



Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings
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RE: Moore, Virgo Lee CDC#AS5489

[REDACTED]

[REDACTED] he suffered his first adult conviction in September of 1995 for a violation of Penal Code Section 245(a)(1) – assault with a deadly weapon. In that matter, the defendant and two accomplices were involved in the assault of a male victim in which an accomplice stabbed the victim with a knife. The defendant was sentenced to 2 years in State Prison. This conviction constitutes a strike offense pursuant to Penal Code Sections 667(b)-(i) and 1170.12.

Inmate Moore was paroled [REDACTED] and almost immediately suffered his first misdemeanor driving under the influence conviction in July of 1997. He proceeded to accumulate three more misdemeanor driving under the influence convictions in November 2007, February 2010 and March of 2011.

In addition to his multiple driving under the influence convictions, during this same time period he suffered two additional felony convictions. In November of 2002, he was conviction of Health and Safety Code Section 11378 and sentenced to 16 months in State Prison. In June of 2006, he was conviction of a felony violation of Vehicle Code Section 2800.2 and admitted his strike prior, resulting in a 32 month commitment to State Prison. His performance on parole on each instance was also poor with three revocations for the first grant and one revocation for each subsequent grant of parole.

The facts of 2006 conviction are worth discussing in that they highlight the dangerousness of Inmate Moore when he continues to engage in alcohol and/or drug use and get behind the wheel of a vehicle. In that case, officers observed the defendant drive through an intersection controlled by a four-way stop sign at 20 miles per hour. The officer attempted to effectuate a traffic stop but the defendant failed to stop and accelerated at a high rate of speed. The defendant continued to drive erratically, on the wrong side of the street, and speeding at approximately 65 miles per hour in a 25 mile per hour zone. The defendant was driving at such a high rate of speed that he could not properly negotiate a turn and drove up on the front lawn of a residence, colliding with and knocking over a fence. The defendant returned the vehicle to the

surface street and attempted to continue his retreat. At this point, the vehicle was so disabled as to only allow it to move 1-3 miles per hour. The officer approached the driver's door, yelling at the defendant to turn off the vehicle and show his hands. The defendant refused and continued to attempt to accelerate the vehicle, which simply resulted in the motor revving and the tires spinning. After multiple commands, the officer eventually had to shatter the window and taser the defendant several times. The defendant was unfazed and began fumbling around the console. Fearing for his safety, the officer utilized pepper spray and forcibly pulled the defendant from the vehicle where the defendant continued to struggle with officers before he was eventually handcuffed.

In his probation interview regarding that offense, the defendant admitted committing the crime. In addition, he stated that he needed help with his drug usage. Although the officers were unable to make a determination as to whether the defendant was under the influence of a narcotic during the offense, the facts and his statement certainly suggest that he was. In fact, the defendant admitted that he had last used methamphetamine in January of 2006 (time of offense) and was regularly using 1/8 of an ounce every other day.

In March of 2013, Inmate Moore was observed driving a vehicle in which he made a u-turn and almost struck the concrete curb. He continued driving and was drifting between lanes while driving on Watt Avenue (a major city thoroughfare) in Sacramento. His blood alcohol was over the legal limit and he was driving on a suspended driver's license (having been suspended for prior DUIs and failure to complete the appropriate alcohol programs required). He was on formal probation for a DUI at the time with a condition to completely abstain from all alcohol (a term which he had already violated at least one time prior). He was convicted of a felony DUI and admitted his strike prior for 32 months in State Prison.

In prior reports, Inmate Moore indicated that he received a monthly income of nearly \$20,000/month as a result of tribal membership with the Thunder Valley Casino. If accurate, Inmate Moore had every financial resource available to him to seek help for his alcohol and/or drug addictions. Prior to his committing offense, nearly every offense was alcohol and/or drug related and should have put him on notice of his issues. Rather than utilize the resources made available to him by the criminal justice system, the Department of Motor Vehicles, CDCR or private sources that he had the ability to afford, he chose to continue to use alcohol and get behind the wheel of a vehicle, putting all of those around him at risk of losing their lives.

In July of 2013, Inmate Moore submitted to a Level of Service/Case Management Inventory interview. During that interview, it was determined that he had a very high risk of reoffending, had very high risk/needs in the area of drug/alcohol problems and had very high risk/needs in the areas of criminal history, leisure/recreation, [REDACTED] pro-criminal attitude/orientation and antisocial pattern. In addition, despite the opportunities that his monetary income afforded him, he admitted to a 12 year prior affiliation with a criminal street gang.

Although I have not had an opportunity to review his C file in order to determine whether he has conformed his conduct to institutional requirements during this most recent incarceration, or whether he has sought help for his obvious and long-standing addiction to drugs and alcohol, I would ask the Board to do a serious review of his institutional history. It would be nothing short of miraculous if those records show a sudden turnaround in behavior by a man whose lifelong history is one of flaunting the rules and regulations of a law-abiding society.

For these reasons the Sacramento County District Attorney's Office strongly believes that Inmate Moore is not an appropriate candidate for early parole. Inmate Moore has demonstrated time and time again that he poses a consistent and continuous viable and unreasonable risk to public safety. Inmate Moore clearly has an alcohol addiction problem that he has consistently denied and failed to address, despite the

numerous opportunities provided to him by the criminal justice system. It is our hope that Inmate Moore will serve his full prison term and utilize the programs available to him in an effort to help him with his addiction issues. It is time that he realize that his actions criminal actions are potentially life-threatening and he needs to effect a change in himself and put into place a realistic and practical parole plan for his future, which includes maintaining a life of sobriety.

Respectfully,

Shauna Franklin
Deputy District Attorney
Sacramento County District Attorney's Office