



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

August 6, 2018

Non-Violent Second Striker Board of Parole Hearings
Correspondence-NVSS
Post Office Box 4036
Sacramento, CA 95812-4036

Re: **Boyce, Kevin Alexander** CDC # **V36883**

Sacramento Superior Court **02F10135**

The Sacramento County District Attorney's Office opposes the early release of Inmate Boyce as he poses an unreasonable risk of violence to the community. Our office has submitted letters in opposition to Inmate Boyce's prior requests for early release. We ask that they be considered again. They are attached.

Inmate Boyce's documented disciplinary history while in state prison additionally adds concerns about his risk to the community. Although requesting early release, Inmate Boyce has continued to violate prison rules. These include a March 8, 2013 refusal to report to his educational class, a March 19, 2014 refusal to submit a urine sample for drug testing after officials smelled marijuana coming from his cell, a March 21, 2014 violation for possessing marijuana, and a January 5, 2017 violation for using marijuana based on a positive test sample. Most concerning is a March 21, 2014 violation for yelling at a correctional officer. This pattern of defiance of the rules gives us no confidence that Inmate Boyce will not return to his pre-prison behavior of burglarizing homes. This is not the behavior of an inmate that has earned early release.

Due to the reasons enumerated above as well as the reasons in the prior letters, we oppose Inmate Boyce's early release request.

Respectfully,

A handwritten signature in black ink, appearing to read "Susan Nelsen", written over a horizontal line.

Susan Nelsen
Deputy District Attorney



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
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Attn: Non-Violent Second Striker
Board of Parole Hearings
Correspondence-NVSS
P.O. Box 4036
Sacramento, CA 95812-4036

RE: Boyce, Kevin Alexander – CDCR # V36883

August 26, 2015

“Burglary, with its attendant use of tools and sharp instruments to accomplish entry, is a crime that inherently carries with it a potential for violence.” These are not the words of a prosecutor or a policeman, these words were written by Justice Kathleen Butz, with concurrences by Justice Richard Sims, and now California Supreme Court Chief Justice Tani Cantil-Sakauye, when deciding whether the officer who arrested Inmate Boyce after his most recent crime spree could consider Boyce armed and dangerous and thus subject him to a pat-down search. The answer to the question then, as it is now, is “yes,” because burglars are often armed, and always dangerous.

Kevin Boyce, whose crimes are not technically considered to be violent under the Penal Code, is still a person who does violence on society whenever he is free to do so. The crime of burglary often shakes victims to their very core. Their sense of security, well-being, and autonomy is dashed in the time that it takes to throw a rock through a child's window, as Inmate Boyce did during one of the three burglaries he was convicted of committing before he was arrested. As a Career Criminal prosecutor whose caseload is largely comprised of serial residential burglaries, I can attest that burglary victims being forced from their homes because they are unable to continue sleeping in their own beds, children crying out for their parents in the middle of the night because they are afraid of the “bad man” who stole their piggy-banks are common-place in this business. Burglary victims experience a profound sense of violation of their privacy and an assault on their sense of security and would undoubtedly be dismayed to learn that their victimization is considered to be “non-violent.”

Inmate Boyd could have been sentenced to 25 years-to-life for this offense since he had two prior strike residential burglaries when he committed these three new burglaries. In fact, the District Attorney would have been well within her rights to request that Inmate Boyce be sentenced to 25 years-to-life for each of the three counts for which he was convicted by a jury of his peers. This inmate got his break when he was sentenced to a determinate term of 24 years and 8 months in prison. The People agreed to

this sentence, trusting that Boyce would serve 80% of his time and thus protect society for a reasonable period from his predatory proclivities.

Five separate convictions for residential burglary prove that this was not a random occurrence, or a momentary lapse in judgment for Boyce. He is a burglar, who steals not only people's property, but also their peace of mind. Ensuring that he complete the sentence he so richly deserves will allow the people of Sacramento to sleep better in their beds at night.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Alexander', written in a cursive style.

Samuel Alexander
Deputy District Attorney
Career Criminal Prosecution



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

June 15, 2016

Non-Violent Second Striker Board of Parole Hearings
Correspondence-NVSS
Post Box 4036
Sacramento, CA 95812-4036

RE: **Boyce, Kevin Alexander** CDC # **V36883** Sacramento Superior Court case **02F10135**

Inmate Boyce was granted probation for his first residential burglary on 10/27/94. Less than 5 months later and while on felony probation, Inmate Boyce committed his second serious felony, residential burglary, on 3/23/95. He was sentenced to 4 years in prison and suffered at least 4 parole violations before being arrested for his next burglary series which resulted in his current sentence. He was convicted of two counts of residential burglary, one count of receiving stolen property for being found in possession of property stolen from yet another residential burglary, and second degree burglary.

Inmate Boyce has 7 felony convictions, 5 of which are serious felonies or strikes.

Our first letter submitted in opposition to his early release as a non-violent second striker dated August 26, 2015 is attached to this letter. We ask that it be considered again for everything written therein remains true. He was denied early release on September 3, 2015. We remain opposed to his early release.

Respectfully,

Robin B. Shakely
Assistant Chief Deputy District Attorney
Sacramento County District Attorney's Office