



Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings
Correspondence – NVSS
P.O. Box 4036
Sacramento, CA 95812-4036

Re: California Department of Corrections and Rehabilitation Inmate
James Lamont Gray – CDCR Inmate Number BB7581

Greetings:

The Sacramento County District Attorney's office has received notice that CDCR inmate James Lamont Gray (CDCR inmate number BB7581) is scheduled for a review, under the non-violent second-strike offender release program, for possible early release from the lawfully imposed sentence in Sacramento County Superior Court case number 16FE016906.

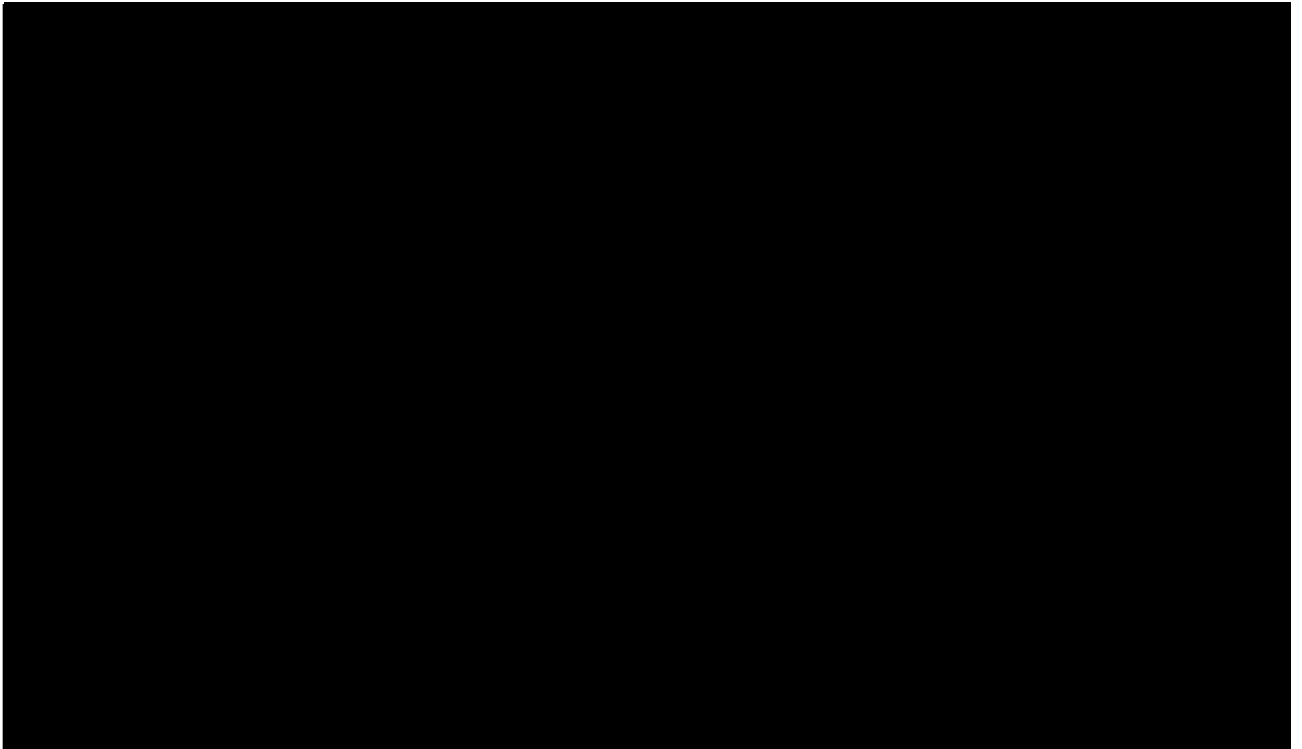
I write on behalf of this office and the citizens of Sacramento County to oppose any early release from custody for Mr. Gray, because to do so would impose an unreasonable risk to public safety. Public safety involves the basic concept of people being free from crime and those who continue to commit crime on a repeated basis.

