



# Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT  
District Attorney

Stephen J. Grippi  
Chief Deputy

Michael A. Neves  
Assistant District Attorney

April 8, 2015

Non-Violent Second Striker Board of Parole Hearings  
Correspondence-NVSS  
Post Box 4036  
Sacramento, CA 95812-4036

RE: Brittain, Jerry Wayne #A-S0168

A review of inmate Brittain's FBI and CII criminal history shows a criminal pattern starting when the Defendant was just 18 years old. The Defendant's criminal history has followed him throughout his life, up until his most current crime, that occurred on April 29, 2013. From the early age of 18, up until his age of 40 now, the Defendant has consistently picked up new cases.

In the Defendant's case that he is currently serving prison time for, he severely ransacked the Victim's residence-Mr. and Mrs. David Haughn. Mr. Haughn reported that a doggy door that led into the Victim's house had been lifted and pried open. The Defendant ransacked every single room in Mr. Haughn's house. The Victim's kitchen and dining room areas had miscellaneous food items from the Victim's fridge strewn about the floor. The Defendant stole three of the Victim's laptops, a DVD player, a Wii game, a sewing machine, a 32 inch flat screen TV, passports, (2) guitars, a vehicle, tools, (2) mountain bikes and most notably, a Ruger 9mm pistol. In addition, the Defendant pried open a locked gun safe and stole a Winchester 12 gauge shotgun, an SKS Old Russian 762x39mm rifle, (2) .22 rifles, and several hundred rounds of ammunition. A neighbor of the Victim actually saw who he recognized as the Defendant, from previously living in the neighborhood, driving away in the Victim's Mitsubishi Eclipse with the top down and loaded with the Victim's property. The total amount of property stolen was approximately \$7,000.

A few days after the Defendant ransacked the Victim's home, Officers responded to the Defendant who had been shot in the leg. The Defendant lied to Police and stated that he had been attempting to change a flat tire when an unknown assailant pulled up in a dark colored vehicle and shot at him. It was later determined through other witness statements that the Defendant had actually shot himself in the leg with the Victim's gun and concocted this story so that he would not get caught. The Defendant further lied when confronted about him being seen by a neighbor driving away from the Victim's residence in the Victim's convertible.

The Defendant is a thief, a liar, and a drug addict. The People have absolutely no faith in the Defendant that, should he be released early, he will turn his life around and stop victimizing the citizens of California. The reason why the People have no faith in the Defendant is because he has consistently proved that he cannot be a productive member of society:

- 12/31/91: Strike Conviction for PC 459 1<sup>st</sup> Degree, 2 years state prison

- 2/21/96: Felony Conviction for PC 459 2<sup>nd</sup> Degree, with a prior strike, 32 months state prison
- 7/13/01: Misdemeanor Conviction for 496(a), 365 days county jail
- 10/23/03: Felony Conviction for 18 USC 922(g)(1) (Felon in possession of a firearm and ammunition), 57 months in Federal Bureau of Prisons
- 6/10/04: Felony Conviction for PC 459 2<sup>nd</sup> Degree, with a prior strike, 32 months state prison
- 9/10/09: Federal VOP, 4 months Federal Prison

The Defendant admittedly has been addicted to methamphetamine for what he reported as the year leading up to his current crime. The Defendant has also not only used marijuana, but has used heroin in the past. He is an addict. He needs to be imprisoned for the longest possible time allowed under the contemplated plea agreement from October of 2013. The People urge the Board of Prison Terms not to take a chance with a Defendant that has consistently exhibited recidivist conduct that is both numerous and increasing in seriousness.

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 addiction to drugs, I would ask the Board to do a serious review of his institutional history.

It is our hope that inmate Brittain will accept his full prison term and take that time to adjust his ways. The People are concerned, most importantly, with protecting society from the Defendant, a dangerous convict that flaunts his disrespect for the law.

For these reasons the Sacramento County District Attorney's Office strongly believes that he is not an appropriate candidate for early parole. In fact, inmate Brittain has demonstrated time and time again that he poses a consistent and continuous viable and unreasonable risk to *all* public safety.

Respectfully,



Jennifer Saavedra  
Deputy District Attorney  
Sacramento County District Attorney's Office