



Sacramento County District Attorney's Office

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July 31, 2017

Non-Violent Parole Review Process
Board of Parole Hearings
Correspondence - NV
Post Box 4036
Sacramento, CA 95812-4036

RE: LONDON THURNER CDC # BA7767 Docket: 15F03615

Inmate Thurner has a documented, life-long, and consistent history of committing crimes and should not be granted early release on parole. The circumstances surrounding his current conviction, as well as his prior criminal record, show that he poses an unreasonable risk of violence to our community.

Mr. Thurner has a lengthy criminal history that includes multiple prior felony convictions. On April 20, 1993 Mr. Thurner was convicted of his strike offense, a violation of Penal Code Section 459 (First Degree Burglary). He was sentenced to 180 days in county jail and placed on five years of probation. While still on probation, on March 24, 1995, Mr. Thurner was convicted of a violation of Vehicle Code Section 10851 as a misdemeanor and returned to jail, serving 180 days for this crime. Mr. Thurner was on two grants of probation simultaneously from March 24th 1995 through February 19th 1998.

On February 19, 1998, Mr. Thurner was convicted of a felony violation of Health and Safety Code Section 11377 and a misdemeanor violation of Penal Code Section 12020. These convictions resulted in Mr. Thurner's first trip to state prison, as he was sentenced to serve 32 months in a state penal institution. According to his 969(b) packet, the inmate was released from custody and placed on parole on March 25, 2000.

Less than one year later, while still on parole, Mr. Thurner was arrested for a violation of Health and Safety Code Section 11378 (possession of methamphetamine for sale) on January 24, 2001. Convicted of this crime on February 8, 2001, Mr. Thurner was sent back to prison for 32 months, admitting his prior strike once again. He was released from custody on August 25, 2003 and placed on parole for a second time. The inmate was discharged off of parole on September 24, 2004. This began a five year period where the inmate remained relatively free from law enforcement supervision or custody, absent a brief stint in local custody for an arrest related to Business and Professions Code Section 4140 (selling syringes without a permit) in January of 2005.

This crime/custody free time-period ended on December 11, 2008, when Mr. Thurner was arrested once again for a violation of Health and Safety Code Section 11378 (possession of methamphetamine for sale). On March 2, 2009, the inmate was once again convicted and sentenced to 32 months in state prison. Mr. Thurner's 969(b) packet indicates he was released from state custody on January 25, 2011, being placed on parole for the third time.

Two months elapsed before Mr. Thurner returned to custody on a parole violation, serving additional custody time between March 30, 2011 and June 8, 2011. He then was released and returned to parole

status.

A mere three months elapsed until Mr. Thurner was arrested once again for a drug sales related crime. On September 30, 2011, the inmate committed a violation of Health and Safety Code Section 11378 (possession of methamphetamine for sale). As a result, in April 2012, Mr. Thurner returned to state prison for another installment of 32 months. He was discharged to Post Release Community Supervision (PRCS) on October 9, 2013. Only a month passed before Mr. Thurner was back in custody.

While on PRCS, on November 21, 2013, the inmate was arrested for a violation of Health and Safety Code Section 11377. On December 10, 2013, Mr. Thurner admitted the crime and his prior strike for the now familiar sentence of 32 months in state prison. This represented Mr. Thurner's fifth state prison sentence over the fifteen year period between 1998 and 2013. On each occasion during those 15 years, inmate Thurner received a lenient sentence, as each 32 month stint was comprised of the low term doubled based on the prior strike.

According to his 969(b) packet, Mr. Thurner was released on parole on December 30, 2014. Within a few days, Mr. Thurner absconded from parole on January 9, 2015. He was placed back on parole in March of 2015. He managed three months of custody free time prior to being arrested for his commitment offense, a fourth violation of Health and Safety Code Section 11378 (possession of methamphetamine for sale).

In the current commitment offense 15F03615, Mr. Thurner admitted possession of 125 grams of methamphetamine to law enforcement. Additionally, located amongst the inmate's possessions was a digital scale, unused packaging materials, and more than \$4,000 in cash. On August 19, 2016, less than one year ago, Mr. Thurner received a sentence of 8 years and 8 month in prison.

I am the deputy district attorney that handled Mr. Thurner's most recent case. Prior to the resolution of these charges, Mr. Thurner accused the police of an improper search of his vehicle, filing a motion to dismiss the information against him based on a violation of his Fourth Amendment search and seizure rights. I opposed this motion and the Court agreed with me. Mr. Thurner then tried to have a court dismiss his prior strike offense. I opposed this motion and the Court agreed with me, citing the fact that inmate Thurner's serious and consistent criminal history made it patently obvious he should not be granted such extraordinary relief. It was only after this extensive litigation that a plea deal was reached.

Now inmate Thurner comes before this board to ask you to do what multiple Judges declined to do, which is take action to mitigate or shorten his prison sentence. Mr. Thurner is a convicted felon multiple times over with a previous strike offense. His significant criminal history involves six distinct sentences to state prison and the behavior in the current matter is rather egregious, given that the crime was committed while the inmate was on parole. There is nothing in Mr. Thurner's record to suggest that if he is granted early release he will reform his life and become a contributing member of society. To the contrary, it is extremely likely that the inmate will return to his life of crime and dealing methamphetamine. His extensive record and continued criminality demonstrate that this is not a mere prediction, but a near certain outcome.

As we are given 30 days to respond, and we are not provided access to information pertaining to any disciplinary history or additional information aside from the single page notice of parole review, I cannot comment on the conduct of inmate Thurner while in prison, other than to state a mere 11 months stay is unlikely to have resulted in any significant or demonstrable rehabilitative progress. However, from the record that is available, it is clear that inmate Thurner should not be released, as he will present a significant and unreasonable risk of violence to the community. Parole should be denied.

Respectfully,

A handwritten signature in black ink, appearing to read "Frederick R. Gotha". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Frederick R. Gotha
Deputy District Attorney
Sacramento County District Attorney's Office