



Sacramento County District Attorney's Office

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December 30, 2022

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

Re: Ivy, Malcolm CDC # BP4877 Court Docket: 20FE019781/20FE020629

Inmate Ivy has demonstrated a willful disregard for the law and should not be paroled. The circumstances surrounding his current conviction and his prior criminal record show that he poses an unreasonable risk of continued criminality and risk to the community.

Inmate Ivy's criminal history dates back to 2006 when he picked up his first adult conviction for providing law enforcement with false information, a misdemeanor. In 2008 Inmate Ivy entered a convenience store and attempted to rob the store clerk, but when he began to assault the victim, the victim was able to overpower him and force Inmate Ivy out of the store. Inmate Ivy was convicted of attempted robbery, a strike offense, and sentenced to 300 days in county jail.

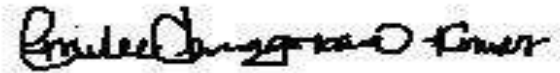
In 2011 he was convicted of felony grand theft from a person and sent to state prison for six years. Shortly after his release in 2017 he was sent back to state prison for four years for being a felon in possession of a firearm.

Not long after he was released from custody and while he was still on Post Release Community Supervision, Inmate Ivy was back to committing crimes. On June 2, 2020, he was pulled over by law enforcement for unsafe driving and determined to be under the influence of alcohol. On July 13, 2020, after casing the neighborhood by posing as a solar panel salesman and working with another man, Inmate Ivy and his accomplice entered a home and stole tools, a purse, and jewelry. His accomplice left a cell phone and a binder behind before the men fled with the victim's property. Videos from neighbors showed Inmate Ivy and his accomplice holding the same binder and forensic analysis of the phone showed positive for his accomplice's fingerprints. About a week later, the victim found her stolen property listed on an online website for sale. The seller's profile was traced back to Inmate Ivy. A warrant was issued for his arrest in connection to the burglary. In December of 2020 officers located Inmate Ivy in his vehicle and intended on arresting him for his warrant, but when they went to contact him, Inmate Ivy fled on foot. A short pursuit ensued but ultimately, he was detained. A search of his vehicle revealed a loaded handgun on the front passenger seat in plain view.

Inmate Ivy was subsequently convicted of felony first degree burglary, being a felon in possession of a firearm, and misdemeanor driving under the influence. For these offenses, Inmate Ivy was sentenced to five years and four months in state prison.

His criminal history shows that if Inmate Ivy is released, he will be quick to resume the same conduct. As we are given 30 days to respond, and we have not been provided with Inmate Ivy's disciplinary history, I cannot comment on any disciplinary history that has occurred. However, Inmate Ivy was sentenced to prison on July 9, 2021, therefore it is unreasonable to conclude that he has transformed his behavior in such a short period of time as demonstrated from his last prison commitment. 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, somewhat stylized font.

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