



COUNTY OF FRESNO

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NEWS RELEASE

FOR IMMEDIATE RELEASE
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PAROLE BOARD RELEASES THREE DANGEROUS CRIMINALS PURSUANT TO PROPOSITION 57

Yesterday, August 29, 2017, the Fresno County District Attorney's Office received notice of three inmates granted early release by the Board of Parole Hearings (BPH) over the objections of this office.

JAMES ROBERT WALDEN was convicted in 2014 of Residential Burglary, a "Serious" Felony by law, and Felon in Possession of a Firearm. In spite of these being his 10th & 11th felony convictions and his having four prior serious felony convictions or "Strikes", Judge Wayne Ellison struck all four "Strike" priors and sentenced the defendant to the minimum of 22 years in prison instead of 51 years to Life.

In the decision, BPH Deputy Commissioner Fowler made the following statements:

- 1) The defendant's prior criminal history only started in 1996 (1991 is correct);
- 2) He had only six prior felony convictions (nine is correct);
- 3) His prior criminal history was a "mitigating" factor or reason supporting release.

RALPH ZAPATA RAMOS was convicted by a jury trial in 2007 of Residential Burglary while a Resident was Present, a "Violent" Felony by law. In spite of this being his 8th felony conviction and having two prior serious felony convictions or "Strikes", Judge Carlos Cabrera struck one "Strike" prior, the enhancement that made the conviction a violent felony and two other enhancements. Judge Cabrera sentenced the defendant to 14 years in prison instead of 33 years to Life. Striking the violent felony enhancement made the defendant eligible for this early release.

In the decision, BPH Deputy Commissioner Johnsen made the following statements:

- 1) "The residential daytime burglary for property gain is counter intuitive for violence";
- 2) The defendant had only six prior felony convictions (seven is correct);
- 3) He had multiple rules violations in prison.

SUSANA LUA LEMUS was convicted in 2015 of Residential Burglary, a "Serious" Felony by law and Felony Grand Theft. In spite of the defendant having a prior serious felony conviction for Assault with a Deadly Weapon in 2008, Judge Ralph Nunez struck the "Strike" prior and sentenced the defendant to the minimum term of 7 years in prison instead of 17 years.

In the decision, BPH Deputy Commissioner Guerrero made the following statements:

- 1) The defendant's prior criminal history only started in 2012 (2000 is correct);
- 2) Repeatedly claimed she had no prior felony record, (she has a prior felony conviction for Assault with a Deadly Weapon);
- 3) She had only been convicted of two felony offenses (3 is correct);
- 4) "[T]here is no documented evidence of the inmate perpetrating violence."

To date, BPH has granted release to 7 prison inmates from Fresno County pursuant to Prop. 57. Many more releases are expected. In addition, inmates denied release under Prop. 57 will still be eligible for release annually.

Under the terms of regulations adopted by the Dept. of Corrections & Rehabilitation (CDCR), only the inmate has the right to appeal an early release decision. The District Attorney's Office cannot appeal. BPH will only notify victims of possible release if they have registered with the Dept. of Corrections and Rehabilitation.

District Attorney Lisa Smittcamp joined other elected District Attorneys and law enforcement officials around the state in strongly campaigning against Prop. 57. The voters of Fresno County voted against the "Public Safety and Rehabilitation Act of 2016".

The media may e-mail FCDAMedia@co.fresno.ca.us or contact Administrative Assistant Leslie Gillespie at (559)600-4442 with questions.

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