

[REDACTED]
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[REDACTED]
[REDACTED] On December 12, 2006, Inmate Shaw was convicted of another felony violation of Vehicle Code Section 10851(a), this time receiving a sentence of 120 days in county jail and 4 years of formal probation. On October 1, 2008, Inmate Shaw escalated his criminal conduct, obtaining a conviction for a felony violation of Penal Code Section 211, second degree robbery, a violent felony under California law. For this offense, Inmate Shaw was subsequently sentenced to 3 years in prison. On August 5, 2014, Inmate Shaw was convicted of a felony violation of Vehicle Code Section 10851(a) with a Penal Code Section 666.5(a) enhancement and received a sentence of 3 years in state prison.

Inmate Shaw was just denied parole less than one year ago on September 8, 2020 by this very board (he was also previously denied parole on September 24, 2019). In coming to their decision on both occasions, the Board stated that Inmate Shaw posed an unreasonable risk of violence. Specifically, the Board stated in the 2020 denial that Inmate Shaw “poses a current, unreasonable risk of violence, or a current unreasonable risk of significant criminal activity to the community.” While incarcerated, Inmate Shaw has violated CDCR rules on numerous occasion, including:

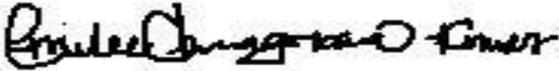
- Delaying a peace officer in the performance of duties in 2020
- Possession of a deadly weapon in 2019
- Refusing to provide a urine sample for testing of a controlled substance in 2018
- Use of a controlled substance in 2017
- Failure to meet program/work expectations (counseling only) in 2017
- Fighting resulting in physical injury or threat of physical injury in 2016

His recent rule violations display his inability to transform his behavior. Further, the Board indicated that Inmate Shaw has not participated in sustained self-help and rehabilitative programming despite having access to a wide variety of programs. This demonstrates his unwillingness to address the circumstances that contribute to his criminal behavior.

The callous circumstances underlying this conviction, his prior criminal record, and his aggravated institutional behavior clearly demonstrate that he poses an unreasonable risk to the community. Inmate Shaw has spent years in prison for property crimes which did not deter the behavior he displayed in his repeated thefts after his release. His continued lack of commitment to rehabilitative and self-help programs further solidifies that he is likely to continue to re-offend if released. Inmate Shaw has simply not demonstrated any changes that would lead one to believe that he has addressed his criminal tendencies and should serve his entire sentence.

As we are given 30 days to respond, and we have not been provided with Inmate Shaw's disciplinary history since the date of his last denial to the present date, I cannot comment on any disciplinary history that has occurred. However, as parole was just denied less than one year ago, it is unreasonable to conclude that Inmate Shaw has transformed his behavior in such a short period of time when he has been unable to do so over the past eighteen years. For these reasons, I respectfully request that early parole be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emilee Divinagracia". The signature is written in a cursive style with some loops and flourishes.

Emilee Divinagracia
Deputy District Attorney
Sacramento County District Attorney's Office