



# Sacramento County District Attorney's Office

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Non Violent Parole Review Process  
Board of Parole Hearings  
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**Re: Guardado, Atanacio AX6131**  
**Court Dockets: 14F06858, 15F00705**  
**Agency Number: SSD 14-224241, SPD 15-27544**

Inmate Atanacio Guardado is a habitual and career-criminal that should not be paroled early. As of 2015 when he received his current sentence, his RAP sheet had so many entries for arrests and convictions that it was 21 pages long. The circumstances surrounding his current convictions and his extensive prior criminal record (which is summarily set forth below) demonstrate that he poses an unreasonable risk of danger to the community and early parole should be denied.

Inmate Guardado's criminal history dates back to when he was a young adult (19 years old) when he was arrested for being in possession of a controlled substance in violation of Health and Safety Code Section 11377. Unfortunately, his initial association with illegal drugs did not stop there. In fact, not only have his criminal tendencies escalated, but they have spanned and consumed his entire adulthood.

In February 1984, Inmate Guardado began building his criminal resume when he was convicted of Exhibiting a Firearm in violation of Penal Code Section 417(a). He was sentenced to serve 30 days County Jail for this offense.

In November 1985, Inmate Guardado was convicted of misdemeanor Failure to Provide in violation of Penal Code Section 270. Then in March 1988, he was convicted of being under the influence of a controlled substance in violation of Health and Safety Code Section 11550. For that drug offense, he was sentenced to serve the statutory minimum of 90 days in County Jail.

A short two years later, in December 1990, Inmate Guardado received his first State Prison sentence of 2 years 8 months following two separate convictions of Possessing Methamphetamine for Sale in violation of Health and Safety Code Section 11378.

Refusing to learn from his past mistakes – and increasing the dangerousness of his conduct – in October 1992 while on parole, Inmate Guardado was convicted of being a felon in possession of a firearm in violation of Penal Code Section 12021. Although he initially was to serve 240 days in County Jail for that offense, he was violated on his parole and sent back to State Prison.

A mere 3 years later, in December 1995, Inmate Guardado again was convicted of being a felon in possession of a firearm. In addition, he was arrested and convicted of Possessing Marijuana for Sale while out on bail. He also was arrested and convicted of possessing a controlled substance. He ultimately was sentenced to serve 4 years State Prison for these offenses.

Following his release from prison, Inmate Guardado was convicted of two more felonies in October 1998 – Transportation for Sale of Methamphetamine in violation of Health and Safety Code Section 11379 and Evading a Police Officer with Willful Disregard in violation of Vehicle Code Section 2800.2. He was again sent back to State Prison to serve another 3 years 8 months in custody.

Refusing to give up his criminal activity as a way of life, in April 2002, Inmate Guardado again was convicted of possessing Methamphetamine for Sale in violation of Health and Safety Code Section 11378. For this felony offense he was sentenced to serve 3 additional years in State Prison.

After sustaining multiple violations of parole over the following 5 years, in January 2009 Inmate Guardado again was convicted of selling drugs and being in possession of methamphetamine for sale in violation of Health and Safety Code Section 11378. The Court sentenced him to 11 years State Prison at that time.

Despite these multiple, prior state prison commitments, Inmate Guardado's repeated time spent in prison has apparently had no rehabilitative effect on his criminal tendencies. This was made readily apparent by his most recent offenses for which he now seeks early parole. Specifically, on September 14, 2014, officers conducted a probation search of the vehicle wherein Inmate Guardado was a passenger. Guardado was arrested after approximately 111.7 grams of methamphetamine, plastic bags, a digital scale and \$200 cash were located inside the vehicle. While out on bail for that offense, on January 30, 2015, the Sacramento PRCS Regional Team went to the home of a probationer named Patrick Alexander. Inmate Guardado was detained when he was located inside the home. A probation search of Guardado's van revealed a loaded stolen firearm under the passenger seat. Inmate Guardado ultimately pled guilty to possessing methamphetamine for sale (as set forth above he had five prior drug related sales convictions) and he also admitted to being a felon in possession of a firearm in violation of Penal Code Section 29800 while out on bail. It is this sentence that he now seeks to avoid fulfilling.

It is abundantly clear that Inmate Guardado is incapable of rehabilitation. While awaiting the resolution of one case for being in possession of narcotics for sale, he picked up an entirely new case for possessing a loaded stolen firearm. Inmate Guardado will re-offend as it is a way of life for him. Methamphetamine is an inherently dangerous and addictive drug. Inmate Gaurdado has been convicted numerous times for transporting and/or possessing methamphetamine for sale and numerous times for being a felon in possession of firearms. His prior releases while on parole have not gone without violations, and allowing him early release now would only serve as a huge injustice to our community.

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 Guardado's prison conduct. However, from the record that is available, it is clear that Inmate Guardado poses a significant, unreasonable risk of violence to the community. Early parole should be denied.

Respectfully submitted,



Jennifer Kennedy

Deputy District Attorney

Sacramento County District Attorney's Office