



# 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  
Rufus Joseph Valadez – CDCR Inmate Number AZ7292

Greetings:

The Sacramento County District Attorney's office has received notice that CDCR inmate Rufus Joseph Valadez (CDCR inmate number AZ7292) is scheduled for a review, under the non-violent second-strike offender release program,<sup>1</sup> for possible early release from the lawfully imposed sentence in Sacramento County Superior Court case number 16FE005307.

I write on behalf of this office and the citizens of Sacramento County to oppose any early release from custody for Mr. Valadez, because, to do so would impose an unreasonable risk to public safety. Public safety involves the 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.<sup>2</sup>

Rufus Joseph Valadez is forty-eight years old. He has a criminal record that spans thirty years. In fact, he has spent almost his entire adult life committing crimes and being incarcerated in county jail or state prison. A review of his criminal history demonstrates he has engaged in a continuing course of criminal conduct involving illegal possession of a controlled substance; illegal

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<sup>1</sup> As stated by CDCR, it is understood that the department is currently subject to a court issued mandate to have a parole process that allows certain offenders convicted of a second strike based on a "non-violent" offense to be eligible for parole (early release) after serving 50% of their term. It is also acknowledged that CDCR has chosen to classify any felony crime not specified in Penal Code section 667.5(c) as "non-violent" for purposes of determining NVSS review eligibility.

<sup>2</sup> CDCR Website – NVSS Review/Results

possession of a controlled substance for sale; domestic violence; battery; illegal possession of a firearm by a convicted felon, and arson. We ask that your carefully review Mr. Valadez' long criminal history.

In July 1986, Mr. Valadez was convicted of a misdemeanor violation of Penal Code section 594(a) – vandalism. He was granted probation (Sacramento Superior Court case/docket number 86M04010).

In June 1989, Mr. Valadez was convicted of a misdemeanor violation of Penal Code section 273.5 – “domestic violence.” He was granted probation (Sacramento Superior Court case/docket number 89M09800).

In August 1989, Mr. Valadez was convicted of a felony violation of Health and Safety Code section 11378 - illegal possession of a controlled substance for sale. He was granted probation and ordered to serve 240 days in county jail (Sacramento Superior Court case/docket number 90624).

In August 1989, Mr. Valadez was also convicted of a misdemeanor violation of Vehicle Code section 23152(a) – driving under the influence of alcohol or drug. He was granted probation (Sacramento Superior Court case/docket number 89F03972). As part of a plea agreement in this case, a charge alleging a violation of Health and Safety Code section 11377 was dismissed.

In May 1991, while on probation in the above case 90624, Mr. Valdez was convicted of another felony violation of Health and Safety Code section 11378. He was sentenced to serve a term of two years in state prison. (Yolo County Superior Court case number 12528. CDCR inmate number E95070).

- While the above Yolo County case 12528 was pending, Mr. Valadez was convicted of a misdemeanor violation of Penal Code section 4600 – destroying or damaging jail property. He was ordered to pay a fine. (Yolo County case/docket number 47667)

In June 1992, Mr. Valadez was convicted of a misdemeanor violation of Business and Professions Code section 4149 – illegal possession of a hypodermic needle/syringe. He was ordered to serve 180 days in county jail. (Sacramento Superior Court case number 92F05254)

In February 1993, Mr. Valadez was convicted of a felony violation of former Penal Code section 12021(a)<sup>3</sup> – convicted felon in possession of a firearm. He was sentenced to serve a term of two years in state prison. (Sacramento Superior Court case number 118447)

In June 1994; February 1996; and May 1997, Mr. Valadez was returned to CDCR custody on parole violations.

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<sup>3</sup> P.C. 12021 was repealed in 2010, and re-enacted as P.C. 29800. (2010 ch. 711 (SB1080)).

In August 1998, Mr. Valadez was convicted of a second felony violation of Penal Code section 12021. He was sentenced to serve a term of two years in state prison. (Sacramento Superior Court case number 98F05588). In addition, Mr. Valadez was convicted of a felony violation of Health and Safety Code section 11377, and sentenced to serve a term of eight months consecutive to the sentence imposed in 98F05588 (Sacramento Superior Court case number 98F05665)<sup>4</sup>.

In June 2000, Mr. Valadez was convicted of a felony violation of Health and Safety Code section 11377. He was sentenced to serve a term of two years in state prison (Sacramento Superior Court case/docket number 00F05093).

In April 2002, Mr. Valadez was returned to CDCR custody for a parole violation (CDCR number P08981).

