



# Sacramento County District Attorney's Office

**ANNE MARIE SCHUBERT**  
District Attorney

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January 4, 2019

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

**RE: TUAN ANH NGUYEN      CDC # BD8447      Docket: 17FE000579**

Inmate Nguyen is a felon who repeatedly arms himself while engaged in drug sales. The circumstances surrounding his current conviction and prior criminal record – including repeated convictions for being a felon in possession of a firearm – show that he poses an unreasonable risk of violence to the community.

Inmate Nguyen was convicted of Vehicle Theft in violation of Vehicle Code section 10851(a) on February 5, 2003, and Second Degree Burglary in violation of Penal Code section 459 on August 18, 2003. These convictions prohibited him from owning or possessing firearms and ammunition. Since 2003, Inmate Nguyen has been armed with a firearm three times and with ammunition one additional time; each of these events was in conjunction with Inmate Nguyen selling narcotics.

On October 28, 2005, Inmate Nguyen was convicted of violations of Health and Safety Code 11378 and former Penal Code section 12021(a)(1). This conviction stemmed from a probation search of Inmate Nguyen and his motel room, as he was on probation from his 2003 convictions. Inmate Nguyen had over \$600 on his person, over \$1,000 hidden in the room, pay owe sheets, a scale, and a half ounce of methamphetamine. Located in Inmate Nguyen's car was a .44 magnum revolver loaded with 6 rounds. Further inspection revealed the serial number on the .44 magnum had been obliterated.

On December 21, 2006, Inmate Nguyen was convicted of a violation of Health and Safety Code section 11378. Inmate Nguyen was stopped in his car and searched due to his active parole, revealing 18 grams of methamphetamine, a scale, pay owe sheets, over \$800, and a cell phone. During the investigation, the cell phone continued to ring until a detective answered it and the unidentified caller asked officers posing as Nguyen: "How much for a gram?"

On July 24, 2008, Inmate Nguyen was arrested for being in possession of 4 grams of methamphetamine and \$1,267 while on Parole. He was returned to State Prison with a new term on May 14, 2009.

On March 1, 2010, Inmate Nguyen was again arrested for possession of methamphetamine. He was given probation on March 8, 2010. On September 3, 2010, Inmate Nguyen was sentenced on a Violation of Probation to State Prison.

On January 24, 2013, Inmate Nguyen was convicted of violations of Health and Safety Code 11378 and former Penal Code section 29800(a)(1). Inmate Nguyen was stopped in his car with passengers. Nguyen appeared to be under the influence and officers searched his car. Located between the driver's seat and the center console was a .25 caliber semi-automatic pistol loaded with 6 rounds. Officers located within the vehicle over 3 ounces of methamphetamine and 2.5 pounds of marijuana.

On August 10, 2015, Inmate Nguyen was convicted of violations of Health and Safety Code 11351 and Penal Code section 30305(a)(1). Inmate Nguyen was contacted as the passenger in a car. Officers determined Inmate Nguyen was on PRCS and had an active felony PRCS warrant. A search of the car revealed approximately 14 Ecstasy/amphetamine pills, over 100 grams of marijuana, rounds of 20 gauge shotgun ammunition, and a 12 gauge double barrel shotgun. A search of Inmate Nguyen's phone revealed several text messages regarding sales of narcotics.

On July 12, 2017, Inmate Nguyen was convicted of the present commitment offenses: violations of Health and Safety Code section 11378 and Penal Code section 30305(a)(1). In this case, Inmate Nguyen was contacted in his car, found to be on active PRCS, and searched. During the interaction, Inmate Nguyen reached towards his left hip while seated. Deputies ordered Nguyen to not move and detained him at gunpoint. Near Nguyen's right hip, shoved between the driver's seat and center console of his car, was a fixed blade knife. Inmate Nguyen was found with 143 grams of methamphetamine, 14 grams of cocaine, over \$7,000, a BB pistol, 74 rounds of .38 caliber ammunition, 93 rounds of .22 caliber ammunition, and a BB rifle.

Since his conviction on February 5, 2003, Inmate Nguyen has only once successfully completed probation or parole without having another felony conviction and being returned to custody. This occurred when Inmate Nguyen was discharged from Parole on May 3, 2012. By October 31, 2012, he had been arrested for narcotics sales and firearms violations.

Even when formally supervised, Inmate Nguyen possessed a firearm and ammunition multiple times. His offenses increase in seriousness as time passes. The three most recent convictions of Defendant all involve weapons, firearms, and ammunition. The amount of narcotics and cash he carried increased by each offense, demonstrating Inmate Nguyen's growing experience in the drug trade. Inmate Nguyen continues to arm himself as a part of his profession.

One thing is clear about Inmate Nguyen: he will find a means of arming himself upon his release despite supervision by probation or parole. His recent convictions based upon narcotics sales and firearm possession demonstrate his disregard for the firearm restriction and conditions of probation and/or parole. His early release poses an unreasonable risk of violence to all members of our community.

As we are given 30 days to respond, and we are not provided with any disciplinary history or any other information aside from the one page notice of parole review, I cannot comment on Inmate

Nguyen's prison conduct. However, from the record that is available it is clear that Inmate Nguyen 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 read 'Mitch Miller', with a stylized, cursive script.

Mitch Miller  
Deputy District Attorney  
Sacramento County District Attorney's Office