



Sacramento County District Attorney's Office

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“Non-Violent Second-Striker” Early Prison Releases: APRIL 2017 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 April 28, 2017, 226 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 April, inmates granted early prison release include:

Marshall Loren Staats (Case #15F01999) – In 2009, Staats was driving with his 23-year-old girlfriend who was sitting in the front passenger seat. After making an unsafe turn, they got into a major collision with another vehicle. As Staats’ girlfriend sat in the front seat unconscious and severely injured, Staats grabbed a bag of marijuana out of the backseat of the car and fled the scene. He did not render aid to his girlfriend nor did he call for help. His girlfriend died from her injuries. Toxicology results confirmed that at the time of the collision, Staats was driving under the influence of

cocaine, marijuana and Benzylpiperazine. He was convicted of vehicular manslaughter and sentenced to 4 years in state prison. Prior to this conviction, Staats had been arrested and convicted of multiple drug possession charges and two wet reckless charges. In 2015, Staats was again arrested and convicted for driving under the influence. In that case, he fled from an officer and resisted arrest. He was sentenced to his current 4 year prison sentence. Even after taking the life of his own girlfriend, he continued to drive impaired. Staats has a long criminal history and is a dangerous DUI repeat offender. [Opposition Letter](#)

Jimmy Dean Randolph (Case #16FE002722) – In 2002, Randolph was convicted of robbery with the use of gun. In that case, he pointed a silver revolver at an 18-year-old store clerk, and demanded she give him the money in her register. Randolph received a sentence of 13 years in prison for this violent offense. In July 2015, he violated parole and was found with methamphetamine. In October 2015, he was a parolee-at-large driving a vehicle with a shaved key when officers attempted a traffic stop on him. Randolph accelerating his car, hit a curb and then fled on foot before he was apprehended. He received a sentence of 90 days county jail for his parole violation and resisting arrest. In 2016, Randolph was convicted of second-degree burglary, his committing offense. In this case, Randolph was on parole when he attempted to get into his ex-girlfriend's house. There were several adults and a child at the home. During the course of the day, Randolph kicked in the front door, slashed tires and threatened to kill one adult in the house who was holding the door shut. Since 2001, Randolph has continued his dangerous criminal behavior and reoffending while on parole. [Opposition Letter](#)

Cassius T. Clay (Case #16FE003237) – In 2004, Clay was convicted of felony assault with a deadly weapon. In that case, a restaurant manager refused to give Clay free food and tried to get him to leave the restaurant. Clay became angry, grabbed a knife and threatened to stab (“shank”) the frightened manager and several patrons. Clay did not just make threats, he physically thrust the knife at the manager in an attempt to stab him in the chest. The manager moved out of the way just in time to avoid being stabbed. Clay received a sentence of 1 year in jail for this violent offense. In 2006, Clay was convicted of felony second-degree burglary and was sentenced to jail. In 2007, he was once again convicted of another felony second-degree burglary and sentenced to prison. In 2009, he was convicted of stealing a car and evading police officers, which endangered the lives of the public and the pursuing officers. For this offense, he was sentenced to 4 years in state prison. After his release in 2013, Clay stole another vehicle and was sentenced to 4 years in prison for this conviction. In 2016, he was a parolee-at-large when he was arrested for being in possession of yet another stolen vehicle. That conviction is the present offense for which Clay is in prison. Beginning in 2004, if Clay wasn't in custody, he didn't go one year without being convicted of a new felony offense. [Opposition Letter](#)

The Early Prison Releases webpage can be found at www.sacda.org/early_prison_releases.