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Non Violent Parole Review Process Board of Parole Hearings Correspondence – NV P.O. Box 4036 Sacramento, California 95812-4036

Re: May, Steve

CDCR No. AY4625

Court Docket No. 15F01299

Agency Report No. VHP-15-FT416

Inmate May has proven to the State of California – on five separate occasions – that when he is confronted by law enforcement officers while in a vehicle, he will dangerously flee, with zero regard for the safety of people and property that are endangered by his reckless criminal conduct. On May 10, 2015, despite having been convicted on *four* separate occasions of felony reckless evasion, in violation of Vehicle Code § 2800.2(a), including a pursuit in 2006 where he repeatedly intentionally rammed a pursuing police officer's vehicle, in violation of Penal Code § 245(c), in an attempt to escape, inmate May again chose to endanger the public at large by fleeing from pursuing police officers at a high rate of speed. In short, inmate May has proven time-and-time again that he is a dangerous criminal concerned only with his own escape and that he poses an unreasonable risk of violence to the community.

In fact, if one were to look up the phrase "career criminal" in a dictionary, you would likely find a booking photograph of Steve May. Beginning with burglary (Penal Code § 459) in 1992, inmate May has lived a relentless life of crime ever since — with convictions for possession of a controlled substance, felony reckless evading, trespassing, receiving stolen property, vehicle theft, being under the influence of a controlled substance, possession of a controlled substance for sale, assault on a peace officer with a deadly weapon, and numerous parole and probation violations (resulting in at least six separate terms of prison custody). For over 24 years, inmate May has done nothing but commit crime after crime after crime. The only time that ordered society is free from inmate May's life of crime is when he is incarcerated and unable to plague our criminal justice system.

On May 10, 2015, Deputy Probation Officer (DPO) Patrick Michael went to inmate May's residence to conduct a compliance check on inmate May, who was on post-release community supervision (PRCS) following his 2013 conviction for grand theft (Penal Code § 487(a)) and 32 month commitment to state prison. Upon arrival, DPO Michael observed the victim's stolen vehicle – stolen from a parking lot while she was work the day before – at his residence and contacted officers from the California Highway Patrol (CHP) to investigate. Shortly after, CHP officers arrived in the area and began conducting surveillance of the stolen truck. While conducting surveillance, the officers observed inmate May and his co-defendant, arrive in a silver Honda Civic. Home exited May's vehicle, got into the stolen truck, and the two drove away in tandem, with inmate May following directly behind the stolen truck. When CHP officers initiated a vehicle stop by cutting off their path of travel and ordering them out

of the vehicle at gun-point, inmate May instead swerved around the stolen truck and accelerated past the CHP patrol vehicles at a dangerous rate of speed and fled the area, while H put the stolen truck in reverse and began to flee. Shortly after, CHP officers located an abandoned stolen silver Honda Civic nearby, but inmate May was gone.

This headlong flight from police officers is not aberrant behavior for inmate May, but rather, part of a life-long commitment to endangering the public-at-large while trying to escape from pursuing police officers. Inmate May has previously been convicted of felony reckless evasion, in violation of Vehicle Code § 2800.2(a) in 1995 (Placer County Docket No. SCR1694), again while fleeing in a stolen vehicle in 2001, resulting in a 2 year prison commitment (Sacramento County Docket No. 01F04109), again while fleeing in a stolen vehicle in 2003, resulting in a 4 year prison commitment (Sacramento County Docket No. 03F10589), and finally, in 2006, where he intentionally rammed a pursuing police officer's patrol vehicle multiple times during a reckless pursuit that ended only through the heroic actions of Deputy Danny Oliver (Sacramento County Docket No. 06F01070).

Significantly, inmate May's propensity to dangerously flee from pursuing police officers is not his only criminal vice – having also been convicted of second degree burglary (Penal Code § 459) in 1992, possession of a controlled substance (Health and Safety Code § 11377(a)) in 1994, residential aggravated trespassing (Penal Code § 602.5) in 2001, receiving a stolen vehicle (Penal Code § 496d(a)) in 2001, vehicle theft (Vehicle Code § 10851(a)) in 2001, being under the influence of a controlled substance (Health and Safety Code § 11550(a)) in 2003, vehicle theft (Vehicle Code § 10851(a)) in 2003, possession of a controlled substance for sale (Health and Safety Code § 11378) in 2010, and grand theft (Penal Code § 487(a)) in 2013.

Additionally, inmate May has also repeatedly demonstrated an inability to comply with supervision in the community. Inmate May has failed to complete any period of supervision – whether on probation, supervision, parole – without re-offending. As his commitment offense demonstrates, if given the opportunity, inmate May will continue to both re-offend and flee from law enforcement officers, even while under CDCR or probation supervision, endangering law enforcement officers and the community at large. In other words, inmate May is the embodiment of "[t]he defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was unsatisfactory." (*See* Cal. Rules of Court, Rule 4.421(b)(5).)

Although inmate May's commitment offenses are not considered serious or violent felonies as defined by the Penal Code, two critical factors underscore the need for inmate May to serve the entire term of his sentence. First, in committing the commitment offense, inmate May recklessly endangered the public by – yet again – recklessly accelerating away from pursuing police officers, fleeing from the scene at a high rate of speed, heightening the potential for danger to the officers, inmate May, and the public at large. Second, while it is easy to write off inmate May's commitment offense as "just another property crime," the non-stop, pervasive nature of inmate May's criminal history demonstrates a continued inability to follow the rules of ordered society. In other words, inmate May's continuous, nearly non-stop pattern of crime is a virtual guarantee that once he is released from prison custody, he will victimize another innocent person and continue to engage in criminal behavior.

Having demonstrated an inability to maintain a crime-free lifestyle for any appreciable period of time, it is only when inmate May is forcibly removed from free society and incarcerated that the public is free of his criminal activity. If the Board is interested in increasing the amount of crime in California, then releasing inmate May is one of the quickest ways to guarantee that result: his repeated violations of the law provides certain proof that inmate May will re-offend and endanger the citizens of California once he is released from prison custody.

In fact, as this Board's prior decision regarding inmate May last year showed, inmate May does well inside the prison setting – avoiding rules violations, attending and succeeding in positive rehabilitative programing, and demonstrating positive work attitude. While inmate May should be commended for his work inside the prison, his positive custodial programming coupled with his repeated inability to avoid criminal conduct while on supervision in the community demonstrates that inmate May needs the structure and support found inside the prison system. Society is best served when a career criminal is successfully rehabilitated and returned to the community as an individual who can follow the rules of ordered society. Releasing inmate May – who is showing positive steps toward rehabilitation inside prison – early will not advance that goal. Instead, early release will serve no rehabilitative purpose and place inmate May back in the same environment that he has failed in time and time again. While it might not be in inmate May's short-term best interest to complete his entire sentence, completing the term of imprisonment he earned through a life of crime, and maximizing the rehabilitative services available to him in prison is in the best long-term interest of both inmate May and society.

At this time, it is clear from inmate May's past criminal history, that inmate May should not be released as he poses a significant, unreasonable risk of violence to the community. Parole should be denied.

Respectfully submitted,

Brad Ng
Deputy District Attorney

TARGET / Career Criminal Prosecution
Sacramento County District Attorney's Office