



Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings
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RE: Smith, James, G-44249

Thank you for the opportunity to address the Board in making their decision on Inmate Smith's suitability for release. Quite simply, Inmate Smith is a terrible candidate for early parole release because:

- 1) he will cross any moral or criminal line to benefit himself;
- 2) throughout his entire adult life, he has consistently committed new offenses when released on probation or parole; and
- 3) he will abscond if released on parole.

These reasons make Inmate Smith completely unsuitable to early release. If the Board would indulge me for a moment, I would like to take this opportunity to provide specific examples in support of our opposition.

- 1) The facts of his current commitment offense are particularly telling in that they show Inmate Smith will immediately reoffend, regardless of who the victim may be to him. In 2011, Inmate Smith was homeless and had burned nearly every relationship or support system that ever existed in his life. Out of the kindness of their hearts, 81-year old victims Billie and Harlin H. took this lifetime criminal into their home because he was a distant relative and he had nowhere else to turn. Within months, Inmate Smith stole Billie H.'s wedding ring and other jewelry, and pawned them for cash. In short, a little old lady gave Inmate Smith a bed, when no one else would... and in return, he stole the symbol of her marriage and pawned it. There is not a person on earth who this Inmate would not victimize, if he can realize a benefit in some way.
- 2) Parole or probation means nothing to Inmate Smith, as he has demonstrated throughout his entire life. Of course, Inmate Smith committed his current offense while he was released on Parole for his 2008 felony theft where he stole a co-worker's credit card. Inmate Smith committed the 2008 offense while on probation for writing stolen checks in 2006. In 2001, while on parole from his Strike offense, Inmate Smith attempted to pass more stolen checks, was caught, convicted, and sentenced to state prison again. In 1999, Inmate Smith committed his Strike offense while on Felony Probation for vehicle theft. In 1998, Inmate Smith committed his Felony Vehicle Theft while on Felony probation for 2nd Degree Felony Burglary. In 1997, when he committed his 2nd Degree Felony Burglary, Inmate Smith was on Felony probation for Criminal Mischief in Texas. No one in good conscious can look at

this record of insolence and conclude that Inmate Smith would do anything different if released on parole early.

- 3) When Inmate Smith was interviewed by Sacramento County Probation for the commitment offense and advised that he would be placed on parole at some point, Inmate Smith stated that "he would run from parole." This is the epitome of audacity! Inmate Smith in plain and no uncertain terms has put the Board on notice that he will not comply with parole conditions if released.

For the Board's quick reference, I have attached a copy of Inmate Smith's last probation report, which details many of the facts I have presented above.

The People's position can be summarized most simply by asking ourselves, and the Board, one question: Were Inmate Smith released early and he committed a new offense, what on earth would we (the criminal justice system) tell that new victim?

Could we say that Inmate Smith *earned* his early release? Would we say that he has been *effectively rehabilitated* from his criminal ways? Would we say, it's not our problem because there is just not enough room in prison for guys who have spent the last 20 years committing crimes?

The People of California have directed us otherwise. They did so in 1993 when they passed the Three Strikes Scheme and no law since has overruled that intent: Career Criminals should get increased sentences, not early parole.

The People are mindful of the Board's arduous task of identifying our most egregious offenders and then targeting our great State's precious and scarce resources appropriately. Inmate Smith **DESERVES** a bed behind bars in one of our fine penal institutions.

The Sacramento County District Attorney's Office strongly believes that Inmate Smith is not an appropriate candidate for early parole.

Respectfully,

Matt Chisholm
Deputy District Attorney
County of Sacramento