



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

August 10, 2018

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

RE: Robert Tayborne, CDCR # BC5322

Dear Board of Parole Hearings,

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

Inmate Tayborne's commitment offense is a conviction for a violation of Penal Code section 30305(a), Possession of Ammunition by a Person Prohibited from possessing a Firearm. He was also convicted of enhancements for a prior strike under Penal Code 667(c) and 667(e)(1) and a prior prison term under Penal Code 667.5(b). He was sentenced to serve five years in prison and, in exchange for his plea, his case #16-6506 was dismissed.

**Yolo County case 16F6506**

On May 31, 2016, officers contacted inmate Tayborne and negotiated to purchase a half of an ounce of methamphetamine. The undercover officer met inmate Tayborne at Taco Bell, where inmate Tayborne was working. Inmate Tayborne sold the undercover officer 13.1 grams of methamphetamine for \$180. During the transaction, inmate Tayborne stated that he could sell the undercover officer pounds of methamphetamine in the future. Inmate Tayborne later asked to see the undercover officer's ID because he looked like a drug enforcement officer. Inmate Tayborne told the undercover officer that he had just served time in prison for a sales case and his supplier wanted inmate Tayborne to be careful who he dealt with.

## **Yolo County case 16F4564**

On August 11, 2016, inmate Tayborne was pulled over pursuant to a search warrant commanding the search of inmate Tayborne and his vehicle. Five rounds of Winchester brand .357 magnum ammunition were in the center console. Inmate Tayborne's phone had messages from the day before offering to sell a "357," the same caliber firearm as the ammunition that was located. When inmate Tayborne was arrested he was advised three times that he would be strip searched and asked if he had any contraband on him. Inmate Tayborne said that he did not have any drugs on him. When searched at the Davis Police Department booking area, inmate Tayborne had a plastic ziplock bag in his genital area. It contained 1.2 grams of methamphetamine.

### **Inmate Tayborne's Criminal History**

Inmate Tayborne has a lengthy criminal history that began more than 19 years ago and includes multiple arrests for gang activity, assault with a deadly weapon, battery with serious bodily injury, criminal threats, battery, intimidating a witness, robbery and resisting arrest. Several of these arrests were while inmate Tayborne was on parole or out on bail.

Of particular concern are inmate Tayborne's previous arrests and convictions for crimes of violence. On January 16, 2004, the victim exited a bar and saw inmate Tayborne with a group of friends. Inmate Tayborne asked "Why are you mad dogging me? What are you looking at?" before yelling about "the crips" and punching the victim in the face several times. Inmate Tayborne then knocked the victim to the ground and started kicking him in the face. While the victim tried to get away, inmate Tayborne chased after him with a stick. While telling officers about the attack, the victim drifted in and out of consciousness with a potential skull fracture. This case appears to have been dismissed when inmate Tayborne was sentenced to prison based on his actions on August 13, 2004.

On August 13, 2004, a different victim parked at a gas station and was approached by inmate Tayborne. Inmate Tayborne challenged him to a fight and said that he would "fuck up [the victim] like I fucked up your brother". Inmate Tayborne then punched the victim in the face and continued attacking him while yelling "west side crips!" Inmate Tayborne and another male pulled the victim from his car and inmate Tayborne started hitting him in the head with a squeegee. Inmate Tayborne had previously been identified as a 'Crip' gang member by the gang violence unit. Inmate Tayborne was convicted of Possession of a Controlled Substance for Sale and Criminal Street Gang Activity on August 2, 2005, and sentenced to five years and eight months in prison for this offense. This is the strike offense which he admitted in the current case.

### **Probation/Parole Performance**

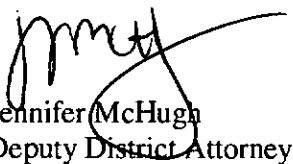
To say inmate Tayborne's performance on parole and probation has been poor is an understatement. In his 19 year history of criminal behavior, he has not gone any significant period of time without committing some new offense. Inmate Tayborne's current commitment offense was committed while he was on Post Release Community Supervision for a violation of Health and Safety Code 11359. The majority of his convictions occurred while on either probation or parole demonstrating his inability to comply with the law. Furthermore, inmate Tayborne's history of resisting arrest, battery

with serious bodily injury and gang related violence puts officers at risk and puts the public in danger.

**Conclusion**

We do not have access to inmate Tayborne's central file so we can not comment on his institutional behavior during his current commitment. However, the board can see a consistent criminal history filled with drug and violent offenses that endanger the public and show a lack of compliance with law enforcement. Even assuming inmate Tayborne has participated in self help and other positive programming, one has to wonder what good it will do. He certainly hasn't learned anything in his previous prison stints. In the current commitment case inmate Tayborne's concern about dealing with undercover officers and the fact that he mentioned his supplier's concerns demonstrate that inmate Tayborne was selling narcotics on a consistent and sustained basis despite being on Post Release Community Supervision. Inmate Tayborne's prior arrests and convictions for violent and gang related offenses raises a significant concern for public safety, especially given the fact that he continues to engage in criminal behavior and is texting people about selling firearms. There is nothing mitigating about the commitment offense or his criminal history that would justify an early release grant. It is clear inmate Tayborne would pose an unreasonable risk of violence to the public if released. Thank you for your time in considering our opposition to his parole.

Sincerely,



Jennifer McHugh  
Deputy District Attorney

Re: Tayborne/CDC # BC5322