

District Attorney Thien Ho Alerts the Public to Violent Inmate Released on Parole



Sacramento County District Attorney's Office

Semper Justitia

The California Department of Corrections and Rehabilitation's Board of Parole Hearings granted parole to inmate Kyle Douglas Frank (CDCR #AH1177) on April 10, 2024, after serving only 14 years of his 90-year prison sentence. District Attorney Thien Ho is alerting the public to this violent inmate's early release into the community.

Frank committed four separate freeway shootings in Sacramento County from August 22, 2009, to September 9, 2009. Each victim was either Hispanic or African American. He attempted to murder eight innocent people simply because of their skin color.

- On August 22, 2009, an African American male victim was driving on Interstate 80 next to Frank's car. When the victim looked over at Frank's car, Frank yelled out a racial slur. The victim tried to speed away, but Frank caught up to him and approached the victim's passenger side. Frank yelled out more racial slurs and fired several rounds at the victim's car, striking it six times through the passenger door.
- On August 31, 2009, a Hispanic female victim was driving with her minor children (ages 5 and 14) in her minivan. When the victim got to Florin Road, Frank began tailgating her. As

both cars merged onto Interstate 5, Frank passed the victim and cut her off at the on-ramp. He then yelled at the victim and fired four gunshots at her car, striking her minivan several times.

- On September 6, 2009, a Hispanic male victim was driving on the freeway near Frank's car. The victim observed Frank driving aggressively and weaving in and out of traffic. Moments later, the victim was involved in a road rage incident with Frank. As the victim tried to drive away, Frank fired five gunshots toward the victim's car. Three bullets were found lodged in the victim's passenger side door and one bullet was found lodged in the passenger seat.
- On September 9, 2009, three Hispanic family members were in a vehicle traveling on Interstate 80 and attempted to exit on Antelope Road. At that time, Frank used his vehicle to accelerate and decelerate in a way that prevented the victims' vehicle from exiting the freeway. Frank then stated a racial slur and fired several shots at the victims' car. A bullet grazed one of the victim's legs.

A search of Frank's home revealed a black .25 caliber Beretta semi-automatic handgun and multiple rounds of ammunition. Forensic analysis confirmed that this gun was used in all four shootings.

On March 14, 2011, Frank was convicted after jury trial of eight counts of attempted murder. The jury also found the enhancements for personal use and discharge of a firearm to be true. He was sentenced to an aggregate term of 90 years in state prison.

While incarcerated, Frank assaulted an African American inmate, and assaulted another inmate in a separate incident to align with the white prison gang.

Since his conviction, Frank made a motion for a new trial, which was denied. He then appealed his conviction, which the Third District Court of Appeal unanimously affirmed in November 2013. His petition to the California Supreme Court was denied without

comment in January 2014. Frank then filed a Writ of Habeas Corpus in the U.S. District Court for the Eastern District, which was denied. His appeal to the Ninth Circuit Court of Appeals was also unsuccessful. He petitioned for clemency in 2019, which the Sacramento County District Attorney's Office strongly opposed, and was denied.

"Given the extreme violence and trauma inflicted on the victims in this case, this inmate should not have been granted parole after serving just fifteen percent of his prison sentence," said District Attorney Thien Ho. "My office has submitted a letter to the Governor asking him to intervene and refer this decision to the full Board for en banc review and rescission."

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