



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

December 12, 2017

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

RE: INMATE JOSEPH JAMES UNDERWOOD
CDCR # BA5896

Dear Board of Parole Hearings,

Thank you for the opportunity to address the Board regarding the administrative review of inmate Joseph James Underwood CDCR # BA5896, and his suitability for parole. Based upon his criminal history, the facts of his committing cases and his unsuccessful performance while on felony probation, the inmate poses an unreasonable risk of violence to the public and the Yolo County District Attorney's Office is opposing his early release.

COMMITMENT OFFENSE

Yolo County case 15-0287 (Solano County case #FCR282137)

The underlying offense was committed in Solano County and probation was later transferred to Yolo County. Hence, the facts summarized below are based on information contained in the Yolo County Probation Pre-Admission Supplemental report dated December 18, 2015.

On or about February 27, 2010, police officers made contact with the occupants of a parked vehicle at approximately 2:18am. Underwood was one of the passengers. He was found to be in possession of a bag of marijuana and two bags of Ecstasy tablets. On October 28, 2011, Underwood was convicted of a felony violation of

Health and Safety Code 11379(a), Transportation of a Controlled Substance, and was granted five years of formal probation with a suspended prison term of one year.

Yolo County case 15-0288 (Solano County case # FCR274317)

The underlying offense was committed in Solano County and probation was later transferred to Yolo County. Hence, the facts summarized below are based on information contained in the Yolo County Probation Pre-Admission Supplemental report dated December 18, 2015.

On January 20, 2011, Underwood, a known Norteno gang member to the Vacaville Police Department, was walking down the street wearing a red shirt and carrying a dark colored hoodie. The police attempted to question Underwood when they noticed Underwood's hands were concealed under the dark hoodie. When officers repeatedly direct Underwood to show his hands, Underwood did not comply. Instead, Underwood said, "Fuck you! I didn't do nothing." Underwood then fought with the officers and was eventually brought to the ground and taken into custody. During a search of the dark hoodie, the officer discovered a loaded .380 caliber handgun.

On October 28, 2011, Underwood was convicted of a felony violation of 12025(a)(2) PC, Carrying a Concealed Firearm on Person with Prior Conviction; 12022.1(b) PC enhancement for Committing a Felony while on bail or own recognizance; and 186.22(b)(1) PC, Criminal Street Gang Activity. The inmate was placed on felony probation for five years with a suspended prison term of nine years in this case.

CIRCUMSTANCES SURROUNDING THE LAST VIOLATION OF PROBATION

On September 19, 2015, Underwood was captured on surveillance video interacting with a group of Norteno gang members at the Ket Mo Ree Restaurant and Bar in the City of Davis. At that time, Underwood was still on three separate grants of felony probation and he had an active gang clause as a condition of probation in two of his cases. Underwood was observed arriving at the establishment and immediately walked over to a group of people and spent the remainder of the night hanging out with them. These individuals were later identified by law enforcement as active Norteno gang members. Towards the end of the night, the group of six Norteno gang members was involved in the stabbing death of a patron at the restaurant. Underwood was present during the stabbing incident. Even though he was not involved in the actual stabbing, the inmate was seen on surveillance video acting as if he was throwing a couple of punches to the people nearby. Underwood paused briefly as if he was waiting for others who were involved in the stabbing. He then fled crime scene with others.

Based on the evidence presented at the violation of probation hearing, the court found Underwood to have knowingly violated his term of probation by associating with known gang members on the night of the homicide at Ket Mo Ree. The

inmate was sentenced to serve the previously suspended prison term of ten years in state prison.

CRIMINAL HISTORY

In addition to the above-referenced convictions and while he was still on probation for those offenses, the inmate was also convicted of a felony violation of 11351 of the California Health and Safety code, Possession for Sale of a Controlled Substance, on March 28, 2014. He was granted formal probation for three years.

PRIOR PERFORMANCE WHILE ON PAROLE OR PROBATION

Underwood was initially placed on two grants of felony probation for the two commitment offenses outlined above. Based on the seriousness of the offenses, he was given a total of ten years suspended prison term at the outset. Underwood was given chance after chance to demonstrate his ability to comply with his terms of probation. Unfortunately, all rehabilitation efforts on the inmate prior to his prison commitment had proven to be futile. This was evident by the multiple violations of probation incurred by the inmate since he was placed on probation in October 28, 2011. A summary of said violations is listed below:

Probation Revocation Date	Disposition
11-21-11	11-29-11 VOP withdrawn. Modification to gang clause.
5-7-12	6-4-12 Reinstated and extended to 3-8-17. 50 hours of community service and no drugs.
11-9-12	1-2-13 Reinstated with 120 days jail and order to complete residential treatment.
3-18-14	4-7-14 Reinstated with 180 days jail.
9-24-15	7-5-16 Probation terminated and sentenced to CDCR

INSTITUTIONAL BEHAVIOR/REHABILITATION

The prosecution does not have access to the Inmate's central file so we are unable to address the inmate's behavior while incarcerated.

Conclusion

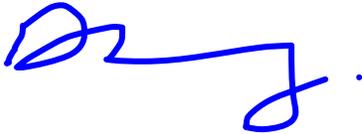
Inmate Underwood clearly poses an unreasonable risk of violence to the community if released. His first adult arrest/conviction occurred in 2010 when he was 18 years old for transportation of a controlled substance. While this case was still pending, the inmate was arrested yet again, but this time, for a more serious offense for carrying a concealed firearm when he was prohibited from doing so based on his prior conviction. During this incident, not only did Underwood fail to comply with the officers' directives, but he also fought with the officers. Fortunately, the officers were able to restrain him before he had the opportunity to use the firearm that was concealed in his hoodie. It is clear based on these facts that Underwood is a danger to others in this

community because he knowingly carried a concealed firearm in a public place when he knew he was prohibited from doing so.

The inmate's prior dealings with the police and his unsuccessful performance on probation clearly demonstrate he has a lack of respect for authority and the inability to live within the confines of the law. Underwood was given nearly four years (despite multiple violations of probation) to rehabilitate and to become a productive citizen in this community. Yet it is clear that the inmate never wanted to give up his lifestyle as a gang member. Underwood continued to associate with other known gang members in clear violation of his gang clause. Tragically, the last time Underwood decided to hang out with his gang family, an innocent bystander was stabbed to death. It has only been approximately 17 months since he was remanded to serve his ten year sentence in state prison. The interest of justice will not be served by granting the inmate early release on parole. For the safety of our community, the Yolo County District Attorney's Office urges the board to deny parole for Joseph Underwood.

Thank you for your time in considering this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Alvina Tzang', with a period at the end.

Alvina Tzang
Deputy District Attorney
Yolo County District Attorney's Office