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Non-Violent Parole Review Process
Board of Parole Hearings
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Re: Mamaril, Rudy Donnie CDC # V45055 Court Docket: 06F08729

Inmate Mamaril is a gang involved, recidivist, violent felon whose criminal record spans more than 20 years. His performance on prior grants of parole have been nothing short of abysmal. Each and every time he has been released from custody, he has put public safety at risk by committing new felony offenses. The circumstances surrounding his commitment offense and his long criminal record show that he poses an unreasonable risk of violence to the community.

Commitment Offense

On September 21, 2006, detectives began an investigation into the homicide of an individual. Over the course of the investigation Mamaril and his longtime friend [REDACTED] S [REDACTED] were included as possible suspects. S [REDACTED] was identified as a suspect because he was seen leaving with the victim from a dice game, which was the last time anyone saw the victim alive. S [REDACTED] was arrested and taken into custody. Homicide detectives began reviewing the phone calls S [REDACTED] was making from jail to determine his role in the homicide and to identify who he was communicating with on the outside.

On September 25, 2006, detectives reviewed the first series of phone calls made by S [REDACTED]. Based on the jail calls it appeared Mr. S [REDACTED] was orchestrating the destruction of evidence in the homicide case and was also engaged in a conspiracy to sell rock cocaine with Mamaril and two female co-conspirators. Homicide detectives referred the rock cocaine conspiracy aspect of the case to narcotics detectives who were able to identify then arrest the four perpetrators involved: Mamaril, S [REDACTED] and two female co-conspirators.

The female co-conspirators admitted their guilt pre-trial. S [REDACTED] and Mamaril were convicted of conspiracy to sell rock cocaine by jury in a joint trial. Mamaril's prior strikes (two armed-robery convictions) were found true, and on February 26, 2008 he was sentenced to 25-years to life. In 2012, based on Proposition 36, Mamaril became eligible to apply for resentencing. On August 3,

2017, his sentence of 25-years to life was converted to a sentence of 13 years in state prison. Mamaril is still serving that sentence.

During the trial it was proven that between September 23, 2006 and October 3, 2006, Mamaril transported rock cocaine in furtherance of the conspiracy on at least two occasions and transferred the proceeds of the drug sales to S [REDACTED] by putting the drug money on S [REDACTED]'s books at the jail. As demonstrated by the jail recordings, Mamaril's role in the conspiracy was nothing less than major.

In the first jail call recording from the morning of September 23, 2006, S [REDACTED] told Mamaril where he could find S [REDACTED]'s rock cocaine and explained that his wife [REDACTED] had gone to get it but failed. In another recording from later that morning, Mamaril told S [REDACTED] "Blood, I put all your shit on your books. Just tell me. Hey, [REDACTED] trying to get your shit, Blood, too." When S [REDACTED]'s wife came on the line, S [REDACTED] told her Mamaril would handle the rock cocaine: "my home boy got my shit." Later in the call S [REDACTED] told his wife to give Mamaril the nine-millimeter firearm and large pieces of rock cocaine: "give him the nine and the other big pieces." S [REDACTED] said: "dump it for me," and Mamaril told S [REDACTED] he needed to be careful about what he says on the jail phone system: "just watch what you put on this."

Over the following days, Mamaril continued to act in furtherance of the conspiracy frequently checking back in with S [REDACTED] using coded language to attempt to avoid detection by law enforcement. He told S [REDACTED] to only refer to him as "relative" on the phone and came up with other ways to help S [REDACTED] to facilitate the sale of illegal narcotics from within the jail system. The rock cocaine was all sold in the Oak Park area, an area of Sacramento claimed by the Oak Park Bloods criminal street gang. Mamaril has previously admitted he was an Oak Park Blood and has a tattoo over a foot wide across his back that says "Oak Park Blood" in large block lettering. His abdomen is almost entirely covered with a tattoo of what appears to be jail doors with the words "Sacramento's finest" printed above the barred doors. Mamaril was able to seamlessly execute the rock cocaine sales conspiracy with S [REDACTED] (who like Mamaril has previously admitted he was an Oak Park Blood gang member) because by 2006 Mamaril was already a gang entrenched experienced criminal. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] on April 14, 1990, [REDACTED], officers responded to a report of robbery at gunpoint. The victim told officers that the whole ordeal started when the victim went out to buy a stereo from a friend. Inmate Mamaril was present with the victim's friend and according to the victim, Mamaril was bragging about shooting someone earlier in the day. After the victim's friend installed the stereo, Mamaril took out a black .357 revolver and put it to the victim's head. Mamaril told the victim he was taking the victim's stereo and the victim's red bandana. Mamaril was apprehended and the victim's red bandana was found on his person. The victim's stereo was found in the vehicle Mamaril had gotten out of however officers were unable to locate the .357 revolver. [REDACTED]

