



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

January 19, 2018

Non Violent Parole Review Process
Board of Parole Hearings
Correspondence – NV
P.O. Box 4036
Sacramento, CA 95812-4036

Re: Alston, Daryle
CDCR # BA3492
Court Docket No. 16FE002127
Agency Report No. SHP-BW-75231 & SSD-16-27957

Inmate Alston is a validated, well-known member of a Sacramento criminal street gang – the Oak Park Bloods – that is deeply involved in an extremely violent on-going gang war in Sacramento. This on-going feud between the Oak Park Bloods and their primary rival, G-Mobb, has yet again erupted into open violence in what Sacramento Police Department (hereinafter SPD) gang detectives have repeatedly testified as a “shoot on sight” conflict with numerous homicides and shootings occurring from 2014 through the present. In fact, Inmate Alston’s commitment offenses were directly related to a shooting committed by one of his fellow Oak Park Blood gang members. In short, permitting Inmate Alston to obtain early release will do nothing but return a gang member with a history of dangerous conduct back to the streets of Sacramento during an on-going violent gang war.

The circumstances surrounding Inmate Alston’s current conviction and his prior criminal record show that he poses an unreasonable risk of violence to the community. On January 29, 2016, California Highway Patrol (CHP) officers conducted a vehicle stop on a vehicle that Inmate Alston was a passenger in. After lying about his name, Inmate Alston fled from the vehicle on foot as officers were conducting a records check. After a foot pursuit, officers found Inmate Alston hiding in a backyard. After reviewing surveillance footage from a business where the vehicle stop occurred, officers discovered that Inmate Alston threw a pair of semi-automatic handguns over a fence after rounding the corner of a business. During a subsequent investigation, detectives with the Sheriff’s Department discovered that another Oak Park Blood gang member charged with assault with a firearm, had made arrangements for Inmate Alston to obtain and dispose of the firearm used in that offense, a firearm suspected to be one of the two Inmate Alston discarded while fleeing from pursuing officers. Of significant concern, despite Inmate Alston being observed by surveillance cameras discarding both firearms over the fence, at the time of sentencing, and after entering into a plea agreement, continued to insist that he was “framed” and the charges against him were false. Inmate Alston’s unwillingness to accept responsibility for his criminal conduct, despite clear video evidence to the contrary (and his own admission by plea), shows that Inmate Alston is an unrepentant gang member with no interest in following the rules of ordered society.

Charged with two felony violations of Penal Code § 29800(a)(1), both for the benefit of a criminal street gang pursuant to Penal Code § 186.22(b), as well as a misdemeanor violation of Penal Code § 148(a)(1), for the benefit of a criminal street gang pursuant to Penal Code § 186.22(d), Inmate Alston faced the possibility of at least 18 years, 4 months in state prison and a conviction for two

additional serious felonies. As part of the plea agreement, consummated at an early stage in the proceedings, Inmate Alston agreed to serve 5 years, 4 months in state prison to avoid those potential consequences. As our Court of Appeal has pointed out, the “[f]ailure to hold a defendant to the terms of his [plea] bargain would undermine the integrity of the judicial process.” (*People v. Vargas* (2001) 91 Cal.App.4th 506, 534.) Inmate Alston has already received a break through the plea bargaining process – he does not deserve another, let alone one of the magnitude this process seeks, in which nearly half of his sentence would be wiped away.

Moreover, Inmate Alston has demonstrated a continuous pattern of engaging in dangerous criminal activity. [REDACTED]

[REDACTED] Inmate Alston was convicted of first degree residential burglary, a serious felony, in violation of Penal Code § 459 in 2012, and the current commitment offenses, two felony violations of Penal Code § 29800(a)(1). In short, Inmate Alston is an individual who has demonstrated a complete disregard for the law and has willingly endangered the safety of the public – [REDACTED], burglarizing a home, or carrying a firearm. Taken together, releasing Inmate Alston from prison custody early will do nothing but return a gang foot soldier to the streets of Sacramento during an on-going, violent gang war.

Additionally, Inmate Alston has also repeatedly demonstrated an inability to comply with supervision in the community. [REDACTED]

[REDACTED] After being convicted, [REDACTED] of a first degree residential burglary in 2012, Inmate Alston was placed on probation and ordered to serve six (6) months in jail. Despite being given the opportunity to avoid a prison commitment, Inmate Alston violating his probation in May of 2013 and June of 2015, before ultimately violating his probation by committing the current commitment offenses in January of 2016. Despite his youth, Inmate Alston has managed to paint a clear picture of who he will be if released early – an individual with no interest in complying with the rules and regulations of parole supervision. If you were to look up the definition of “[t]he defendant’s prior performance on probation, [REDACTED] postrelease community supervision, or parole was unsatisfactory,” (*see* Cal. Rules of Court, Rule 4.421(b)(5)), you would find a picture of Inmate Alston. If this Board releases him early, it is guaranteed that Inmate Alston will repay that leniency by violating the law while on parole.

Although his current commitment offenses are not serious or violent, as defined by the Penal Code, there is no doubt that Inmate Alston – a validated criminal street gang member with deep ties to the Oak Park Bloods – has demonstrated that he poses a dangerous risk to society at large. While he is relatively young, [REDACTED] Inmate Alston has [REDACTED] demonstrated an inability to follow the rules pertaining to his release. In other words, Inmate Alston has yet to show any credible evidence that he is sincere in his desire to become a law-abiding member of society. In fact, Inmate Alston has repeatedly shown the exact opposite – that he is deeply committed to the Oak Park Bloods, and that he will continue to engage in criminal activity, including disposing of firearms used in violent offenses by his fellow gang members.

As the District Attorney's Office is only given thirty (30) days to respond and are not provided with any disciplinary history or other information aside from the one page notice of parole review, I am unable to comment on Inmate Alston's prison conduct. However, from the record that is available, it is clear that Inmate Alston should not be released as he poses a significant, unreasonable risk of violence to the community. Parole should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Brad Ng', written in a cursive style.

Brad Ng
Deputy District Attorney
TARGET / Career Criminal Prosecution
Sacramento County District Attorney's Office