



# Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings  
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Re: **Freddie Washington – CDCR # AC2116**

Warning labels are now so much a part of American life that they're taken for granted, so ubiquitous (and sometimes seemingly so unnecessary) that they frequently go unnoticed. Yet warning labels often do provide a valuable service, providing notice to the public of dangers (potential or actual) which are inherent in a product or process but which may not be immediately apparent; on occasion, there may even be multiple warning labels, advising of an array of hazards associated with a particular item.

A **"warning label" for inmate Freddie Washington**: Putting the concept of warning labels in another context: if only they could be used to protect members of the public in an equally effective manner from the dangers posed by criminals like inmate Freddie Washington. Far more perilous than any potentially defective product, inmate Washington is not merely a device or process that *might* harm someone: his life – his intentional actions as an adult – are a proven detriment to public safety.

**"Warning: Armed and Dangerous"**: Inmate Washington's very first conviction (**in 1975**) involved a firearm – as did the charges in the case for which he is currently incarcerated, *more than 40 years later*. Inmate Washington is not only a prior felon who is legally precluded from even possessing a firearm - he is a prior felon who, in fact, has actually sustained a conviction for a violation of Penal Code section 12021 for *being* a felon in possession of a firearm (**1982**). Of even greater concern, inmate Washington is a "two-striker" with two prior "strikes" of a violent nature who was *armed* as a "two-striker". And worst of all – and most predictive of the danger posed to the public if inmate Washington were to be released on parole – he has already (during the course of his second "strike" offense) **actually shot, and crippled, an innocent victim**.

Although the facts of inmate Washington's first strike offense (**1978: convicted of a violation of Penal Code section 211 - Robbery**) have been lost in the mists of the decades of inmate Washington's continuous criminality, the details of his second strike conviction (**1985: conviction of a violation of Penal Code section 245(a)(2) - assault with a firearm - plus**

enhancements for use of a firearm and infliction of great bodily injury) are well-known – and still tragic.

On the morning of December 10, 1985, victim [REDACTED] visited the home of the mother (Ms. [REDACTED]) of his minor daughter in order coordinate obtaining medical treatment for their child, who had fallen ill; when the victim arrived at the residence, inmate Freddie Washington (a newer acquaintance of the child's mother) was already present. Once the child's mother indicated that she would take their daughter to the doctor, the victim decided to leave; as the victim began to depart the residence, inmate Washington appeared at the door and asked what he (the victim) was doing at Ms. [REDACTED]'s house. The victim explained the situation to inmate Washington, then exited the home, leaving the inmate behind. As the victim walked away from the residence, he became aware that someone was following him; when he turned to determine who was behind him, he saw inmate Washington, who said something unintelligible to the victim - then fired a single shot into the unarmed victim's left shoulder and neck. The victim fell to the ground and inmate Washington fled the scene; the bullet fired by inmate Washington lodged in the victim's spine, permanently paralyzing him (with the exception of his right arm) from the neck down. The victim was subsequently able to definitively identify inmate Washington as the shooter; although the inmate denied the shooting, he eventually pled guilty.

**“Warning: Fraudster”**: Another warning label that would have to be affixed to inmate Washington – based, again, on his actual conduct – would be “scammer”. [REDACTED]

[REDACTED]

It is interesting to note that at the time of his arrest (2009) in the case that led to his present incarceration in state prison, the [REDACTED].” inmate Washington was *in control of three residential properties (at least one of which was used for the sale of rock cocaine) and was the owner of three vehicles.* Additionally, the Sacramento Police Department detective who made that arrest frequently had the opportunity to observe inmate Washington during surveillance activities prior to inmate Washington's arrest; that officer noted that although inmate Washington told officers he had a “bad back” at the time of his arrest on April 1, 2009, in the detective's observation of the inmate, inmate Washington was seen to walk unassisted, and without any noticeable problems, on all occasions. Further, the officer also stated that he had seen the inmate stand for long periods of time and, on a nearly daily basis, *jump up into the driver's seat of his (the inmate's) large, high-off-the-ground Ford Excursion without any apparent concerns.*

Re: Freddie Washington – CDCR # AC2116



**“Warning: Drug Dealer”**: Few warnings would bring honest citizens as much dismay as one informing them that there was a drug-dealer with a history of violence operating in their community – which was exactly the situation in inmate Washington’s 2009 case. In the months prior to inmate Washington’s arrest on April 1, 2009 - which led to his current commitment to state prison - Sacramento Police Department (SPD) patrol officers, and detectives, became aware of inmate Washington’s involvement in the illegal drug business through a combination of contact with his customers and surveillance of inmate Washington’s drug-dealing activities.

In the course of that surveillance, SPD officers observed the classic “heavy traffic” drug transaction profile consistent with an individual who was a large-scale drug-dealer: characteristic of those drug sales was one which took place on February 19, 2009, in which SPD detectives contacted (and recorded) a suspected customer of inmate Washington’s, Mr. [REDACTED]. Mr. [REDACTED] after being searched (based on the existence of probable cause), was found to be in possession of pieces of rock cocaine:

**SPD Detective:** *“We know Freddie’s dealing, Okay ? His Escalade, I, I – I’ve dealt with him before and everything like that. So I just – I, I just want to, to make sure so I’m not – I’m not, uh, gettin’ things mixed or anything. Is Freddie – is Freddie the one that gave you the, the rocks you just bought ?”*

[REDACTED]: *“Yes”*. (Excerpt from transcript of recording of the February 19, 2009, contact of SPD detectives with Mr. [REDACTED] in SPD Case # 2009-53232).

At the conclusion of their investigation, SPD detectives obtained a search warrant; in the ensuing search of inmate Washington’s homes and vehicles, officers located a ¼ pound of cocaine base and – of course – a firearm. Inmate Washington eventually pled guilty to violations of Health and Safety Code sections 11352 (transportation of cocaine base) and 11351.5 (possession of cocaine base for sale) and was sentenced to 14 years in prison.

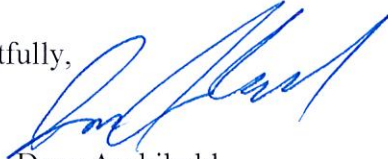
**Warning labels won’t protect the public**: Unfortunately, of course, there is no real-world mechanism available to attach “warning labels” to violent criminals; even if there were, those labels likely wouldn’t provide any real protection to a vulnerable public. But just as the history of a defective product’s failures can help regulators determine if a warning label will be sufficient or if other, more drastic, action is required to ensure the public’s safety, an inmate’s criminal history – his actual performance over the years – is a powerful indicator of the probable level of risk posed by that inmate in any future interaction with the community. And we know inmate Washington’s history: firearms, robbery, an innocent man crippled for life, lies and conning, large-scale drug-dealing and still another firearm. Unlike defective products, individuals like inmate Washington cannot be “recalled” due to safety concerns or “modified” in some way so as to definitively reduce the risk they pose to honest citizens. Given that fact, given inmate Washington’s history - given who he has repeatedly shown himself to be - the only option that will provide the level of protection from violent criminals that honest citizens have a right to expect, is the continued incarceration of inmate Washington.

Re: **Freddie Washington – CDCR # AC2116**

In short, it is clear that if inmate Washington 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 Washington's 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  
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