



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

**GREGORY D. TOTTEN**  
District Attorney

**JANICE L. MAURIZI**  
Chief Assistant District Attorney

**MICHAEL K. FRAWLEY**  
Chief Deputy District Attorney  
Criminal Prosecutions

**W. CHARLES HUGHES**  
Chief Deputy District Attorney  
Administrative Services

**MICHAEL D. SCHWARTZ**  
Special Assistant District Attorney  
Justice Services

**R. MILES WEISS**  
Chief Deputy District Attorney  
Special Prosecutions

**MICHAEL BARAY**  
Chief Investigator  
Bureau of Investigation

July 31, 2015

Attention: Non-Violent Second-Strikers  
Board of Parole Hearings  
Correspondence-NVSS  
P.O. Box 4036  
Sacramento, CA 95812-4036

**Re: Mark Clarence Stuart; K082997**  
**Court Case Number; 2013002458**

Dear Deputy Commissioner:

This letter is written to recommend the denial of an early release for second-strike inmate Mark Clarence Stuart. This recommendation is based on:

- (1) The circumstances of the commitment offense(s).
- (2) The inmate's criminal history.

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSE(S)**

On January 22, 2013, at approximately 7:11 p.m., victim Renee Johnson parked her vehicle, a 2003 Buick Century, in the parking lot of a McDonald's restaurant located in Ventura County. A few minutes later she exited the restaurant and her vehicle was gone. She contacted law enforcement and several units responded to the scene. She stated she must have dropped her keys in the parking lot when she exited her vehicle. After obtaining the vehicle information, an officer broadcast the vehicle description, and a responding officer witnessed the vehicle in the area, sitting at a red light.

Officers followed the inmate, the sole occupant of the vehicle, and conducted a high risk traffic stop. While being taken into custody, the inmate was found to have two bottles of vodka in the crotch area of his pants, and exhibited symptoms of being under the influence of alcohol. He

Mark Clarence Stuart

K082997

July 31, 2015

refused to perform field sobriety tests, and was transported to the police station. The victim was transported to the scene, and her vehicle was recovered with no property loss or damage.

Under Miranda, he admitted he drank a fifth of vodka between 1:30 p.m., and 5:00 p.m., earlier in the day, and said he felt drunk. He said he found the keys inside the vehicle, so he took it. **He told the officer that this was not the first time, nor would it be the last time he would be arrested for stealing a vehicle. Moreover, he said that every time he is released from prison he is going to do the same thing and that they should keep him in prison.** The inmate was transported to the Ventura County Medical Center, where his blood was drawn. A subsequent analysis showed it contained .11 percent ethyl alcohol.

The inmate was convicted of a felony violation of Penal Code section 10851, along with the special allegations including one strike and four prison priors. He was also convicted of a misdemeanor DUI. At sentencing the court sentenced the inmate to five years at the California Department of Corrections (CDC).

### INMATE'S CRIMINAL HISTORY

The inmate's criminal history is lengthy and reflects the following:

<u>Date</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
3-16-86	Nashua PD, NH	Disord Conduct	New Hampshire Dist Crt, Nashua. 86-5843. 3-21-86: PG Disord Conduct, 30 ds jl susp.
12-27-86	Nashua PD, NH	Resist Arrest Disord Conduct	New Hampshire Dist Crt, Nashua. 86-29055 & 86-29256. 1-6-87: PG Resist Arrest & Disord Conduct, jl,
8-1-87	Nashua PD, NH	Disord Conduct	New Hampshire Dist Crt, Nashua. 87-15396. 8-7-87: PG Disord. Conduct, jl.
8-16-97	Arcadia PD	148.9 PC	Monrovia MC. 7SA02833-01. 8-18-97: Conv 148.9(a) PC, misd, 12 mos prob, 3 ds jl.

Mark Clarence Stuart  
K082997  
July 31, 2015

9-6-97	Oxnard PD	666 PC 148.9(a) PC 647(f) PC	97C009282. 9-10-97: FG Ct 3: 484(a) PC, misd, 30 ds jl.
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According to report #97-21956, the inmate entered Vons and placed a plastic container of chicken wings, from the deli department, down the front of his pants. He was contacted by store employees and detained. He raised his voice, and was uncooperative. He displayed symptoms of being under the influence of alcohol, and admitted he began drinking at 10:00 a.m., and had consumed 750 milliliters of Southern Comfort. He initially provided his true name, but then told officers his name was Sean Vaskeoy. He admitted stealing the chicken, stating he had not eaten in four days, and was hungry. He had \$5.07 in his pocket, which was enough to purchase the chicken.

10-8-97	Santa Barbara PD	484 PC	Santa Barbara MC. 476473. 10-14-97: Conv 484(a) PC, misd, 12 mos prob, 44 ds jl.
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12-24-97	Santa Barbara PD	666 PC 484 PC	Santa Barbara SC. 222671. 12-8-98: Conv 666 PC, fel, 4 yrs CDC. (7 VOParole)
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According to report #1997-25528, the inmate was observed by Loss Prevention (LP) in Sears as he took a walkman from the display, and concealed it in the front of his pants. He exited the store without paying for the merchandise, and was contacted and detained by LP staff until officers arrived on scene.

