



Sacramento County District Attorney's Office

THIEN HO
District Attorney

March 11, 2024

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

Re: Diaz, Jose CDC # BU6839 Court Docket: 21FE019040

Inmate Diaz is a well-established repeat offender and violent felon who should not be paroled. The circumstances surrounding his current convictions combined with his prior criminal record show that he poses an unreasonable threat to public safety and risk of violence to the community.

A review of Inmate Diaz's record shows that he is a career criminal who has shown an inability to succeed under supervision, and thus he is not an appropriate candidate for early parole. [REDACTED]

[REDACTED]. In the next few years, Inmate Diaz was convicted of drug related offenses, violations of Health and Safety Code section 11377(a), and resisting arrest, violation of Penal Code section 148(a)(1). These offenses led to the commitment of his second-strike offense, another First-Degree Burglary, on January 14, 2012. In that case, Inmate Diaz entered the victim's home through an unlocked bedroom window, ransacked the entire home, and took a computer, a laptop, and other miscellaneous personal items. Inmate Diaz was sentenced to a year in the county jail.

Since his strike offense in 2012, Inmate Diaz has found himself in state prison for multiple drug related offenses. On November 14, 2019, Inmate Diaz was observed selling narcotics on the corner of the street. Officers contacted Inmate Diaz and recovered methamphetamine, heroin, a large sum of cash and two cellphones on his person, and subsequently searched his residence where they recovered a larger amount of methamphetamine and heroin and other indicia of narcotic sales. For that offense, Inmate Diaz was convicted of a violation of Health and Safety Code section 11378, Possession of Narcotics for Purposes of Sale, and sentenced to 2 years, 8 months in state prison.

Not even a custodial setting prevented Inmate Diaz from committing drug related offenses. In January of 2020, while incarcerated at Rio Consumnes Correctional Center, Inmate Diaz was

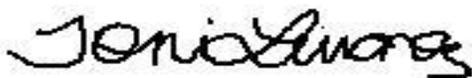
participating in bringing drugs into jail and receiving letters that were infused with methamphetamine. On August 10, 2021, Inmate Diaz pled to a misdemeanor violation of Health and Safety Code section 11377(a) and was soon released from custody on Post Release Community Supervision. However, Inmate Diaz almost immediately found himself back in custody on the instant offense.

On September 29, 2021, Inmate Diaz was detained at the probation office and ultimately arrested for a PRCS violation for concealing his address. Officers subsequently executed a search warrant at Inmate Diaz's home and recovered methamphetamine, heroin, a stolen gun with a loaded magazine inside of it, scales, a money counter, and a large sum of cash. Within two months of his release, Inmate Diaz immediately reverted to drug sales and this time, he was armed. Inmate Diaz was convicted of felony violations of Health and Safety Code section 11351, Possession of Controlled Substances for Sale, and Penal Code section 29800(a)(1), Felon in Possession of a Firearm, and was sentenced to 5 years, 4 months state prison.

Not only does Inmate Diaz blatantly disregard the law and the safety of others, as evidenced by his strike offenses, multiple felony drug offenses, and firearm possession, but he has also proven that he is unable to succeed on supervision. Prison has evidently done nothing to deter his criminal behavior as he immediately returns to his criminal behaviors when released, and this time will be no different.

As we are given 30 days to respond, and we are not provided with any disciplinary history or any other information aside from the one-page notice of parole review, I cannot comment on Inmate Diaz's prison conduct. However, from the record that is available, it is clear that Inmate Diaz should not be released as he poses a significant, unreasonable risk of violence to the community. Parole should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Toni Linarez". The signature is written in a cursive, somewhat stylized font.

Toni Linarez
Deputy District Attorney
Sacramento County District Attorney's Office