

Early Prison Releases: September 2019 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 389 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of September 30, 2019.

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. Press releases are issued to provide the public with a sampling of recent noteworthy offenders, including:

Multiple Violent Assaults, Gun & Drug Convictions (Robert Lee Gallego – Case #98F00889) – Gallego’s criminal history began in 1983 with a conviction for assault with force likely to produce great bodily injury and battery. In 1984, he was convicted of brandishing a weapon, battery, vandalism and forgery. In 1985, Gallego was convicted of his first strike for first-degree burglary and received a sentence of two years in prison. In 1990, he was convicted of felon in possession of a gun and assault with intent to cause great bodily injury. He was sentenced to three years in prison. In that case, Gallego went to his then girlfriend’s home, broke through the door and started hitting her in the head with a closed fist and with the butt of a gun. The police caught him shortly after and found a gun in his car. In 1993, Gallego was convicted of another felon in possession of a gun and sentenced to two years in prison. In 1994, he was convicted of another assault with a deadly weapon, a crossbow,

and sentenced to two years in prison. In 1995, while out on parole, Gallego was convicted of manufacturing methamphetamine and sentenced to 12 years in prison. While serving his sentence, Gallego picked up three more felony convictions. In 1999, he was convicted of possession by an inmate of tar heroin. In 2006, he was convicted twice of assault with a deadly weapon by an inmate for two different assaults. Gallego also has an extensive prison disciplinary history dating back to 1986 and continuing to 2013 – involving violence, manufactured alcohol and drugs. The Board of Parole Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted early release on August 29, 2019. [Opposition Letter](#)

Domestic Violence Offender (Robert James Menefee – Case #07F10555) – In 2009, Menefee was convicted of felony domestic violence, preventing/dissuading the victim from making a report, making criminal threats and violating a court order. In that case, the victim had a criminal protective order against Menefee while he was out on parole. The victim saw Menefee sitting in a vehicle next to her vehicle as she was walking out of her place of employment with a coworker. Menefee confronted the victim and asked her why she had not returned any of his phone calls. Menefee then told the victim she was either going to go with him or he was going home with her. The victim refused, and she and her coworker got into the victim's vehicle. Menefee reached into her vehicle, took the keys out of the ignition and tried to take the coworker's cell phone. When the victim said she was going to call the police, Menefee jumped into her vehicle, grabbed her violently by the arm and punched her 10 to 15 times in the face with a closed fist. When officers arrived, they found the victim with injuries on her face and forearm, a cut on her mouth with blood on her lips and bruising around her eye. The victim testified in the jury trial that Menefee continued to contact her while he was in custody and had other people contact her at work. Menefee's criminal history also includes a 1997 strike conviction for burglary, where he led officers on a high-speed pursuit before being apprehended by the K-9 Unit. While incarcerated, Menefee was found to be in possession of a cell phone multiple times and in possession of dangerous property. He was also in violation of refusing a direct order and was found to have used alcohol and under the influence of THC. Menefee had limited participation in anger management and no participation in

counseling or rehabilitation to address domestic violence. The Board of Parole Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted early release on August 30, 2019.

[Opposition Letter](#)

Convicted of Gang Shooting, Child Abuse, Drug Sales (Julio Larry Navarro – Case#14F02591) – In 2002, Navarro was convicted of a strike offense, assault with a firearm with a gang enhancement. In that case, Navarro was the driver in a drive-by gang shooting of a rival gang member. He then became a large-scale drug dealer, armed and prepared to defend his drugs. In his 2014 commitment offense, Navarro was convicted of felony possession for sale of a controlled substance and felony child abuse. In that case, officer setup surveillance on Navarro's home. When he drove away from the house with two children in the car (ages 6 and 11), officers simultaneously attempted to serve a search warrant at Navarro's house and conducted a vehicle stop. Navarro refused to stop his car and led officers on a low speed chase to a local bridge, where he threw a bag of methamphetamine into the river below. During the car chase, Navarro called his girlfriend to dispose of the drugs and guns that were still located in the house. Navarro's girlfriend wrapped a half pound of methamphetamine and a loaded .40 caliber pistol in a towel and threw them into the neighbor's yard. More than \$11,000 dollars in cash was also found in the home. Navarro endangered his children and his life partner with access to large amounts of methamphetamine, a loaded firearm, and a live pursuit with law enforcement. The Board of Parole Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted early release on August 30, 2019. [Opposition Letter](#)

Early Prison Release Laws & Procedures:

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 Parole 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.

Information about more of these inmates can be found on the Early Prison Releases webpage at sacda.org/early-prison-releases.