

Early Prison Releases: November 2018 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 359 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of November 30, 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 Domestic Violence, Vehicular Manslaughter, Repeat DUI Offender (David Esteban Gonzales – Case #16FE019379) – In 2000, Gonzales was convicted of the unlawful carrying and possession of firearms. In 2002, he was convicted of making terrorist threats, a strike offense, and domestic violence. In that case, Gonzales punched a 29-year-old female victim in the head because she refused to have sex with him. The victim submitted to his sexual demands to prevent further assault, but Gonzales continued the physical abuse. He continued the attack the next day, pulling her to the ground by her hair and striking her in the facial area until she was unconscious. He threatened to kill the victim and her family if she left him. Gonzales was sentenced to 4 years and 8 months in state prison for these crimes. Gonzales was then convicted of driving under the influence three times within the span of three years starting in 2006. In 2009, he was again convicted of domestic

violence. In that case, Gonzales abused a 25-year-old female victim over a one-month period. The abuse included throwing her against a dresser, pushing her chest until she lost consciousness, pulling her by the hair, kicking and slapping her, grabbing her by the neck and choking her. The victim sustained a head injury, dislocated jaw, bruises, back pain and long-term eyesight difficulty. Gonzales was sentenced to 4 years in state prison for this repeated abuse. In 2014, Gonzales drove into a bicycle lane and struck a bicyclist, who suffered a fatal injury. He was convicted of misdemeanor vehicular manslaughter without gross negligence. In his current 2016 commitment offense, Gonzales fled from a traffic stop and was apprehended with approximately 6 ounces of methamphetamine in his possession. He was convicted of transporting methamphetamine for sale. Due to his earlier strike, he was sentenced to serve 4 years in state prison. The Board of Parole 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 October 30, 2018. [Opposition Letter](#)

Inmate with History of Domestic Violence, Gang Violence (Gerardo Miranda – Case #17FE009667) – Miranda has a lengthy criminal history, which includes a gang motivated shooting, domestic violence, drug charges and DUI. He is a validated Norteno gang member who went to state prison in 2010 for five years. In that case, he was convicted of assault with a firearm after he shot at the house of a Norteno gang drop-out while several people were in the house. Miranda personally shot at the house approximately seven times. In his current commitment offense, Miranda was convicted of felon in possession of a firearm. In that case, parole agents and members of the Sacramento County Sheriff's Department Gang Suppression Unit searched Miranda's vehicle and found a loaded, stolen .45 caliber handgun. Miranda admitted the gun belonged to him. During a search of his bedroom, agents also found clothing commonly worn by Norteno gang members. The Board of Parole 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 October 29, 2018. [Opposition Letter](#)

41-Year Criminal History, Including Domestic Violence and Assault with a Deadly Weapon (Ricky Valley – Case #16FE021500) – In 1977, Valley was convicted of car theft, evading an officer and a wet

reckless driving. He has two previous felony convictions in 1991 and 1995 for domestic violence resulting in a traumatic condition. He received state prison sentences for those offenses. In 2004, Valley was again convicted of felony domestic violence and assault with a deadly weapon, a strike conviction. In that case, Valley hit his girlfriend on the head with a bottle, causing her to black out, pinching a nerve in her neck and resulting in a head injury that required 25 stitches. Valley was sentenced to 10 years in state prison for this attack. In his current 2016 commitment offense, Valley fled from officers who were investigating a code violation. When he was apprehended, he had a loaded gun in his pocket and a case containing a methamphetamine pipe and .20 grams of rock cocaine. He also received a misdemeanor conviction in 2016 for having a knife with an 8-inch blade on his person and a methamphetamine pipe. Valley has had multiple felony convictions and sent to state prison six times. After being released from prison, he had multiple parole violations. The Board of Parole 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 November 20, 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.