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October 12, 2018

Board of Parole Hearings  
Attn: Nonviolent Parole Review Process  
P.O. Box 4036  
Sacramento, CA 95812-4036

**Re: Inmate Dante Payne; CDCR BD4782  
Ventura County Superior Court Case 2016026718  
Opposition Letter Due to Board of Parole Hearings October 14, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Dante Payne. The inmate was sentenced in June 2017 to serve five years in prison. If the inmate is granted early parole at this time he will have served only approximately 40 percent of the actual sentenced imposed. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history, including a robbery conviction.
- 3) The unreasonable threat to the safety of the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

### Case 2016026718

On July 17, 2016, at 1:30 a.m. CHP Officer Josh Beard saw a white Ford truck driving south on the freeway. Officer Beard watched the truck weave in and out of the lane several times traveling at 70 mph. The inmate was driving the truck. The officer turned his lights and sirens on to initiate a traffic stop, but the inmate did not stop. Instead, he began evading the officer by accelerating over 90 mph.

The inmate exited the freeway onto city streets. He turned off the headlights and continued to drive over 90 mph. The inmate ran three stop signs and four stop lights. At least one car had to stop mid-intersection to avoid a collision. CHP discontinued the dangerous pursuit, and Ventura police officers began to give chase.

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When the inmate's truck sped through a residential area, a resident of a nearby home saw an object thrown from the truck and land on the sidewalk. The object was a loaded short-barrel shotgun. The overall length of the shotgun was under 25 inches. It held three lethal rounds in the loading tube.

Officers pursued the inmate to a cul-de-sac where he stopped the truck, exited, and laid on his stomach. The inmate initially lied to police, but later admitted his fingerprints would be on the shotgun.

On April 26, 2017, the inmate pled guilty to felon in possession of a firearm and evading an officer with willful disregard for the safety of others. He also admitted a strike prior and two prison priors. The inmate was sent to prison for five years.

### **CRIMINAL HISTORY**

The inmate's criminal history consists mainly of weapons and violence. He has been placed on grants of probation but failed to obey the law. He has served two separate prison terms, only to quickly reoffend upon his release. His criminal history indicates he is a danger to our community because he will re-offend.

In June 2004, at age 17, the inmate was found possessing a wooden bat with a metal pipe taped to it. Three months later he was arrested and prosecuted for fighting in public.

In May 2006, the inmate was found possessing a deadly weapon, a switchblade. He was convicted and sentenced to county jail.

In April 2007, the inmate grabbed a male victim by the head, battered him in the face and head, and demanded his money. He was allowed to plead guilty to disturbing the peace - fighting in public.

In April 2010, the inmate grabbed a female victim by her arms and pushed her to the ground. He kicked her in the stomach, choked her with his fingers, and punched her in her face, causing injuries. The inmate pled guilty to a misdemeanor domestic violence battery and served only 180 days in jail.

Three weeks after the domestic battery, the inmate and a co-conspirator confronted a male victim as he walked from his car to his residence. The inmate held a knife to the victim's neck, exposed a firearm in his waistband, and demanded the victim's money. The inmate and co-conspirator punched the victim several times in the face. The inmate reached into

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the victim's pockets and stole credit cards and approximately \$900 in cash. About an hour later, the inmate slowed his car next to a second male victim. The co-conspirator jumped out of inmate's car, put a knife to the second victim's chest, stole money from the second victim's pockets, then jumped back into inmate's car and fled. The inmate was allowed to plead guilty to one count of robbery. He was sentenced to three years prison.

In August 2013, the inmate was contacted in the location of a reported vehicle tampering and shots fired. Officers found a loaded 9 mm semiautomatic handgun near the inmate that contained the inmate's DNA. The inmate was convicted of being a felon in possession of a firearm and sentenced to 32 months prison.


## **DISCUSSION**

For more than a decade, the inmate's use of violence in his relationships and stealing property from innocent people has caused significant harm. The inmate's pattern of carrying deadly weapons is also alarming. His most recent decision to recklessly evade police while in possession of a loaded, short-barreled shotgun endangered the lives of pedestrians, motorists, police officers, and our community at large. It is fortunate the loaded shotgun did not strike a bystander and that it did not discharge when thrown on the sidewalk. Past performance is the best predictor of future behavior. The inmate's history demonstrates that he poses a significant threat of violence to our community.

## **CONCLUSION**

The inmate poses an unreasonable risk of violence to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,

  
GREGORY D. TOTTEN  
District Attorney

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