



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

Early Prison Releases: DECEMBER 2017 Update

In January 2015, the Department of Corrections and Rehabilitation began a new parole determination process after a federal court ordered California to reduce prison overcrowding. As a result, inmates characterized as “nonviolent second-strikers” (NVSS) became eligible for early parole. In November 2016, Proposition 57 was then passed with the promise that “nonviolent” inmates who “turn their lives around” in prison could also earn early parole under a new “nonviolent parole review” (NVPR).

Qualifying NVSS and NVPR inmates must not currently be serving a sentence for a crime legally categorized as a violent felony and must not be required to register as sex offenders. NVSS inmates must have served (or be within 12 months of serving) only 50 percent of their sentence, while NVPR inmates may be paroled after serving the base term for the principal offense and may earn additional conduct credits.

The Board of Prison Hearings (BPH) determines whether NVSS or NVPR offenders would pose an unreasonable risk of violence to the community based on a paper review of prior criminal history, facts of the current commitment offense, behavior in prison, rehabilitation efforts, whether the inmate has any medical condition which might affect the ability to re-offend, and written statements.

Unlike parole hearings - where the prosecution, defense attorney, and victim may appear - there is no public hearing for these BPH administrative reviews. Additionally, no evidence-based risk assessment is conducted prior to consideration of early release to indicate an inmate's safety risk.

The Sacramento County District Attorney's Office takes an active role in evaluating NVSS and NVPR cases. For inmates who appear to pose a danger to the public, the office writes opposition letters to BPH with an overview of the inmate's criminal history and current commitment offense, and an opinion on the public safety risk if an inmate is granted early release. NVPR cases are especially concerning since prosecutors are denied access to records of the inmate's behavior behind bars, which is critical to rehabilitation, and do not have a right to appeal an early parole decision.

Many of the offenders who are granted early prison release have violent and lengthy criminal histories. District Attorney Anne Marie Schubert feels it is important for the public to be aware of the so-called “nonviolent” offenders being released early from prison into our neighborhoods.

As of **December 29, 2017**, **306** inmates sentenced from Sacramento County have been granted early prison release. Information about some of these inmates can be found on the Early Prison Releases webpage at www.sacda.org/early-prison-releases. Monthly press releases are issued to provide the public with a sampling of recent noteworthy offenders, including:

Eugene Alex Piert (Case #10F05344) – Piert committed a series of residential burglaries and vehicle thefts in 1988, which amounted to more than \$18,000 worth of damage and lost property. He was convicted of several burglary and vehicle theft charges in 1989 and was sentenced to 6 years in prison for these offenses. Within one year of being on parole, officers stopped Piert while driving a stolen Corvette in 1993. The Corvette and items found in the car had been stolen in a residential burglary that same day. He was convicted of vehicle theft and admitted to a 1-year prison prior for a 4-year prison sentence. He was released on parole in 1995. In 1996,

Sacramento police detectives received information that Piert was committing burglaries and selling the property to local pawn shops. An investigation revealed that Piert had pawned property related to four recent residential burglaries. In 1997, he was convicted of five counts of buying or receiving stolen property with one prior strike allegation. He received a sentence of 13 years and 4 months in prison. Piert was released on parole in 2006. In 2009, he was convicted of driving a motor vehicle with a blood alcohol level of .11 percent. Piert was discharged from parole supervision in 2009. While on informal probation, he committed three first-degree burglaries and is currently serving a prison sentence of 22 years and 4 months. In those cases, Piert stole property worth thousands of dollars from each victim, including four handguns and ammunition. Piert has engaged in serious and consistent criminal activity for close to 30 years, spending decades in a revolving door of criminal conduct and time spent in custody totaling more than 20 years. Residential burglaries are a dangerous crime, especially with Piert stealing firearms and placing more illegal guns on the street. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community. [Opposition Letter](#)

Brett Allen Evans (Case #15F00861) – Evans is a validated member of the Ridezilla gang. In 2005, he received a strike conviction for robbery. The victim in that case was a 60-year-old man who was accosted by Evans and his accomplice outside of a supermarket. While the accomplice threatened the victim with a gun, Evans stole the victim's money. Before leaving, the accomplice pistol whipped the victim. In 2009, Evans was convicted of accessory after the fact and received a sentence of 16 months in prison. The victim in this case was beaten and robbed. Evans was identified by the victim as one of the men who took part in the assault and robbery. In 2012, he was convicted of buying or receiving stolen property and was sentenced to 4 years in prison. In that case, Evans was the driver of a vehicle seen leaving the scene of a residential burglary. When he and his accomplices were stopped in the vehicle soon after, officers found items from the burglary in their possession. Evans was on Post-Release Community Supervision (PRCS) at the time of his committing offense. In his current case, Evans and other gang members participated in the residential burglary of a marijuana grow house. Gang members committing burglaries of lucrative "marijuana grows" are a frequent and alarming source of violent crime. As a gang member with violent prior felonies and a penchant for violating probation and parole, Evans has a criminal history spanning 12 years and numerous parole or PRCS violations. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community. [Opposition Letter](#)

Raul Orlando Garcia (Case #15F07222) – In 2008, Garcia was convicted of making criminal threats and was sentenced to 2 years in prison. In that case, officers were dispatched to a rape reported by a 16-year-old girl who was held against her will. The victim had run away from home and had been staying with Garcia. The two had consensual sex several times. Garcia then had a friend come over and they informed the victim they were going to use her as a prostitute. The victim attempted to leave the residence, but Garcia told the victim that he would kill her if she left. Garcia's friend then forcibly raped the victim at gun point. The victim was able to escape the next day. In 2015, officers attempted to pull over a vehicle that had been reported stolen. Garcia was the driver and led officers on a high speed chase. Garcia drove 70 mph on surface streets before crashing into parked cars. He then ran on foot and was eventually caught by officers. Garcia has multiple theft and drug related felony convictions. In 2012, he served 16 months in prison for conduct involving narcotics and ammunition. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community. [Opposition Letter](#)