the white SUV. Around 9:30 am, a white Escalade, occupied by the incarcerated person and his crime partner, was stopped by CHP. A large amount of marijuana and numerous firearms were observed in the vehicle. The items were identified and confirmed as evidence of their involvement in the robbery. The incarcerated person and his crime partner had large amounts of cash on their persons, totaling over \$3,000. A search of the vehicle yielded four shotguns, two rifles, two revolvers, an air rifle, two BB guns, over 60 pounds of marijuana contained in various bags and jars, cell phones, black clothing including beanies with cut-out eyes, and other miscellaneous items containing cash, coins, gold and silver which were identified as belonging to the victims.

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:

1. The incarcerated person personally used a deadly weapon, to wit: a firearm.
2. There were one or more victims who suffered physical injury or threat of physical injury. The incarcerated person and his crime partner tied up the victims and threatened them with firearms.

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

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

The incarcerated person's prior criminal history began in 1989 and continued until the commitment offense(s) in 2018. The incarcerated person's prior criminal record is a factor mitigating the incarcerated person's current risk of violence or significant criminal activity. The incarcerated person has the following adult criminal convictions:

1. 1989: PC242 Battery (misdemeanor)
2. 1992: PC459 Burglary First Degree
3. 1992: HS11377(a) Possess Controlled Substance (later reduced to misdemeanor)
4. 1992: VC2800.2 Reckless Evading
5. 1992: PC459 Burglary
6. 1995: PC273.5(a) Inflict Corporal Injury on Spouse/Cohabitant (misdemeanor)
7. 1996: VC23175 DUI w/Priors
8. 2000: PC484g(a) Theft by Forged Access Card
9. 2002: HS11378 Possess Controlled Substance for Sale
10. 2005: HS11378 Possess Controlled Substance for Sale

The circumstances of the incarcerated person's prior criminal record that mitigate the incarcerated person's current risk of violence or significant criminal activity are:

1. The incarcerated person 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 incarcerated person 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 their current convictions. The incarcerated person was released from a prior incarceration on September 26, 2005, and convicted of the current offenses on April 3, 2018, over 12 years later.

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

None.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the incarcerated person's prior criminal record mitigate the incarcerated person's current risk of violence or significant criminal activity because there are no aggravating circumstances under the review criteria. A finding that the incarcerated person's criminal conduct was increasing in severity was considered. However, despite the severity of the behavior in the current offenses, no such finding was made in this matter due to the passage of time between his last incarceration and the current convictions.

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

The incarcerated person was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since April 17, 2018, a period of approximately five years, three months.

The incarcerated person has been involved in the following activities:

#### Serious Rules Violation Reports:

1. 4/18/23: Possession of Cellular Telephone

#### Confidential Information:

1. 5/31/23: Confidential Memorandum

#### Vocational Assignments:

1. Office Services & Related Technology: 5/18/22-6/8/22 (8.00 hours), 7/13/22-4/28/23 (187.50 hours)
2. Welding: 6/1/23-6/13/23 (11.25 hours)

#### Educational Assignments:

1. ABE II: 9/21/18-1/15/20 (314.00 hours), 3/17/20-9/16/20 (152.00 hours), 6/11/22-4/28/23 (61.00 hours)
2. Literacy Student: 4/26/22-6/8/22 (no hours noted)

Work Assignments:

1. Porter: 10/9/18-12/13/19 (508.00 hours)
2. Plumber: 12/14/19-3/2/20 (244.50 hours)
3. Physical Fitness Training: 5/25/23-5/26/23 (no hours noted)
4. Camp Firefighter Special Skills Prep Cook: 6/13/23-7/8/23 (176.00 hours)
5. Camp Firefighter Special Skills Cook: 7/8/23-Present (80.00 hours)

Self-Help/Rehabilitative Programming:

1. Al-Anon: 1/9/19-7/27/21 (116.00 hours), 9/17/21-4/28/23 (41.25 hours)
2. Narcotics Anonymous: 3/20/19-4/28/23 (67.25 hours)
3. Alcoholics Anonymous: 6/4/19-7/16/21 (65.00 hours)

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

None.

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

1. The incarcerated person has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since their last admission to prison or has one or more serious Rules Violation Reports. The incarcerated person incurred a serious Rules Violation Report in April 2023.
2. There is reliable information in the confidential section of the incarcerated person's central file indicating the incarcerated person has engaged in criminal activity since their last admission to prison. A reliable Confidential Memorandum, dated May 31, 2023, indicates ongoing criminality.
3. The incarcerated person has limited participation in available vocational, educational, or work assignments. The incarcerated person has participated in some vocational training, without completing a vocations and recent Unsatisfactory progress records; approximately 527 hours in educational programming without completing the GED; and just over 1,000 hours in work assignments accrued sporadically over the last five years. Overall, the incarcerated person's participation to date does not rise to the level of being considered successful participation for a sustained period of time and he is encouraged to continue.
4. The incarcerated person has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to their criminal behavior, such as substance abuse. Records indicate the incarcerated person has engaged in substance abuse programming. However, the Confidential Memorandum is indicative of ongoing criminality. In light of that recent behavior, which indicates he is not responsive to treatment, the self-help participation is considered limited.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the incarcerated person's institutional behavior, work history, and rehabilitative programming aggravate the incarcerated person's current risk of violence or significant criminal activity because there are no mitigating circumstances present under the review criteria, as detailed above.

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

The Board of Parole Hearings received responses to the legal notices regarding the incarcerated person's nonviolent review. The following responses were reviewed and considered in this decision:

1. The incarcerated person, dated June 28, 2023.

**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 incarcerated person's age (53 years old), and the incarcerated person's physical and cognitive limitations (4.8 TABE), the factors aggravating the incarcerated person's current risk of violence outweigh the factors mitigating the incarcerated person'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 incarcerated person's record to determine all physical and cognitive disabilities documented for this incarcerated person. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

Although the incarcerated person's prior criminal record was determined to be mitigating under the review criteria, it is outweighed by the incarcerated person's current commitment offenses and institutional behavior. The incarcerated person's more recent circumstances are more probative of his current risk of violence than his criminal history in this matter. The incarcerated person's current offenses involved the use of a deadly weapon and threat of physical injury

to victims in an armed home invasion and robbery where victims were bound and threatened with handguns. Further, the incarcerated person's institutional behavior is entirely aggravating: he incurred a recent Rules Violation Report, although this fact alone carries nominal weight based on the lack of violence and lack of nexus to the commitment offenses; reliable confidential information indicates he has engaged in recent criminal activity; and he has limited participation vocational, educational or work assignments, and self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as substance abuse.

For these reasons, the incarcerated person poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community  
. The incarcerated person is denied for release.



July 28, 2023

**SIGNATURE**

**REVIEW DATE**

**CHAMBERS, NEAL - 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.