

Early Prison Releases: October 2020 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 468 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of October 30, 2020.

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:

Repeat Offender, Shoots Victim Twice Causing Life-Threatening Injuries (Ralph Hibbler – Case #17FE016325) – In 2002, Hibbler was convicted of his strike offense, assault with a firearm. In that case, Hibbler got into an argument with the victim. The victim slapped Hibbler, who responded by producing a handgun and shooting the victim. When the victim tried to run away, he shot the victim a second time. The victim sustained life-threatening injuries. Hibbler went to prison for 5 years for that offense, concurrent to 3 years from a probation violation on a previous 2000 felony drug conviction. Once released and on parole, or Post-Release Community Supervision (PRCS), Hibbler was convicted of another drug charge in 2008 and sentenced to 12 years in state prison. He was released in March 2017 and was once again on PRCS when he committed his current commitment offense in September 2017. In that case, sheriff's deputies responded to a panicked domestic disturbance call involving Hibbler. The caller reported

that Hibbler had a gun and she couldn't leave. When deputies arrived, they detained Hibbler and found a loaded handgun with a round in the chamber in the house. The firearm was previously reported stolen and Hibbler had been convicted of multiple previous felonies, prohibiting him from owning a firearm. For this offense, he was sentenced to 6 years in state prison. Hibbler has never been successfully discharged from probation, parole, or PRCS. Since 2012, he has been out of custody a total of less than one year. 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 early release. [Opposition Letter](#)

Repeat Offender Convicted of Pimping, Pandering (Markece Chatman – Case #16FE002037) – Chatman's first conviction was in 2002 for vehicle theft. In 2003, he received his first strike for attempted robbery. In 2007, he was convicted of felony reckless evading and received his first state prison sentence of 2 years. In 2009, Chatman was sentenced to 7 years in state prison for pimping. After being released from prison, he reoffended by committing the same crime of pimping. In November 2015, the victim in that case reported to law enforcement that Chatman forced her to work as a prostitute. The victim described meeting Chatman through her cousin. She said that while she agreed to go to the San Francisco Bay Area with Chatman to work as a prostitute, she went believing that they were establishing a romantic relationship and life together. The victim testified in court that soon after their arrival in the Bay Area, Chatman became increasingly violent and controlling. She stated she soon became afraid of him and Chatman had choked and punched her. When the victim begged Chatman to take her back home to her family in Sacramento, he took the victim's cell phone, money and personal items. He then forced her to continue working as a prostitute. She became completely dependent and was at the mercy of her abuser. Eventually, the victim was able to get a hold of a cell phone and call her family to rescue her. Chatman was convicted of felony pimping and pandering and sentenced to 8 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 early release. [Opposition Letter](#)

Manslaughter, Assault w/Deadly Weapon Over 36+ Year Criminal

History (Michael Hernandez – Case #05F08579) – In December 1983, Hernandez violently assaulted a man walking home through a park. He struck the victim in the head and body with a cane, resulting in injuries that required four days in the hospital. Hernandez was convicted of assault with a deadly weapon for this brutal attack. In November 1989, Hernandez was convicted of vehicle theft. While on probation for this case, police stopped Hernandez for driving a stolen car. A loaded gun and switchblade were found in the car. Hernandez was also found in possession of a large amount of methamphetamine. Hernandez was convicted of vehicle theft and possession for sale of methamphetamine and received a three-year prison sentence. In November 1992, Hernandez was arrested for stealing another car. He was convicted and sentenced to three years in state prison. In October 2002, Hernandez was convicted for passing counterfeit checks at four different businesses. He was placed on probation for four years. While on probation, he was arrested and convicted for driving under the influence of a controlled substance. In September 2005, Hernandez killed a woman he had met the same day. After the two got into an argument, Hernandez tried to get the victim to exit his car. When the victim reached into the car to retrieve her belongings, Hernandez started driving away when the victim was half way inside the car. As he continued to drive, the victim fell half way out of the car and her body was dragging alongside his car onto the street. Hernandez drove erratically down the street with her body half way under his car. Her body became dislodged from his car when he side swiped a parked car. He then sped off. When officers arrived, the victim was dead at the scene. Hernandez pled guilty to his commitment offense of vehicular manslaughter with gross negligence. He also admitted to a violation of hit and run with injury. Hernandez was sentenced to state prison for 22 years. 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 early release. [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 Parole 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.