[REDACTED] the consequence Mamaril received for this conduct was minor; he resolved his case with a misdemeanor conviction for petty theft and 72 days in jail.

On March 30, 1992 Inmate Mamaril engaged in a truly horrific preplanned act of violence and terror. The victim, [REDACTED] E [REDACTED] was driving a Ford Thunderbird on Highway 99 with two female passengers when he was surrounded and forced off the road by Mamaril and his criminal associates, traveling in three vehicles. E [REDACTED]'s Thunderbird was rammed by one of the vehicles that surrounded him and forced by the three vehicles to pull off to the side of the freeway. Once the Thunderbird stopped, Mamaril and five to seven of his criminal associates got out of their cars and approached the victim with multiple firearms drawn down on him. The two female passengers were pulled out from the car at gunpoint and told to flee. Once free from the vehicle they fled for their lives in terror. E [REDACTED] was dragged at gunpoint from the Thunderbird and thrown to the ground. Outnumbered, surrounded, and prone, E [REDACTED] was then pistol whipped in the head, and robbed of his wallet. An armed subject then pointed a gun at E [REDACTED]'s head and *E [REDACTED] heard a clicking sound from the firearm*. Mamaril got into E [REDACTED]'s Thunderbird and he and fellow perpetrators fled the scene in their vehicles.

When officers spotted the fleeing vehicles on the freeway multiple high-speed chases ensued. Inmate Mamaril was driving E [REDACTED]'s Thunderbird and he accelerated towards an off-ramp as the fleeing vehicles split up. Mamaril sped through residential streets running stop sign after stop sign and reaching speeds of 70 miles per hour. He swerved sideways out of control through several turns

before approaching an intersection where a semi-trailer rig was passing through. Mamaril braked hard, skidded, and careened sideways into the trailer, broadsiding it and wedging itself underneath it. The semi-trailer rig was traveling at about 40 miles when Mamaril crashed the Thunderbird into and under it. Mamaril opened the door of the Thunderbird and tried to get out but ended up stuck. Due to the speed of the semi-trailer rig, he was dragged approximately 200 feet as he held onto the door of the vehicle he stole from E█ at gunpoint. During the collision Mamaril suffered severe injuries to both of his feet but even in his injured state he still tried to evade police by fleeing on foot. After running from police for approximately 200 to 300 feet Mamaril finally collapsed to the ground and was arrested.

Officers searched the Thunderbird that inmate Mamaril had crashed into the semi-trailer and inside it they located a loaded .38 caliber semi-automatic pistol. Chillingly, when the pistol was inspected police discovered the it was loaded with a live cartridge that had a dent in the primer, a fact indicating the cartridge had misfired. This disturbing fact tended to show that E█ owed his life to the faulty cartridge; a fact consistent with what he told officers about hearing a click from the gun that was placed against his head. Mamaril was charged with the attempted murder of E█, as well as multiple counts of robbery and assault with a firearm on a person as well as with arming enhancements and felony evading. He resolved his case by admitting to one count of robbery and admitting to being personally armed with a firearm during the commission of the robbery. He was sentenced to four years in prison.

(Background relating to July 13, 1995, referenced below) In May of 1995, inmate Mamaril's friend, Mr. P█ had a falling out with an acquaintance after providing the acquaintance with money to repair his car. The acquaintance allegedly spent the money on rock cocaine and never completed the work. P█ had confronted the acquaintance and attempted to strike him, but P█ was overpowered by him instead. P█ was knocked out and struck with a beer bottle by the acquaintance to the point of requiring hospitalization for treatment of his injuries.

