



Sacramento County District Attorney's Office

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Attn: Non-Violent Second Striker
Board of Parole Hearings
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September 17, 2015

RE: **MOOS, James Daniel**: CDC # AD3767

Please allow this letter to serve as a response in opposition to the potential early release of inmate MOOS. Although the People have no information with respect to the viability of the inmate's potential parole plans, he nonetheless has amply demonstrated that he is not suitable for parole in the immediate future. The facts underlying the inmate's latest prison commitment, his 7TH, are in summary:

Deputies from the Sacramento County Sheriff's Department, based upon a complaint of squatters living within the confines of a home deemed "uninhabitable", responded to a residential address in Rancho Cordova. Upon arrival, deputies located the inmate, a **validated member** of the criminal street gang known as the "**Sacramaniacs**", and his girlfriend. Amongst the items located and eventually seized as evidence were the following:

1. Numerous driver's licenses, credit cards and bank cards; none of which belonged to the inmate.
2. Approximately 1,500,000 microfiche images of valid bank checks that contained the name, address, and bank routing numbers of thousands upon thousands of bank customers. A subsequent investigation into the inmate's possession of these images revealed that they had been reported stolen from a commercial storage facility being utilized by a banking establishment.
3. Numerous items of mail, checks, bills and store cards belonging to other persons that

appeared to have been stolen (or at the very least, with no rational explanation for these items to have been in the inmate's possession).

4. Counterfeit currency and counterfeit social security cards.
5. A stolen United States passport. A further investigation into the inmate's possession of this item, revealed that the passport had been stolen from a residential burglary. Approximately two days after the burglary, the inmate kited two checks into and out of the victim's account for \$4,250 and \$4,000 respectively.
6. A forensic examination of a computer seized at the scene revealed numerous files consistent with the alteration and manufacturing of false identification, including but not limited to: indicia of the defendant, scanned US currency, checks not associated with the inmate, DMV state seals for driver's licenses, holograms, blank social security cards and a file named "real fake id".

Amongst the charges the inmate faced was an allegation that he unlawfully accessed and used a credit card account belonging his **83 year old grandmother**. The victim filed a police report (EGPD-09-2137) and declared under penalty of perjury that the charges made to her account by the inmate were fraudulent. The credit card company has sustained losses of more than \$3,400. The inmate admitted during a jail house call to his girlfriend that "he probably should have asked her first."

The inmate's rather extensive criminal history in summary is as follows:

Misdemeanors:

1991: (PC) 602(l) – 120 days

1991: (PC) 166.4 – 30 days

1992: (PC) 484g – 60 days

1992: (PC) 594(B), (PC) 242 – 10 days

1992: (PC) 496, (PC) 12025(b), (PC) 146(a) – 90 days

1993: (PC) 484g(a), (PC) 484f – 175 days

1993: (PC) 496 – 210 days
1997: (VC) 23152 – 2 days
2000: (PC) 537e(a)(1) – 180 days
2001: (HS) 11550 – 90 days

Felonies:

1993: (PC) 459 – 1st – 120 days
1994: (VC) 10851 – 3 years state prison
1996: (PC) 496, (PC) 496 – 2 years state prison
1998: (PC) 496 – 28 months state prison
2001: (HS) 11377 – 16 months state prison
2002: (VC) 10851, (PC) 530.5 – 44 months state prison
2005: (VC) 2800.2 – 5 years state prison
2010: (PC) 530.5(c)(3) - 8 years and 8 months state prison*

*The remaining 13 felony counts of the Information (09F04213) were dismissed with a Harvey Waiver for sentencing and restitution purposes.

The inmate's criminal history depicts that of a person who is clearly a threat to society. Not only is the inmate a recidivist, he has spent the vast majority of his entire adult life in custody (nearly twenty-nine years in combined sentenced time). He has shown no remorse for his actions in the current case and continues to pose a threat to the victims and to society at large. The inmate has been given numerous chances to rehabilitate himself and has done nothing to change his lifestyle. In **September of 1993**, the inmate told the Probation Officer assigned to draft a pre-sentence report for the court's sentencing consideration the following:

“If I screw up again, I know there is no hope for me.”

(Sacramento Superior Court PSR for case 93F05204)

While within the structured environment of the state's prison system, inmate Moos has once again has amply demonstrated that he is not able to live up to his professed promises of serious behavioral change. His in-custody misbehavior rivals that of free society crimes:

1994: Poor performance

1996: Contraband, Disorderly conduct, Intoxicated, Positive urine test

2006: Possession of tobacco, Circumvention of camp assignment procedures, Over-serving state food, Overfamiliarity

2012: Possession of a lighter, Theft of State food, Failure to sign-in for phone

2013: Possession of a cell phone, Use of marijuana, Use of marijuana, Smoking, Possession and Use of marijuana, Possession of a lighter

The best predictor of future behavior is past behavior. The inmate's past is replete with thievery, drug use, prison time, and violations of both probation and parole whenever given a chance to fit in with society. In the past, the criminal justice system would take the chance that the inmate would not re-offend and release him from custody after the inmate served time for his crime with very little time added for his prior convictions in many instances. It appears that the inmate, prior to his most recent commitment, had never been held accountable for his strike. That has now changed. The benefit of the doubt should no longer be given to the inmate. The chance or benefit of the doubt has to now be bestowed upon the inmate's future victim(s).

There is no way that the Board can guarantee the defendant will not re-offend and there is no way the People can guarantee the defendant will re-offend. However, the People are confident that there are no reasons that would convince the family or friends of the inmate's next victim(s) that the defendant deserved to get yet *another* chance and have his strike prior ignored in the interest of reducing prison over-crowding by undeservedly lifting his conduct credit limitation as a two-striker, seven-termer.

The inmate's **failure to remain free** of prison custody for any significant length of time, his continued membership and or association with a **criminal street gang**, his accelerated degree of **criminal sophistication** in the realm of counterfeiting, and his failure to address his **life-long narcotic addiction** in any meaningful way, demonstrates, in crystalline form, that he is unable to abide by the laws of a free society. Accordingly, we ardently oppose early parole for inmate Moos and petition this body to reject his petition for release.

Respectfully,

Robert E. Clancey
Deputy District Attorney