

Early Prison Releases: November 2019 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 398 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of November 27, 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:

Voluntary Manslaughter, Felony Battery with Serious Bodily Injury Conviction (Dawan Rowe-Manns – Case #04F05796) – In March 2004, Rowe-Manns attacked the victim and the victim's girlfriend. The attack was in retaliation for the girlfriend telling Rowe-Manns' wife that he made sexual advances toward the girlfriend and her minor sister. The girlfriend suffered multiple fractures to her face. Rowe-Manns then fled out of state and was arrested in August 2004 in Tennessee on a parolee-at-large warrant. That parole status stemmed from a homicide that he committed in 1995. In that case, Rowe-Manns shot the victim in the neck with a 9mm semi-automatic pistol. He was shown leniency and pled to voluntary manslaughter for a sentence of 6 years in prison. Following his apprehension in Tennessee, Rowe-Manns was convicted in March 2005 of felony battery causing serious bodily injury and misdemeanor battery. In June 2005, he again fled out of state, failing to appear at his sentencing hearing. He was arrested in

Nevada more than 7 years later. In November 2012, he was sentenced to 13 years in prison. 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 October 4, 2019. [Opposition Letter](#)

Assault with a Firearm, Stalking with Intent to Cause Fear (Ceasar Garcia – Case #17FE016426) – Garcia’s criminal history began in 1988 when he was convicted of assault with a firearm. In that case, Garcia shot a gun from a vehicle into another vehicle. Since then, Garcia’s criminal history includes a 1994 conviction for domestic violence, a 1995 conviction for stalking with intent to cause fear and a 2009 conviction for assault with a deadly weapon for which he received a 10-year prison sentence. He also has several felon in possession of a firearm and drug possession convictions. His current 2017 commitment offense is another felon in possession of a firearm conviction. In this case, Garcia was on parole when law enforcement pulled him over for driving with expired tags. A search of his vehicle revealed a loaded semi-automatic firearm with five rounds of ammunition hidden in the dashboard. The firearm was stolen. Garcia has consistently committed crimes over the past 30 years. Garcia has failed to remain crime-free for any significant period of time following his release from prison. 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 November 14, 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.