On July 13, 1995, Inmate Mamaril and Mr. P█ drove to a house in order to confront the acquaintance. The acquaintance challenged P█ to a fight prompting P█ to brandish a handgun, cock the slide of the weapon, and aim it at the acquaintance. Another person grabbed P█'s hand and a struggle for the firearm ensued culminating in the magazine falling out. The acquaintance left the area and called police to report what happened. Shortly thereafter officers observed Mamaril driving P█'s vehicle. Once again Mamaril fled, and a dangerous high-speed chase ensued. Mamaril fled, reaching speeds of 60 miles per hour and swerving wildly. During the chase he stopped on a residential street at which time P█ jumped out of the vehicle and ran toward an officer while reaching his hands into his waistband. A second officer positioned to the side drew his service pistol and ordered P█ to stop. P█ continued moving his hands in the area of his waistband as he continued running towards the first officer. The second officer fired at P█ striking him in left leg below the knee. After being shot, P█ fell to the ground and a nine-millimeter pistol fell from either his waistband or his hands. A second nine-millimeter pistol was also located, and P█ went on to admit to purchasing both guns on the streets. Meanwhile, having stopped so P█ could flee on foot, Mamaril accelerated away in P█'s vehicle. After traveling a short distance Mamaril himself got out and fled on foot. He was eventually apprehended and charged with felony evading, possession of a firearm by a felon, and resisting arrest. He resolved his case by admitting to the felony evading and admitting a prior strike for a sentence of 32 months in state prison.

On October 4, 1996, Inmate Mamaril was on parole when he was observed violating traffic laws. When police attempted to pull him over Mamaril once again accelerated away from and attempted to evade the police. Officers activated their patrol vehicle's overhead lights and sirens and pursued him. Mamaril drove recklessly and characteristically, at one point pausing the chase to let a male passenger out of his vehicle to flee on foot. Mamaril's passenger was never apprehended. After enabling his passenger to elude police, Mamaril resumed the dangerous high-speed chase. Police were finally able to stop Mamaril when his vehicle swerved out of control, nearly colliding with another vehicle. The parole officer reviewing his case noted at the time that this offense was *nearly identical* to the offense from which he was just paroled. He was convicted of a new charge of felony evading and sentenced to 32 months in state prison.

On April 11, 2000, the vehicle Inmate Mamaril drove to a parole visit was searched by a parole officer. The officer found burglary tools, handcuffs, gloves, and a black ski mask in his glove box. The parole officer noted that Inmate Mamaril appears unwilling to better himself and appears to continue to immediately involve himself in gang activity as soon as he gets released from prison.

On September 10, 2000, an officer contacted Inmate Mamaril in a vehicle. Mamaril had only been out of prison for five days yet when the officer searched his vehicle the officer discovered Mamaril had already acquired an assault rifle. He was sent back to prison for another parole violation.

On April 29, 2001, Inmate Mamaril along with two criminal associates engaged in another horrific premeditated armed robbery in concert. Mamaril and two criminal associates entered the McDonalds wearing black clothing, gloves and black ski masks and executed a takeover robbery of the restaurant. He and his criminal associates ordered the employees around at gunpoint ordering them to get the money from the safe. Mamaril and his associates were armed with a pistol and an assault rifle with an extended magazine. After fleeing with the proceeds of the robbery, officers located Mamaril along with the other suspects in an apartment by following a tracking device that was included with the cash from the safe. Mamaril was found inside the apartment with a McDonalds bag, a .380 automatic pistol and black clothing. Mamaril's parole officer noted that his parole performance shows he cannot follow the rules set out for him and that he immediately returns to crime and his crime partners upon release from prison. He was convicted of robbery and admitted his prior strike conviction (armed robbery) and received a six-year prison term.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] His record of misconduct in prison reflects that no set of rules will deter him from engaging in prohibited conduct. Between 2009 and 2014 he was disciplined for the following prison violations: illegal possession of a cell phone (4/15/2009), illegal possession of multiple lighters and a cell phone (3/17/2010), illegal possession of a cell phone (7/30/2010), attempting to have someone smuggle marijuana, tobacco and US currency into prison for him (8/7/2011), illegal possession of a cell phone (5/19/2012), attempting to have someone smuggle 27 grams of marijuana into prison for him (4/6/2013), illegal possession of a cell phone (11/20/2013), illegal possession of a cell phone (12/2/2013), illegal possession of a cell phone (8/14/2014), and illegal possession of a cell phone (11/26/2014).

