

# Early Prison Releases: September 2018 Update



## Sacramento County District Attorney's Office

*Semper Justitia*

Since 2015, 349 inmates sentenced from Sacramento County have been granted early prison release by the Board of Prison Hearings (BPH) as of September 28, 2018.

Many of the offenders who are granted early prison release have violent and lengthy criminal histories. District Attorney Anne Marie Schubert feels it is important for the public to be aware of the so-called "nonviolent" offenders being released early from prison into our neighborhoods. Press releases are issued to provide the public with a sampling of recent noteworthy offenders, including:

Inmate with History of Assault, Gun Violence, Gun & Drug Possession (Eddie Ray Jones – Case #15F00314) – In May 1992, at the age of 19, Jones was convicted of shooting at an inhabited dwelling. In 1995, he was convicted of felony assault with a firearm and felon in possession of a firearm. He received a sentence of 3 years in state prison for these offenses. He returned to custody on four separate occasions for parole violations. In December 2001, Jones was sentenced to state prison for 6 years following felony convictions for discharging a firearm in a gross, negligent manner and felon in possession of a firearm. In that case, Jones was at a child's party with approximately 15 children in the backyard when he discharged a firearm just feet away from the children. In 2011 while on parole, Jones' vehicle was searched and officers found 27.4 grams of methamphetamine, 4.6 grams of marijuana, an operable digital scale, cell phone and a pay/owe sheet. Jones was convicted of

drug charges and sentenced to prison. He was released in August 2014 and committed his current offense in January 2015. In that case, Jones fled the police and was later found hiding underneath a truck. A plastic bag containing 28 grams of methamphetamine, 5.93 grams of marijuana, a digital scale and a cell phone were also located underneath the truck with Jones. A search of Jones' vehicle revealed 2.19 grams of methamphetamine, a box of baggies and a notebook that appeared to document narcotics sales. Jones was convicted of two counts of possession for sale of controlled substance and sentenced to his current 8 year and 4 months prison sentence. While in prison in 2016, Jones assaulted another inmate. Jones' criminal history spans more than 25 years and includes multiple convictions involving guns, drugs and violence. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted release on August 24, 2018.

#### Opposition Letter

Narcotics Trafficker with History of Burglary, Gun Possession (Ryan Schooler – Case #16FE018021) – In March 2007, Schooler burglarized a home and stole several handguns and rifles from a gun safe as well as a laptop computer and credit cards among other items. In April 2007, Schooler was found to be in possession of several fake driver's license and number of stolen credit cards. It was later determined Schooler used those stolen cards to defraud a victim of approximately \$1,200. In May 2007, Schooler purchased a number of gift cards using a stolen credit card. That victim reported 31 fraudulent purchases and being defrauded of approximately \$2,300. Schooler was initially placed on 5 years felony probation for these offenses, but was ultimately sentenced to state prison following his conviction for the March 2007 residential burglary. While on parole in December 2009, Schooler was convicted for possessing more than two dozen oxycodone tablets. He was again sentenced to state prison. In Schooler's most recent 2016 commitment offense, officers executed a search warrant at Schooler's residence after an investigation revealed he was involved in narcotics trafficking. Officers recovered approximately 20 grams of heroin, 67 grams of methamphetamine, multiple firearms, hundreds of rounds of ammunition and approximately \$10,000 in cash. They also found items associated with the sale of narcotics, including digital scales, pay/owe sheets and packaging. The search took place at

his home, where his three children lived. For these offenses, which included felony gun possession and felony child endangerment, Schooler was sentenced to 9 years and 8 months in state prison. In addition to these crimes Schooler has violated his parole or probation six times. Schooler is a repeat offender with a history of child endangerment, narcotics trafficking, possession of dangerous weapons, residential burglary and defrauding victims for large sums of money. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted release on August 30, 2018. [Opposition Letter](#)

Career Criminal, Including Carjacking and Firearms Possession Convictions (Edward Martin Lerma – Case #16FE003318) – Since 1984, Lerma has suffered nine felony convictions, 13 misdemeanors and has been sent to state prison on seven different occasions.

At the age of 19, he was convicted of grand theft and sentenced to 360 days in county jail. Lerma spent the next 16 years in and out of county jail. In 2000, he received a 72-month prison sentence for stealing a car and driving under the influence.

Later that same year, Lerma pled to a carjacking as well as a felony failure to appear. He received a 2-year concurrent prison sentence for those offenses. In a separate case, Lerma pled to forging checks and, again, received a concurrent prison sentence. While on parole for these offenses, he was convicted of being a felon in possession of a firearm and received a 4-year prison sentence in 2006. After being released from prison on that case, he was convicted of a second-degree burglary in 2012 and received a 3-year prison sentence. Finally, in 2015 he stole another car in San Joaquin County and received a 32-month prison sentence.

In Lerma's brazen 2016 commitment offense, he walked into a car dealership, asked to see a new Chevrolet Camaro, got into the car and then in front of the sales representative sped off the lot in broad daylight. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted release on September 6, 2018. [Opposition Letter](#)

### **Early Prison Release Laws & Procedures:**

In January 2015, the Department of Corrections and Rehabilitation began a new parole determination process after a federal court ordered California to reduce prison overcrowding. As a result,

inmates characterized as “nonviolent second-strikers” (NVSS) became eligible for early parole. In November 2016, Proposition 57 was then passed with the promise that “nonviolent” inmates who “turn their lives around” in prison could also earn early parole under a new “nonviolent parole review” (NVPR).

Qualifying NVSS and NVPR inmates must not currently be serving a sentence for a crime legally categorized as a violent felony and must not be required to register as sex offenders. NVSS inmates must have served (or be within 12 months of serving) only 50 percent of their sentence, while NVPR inmates may be paroled after serving the base term for the principal offense and may earn additional conduct credits.

The Board of Prison Hearings (BPH) determines whether NVSS or NVPR offenders would pose an unreasonable risk of violence to the community based on a paper review of prior criminal history, facts of the current commitment offense, behavior in prison, rehabilitation efforts, whether the inmate has any medical condition which might affect the ability to re-offend, and written statements.

Unlike parole hearings – where the prosecution, defense attorney, and victim may appear – there is no public hearing for these BPH administrative reviews. Additionally, no evidence-based risk assessment is conducted prior to consideration of early release to indicate an inmate’s safety risk.

The Sacramento County District Attorney’s Office takes an active role in evaluating NVSS and NVPR cases. For inmates who appear to pose a danger to the public, the office writes opposition letters to BPH with an overview of the inmate’s criminal history and current commitment offense, and an opinion on the public safety risk if an inmate is granted early release. NVPR cases are especially concerning since prosecutors are denied access to records of the inmate’s behavior behind bars, which is critical to rehabilitation, and do not have a right to appeal an early parole decision.

Information about more of these inmates can be found on the Early Prison Releases webpage at [sacda.org/early-prison-releases](http://sacda.org/early-prison-releases).