3-8-01	Ventura PD	647(f) PC	2001006675. 3-12-01: PG Ct 1: 647(f) PC, misd, 5 ds jl.
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3-19-01	Ventura PD	647(f) PC 148.9 PC	2001007398. 3-21-01: PG Ct 1: 647(f) PC, misd, Ct 2: 148.9(a) PC, misd, 10 ds jl.
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12-20-01	Ventura SO	647(f) PC 148.9(a) PC	2001043733. 12-24-01: PG Ct 1: 647(f) PC, misd, 5 ds jl.
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12-21-01	Ventura PD	148.9(a) PC	2001043844. 12-26-01: PG Ct 1: 148.9(a) PC, misd, 6 ds jl.
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Mark Clarence Stuart  
 K082997  
 July 31, 2015

4-3-03	San Bernardino PD	647(f) PC	San Bernardino Central SC. MSB070215. 12-24-03: Conv Ct 1:148.9 PC, misd; Ct 2: 647(f) PC, misd, 15 ds jl.
4-4-03	San Bernardino SO	459 PC	San Bernardino Central SC. FSB038880. 4-16-03: Conv 666 PC, misd, 365 ds jl.
9-22-04	Torrance PD	148.9(a) PC	Torrance SC. 4SB0730901. 9-23-04: Conv 148.9(a) PC, misd, 12 mos prob, 2 ds jl.
4-20-05	Ventura PD	148.9(a) PC	2005013061. 4-22-05: PG 148.9(a) PC, misd, 3 ds jl.
4-29-05	CHP	245(a)(1) PC 666 PC 10851(a) VC 23152(a) VC 23152(b) VC 12500(a) VC	2005014217. 6-3-05: PG Ct 1: 245(a)(1) PC, fel; Ct 2: 10851(a) VC, fel; Ct 4: 23152(a) VC, misd, 2 yrs & 8 mos CDC

According to probation records, the inmate was walking when he saw the victim's empty vehicle running, with the keys in the ignition. He stole the vehicle, and stopped to purchase gasoline. He filled up the trucks gas tank, and then got into the vehicle and attempted to leave the gas station without paying for his purchase. The clerk stood in front of the vehicle, and he accelerated towards the victim. The vehicle struck the victim on the side, causing him to roll across the hood, and on to the ground. He was located while driving in the area. He ran from the vehicle, and was taken into custody after a short foot pursuit. He displayed symptoms of being intoxicated, and had a blood alcohol content of .11 percent and .10 percent. The inmate stated he does not do this kind of "stuff" unless he is drunk.

11-16-06	Bakersfield PD	460(a) PC 496(a) PC	Bakersfield SC. BF116953. 1-3-07: Conv Ct 1: 460(a) PC, fel, 4 yrs CDC
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Mark Clarence Stuart

K082997

July 31, 2015

According to report #2006-241156, on the same day of being released from prison, the inmate entered an apartment through an unlocked door, and ransacked the residence. He stole a guitar pick, a social security card, headphones, and approximately \$26. The victims entered their residence and found the inmate as he was ransacking their belongings. He walked out the front door, and was apprehended in the area a short time later. He admitted entering the residence and stealing the items.

4-13-09	Santa Barbara SO	459 PC 666 PC	Santa Barbara SC. 1295611. 9-17-09: Conv Ct 1: 666 PC, fel, w/ a prior prison per 667.5(b) PC, 5 yrs CDC
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According to report #2009-25966, while in Longs Drug store, an employee recognized the inmate from several previous thefts, and he had been directed not to be on the premises, or he would be prosecuted for trespassing. The inmate was carrying a CD player which he had forcibly removed from a secured display rack. During the theft, the inmate cut his hand, and there was visible blood on the recovered package. He exited the store without paying for the merchandise. He told officers that times were hard.

9-15-10	Sacramento SO	484(a) PC	Sacramento SC. 10M06177. 10-8-10: Conv Ct 1: 484(a) PC, misd, 36 mos Prob, 90 ds jl.
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7-19-11	Pleasanton PD	666 PC	Livermore SC. 137962. 8-15-11: Conv Ct 1: 484(a) PC, misd, 36 mos Court Prob, 28 ds jl. (2 VOPs)
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1-22-13	Ventura PD	10851(a) VC 23152(a) VC	2013002458. 5-13-13: PG Ct 1: 10851(a) VC, fel, w/ prior auto theft conv per 666.5 PC, w/ one prior conv per 667/1170.12 PC, and four prior prisons per 667.5(b) PC; Ct 2: 23152(a) VC, misd, w/ one prior conv per 23152 VC. P&S set for 6-17-13 PRESENT MATTER
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This case conviction represents the **fifth** time the inmate has gone to prison. He continually breaks the law and fails to seek treatment for his alcoholism. He victimizes society when he is

Mark Clarence Stuart  
K082997  
July 31, 2015

not in his "right frame of mind" due to his excessive level of ongoing intoxication. This is not his first conviction for stealing a vehicle. The inmate served several prison sentences, was on several grants of probation, and was on parole when he committed the present offense. Based on the inmate's criminal history and his statements to officers in this case, he will certainly victimize society again when he is released early.

### CONCLUSION AND RECOMMENDATION

The inmate has not served his full sentence imposed by the court. Based on his commitment offense and criminal history the inmate does not deserve to be released early from prison simply because he is a second-striker. **Moreover, when arrested for this crime, he told the police that every time he is released from prison he is going to do the same thing and that they should keep him in prison.** He said this was not the first time, **nor would it be the last time** he would be arrested for stealing a vehicle.

Allowing the inmate to be released early will only enable him to victimize others as he has done before. I request that you deny the inmate an early release because he poses an unreasonable risk to the public when released from custody.

Very truly yours,



KEVIN DRESCHER  
Supervising District Attorney

Sent by US Mail and Email to [BPH.CorrespondenceUnit@cdcr.ca.gov](mailto:BPH.CorrespondenceUnit@cdcr.ca.gov)