



# Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings  
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Re: Joe Cortez **Duenas** – CDCR # AW0453

To the Non-Violent Second Striker Board of Parole Hearings,

**The Sacramento County District Attorney's Office opposes the early release of inmate Joe Duenas pursuant to the NVSS program:** Inmate Duenas has repeatedly demonstrated his unsuitability for early parole by virtue of his conduct – both in free society and while in jail – over the past years. While the goal of our penal system is a dual one - to not only punish criminal offenders but also to rehabilitate them - there are, unfortunately, persons whose impulse control is so lacking and whose criminal activities pose such an on-going threat to the public that the only realistic option for dealing with them is to, effectively, “warehouse” them i.e. keep them in custody for as long as legally permissible in order to minimize the harm they inflict on innocent citizens. Inmate Duenas is one of those persons.

**May 9, 2000 (Penal Code section 459 1<sup>st</sup> - the inmate's “strike” offense):** A Folsom resident in the process of moving returned to his home after making a stop at a storage facility. When the resident opened the garage door of his home – there was inmate Duenas, standing in the garage holding the victim's television set; the TV set had been removed from the living room by the inmate, who had apparently broken into the garage, then entered the victim's living room through an unlocked access door and helped himself.

**September 6, 2005:** The inmate was convicted of felony violations of attempted auto theft (Penal Code sections 664/10851), 2<sup>nd</sup>-degree burglary (Penal Code section 459), vehicle theft (Vehicle Code section 10851) and receiving stolen property (Penal Code section 496(a)).

**February 5, 2010 (Penal Code section 459 2<sup>nd</sup>):** Inmate Duenas and an accomplice entered a Kohl's Department store and loaded items valued at more than \$ 400 into a shopping cart; they then exited the store without paying and departed the scene, with their loot, in a waiting vehicle. The car was subsequently stopped by law enforcement and the inmate arrested while in possession of the stolen merchandise.

**January 1, 2011 (Penal Code section 496d):** On New Year's Day, a citizen called police and advised that he saw a vehicle being “stripped” in a nearby driveway. When officers responded to

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the location, they found inmate Duenas doing just what had been reported – “stripping” the vehicle. When officers asked inmate Duenas what he was doing, he informed them that he was “taking the stereo out of his girlfriend’s car”. Investigation revealed, however, that inmate Duenas’ statement was a lie: the vehicle was one which had been stolen the day after Christmas.

**July 28, 2014 (Vehicle Code section 10851 - the inmate’s current commitment offense):**

Officers initiated a stop on a vehicle that lacked a front license plate; at the wheel was inmate Joe Duenas. Investigation revealed the following facts: (1) The car had been stolen on June 7, 2014, from owner [REDACTED]; (2) the inmate had an outstanding “no-bail” warrant for his arrest; (3) the inmate did not have a valid driver’s license; (4) the inmate told the arresting officer that he had bought the car for \$ 250 from “Jesse”, a “friend of his cousin” – a blatant lie; (5) the inmate was under the influence of methamphetamine – which the inmate admitted he had smoked only hours before; (6) the inmate told the officer that he did not use meth regularly – that he only used “*once in a blue moon*”.

**Which was another lie.** Inmate Duenas’s RAP “overdoses” on substance abuse convictions:

<u>Date</u>	<u>Crime</u>	<u>Other Info</u>
June, 1995	Health & Safety Code Section 11377	Possession of controlled substance (misdemeanor)
January, 1996	Health & Safety Code Section 11350	Possession of controlled substance (felony)
May, 1997	Health & Safety Code Section 11377	Possession of controlled substance (misdemeanor)
January, 2000	Vehicle Code section 23152	DUI (misdemeanor)
September, 2000	Health & Safety Code Section 11377	Possession of controlled substance (felony)
April, 2003	Health & Safety Code Section 11377	Possession of controlled substance (misdemeanor)
June, 2007	Health & Safety Code Section 11364	Possession of drug paraphernalia (misdemeanor)
December, 2008	Health & Safety Code Section 11364 & Penal Code section 148.9	Possession of drug paraphernalia (misdemeanor) and providing false identification to police



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December, 2013	Health & Safety Code Section 11377	Possession of controlled substance (felony)
July 2014	Vehicle Code section 23152	DUI (misdemeanor – in conjunction with the inmate's V.C. 10851 conviction)

While the current view is that society should provide drug-users an opportunity to escape their addiction, looking at inmate Duenas' record one can only wonder: how many chances does he get ? During his incarceration and/or while on probation for his drug offenses (not even counting his other numerous criminal convictions), inmate Duenas had access to (at the very least) some type of drug treatment; yet he has apparently made little or no progress in addressing his drug use – even though he has admitted he has a drug problem. When arrested for his 2013 drug offense, inmate Duenas told the arresting officer “I have a problem”. Yet that admission seems to have been more one of convenience, of dealing with that situation, rather than an indication the inmate has even the slightest genuine desire to alter his conduct.

