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October 31, 2018

California Men's Colony
Highway 1
San Luis Obispo, CA 93409-8101

ATTN: BPH/Lifer Desk
(805)547-7900 Ext. 7052

RE: HICKS, TONY EDWARD; CDCR Number K09979
Hearing Date: November 28, 2018, at 8:30 a.m.

Dear Board of Parole Hearings:

A Deputy District Attorney will represent this office at the above-referenced parole suitability hearing.

Inmate Tony Hicks shot and killed 20-year-old, Tariq Khamisa with a 9mm handgun on January 21, 1995. Tariq was a student at San Diego State University and was working at a local Italian restaurant in San Diego. He was attempting to deliver a pizza to a bogus address given by the inmate and his accomplices when he was murdered. The accomplices were Hakeem Dunn, Solomon Simpson and Antione Pittman. They all belonged to a North park street gang known as the "Black Mob."

On the day of the instant offense the gang devised a plan to rob a pizza delivery man. At 10:05 p.m., Tariq arrived and walked to the address provided with pizzas in hand. Since he was given a bogus address, he was unable to find the apartment. Tariq walked back to his vehicle, placed the pizzas in the back, and began walking to the driver's door. The inmate and Pittman confronted Tariq and attempted to rob him.

Tariq did not cooperate. He entered the vehicle and attempted to roll up the window when Pittman said, "Bust 'em Bone, Bust 'em." The inmate shot the victim once with a 9mm handgun. The bullet went through the driver's window and struck the victim in the left back shoulder, travelling through his aorta, lungs and exiting his right front armpit. Tariq died within few minutes before the arrival of paramedics.

The inmate was 14 years old when he committed this offense. After this offense was committed, the family of the victim considered the age of the inmate and embarked upon a path of compassion, forgiveness, kindness and peace. Tariq's father, Azim Khamisa, felt the tragedy of his son's murder created victims on both ends of the spectrum. Azim, in an act of extraordinary grace and

forgiveness reached out to the inmate's grandfather, Ples Felix. The two men came together in the spirit of healing to end youth violence.

Remarkably, teaming up with Ples Felix, and Tasreen Khamisa, they created a foundation in memory of their beloved son and brother while promoting forgiveness and compassion for the inmate. That foundation is known as the Tariq Khamisa Foundation [TKF] <https://tkf.org/> As stated in their website, the mission of TKF is to create safer schools and communities through educating and inspiring children in the restorative principles of accountability, compassion, forgiveness, and peacemaking.

Turning tragedy into hope, the TKF foundation works to teach and inspire peace, hope, and forgiveness in youth in order to set them on a path toward opportunity. We have met with TKF and were impressed with their programs which instill hope for those vulnerable due to exposure to violence, crime, harm, and poverty. The San Diego County District Attorney's Office continues to support TKF's efforts in restorative justice practices.

TKF has attempted to be a strong source of support for the inmate. They have helped him over the years through advocacy, visiting with him at the prison and communicating the hope that he become a renewed person. The family has thus advocated for his rehabilitation and release from prison.

However, based upon the objective record, the question remains whether the inmate has internalized the necessary life skills to be successful on parole. As recorded both in his C-file and 2018 risk assessment, the inmate continued his criminal gang lifestyle and activities in prison. He was cited for numerous 115 violations and counseling chronos. His most recent violations were in 2016 for possession of a cell phone and charger. He earned three *Thompson* terms in 2002.

Notably, in two of the *Thompson* terms, in May 2002, the inmate attacked a Correctional Officer [CO]. In that incident, the CO reported Hicks and another inmate rushed at him and attempted to strike him in the head area. The CO blocked the blow and Hicks rushed at him again, and both inmates struck his head and torso. The CO continued to attempt to block the blows, but some landed hitting his chest and rib areas. The CO was forced to the ground as the attack continued. Another CO assisted, and the attack was subdued. The CO found a weapon lying on the floor of the right-hand side of the dayroom. The weapon was a metal rod approximately 3/16 inches in diameter, sharpened at one end and had a white cloth and plastic handle formed at the other end. The overall length was approximately six inches.

As the inmates were being taken away, the CO also observed a second weapon located between them. This weapon was a metal rod approximately 3/16 inches in diameter, sharpened at one end, and had a plastic handle formed at the other end. The overall length was approximately eight inches. The CO was found to have multiple puncture wounds to his chest, rib area, and abdomen. The inmate was found guilty of the disciplinary charge of attempted murder of a peace officer; the location of the wounds (neck area) was deemed important.

The Kern County District Attorney filed a criminal case and the inmate pled guilty to battery on a non-prisoner (second striker) and possession/manufacture of a deadly weapon by a prisoner (second striker). He was given eight years on the battery charge and two additional years on the weapons charge for 10 years (*Thompson* terms).

A comprehensive risk assessment was prepared by Dr. Sarah White on August 6, 2018. She rated him a "moderate" risk for violence, "with the caveat that he does not return to using substances and/or associating with anti-social peers."

Dr. White found that the inmate meets the criteria for Antisocial Personality Disorder – DSM-5. (CRA, p. 8.) She based her opinion on the inmate demonstrating "failure to conform to social norms with respect to lawful behavior, deceitfulness, impulsivity/failure to plan ahead, aggressiveness, reckless disregard for the safety of himself and others, irresponsibility, and lack of remorse well into adulthood." (CRA, pp. 7-8.)

Dr. White stated there were remaining concerns about the inmate's antisociality and noncompliance with supervision, as "Mr. Hicks continues to exhibit some of the personality pathology described above, and he has continued to incur rule violations in recent years." (CRA, p. 16.) The clinician also stated, "[a]s such, it cannot be concluded with any certainty that he will be fully responsive to management efforts and parole conditions in the future." (Ibid.)

Based upon Dr. White's report, and the inmate's behavior while incarcerated, it remains in question whether the inmate has been sufficiently rehabilitated. In essence, Dr. White found that although the inmate has been actively involved in rehabilitative efforts for several years, he still "continues to display several historical and current factors that are relevant to his risk of future violence." (CRA, p. 18.)

The inmate's young age of 14 when he committed this offense weighs heavily in favor of parole but should be balanced with the public safety concerns of continued criminal behavior and rules violations. In addition to the inmate's young age at the time of the crime, the opinions of the victim's family are also important in any parole determination. We are thus hopeful that a parole hearing where these and other important concerns are addressed with the inmate will assist the People in making a fair and informed determination of parole suitability.

Though the inmate has ample evidence of programming, certificates, recognition, support letters, employment opportunities and community-based support, we remain concerned whether he has sufficient insight and understanding of what it means to conform his behavior to the rules as set forth in the institution, as impulsivity appears to remain a lingering issue.

Thank you for your consideration of this letter.

Very truly yours,

SUMMER STEPHAN
District Attorney

By: 

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