



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

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

RE: **Gardner, Joseph E.** CDC # **BB2065** Sacramento Superior Court case **16FE011099**

Inmate Gardner has already been the beneficiary of one NVSS early release for his conviction of Health & Safety Code § 11378 on his prior case 14F04581 under CDC# AD7404. In that case he was caught with half an ounce of methamphetamine and was convicted of possessing it for purposes of sale. In other words, he possessed it to make money off of spewing poison in our community. He was most recently released to P.R.C.S. on 11/22/15.

His current conviction arose out of conduct committed 7 months later when he was once again found to be in possession of methamphetamine for purposes of sale. This time he possessed 38 grams [1.3 ounces] of this highly addictive and destructive drug. Once again, he received a term of 32 months in State Prison.

Inmate Gardner now has 9 felony convictions. He was on parole for his strike offense when he committed the last offense which netted him the state prison sentence from which he was granted early release. He was on P.R.C.S. when he committed the current offense.

In addition to dealing drugs, Inmate Gardner has made his living as an identity thief, a business burglar, a car burglar and a residential burglar. When he was committed to prison this time, he owed \$23,149.72 in restitution. His last payment was of \$274 on 7/29/10. He clearly has no intention of paying off his victims for the havoc he has wrought in their lives.

As the attached probation reports will show, he has completed 3 substance abuse treatment programs: Our House in 1998, Freedom House in 2004 and Sacramento Recover in 2013. He has probably been involved in substance abuse programming in prison. He knows all the right things to say. He will probably insist that THIS time he is serious about leaving his life of crime. Nothing could be further from the truth. When he is released from prison, there is no reason to believe that he will make an honest living. Instead, we have every reason to believe that he will return to drug dealing, identity theft and burglaries to support himself. One ill-advised early relief is enough. The District Attorney requests that NVSS release be denied as he is a proven public safety risk to any community in which he resides.

Respectfully,

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