



# Sacramento County District Attorney's Office

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July 2, 2020

Non Violent Parole Review Process  
Board of Parole Hearings  
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**Re: FITZHUGH, Tanner      CDC # BC5324      Court Docket: 19FE004351**

Inmate Tanner Fitzhugh is a danger to the community 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.

On March 2, 2019, Inmate Fitzhugh was housed in the Rio Consumes Correctional Center for a Driving Under the Influence sentence. While walking Inmate Fitzhugh's pod, a deputy detected the odor of what he believed to be marijuana. He listened in to the speaker in Inmate Fitzhugh's cell and heard Inmate Fitzhugh and his cellmate discussing the need for a lighter or a wick. Through the deputy's experience, it was common for people, such as Inmate Fitzhugh, who turn themselves in for sentence commitments to try to smuggle tobacco and narcotics into the jail. Based on what he observed, the deputy searched Inmate Fitzhugh's cell and found rolled tobacco cigarettes, a marijuana cigarette, wick materials, portions of a blue rubber glove, and a pocket-sized lighter.

The deputies brought Inmate Fitzhugh to the medical area and noticed he seemed to be trying to swallow something. Deputies kept telling the Inmate to spit out whatever was in his mouth, but he continued to try to swallow against their directives. Inmate Fitzhugh would not answer deputy questions about what he swallowed, but deputies noticed it may have still be lodged in his throat. Eventually Inmate Fitzhugh was convinced to spit up what was in his throat wrapped in a blue rubber glove but repeatedly denied possessing any contraband. Deputies searched the Inmate and found two bundles of contraband in his underwear with feces on them. It appeared they were initially smuggled in through Inmate Fitzhugh's rectal cavity. The three bundles found between Inmates Fitzhugh's cell and person contained tobacco and marijuana. He was in possession of approximately 94.56g of marijuana in total. In May 2019, Inmate Fitzhugh was convicted of a violation of Penal Code section 4573 .6 for this offense and sentenced to 32 months in state prison.

When questioned by the deputies for this offense, Inmate Fitzhugh commented that he already had a "strike" so he knew he was going back to prison. The strike offense occurred on July 29, 2016. At approximately 11:25 p.m. that day, officers were dispatched a residential neighborhood

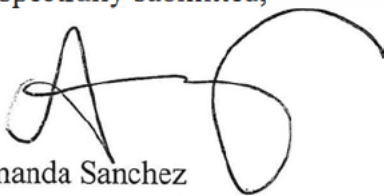
because the reporting part saw the passenger of a vehicle fire two rounds out of a motor vehicle. The officers found the vehicle as described by the reporting party and detained Inmate Fitzhugh, who was the passenger in the vehicle. Within the vehicle, officers found a loaded .38 Caliber revolver in the center console with two spent cartridges. Inmate Fitzhugh was identified as the shooter by the reporting party. After being interviewed, the driver admitted that he had the firearm in the center console of his vehicle. The driver showed it to Inmate Fitzhugh who took it and discharged it twice out of the passenger side window. Many residents of the neighborhood gave statements as part of the investigation of this offense. Many of those residents were home with their children in the area of where Inmate Fitzhugh recklessly discharged the firearm.

Inmate Fitzhugh was originally put on probation in 2016 for his strike offense of Negligent Discharge of a Firearm in violation of Penal Code section 246.3. Within a few months of that conviction, he was sentenced to prison for 32 months for a Penal Code section 496(a) conviction out of Placer County. Inmate Fitzhugh returned to Sacramento for a violation of probation where he was sentenced to prison for 16 months concurrent to the Placer County sentence. After being paroled in August 2018, Inmate Fitzhugh picked up a misdemeanor driving under the influence conviction in October 2018 as well as a misdemeanor driving on a suspended license conviction in January 2019 prior to the conviction he is currently incarcerated for in May 2019. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] It is clear that he has never shown any concern with abiding by the law.

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 Fitzhugh's prison conduct. However, from the record that is available it is clear that inmate Fitzhugh should not be released as he poses a significant, unreasonable risk of violence to the community. Parole should be denied.

Respectfully submitted,



Amanda Sanchez  
Deputy District Attorney  
Sacramento County District Attorney's Office