The person attempting to smuggle cash and contraband for Mamaril on August 7, 2011 admitted to speaking to him the day prior to the visit and talking about how she would bring him the contraband during her visit. Similarly, when contraband was found on the person attempting to smuggle in contraband on April 6, 2013, that person admitted she was going to visit Mamaril with the contraband. A search of his prison cell also revealed handwritten notes in his property that included the visiting person's name and notes about the contraband she would be bringing him. Correctional Officer [REDACTED] opined Mamaril intended to sell the marijuana in prison and that the amount of marijuana seized could be sold in prison for as much as \$4500. All this shows that even while incarcerated for a commitment offense of conspiring to traffic illegal narcotics with individuals both inside and outside of a custodial setting, Mamaril continued to engage in multiple additional conspiracies of the very same nature.

Parole Review Decision of January 11, 2019

On January 11, 2019, the Board of Parole Hearings considered Inmate Mamaril under the Nonviolent Offender Parole Review Process. The board denied his release and noted many of the factors of dangerousness addressed in this letter. Deputy Commissioner Chakur specifically noted Mamaril's poor institutional adjustment. "*[Inmate Mamaril] has thus far shown that he cannot follow the rules and regulations in a structured environment, has continued to engage in criminal activity, and has not meaningfully participated in rehabilitative or self-help programming to address the circumstances that contributed to [his] criminal behavior so that the public can be reasonably assured that inmate [Mamaril] will not return to the community with the same criminal mind.*" (Nonviolent Parole Review Decision of January 11, 2019, at p 3.)

Parole Review Decision of March 5, 2020

On March 5, 2020, the Board of Parole Hearings reconsidered Inmate Mamaril under the Nonviolent Offender Parole Review Process. The board denied his release. Deputy Commissioner Urone specifically noted, "*Inmate's institutional adjustment is aggravated because inmate was in possession of two sharpened nails in August of 2019, which inmate admitted were his, and such behavior in a prison rises to the level of a threat of physical injury.*" (Nonviolent Parole Review Decision of March 5, 2020, at p. 3.)

Conclusion

The best predictor of future behavior is past behavior. Inmate Mamaril's long record screams out a warning: **if granted parole he will immediately reoffend and engage in conduct that puts the lives of innocent members of the community at risk.**

On October 20, 1992, Inmate Mamaril was sentenced to four years state prison for robbery while armed with a firearm. He was paroled on April 3, 1995 and ***within four months***, on July 13, 1995 ***he violated his parole*** when he was arrested for felony evading. After being sentenced to 32 months in prison for his evading case, he was paroled on July 6, 1997. Once again ***within four months he violated his parole*** by committing a new felony evading case on October 4, 1997. He was sentenced to 2 years 8 months in prison for that offense. He was paroled on December 21, 1999, and ***within five months he violated his parole*** when officers found burglary tools, black gloves, and a black ski mask in his vehicle. He went back to prison for this violation and on September 5, 2000 he was paroled again. ***Within five days***, on September 10, 2000, ***he violated his parole*** when his vehicle was searched, and officers discovered he had already managed to arm himself with an assault rifle. His parole was revoked, and he was sent back to prison. On April 18, 2001 he was paroled and ***within two weeks***, on April 29, 2001, ***he violated his parole*** by conducting an armed takeover robbery in concert while wearing a black ski mask. He was sentenced to six years state prison for that offense and was paroled on July 1, 2006. ***Within four months***, on October 3, 2006, ***he violated his parole*** when he was arrested for the conspiracy charge which resulted in his current state prison sentence.

Inmate Mamaril's record firmly demonstrates that he is a recidivist violent felon. It is eminently foreseeable that if granted parole he will immediately violate his parole by committing new felony offenses. Even while incarcerated Mamaril has relentlessly continued to engage in illegal conduct strikingly similar to the conduct that underlies his commitment offense. A review of Inmate Mamaril's long record of committing violent crime, his terrible parole performance, and his recent prison misconduct can lead to only one conclusion: Inmate Mamaril currently poses an unreasonable risk of danger to public safety. Parole should be denied.

Respectfully submitted,

Greg Porter

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