And inmate Duenas has other issues besides his appetite for theft and drugs: he has performed miserably on probation, parole and post-release community supervision (PRCS): the name of the post-release program may change but inmate Duenas' failure to comply with even the most basic post-release requirements has not (please see inmate Duenas' RAP and Sacramento County Probation Department report in Sacramento County case # 14F05179, dated February 10, 2015, for a complete list of inmate Duenas' parole, probation and PRCS violations).

And then there is inmate Duenas' in-custody conduct: besides being evaluated as “Peckerwood” gang associate, during a “shake-down” of his cell on August 7, 2014 (prior to being transferred to state prison for his current commitment), a metal washer was discovered that had been sharpened for use as a weapon, as well as a wedge-shaped section of a hard plastic meal tray that was also (probably) intended for the same purpose .

**Inmate Duenas should NOT be released:** It is conceivable, taking a only a cursory glance at inmate Duenas' record, to question if the inmate would pose a “current danger” to the public if granted an early release from prison: admittedly, his RAP does not contain the instances of personal violence that are the hallmark of the histories of so many inmates being considered for NVSS release. But inmate Duenas DOES pose a current danger. When [REDACTED], owner of the vehicle stolen by the inmate in his commitment offense was told that her vehicle had been recovered, she was initially rapturous:

*“I'm in a state of disbelief that my car was located. I had given up hope. I am so happy I could cry. I do not know a Joe Duenas and I did not give anyone permission to take or use my car. I reported my car stolen to the CHP on June 7, 2014. I am so thankful my car was found”.*

But Ms. [REDACTED] happiness understandably soured when she discovered the condition of her car after inmate Duenas' possession: an evaluation of the vehicle after it was returned to Ms. [REDACTED] revealed that the stereo system had been removed, the dashboard damaged, the rear

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differential entirely destroyed and the vehicle's struts damaged to a level never seen by the inspecting mechanic. All told repairs were estimated to cost approximately \$ 1300 – with the sum necessary to replace the stereo, dashboard and differential still pending determination. As Ms. [REDACTED] noted:

*“Why do people feel like it is okay to take things from others ? I can't afford to fix the damage and now I'm out of a car”.*

And that so succinctly, so sadly, summarizes the danger posed by inmate Duenas to the public: who will be the next [REDACTED] – to have their vehicle stolen, and then effectively destroyed, because inmate Duenas was free on parole (or probation or PRCS) and was “dealing” with his drug problem by stealing an innocent citizen's vehicle ? Who will the next regular, working guy (or woman) to have their Christmas holidays and New Year's ruined because inmate Duenas got hold of their car and decided to “strip” it for his own utterly selfish “needs” ? Who will be the next homeowner to return to their house and find inmate Duenas in the process of looting it ? What justifies the early release of someone who has damaged so many lives and who has expended so little effort in trying to comply with even the most fundamental rules ? Inmate Duenas obviously will be released at some point – but why does that release have to be now ? Why does the public have to be exposed to the dangers and costs of inmate Duenas' criminal, drug-driven depredations sooner rather than later ?

The answer – the fair answer that considers the public's needs and not just those of inmate Duenas – is that he should NOT be released. Given inmate Duenas' deplorable record and his still-extant criminal mindset, the only way to protect the public from future depredations by inmate Duenas IS to keep him confined. If he is released from custody pursuant to the NVSS program he WILL offend again, he will harm, in some way, another innocent citizen – which means that the only reasonable, the only prudent, option is that **he must be retained in prison** until he has served his maximum lawful sentence.

Inmate Duenas' early release should be denied and he should be kept in the custody of the state until he serves the entire term of his sentence.

Respectfully,



Dean Archibald  
Deputy District Attorney  
Sacramento County District Attorney's Office