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August 22, 2017

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

**Re: Inmate Bryan Charles Sims; CDCR P64565
Ventura County Superior Court Case 2008001967
Opposition Letter Due to Board of Parole Hearings August 23, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Bryan Sims. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The unreasonable risk to the safety of the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On January 1, 2008, Ventura County Sheriff's Office deputies were on patrol in search of two male subjects in a white vehicle suspected of vehicle theft. Deputies observed the inmate parked in a silver Jaguar and initiated contact with him; however, the inmate then sped away. The inmate drove at speeds up to 100 mph through residential streets, and eventually the deputies lost sight of the inmate.

On January 16, 2008, sheriff's deputies learned the inmate and another perpetrator were staying at a motel. Deputies searched the motel room and discovered stolen laptops, cell phones, money, iPods, and GPS systems. The inmate and co-perpetrator were arrested, and during the arrest, the inmate appeared to be plotting some sort of action. The inmate later admitted that he had been planning to rush one of the deputies so he would be shot. The inmate knew he was facing a life sentence as a "three-striker" and explained he would rather die.

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The inmate pled guilty to recklessly evading an officer, a violation of Vehicle Code section 2800.2, and to receiving stolen property, a violation of Penal Code section 496. He admitted having suffered two prior serious felony convictions (Pen. Code §§ 1170.12/667), and to having served a prior term in prison (Pen. Code § 667.5(b)). In October 2008, the inmate was sentenced to serve 8 years 4 months in prison. In March 2016, the inmate's conviction for receiving stolen property was reduced to a misdemeanor pursuant to Proposition 47. He was resentenced to one year in jail, and that sentence was deemed served.

CRIMINAL HISTORY

The inmate's criminal history began in 1988 when he was approximately 13 years old. He committed a first-degree burglary, a violation of Penal Code section 459, and was sent to a CYA facility. In 1995, the inmate was convicted of receipt of stolen property.

In February 1996, the inmate committed a violation of Penal Code section 647(h) for disorderly conduct, peeking into inhabited buildings.

In October 1996, the inmate committed a violation of Health and Safety Code section 11377, possession of a controlled substance. After failing on probation, he was sentenced to two years in prison.

In December 1996, the inmate committed and was later convicted of inflicting corporal injury on a spouse or cohabitant in violating Penal Code section 273.5.

In August 1997, the inmate burglarized a vehicle parked inside the victim's garage. In September, he burglarized another vehicle, inside another victim's garage, three separate times. Credit cards were stolen and the inmate and his mother used the stolen cards. The inmate was convicted of two counts of first-degree burglary (Pen. Code § 459) and, after failing on probation, was sentenced to serve 9 years, 4 months in prison.

In September 1997, the inmate, in custody pending disposition of a vehicle theft case, fought with deputies inside an elevator after a court appearance. He was convicted of resisting officers in violation of Penal Code section 148(a).

In September 1998, while still on probation for the above burglary convictions, the inmate punched the lock of a vehicle but was chased away soon after. When apprehended, the inmate was in possession of property belonging to another vehicular burglary victim.

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In December 1998, the inmate burglarized yet another vehicle, and was again convicted of burglary. Incredibly, the inmate was given yet another opportunity at rehabilitation on probation in both of these cases. He failed and was sentenced to a total of three years eight months in prison alongside the burglaries from 1997. The inmate was released on parole in July 2005 and violated his parole twice.

While apparently still on parole in 2008, the inmate was convicted of his commitment offense. While serving the sentence for the commitment offense, the inmate was convicted of violating Penal Code section 4530(b), prison escape without force.

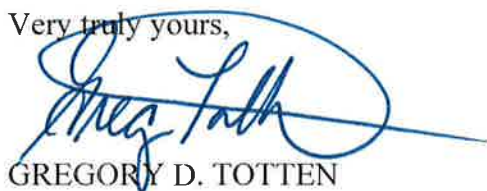
DISCUSSION

The inmate has repeatedly squandered opportunities to turn his life around. In December 2015, the inmate was denied early release as a non-violent second striker. The Board of Prison Hearings' decision noted that the inmate had battered other inmates, possessed cell phones, and participated in absolutely no programming. There is no evidence to suggest he has since been rehabilitated or is otherwise willing to lead a law-abiding life.

CONCLUSION

The inmate poses an unreasonable risk of violence to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gregory D. Totten", is written over a blue oval-shaped stamp or seal.

GREGORY D. TOTTEN
District Attorney

GDT:at

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov