



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY

August 1, 2017

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

RE: Castleberry, Charles/CDC #AP9700

Dear Board of Parole Hearings,

Thank you for the opportunity to address the Board regarding the administrative review of inmate Castleberry, and his suitability for parole. Based upon his criminal history and the facts of his recent cases, the Inmate poses an unreasonable risk of violence to the community and should not be granted parole.

Current Yolo County Case 15F02368

On April 21, 2015, agents from YONET, CDCR, and West Sacramento Police detectives were patrolling on direct enforcement when they contacted Inmate Castleberry in West Sacramento. Upon contact him, investigators learned that Inmate Castleberry was on CDCR parole. Inmate Castleberry admitted that he had some narcotics on his person. During a search of Inmate Castleberry, investigators located two baggies containing presumptive positive methamphetamine. One bag contained 7 grams, and the other bag contained 1 gram of methamphetamine. Inmate Castleberry had a backpack on his person and inside investigators located a working digital scale and a cell phone containing text messages related to drug sales. Inmate Castleberry was subsequently arrested and booked at the Yolo County Jail. While those facts in and of themselves do not seem to warrant opposing the early release of Inmate Castleberry, other facts, when put into perspective, make his early release unreasonable. At the time of the offense the defendant was on Post Release Community Supervision in Yolo County Case #13M02387.

Castleberry's Criminal History

Inmate Castleberry's criminal history spans over a 33 year period beginning in 1984. He has a history of drug, assault, and theft offenses. Inmate Castleberry's criminal conduct demonstrates a failure to commit to rehabilitation and a complete disregard for others. His past convictions demonstrate the unreasonable risk of violence that he poses to the community. Inmate Castleberry is unable to follow directives of any conditions upon release or during probation. According to Inmate Castleberry's criminal history, he has

been unable to remain free from arrest or conviction for longer than a 24 month period over the past 17 years. Inmate Castleberry has been convicted of five felonies, two of which are violent, along with ten misdemeanors. These are actual convictions and do not include the arrests and charges that were settled by dismissals or lesser charges during plea agreements.

On August 27, 1998, Inmate Castleberry was arrested after a verbal argument with his wife escalated into physical abuse, including him choking her. The victim stated that he was immediately verbally abusive, screaming at her. The victim acknowledged she slapped Inmate Castleberry in the face, after which he grabbed her by the throat and threw her into a couch. While he was holding her, he choked her into unconsciousness. Inmate Castleberry plead no contest to a felony violation of Penal Code § 245(a)(1), assault by means of force likely to produce great bodily injury. While Inmate Castleberry was awaiting sentencing for this assault, he was arrested for making criminal threats against his wife. On October 31, 1998, Inmate Castleberry's wife asked for assistance because he had been threatening her the day before with a crow bar and was violating a restraining order. He was arrested for threatening to commit death or great bodily injury, a violation of Penal Code § 422. Inmate Castleberry plead no contest to this strike offense and was placed on probation.

Inmate Castleberry's performance on parole and probation has been less than satisfactory. On March 27, 2004, his probation was revoked and he was sentenced to 40 months in prison for possessing a firearm, a violation of Penal Code § 12021.1(a). Inmate Castleberry has been unable to successfully complete probation in any given term. He has demonstrated that he continues to commit criminal offenses while on probation or parole.

We do not have access to the Inmate Castleberry's central file so I can not comment on his institutional behavior during his current commitment. Inmate Castleberry's prior pattern of criminal behavior is indicative of someone who is simply not willing to comply with terms of supervision and demonstrative of an individual that lacks respect for the law. Even *if* Inmate Castleberry's institutional behavior has been satisfactory, one year of satisfactory behavior is simply not enough time to assess him given the inmate's criminal behavior over a 17 year period of time. In addition, he has a serious drug problem and in spite of repeated incarceration, and parole/probation terms, he has failed to maintain his sobriety. Unless he has sought treatment while in prison, he should not be released as he will pose a danger to society.

The arrests and convictions in this letter are not inclusive of all of the inmate's arrests and convictions. His criminal history, facts of the current case, and history under supervision by probation and parole officers are all evidence that the inmate poses a clear and unreasonable risk of violence to the community if released. Inmate Castleberry is a clear threat to society and the inmate should not be granted parole.

Thank you for your time in considering our opposition to his parole. Please feel free to contact me with any questions.

Sincerely,



Melinda Aiello
Assistant Chief Deputy District Attorney

Re: Charles Castleberry/CDC #AP9700