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March 13, 2015

Board of Parole Hearings
Attention: Non-Violent Second-Strikers
Correspondence-NVSS
P.O. Box 4036
Sacramento, CA 95812-4036

Re: Inmate James McNeal; CDC Number: AS4517
Ventura County Court Case Number: 2013010901

Dear Deputy Commissioner:

This letter is written to recommend the denial of an early release for second-strike inmate James McNeal. This recommendation is based on:

- (1) The circumstances of the commitment offense(s).
- (2) The inmate's criminal history.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

Ventura County Sheriff's Narcotics detectives began investigating the inmate in March 2013. The detectives received information from a confidential informant that the inmate sold ounces of methamphetamine to the informant on several prior occasions. Using the informant, the detectives arranged two controlled purchases of methamphetamine from the defendant. One of the arranged deals never came to fruition because the defendant left out of town. However, the second controlled purchase did transpire sometime in March 2013. During that controlled purchase the inmate sold the informant a half ounce of methamphetamine. As a result, Sheriff's detectives obtained a search warrant for both the defendant and his residence in early April 2013.

Prior to serving the search warrant, detectives had the informant arrange a third controlled purchase of an ounce of methamphetamine. On the prearranged date and time detectives

followed the inmate from his residence to a Carl's Jr. Restaurant in the city of Thousand Oaks, CA. There, the detectives apprehended the defendant and searched his vehicle. Inside the vehicle detectives located 30 grams of methamphetamine, US currency, and a cell phone. The inmate's phone contained messages consistent with narcotics trafficking.

During a subsequent search of the inmate's residence detectives located **an additional 67.6 grams of methamphetamine**, a digital scale, US currency, and numerous plastic baggies used to packaged large amounts of narcotics.

Detectives interviewed the inmate after his arrest. During the interview the inmate was not truthful about his activities and continually denied selling methamphetamine. He denied the existence of any text messages involving narcotics and he lied about there being additional methamphetamine at his residence.

INMATE'S CRIMINAL HISTORY

Throughout his entire adult life the inmate has shown a pattern of poor choices, which have often led to violence. In November 2000, the inmate was arrested and charged in Illinois with not only resisting a peace officer, but also aggravated battery on a peace officer. Then, in February 2002, the inmate was arrested, charged, and convicted of possession of concentrated cannabis. Less than one month later he was arrested and charged again with possession of concentrated cannabis and drug paraphernalia. He was then arrested and charged less than two months later for possession of concentrated cannabis and aggravated battery causing great bodily harm. In August 2002, he was arrested, charged, and convicted of driving on a suspended license and obstruction of justice. Then, in October 2002, the inmate suffered a conviction in Illinois for possession of drug paraphernalia. In each of his convictions the inmate served custody time in an Illinois county jail.

Sometime after being released from custody in Illinois, either in late 2002 or early 2003, the inmate relocated to California. In August 2003, the inmate was arrested for forgery, though the charges were dismissed. However, a few months later Los Angeles Police Officers arrested the inmate for committing an armed robbery on October 18, 2003.

The circumstances of the robbery demonstrate the inmate's increasing levels of violence, callousness, and criminality. In that instance, the inmate and two other accomplices armed themselves and waited in the early morning hours for the owners of a jewelry store to arrive and open the store. This particular jewelry store was owned and operated by a family. The owners were husband and wife. Accompanying the owners on that fateful morning were their two children, ages 7 and 11. Once the owners opened the store, the inmate pointed a gun at the husband's stomach and handcuffed the husband and wife. Then, the inmate took the husband's wallet, including the \$400 US currency located inside the wallet. After being handcuffed, however, the husband managed to stand up and run towards the front door. As a result, one of the accomplices grabbed the husband and slammed him against the floor several times.

After the husband's attempted escape, the inmate and his two accomplices attempted to shove the family into the back of the store. However, the two children refused to move to the back.

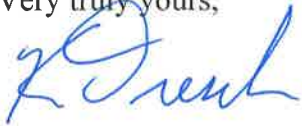
One of the accomplices then grabbed the children and dragged them into the back bathroom. Once all of the victims were forced into the bathroom, the inmate and his accomplices proceeded to ransack the store, stealing \$200,000 worth of items. The inmate and his accomplices then fled, at which time the wife was able to free herself from the bathroom, flag down a motorist, and follow the inmate and the accomplices in their getaway car. Fortunately, LAPD responded quickly and ultimately located the inmate and his accomplices hiding in a nearby park. At the time of his arrest, the inmate had several items of jewelry in his possession.

The inmate pleaded guilty to two counts of robbery while using a firearm. For this heinous conduct the court sentenced the inmate to eight years in the California Department of Corrections on January 28, 2004. The Department of Corrections finally discharged the inmate from parole in December 2012. Just three months later however, Ventura County Sheriff's Narcotics detectives were already investigating him for selling large quantities of methamphetamine.

CONCLUSION AND RECOMMENDATION

The inmate has not served his full sentence imposed by the court. Moreover, based on his commitment offense and criminal history the inmate does not deserve to be released early from prison simply because he is a second-striker. The inmate consistently made poor choices and decisions that resulted in his incarceration. In fact, while he is out of custody the inmate is constantly engaging in criminal behavior. Allowing the inmate to be released early will only enable him to victimize others as he has done before. I request that you deny the inmate an early release because he poses an unreasonable risk to the public when released from custody.

Very truly yours,



KEVIN DRESCHER
Supervising District Attorney

Sent by US Mail and Email to BPH.CorrespondenceUnit@cdcr.ca.gov