In April 2004, Mr. Valadez was convicted of a felony violation of Penal Code section 451(d) – arson of property; in addition, several alleged P.C. 667.5(b) prior convictions were found true. He was sentenced to serve a term of seven years in state prison (Sacramento Superior Court case/docket number 03F04615). The record of conviction in this case shows Mr. Valadez was convicted of burning a 1991 Chevrolet pick-up truck, the property of [REDACTED]. This offense is a “strike” under the California three strikes law (Penal Code section 1192.7(c)(8)), and Mr. Valadez is required to register as a convicted arsonist under California law (Penal Code section 457.1).

In March 2011, Mr. Valadez was convicted of a felony violation of Penal Code section 273.5 – “domestic violence.” In addition, a prior “strike” conviction (P.C. 667(e)(1) and a prior prison conviction (P.C. 667.5(b)) were found true. He was sentenced to serve a term of five years in state prison (Sacramento Superior Court case number 10F05780). The facts of this case, as presented in Elk Grove Police Department report 10-8280,<sup>5</sup> are: Mr. Valadez and the female victim had lived together for approximately ten years, and have two children together. Mr. Valadez and the victim got into a verbal argument, during which Mr. Valadez proceeded to grab the victim by the hair and choke her with both his hands. He then punched the victim in the eye and chin with a closed fist like she was a man. Mr. Valadez then proceeded to throw hot grease on the victim from a pan in the kitchen. Not done, Mr. Valdez threw a full 16.9 ounce water bottle at the victim, striking her in the arm, and leaving a golf ball size welt on her arm; the water bottled deflected off the victim’s arm and struck the second victim, a 2 ½ year old child, in the neck.

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<sup>4</sup> Mr. Valadez was initially charged in this case with a felony violation of P.C. 4573.6 – illegal possession of a controlled substance in a jail or prison institution. He pled to the violation of H&S 11377 as part of a plea agreement.

<sup>5</sup> The underlying facts of this case should also be included in the P.C. 1203(c) report from the probation department and be part of Mr. Valadez’ C-file.

In September 2013, while still in the custody of CDCR, Mr. Valdez was arrested and charged with a violation of Penal Code section 4501 – assault by a prison inmate. He was convicted of a misdemeanor violation of Penal Code section 242 (battery), and sentenced to serve six months concurrent with the sentence he was then serving (Madera County Superior Court case/docket number MCR047156).

In April 2015, Mr. Valadez was released from CDCR on PRCS. In April 2016, he was convicted, again, of a felony violation of Health and Safety Code section 11378 – illegal possession of a controlled substance for sale; in addition, a prior “strike” conviction was found true. He was sentenced to serve a term of thirty-two months in state prison. In this case, Mr. Valadez was stopped by the police and found to have eleven grams of methamphetamine, in three separate baggies and a scale. This is the term Mr. Valadez is presently serving (Sacramento Superior Court case/docket number 16FE005307).

In addition to the above documented criminal activity, police records indicate Mr. Valadez is an “OG” Norteno street gang member.

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 – 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 Rufus Joseph Valadez, his past shows a long and continuing course of criminal conduct, including illegal possession of a controlled substance, illegal possession of a controlled substance for sale; illegal possession of a firearm; violence toward others, including domestic violence and battery (while in prison), and arson. The record shows he has continued his criminal activity even while on probation, parole, and most recently, post release community supervision. He had been released from CDCR custody for less than a year when he was arrested and convicted of his latest offense. Even while incarcerated, Mr. Valadez continued his criminal conduct. Mr. Valadez’ conduct demonstrates a total failure to comply with the terms and conditions of any probationary or parole release, and an unwillingness to live in society without committing a new crime. His history of criminal conduct involving the illegal possession of firearms and violence toward others demonstrates Mr. Valadez is a dangerous individual. The entire record shows he has no interest in reformation or rehabilitation, and makes clear that if

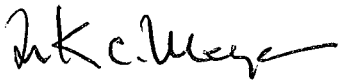
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released early, he would pose a current unreasonable risk to public safety. Such a confirmed recidivist should not be rewarded with any kind of early release from prison.

The Sacramento County District Attorney's office asks the Board of Parole Hearings to consider carefully the relevant information concerning Mr. Valadez and his notable history of criminal conduct, 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.<sup>6</sup> Mr. Valadez' release back into society should be delayed for as long as legally possible.

Respectfully submitted,

ANNE MARIE SCHUBERT  
DISTRICT ATTORNEY



Frank C. Meyer  
Deputy District Attorney

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<sup>6</sup> See: In re Ilasa (2016) 2016 Cal. App. LEXIS 779.