Under the NVSS process, The Board of Parole Hearings, through its assigned deputy commissioner, is given broad discretion to decide if an eligible inmate should be granted an early release from a previously imposed two-strike prison sentence. In this evaluation process, the Board must determine if granting the inmate an early release would "pose an unreasonable risk to public safety." In making this decision, the BPH may consider all relevant and reliable information, including, but not limited to, the inmate's criminal history, institutional behavior, rehabilitation efforts, and any written statements received.¹

While James Lamont Gray is only twenty-five years old, [REDACTED] he has engaged in a notable pattern of persistent criminal conduct including residential burglary; illegal possession of a concealable firearm; illegal possession of ammunition by a convicted felon; illegal possession of a controlled substance; [REDACTED] unlawful taking of a motor vehicle. He is a documented gang member, has been committed to state prison at least twice since 2011, and was on post-release community supervision following his release from state prison at the time of his latest commitment offense.

¹ CDCR Website – NVSS Review/Results

The Board should review carefully Mr. Gray's continuing pattern of criminal conduct.



- December 2010, convicted of a felony violation of P.C. 120225(a)(6); granted probation; probation later revoked and sentenced to serve 16 months in state prison (case number 10F06221).
- February 2011, convicted of a felony violation of Health & Safety Code section 11350(a); granted probation; probation later revoked and sentenced to serve two years in state prison. (case number 10F07597); later reduced to a misdemeanor pursuant to Proposition 47 and P.C. 1170.18.
- February 2011, convicted of a misdemeanor violation of P.C. 10851(a); informal probation (case number 10M02831).
- October 2011, convicted of a felony violation of P.C. 459-1st (residential burglary); sentenced to serve two years in state prison (case number 10F07597). [“strike”]
- July 2013, violation of V.C. 12500(a)
- April 2015, convicted of a felony violation of P.C. 30305(a)(1); sentenced to serve two years in state prison.
- December 2016, convicted of a felony violation of V.C. 10851(a); in addition, a prior “strike” conviction was found true; sentenced to serve thirty-two months in state prison. This is the current commitment offense. At the time of this offense, Mr. Lamont had an outstanding warrant for his arrest for violating the terms of his P.R.C.S. release (not reporting; whereabouts unknown). In this case, the police found Mr. Gray in possession of a stolen car. When contacted, he initially gave a false name.

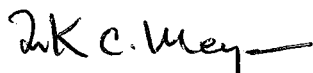
As noted above, under the NVSS, the Board of Parole Hearings, through its assigned deputy commissioner, is tasked with deciding if an eligible inmate should be granted an early release from a previously imposed two-strike sentence. In the course of making this determination, the key inquiry is whether the granting of an early release to the inmate would pose an unreasonable risk to public safety. The core determination of public safety involves a thoughtful assessment of the inmate's current dangerousness, that is, whether it is reasonable to conclude the inmate will be able to live in society without committing a new crime or crimes. There is no set formula for making such a determination and what is reasonable. Rather, it is the exercise of sound judgement, after a careful consideration of all available relevant facts and circumstances. While not an easy task to predict what a person will do in the future, one proven way to gauge a person's future conduct is to look at what the person has done in the past.

In the case of inmate James Lamont Gray, his record shows an unending course of criminal conduct [REDACTED]. The record also shows Mr. Gray has continued his criminal activity even while on probation, and parole. It was but a short time after his release from CDCR on P.R.C.S. that he committed his most recent offense and was returned to CDCR custody. Mr. Gray's record demonstrates his failure to comply with the terms and conditions of any probationary or parole release, as well as his unwillingness to live in society without committing a new crime. [REDACTED] Mr. Gray has had [REDACTED] six [REDACTED] convictions, including a "strike" offense, and four commitments to state prison. His history of criminal conduct involving the illegal possession of a firearm, and firearm ammunition, coupled with his gang involvement indicates Mr. Gray is a dangerous individual, and a threat to the public safety. The entire record shows he has no interest in reformation or rehabilitation, and makes clear that if released early, he would pose a current unreasonable risk to public safety.

The Sacramento County District Attorney's office urges the Board of Parole Hearings to consider carefully Mr. Gray's notable history of continuing criminal conduct, as well as any other information relevant to its NVSS decision, and when it has done so, it will see there is ample evidence in the record to find that any kind of early release for him would pose an unreasonable risk to public safety, and should be denied.² Early release under the NVSS program is a privilege not a right, and one that has to be earned and deserved. Mr. Gray's record of recidivism clearly demonstrates that any early release back into society would pose an unreasonable risk to public safety, and should be delayed for as long as legally possible.

Respectfully submitted,

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DISTRICT ATTORNEY



Frank C. Meyer
Deputy District Attorney

² See: In re Ilsa (2016) 3 Cal. App. 5th 489, 506-510.