



Sacramento County District Attorney's Office

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December 29, 2017

Non Violent Parole Review Process
Board of Parole Hearings
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Re: Twofeathers, Robert CDC # BD4034 Court Dockets: 15F07879/ 16FE010375

Inmate Twofeathers is a well-established felon and gang member with a gun problem, who refuses to rehabilitate, continues to re-offend and should not be granted early parole. The circumstances surrounding his current convictions and his prior criminal record show that he poses an unreasonable risk of violence to the community.

Inmate Twofeathers is a validated Vagos gang member and convicted drug dealer. Leading up to the cases at hand, Inmate Twofeathers had multiple felony and misdemeanor convictions. Of note, he was convicted twice of misdemeanor domestic violence in 2000 and received a 10-year ban on possessing firearms and ammunition. That did not stop him from possessing guns and he was convicted again in 2003 for unlawful possession of a firearm by a prohibited person. He was subsequently convicted of several other felonies and was prohibited multiple times from possessing guns or ammunition for the rest of his life. In 2013 he was convicted of PC 29800(a)(1), being a felon in possession of a firearm, and sentenced to two years prison (pursuant to PC 1170(h), though it appears that was an error because violations of PC 29800 are not eligible for sentencing under PC 1170(h). Twofeathers should have been sentenced to two years state prison. After his prison sentence, Inmate Twofeathers was involved in the shooting death of Michael Tolly (see 15F07879 below) and was ultimately charged and convicted of being a felon in possession of ammunition. While pending charges for possessing ammunition and while out on bail for those charges, Inmate Twofeathers was caught with a gun again in 16FE010375. Inmate Twofeathers utterly refuses to abide by court orders and the law to not possess firearms and ammunition, thus making him a danger to society.

Docket 15F07879

According to Sacramento Police Report 14-229946, police learned through multiple witnesses that during the summer of 2014, victim Michael Tolly had several disputes with Inmate Twofeathers over the sale of a fake gun, the ownership of a Ford Mustang Cobra, and Tolly having disrespected Inmate Twofeathers' mother. On 8/17/14, a man named [REDACTED] H [REDACTED] showed up on Michael Tolly's front porch and fired seven shots at an unarmed Tolly striking him three times in the abdomen and once in the shoulder. Tolly died from his wounds. During the

investigation, a confidential informant spoke to police on condition of anonymity. The informant identified Inmate Twofeathers, nicknamed "Wicked" and H [REDACTED] as the people responsible for Tolly's murder. The informant spoke personally to Inmate Twofeathers the night after the murder and Inmate Twofeathers spoke about Tolly being shot and had inside knowledge about the murder. For example Inmate Twofeathers corrected the informant about how many shots were fired.

The informant also spoke with H [REDACTED] who said that Tolly had come to Inmate Twofeathers' home and had disrespected his mother and that Inmate Twofeathers pointed a gun at Tolly and told him to leave. The informant said this was the "final blow" between Tolly and Inmate Twofeathers. H [REDACTED] then told the informant that Inmate Twofeathers gave him a gun and said, "I'm going to cash a check. You deal with it." H [REDACTED] told the informant he later received a phone call from Inmate Twofeathers giving him the "green light" on Tolly and told H [REDACTED] to go and murder Tolly.

As a part of the homicide investigation officers searched Inmate Twofeathers' home on 8/22/14 (SPD 14-234034). They found the disputed Ford Mustang Cobra at issue in his driveway and inside his bedroom were four live .16 gauge Remington shotgun shells. Inmate Twofeathers was arrested on 8/29/14.

Based on a variety of factors, it was determined that it would not be possible to convict Inmate Twofeathers for the murder of Michael Tolly in a jury trial and so he was not charged. Inmate Twofeathers was instead charged with a violation of section 30305(a)(1) of the Penal Code and three one-year prison prior allegations under Penal Code Section 667.5(b). While the case was pending Inmate Twofeathers posted bail on 1/6/16.

Docket 16FE010375

While out on bail for case 15F07879, Inmate Twofeathers committed the offense that led to his conviction in Docket 16FE010375. In that case, officers were called out to a Kohl's department store because Inmate Twofeathers and his friend [REDACTED] selected approximately \$1,000 worth of merchandise and attempted to pay for it using fraudulent checks belonging to victims of identity theft. Officers conducted a probation search of the vehicle the two had arrived in and found a loaded .38 caliber Smith & Wesson revolver that Inmate Twofeathers admitted to handling. Officers also located drug paraphernalia, needles, and a small amount of methamphetamine. Inmate Twofeathers had 5 personal checks on his person, belonging to a victim, that were forged and made payable to Twofeathers. He attempted to hide these checks while in the backseat of the patrol vehicle but they were later discovered. He was charged with violations of Penal Code Sections 25400(a)(1) (felony), 475(c) (misdemeanor), and Health and Safety Code Section 11377(a) (misdemeanor) and an out-on-bail enhancement under Penal Code Section 12022.1.

Through his attorney, Inmate Twofeathers begged the court to be given the chance to attend a rehabilitation program in lieu of going to prison. His attorney made great efforts to get him accepted into the Delancey Street program in San Francisco. His attorney explained that Inmate Twofeathers had never been given the chance to get help and change his life. The Sacramento County Probation Department conducted a pre-sentence investigation and the defendant told them that he wanted to "make changes in his life so his six-year-old daughter does not have to grow up

without him in her life.” Over the People’s objection, and on the two-year anniversary of Tolly’s death (8/17/2016), the Honorable Geoffrey Goodman was willing to give Inmate Twofeathers such a chance. He said he would give a court offer, which would allow Inmate Twofeathers to participate in the Delancey Street program and upon successful completion to dismiss the charges against him. However, the Court warned, in the event Inmate Twofeathers failed out of the program or chose not to participate, the Court would suspend 4 years state prison (16 months on 15F07879, striking the punishment on all 3 prison priors, and 2 years 8 months consecutive on 16FE010375 striking the punishment for the out-on-bail enhancement).

Inmate Twofeathers agreed to this court offer and was released to participate in the Delancey Street program. On 10/6/16 I received a letter from [REDACTED] a representative of Delancey Street informing me that Inmate Twofeathers was a resident of their facility and had made a two-year commitment to the rehabilitative process. Less than two months later, on 12/1/16, I received another letter from Delancey Street informing me that Inmate Twofeathers had left the program of his own accord on 11/30/16 without successfully completing the program. A warrant was issued for his arrest and he was arrested on 1/19/17. Then after multiple defense-requested continuances, the 4-year suspended sentence was finally imposed on 4/28/17.

The People don’t dispute that Inmate Twofeathers has a drug problem. But he also has a violence and a gun problem. Being banned from guns over and over, being sentenced to prison for gun crimes, narrowly escaping a gun-related murder charge, and being out on bail while pending gun charges, did not stop this inmate from more gun crime. By his continuous convictions and violations of court orders, conditions of probation and mandatory supervision, Inmate Twofeathers has demonstrated an unwillingness and inability to rehabilitate and abide by the terms of parole. Most importantly, if being there for his six-year-old daughter was not enough motivation to keep him at Delancey Street, then it is doubtful that granting early parole will effect any better rehabilitation for this inmate.

As we are given 30 days to respond, and we are not provided with any disciplinary history or any other information aside from the one page notice of parole review, I cannot comment on Inmate Twofeathers’ prison conduct. However, from the record that is available it is clear that Inmate Twofeathers should not be released as he poses a significant, unreasonable risk of violence to the community. Parole should be denied.

Respectfully submitted,



Daniel M. Jensen
Deputy District Attorney
Sacramento County District Attorney’s Office