



Sacramento County District Attorney's Office

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“Non-Violent Second-Striker” Early Prison Releases: NOVEMBER 2016 Update

In January 2015, the Department of Corrections and Rehabilitation (CDCR) began a new parole determination process, evaluating “non-violent second-strikers” for early parole. If early release is granted, they are released after serving only 50% of their sentences. Under existing law, they would otherwise have to serve 80% of their sentences before being eligible for parole.

Upon receipt of inmate names from CDCR with a recommendation for release, the Board of Parole Hearings [BPH] conducts an administrative review to determine if the inmate should be released early from prison as a ‘non-violent second-striker.’ BPH forwards the names of these eligible inmates to District Attorneys’ offices and invites input in making their determination about the inmate’s potential early release. Unlike parole hearings, where the prosecution, defense attorney and victim may appear, there is no public hearing for these administrative reviews. Rather, the decision is made purely by CDCR administrative staff. Additionally, prior to consideration for early release, no evidence-based “risk assessment” is conducted to determine if the inmate poses a danger to the public.

The Sacramento County District Attorney’s Office takes an active role in evaluating these cases and writes letters to the Board with an overview of the inmate’s criminal history and current commitment offense, an opinion regarding the public safety risk posed by the inmate, and the appropriateness of an offender’s early release. The Board determines whether an offender would pose an unreasonable risk to public safety based on their prior criminal history, facts behind their current commitment offense, behavior in prison, rehabilitation efforts, whether the inmate has any medical condition which might affect his ability to re-offend, and written statements.

In November 2015, the Sacramento County District Attorney’s Office began posting on its website information about “non-violent second-strike” offenders who have been granted early release from prison.

As of November 30, 2016, 190 inmates sentenced from Sacramento County have been granted early prison releases. Given the number of violent offenders who continue to be granted early release, DA Anne Marie Schubert began monthly updates to provide the public with a sampling of the noteworthy criminals who appear to pose a risk to public safety, but are being granted early release into our community as ‘non-violent second-strikers.’

In the month of November 2016, inmates granted early prison release include:

Aguilar, Eileen Mary (Case #13F03812) –Aguilar received a strike conviction for assault with a deadly weapon in 2004. In that case, Aguilar met with a friend to discuss and resolve their differences. Unable to control her anger and violent outbursts, Aguilar became enraged and brutally attacked her “friend,” hitting her 15 to 20 times before slicing her face with a box cutter. The victim was taken to a hospital, where she received stitches in eight separate places on her face and body. The attack left the victim with nerve damage, permanent scarring, and emotional trauma. Aguilar was sentenced to 5 years in state prison for this violent attack. Aguilar’s committing offense is for another violent attack

of almost the exact same nature in 2013. In that case, Aguilar went to her ex-boyfriend's home where the victim was visiting at the time. In a fit of rage, Aguilar slammed into the victim's car, which was parked in front of the house. When the victim opened the front door to see what was going on, Aguilar viciously attacked her. Aguilar punched the victim repeatedly and again used a box cutter to slash her face. Aguilar was convicted of assault by means of force likely to cause great bodily injury and received a sentence of 4 years in state prison. [Opposition Letter](#)

Eric Damon Jackson (Case #15F05152) – Jackson's criminal history includes six felony convictions, three of which are strikes. In April 2003, Jackson suffered his first felony conviction for attempted grand theft and was sentenced to 360 days in jail. In October 2004, he committed two robberies, with the second robbery ending in a dangerous high-speed pursuit with officers. Jackson was convicted of both violent strike robbery offenses. While the robbery charges were pending, Jackson was charged with battery resulting in great bodily injury, a serious felony. This charge was eventually dismissed when he pled to the two robbery convictions with an agreement that the judge could consider it in arriving at an appropriate sentence for the robberies. Jackson was sentenced to 3 years in state prison for these crimes in 2005. Jackson was arrested twice for violating parole in 2009. In 2010, he suffered his next strike conviction for first-degree residential burglary and was sentenced to 4 years in state prison. In December 2013, he was sentenced to one year in jail for a theft offense. In August 2015, while a parolee-at-large, he was found driving a recently stolen moped with several live rounds of ammunition, which was illegal for him to possess as a convicted felon. [Opposition Letter](#)

The Early Prison Releases webpage can be found at www.sacda.org/early-prison-releases.