



Sacramento County District Attorney's Office

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

Re: Gybraham Herrera CDC # BJ8441 Court Docket: 18FE021726/19FE001146

Inmate Herrera is a well-established violent felon and should not be paroled. The circumstances surrounding his current conviction and his prior criminal record show that he poses an unreasonable risk of violence to the community.

[REDACTED]

On May 11, 2012, Inmate Herrera and two accomplices broke into the victim's residence. The victim came home and found them burglarizing his house and all three fled. Inmate Herrera was carrying a flat screen TV. He tripped and fell, dropping the TV in the middle of the street. He was detained by the victim. The two other subjects fled the scene and shot two to three rounds at the victim as they fled.

Inmate Herrera was charged as an adult with Penal Code section 211, robbery, and Penal Code section 459, residential burglary, as well as Penal Code section 12022(a) for being vicariously armed. [REDACTED]

[REDACTED] Ultimately a disposition was reached where Inmate Herrera entered a Harvey waiver for the robbery charges and pled to the residential burglary charge as a strike, admitting the 12022(a) allegation. He was sentenced to the middle term of 4 years state prison plus an additional 1 year for the arming allegation for a total of 5 years state prison on March 7, 2013.

Inmate Herrera's affinity for guns continued after he was released from prison. In November 2018 Inmate Herrera was pulled over for having expired registration. A large amount of marijuana was seen in the car. During a vehicle search the officer found a rifle, a shotgun, a short barreled rifle, additional marijuana, and a scale.

When Inmate Herrera was being booked into the jail he stated that he was an active Norteno gang member. He was charged with Penal Code section 29800 and Health and Safety code section 11359(b). (Case 18FE021726.) On January 14, 2019, Inmate Herrera was sentenced to the low term of 16 months state prison which was doubled to 32 months due to his strike prior.

However, before he was sentenced, during the early morning hours of January 14, 2019, jail deputies noticed the smell of marijuana coming from Inmate Herrera's jail cell. Both Inmate Herrera and his cellmate were inside the cell. They were both pat searched with negative results. During a search of the cell deputies found marijuana and heroin inside the cell. Inmate Herrera was charged with Penal Code section 4573.6. (Case 19FE001146.) He was sentenced to 16 months consecutive to 18FE021726.

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 Herrera's prison conduct. However, from the record that is available it is clear that Inmate Herrera should not be released as he poses a significant, unreasonable risk of violence to the community. Therefore, the People request Inmate Herrera's parole be denied.

Respectfully,



Kimberly Macy
Deputy District Attorney
Sacramento County District Attorney's Office