DAs Granted Temporary Restraining Order Preventing CDCR from Increasing Credits for Second-Strikers w/Serious, Violent Convictions

Sacramento County
District Attorney's Office
Semper Justitia

Sacramento District Attorney Anne Marie Schubert announced today that she and 27 other elected District Attorneys across California have been granted a Temporary Restraining Order (TRO) preventing the California Department of Corrections & Rehabilitation (CDCR) from enacting an increase of 50% credits to 66% credits for second-strikers with serious and violent criminal histories.

This newest "emergency regulation" comes after CDCR's recently enacted so-called "emergency" regulations that allows for additional credits to be awarded to serious and violent felons, including credits that are not based upon completing any rehabilitation programs.

While CDCR's newest regulations grant additional good conduct credits to inmates working in fire camp related activities, they also added additional credits to so-called "nonviolent" second strikers. Unrelated to fire camp credits, CDCR sought to increase credits to 66% conduct credits, two-thirds time off sentences, to second strike inmates housed at a minimum-security level A or B facility. CDCR did so amid litigation challenging additional credits for serious and violent offenders. This new class of credits will include convictions for domestic violence, human trafficking, animal cruelty and possession of weapons by individuals who have previous convictions for serious and violent

felonies.

In order to stop the enforcement of this newest early release "emergency regulation," the 28 DAs filed a TRO on December 22, 2021. On December 29, 2021, the Court granted the petition and issued the TRO against CDCR.

In 2015, Sacramento District Attorney Anne Marie Schubert began opposing and publicizing the early release of "nonviolent" second-strike felons. Under California law, "nonviolent" felonies include domestic violence, rape of an unconscious person, human trafficking, and assault with a deadly weapon. "Second strike" refers to an inmate who was previously convicted of a serious or violent felony. [See Opposed Early Prison Releases from Sacramento County]

"Many of these so-called "nonviolent" second-strikers have long and violent criminal histories – including repeat felony domestic violence convictions, sexual assaults and gun violence," said District Attorney Anne Marie Schubert. "Releasing these dangerous inmates after serving a small fraction of their sentences not only lacks accountability, it shortens effective rehabilitation, violates victims' rights and is a significant threat to public safety. No one is contesting good conduct credits for fire camp work, but sneaking in another class of individuals with serious and violent criminal histories goes too far."

Inmates who would be potentially eligible to be released after serving only one-third of their sentence as a result of this new regulation include:

Kenneth Hawkins (Case #20FE004144) – Human Trafficking

Hawkins was convicted by a jury of human trafficking using force, pimping and pandering. Hawkins has a prior strike conviction for robbery with a gun enhancement. He went to prison for 13 years on that conviction and was out on parole at the time of the current offense.

On March 1, 2020, the Sacramento Police Department received a report from a witness that Hawkins was forcing the victim to perform oral sex on another man in a parking lot on Franklin Boulevard. When officers located Hawkins and the victim, the victim disclosed that Hawkins had been forcing her to engage in

prostitution. The victim also told officers that on that day, Hawkins was angry at her and humiliated her by forcing her to perform oral sex on another man in the parking lot as his friends stood by and taunted her. Friends of Hawkins filmed a portion of the crime and posted the video on social media. Officers located the video as well as other surveillance video that corroborated the reports of the witness and the victim.

In January 2021, Hawkins was sentenced to 28 years in state prison.

Jorden Leon Cooks (Case #21FE000570) – Human Trafficking

Cooks pled to human trafficking of a minor and admitted to a prior robbery strike conviction.

On January 8, 2021, Sacramento police officers were doing an investigation at the Quality Inn on Jibboom Street when they overheard Cooks shouting at someone inside one of the rooms. When officers contacted Cooks, they found him with the 16-year-old victim they identified as a missing person from Oregon. Based on a review of text messages and other digital evidence on Cooks' and the victim's cell phones, officers realized that Cooks was trafficking the victim. Officers arrested Cooks and ensured the victim was returned safely to her family in Oregon.

In June 2021, Cooks was sentenced to 10 years in state prison. Cooks was also sentenced to an additional 16 months after pleading to being a felon in possession of a firearm (Case #20FE019135).

Petra Santiago Gabriel (Case #20FE010778) – Animal Cruelty

Gabriel pled to felony animal cruelty with use of a weapon and admitted to a prior 2007 strike conviction for robbery.

On July 7, 2020, Gabriel's dog got into a fight with her sister's dog, Doody. After the women were able to separate the two dogs, Gabriel sprayed Doody with a flammable substance. Gabriel proceeded to burn Doody with a butane torch, engulfing Doody's face and body in flames. Miraculously Doody survived thanks to the help of Sacramento County Animal Control and UC Davis veterinarians. Doody remains in a specialized medical foster home, will require a lifetime of medications and must wear a T-shirt at all times due to his extensive body burns.

Gabriel has two prior convictions for using flammable substances, both in the course of a robbery and an assault.

In June 2021, Gabriel was sentenced to 7 years in state prison.

These credits would also apply to individuals currently charged with domestic violence with prior strikes including:

Jonathan McCart (Case # 21FE015487) – Domestic Violence

McCart has a prior 2001 strike for aggravated mayhem and torture. In that case, McCart set his then girlfriend on fire. He was sentenced to life in prison for that conviction, but was released early by CDCR in 2018.

McCart is currently charged with felony domestic violence and assault by means of force likely to produce great bodily injury.

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