



# OFFICE OF THE DISTRICT ATTORNEY

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July 2, 2015

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

**Re: Inmate Luis Hernandez; CDCR# AT6500  
Court Case Number 2014010839**

Dear Deputy Commissioner:

This letter is written to recommend the denial of an early release for second-strike inmate Luis Hernandez. 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)**

In April of 2014, deputies with the Ventura County Sheriff's Gang Unit found a rap video on YouTube.com featuring the inmate holding a black revolver handgun. During the video the inmate displayed his LBZ criminal street gang tattoos, showed photos of a deceased LBZ gang member, and showed LBZ gang gathering areas with obvious LBZ graffiti depicted on alley walls.

On April 9, 2014, Gang Unit deputies served a search warrant on both residences where the inmate was living. At his primary residence, deputies discovered a .22 caliber handgun hidden in a sock in his bedroom. At his other residence, deputies found a silver colored ammunition magazine for a semi-automatic firearm in the garage. The deputies did not find the revolver

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handgun the inmate was holding in the rap video nor did they find a semi-automatic handgun to match the ammunition magazine found in the inmate's garage.

After his arrest, deputies conducted an interview with the inmate. The inmate admitted holding the gun in the rap video, but claimed it did not work because it lacked a firing pin. The inmate said he did not know what happened to the gun after it was used in the video. Later in the interview, he tried to claim the gun was actually fake. When confronted with photos of the .22 caliber firearm found in his bedroom, he would not concede it was his, although he did indicate he had no ammunition for the gun. He denied there were any other guns.

A week after his arrest, deputies went back and listened to the recorded calls the inmate made from jail. During one call with a female the inmate said, "They caught me with a strap." The inmate then instructed the female to have another gang members get his property from the garage. Based on the code words being used, the Gang Unit deputy formed the opinion that the inmate was likely trying to have someone move additional contraband. Finally, the inmate said he would be facing two or three years in prison, but that he did not "give a fuck."

Since his sentence to CDCR the inmate has maintained contact with other LBZ gang members. In a recent Facebook.com post by Juan Montes, a documented LBZ gang member, the inmate is shown posing with other inmates – most of them showing obvious gang tattoos. See below:



The inmate is in the center, and the caption on the photo identifies the inmate by his gang moniker of "rebound."

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### **INMATE'S CRIMINAL HISTORY**

The inmate's criminal history extends back to 1997, but most concerning about his record is the recurrence of weapons offenses and firearms crimes in particular. He is a member and an active participant in LBZ, the largest criminal street gang in the City of Fillmore. One of the primary activities of LBZ in recent years is the illegal transfer and trafficking in firearms.

On July 17, 2005, deputies observed the inmate talking to a group of girls. As the deputies approached, the inmate began to run. While running, the inmate ditched a miniature baseball bat and a ski mask with openings only for his eyes and mouth. The inmate was convicted of Penal Code section 12020(a) as a misdemeanor.

On June 24, 2006, the inmate and two others threw beer bottles at the victims who were leaving a store. During the fight that followed, the inmate pointed a gun at the victims, and fired the gun twice. The co-defendant took the gun from the inmate, and fired four more times at the victims. Deputies later recovered a .40 caliber Springfield handgun from the co-defendant's possession. For this crime, the inmate suffered a felony conviction for a violation of Penal Code section 246.3. Because of his personal use of the firearm, this offense is a serious felony within the meaning of Penal Code section 1192.7(c)(8).

On November 9, 2006, deputies searched the inmate's residence based on his probation terms and found him sleeping on the couch in the living room. The deputies looked in that same couch and found a loaded .25 caliber semi-automatic handgun. In addition, deputies found an imitation rifle under another couch, and a baseball bat behind the couch. Deputies also found a number of items with LBZ gang graffiti during the search of his residence. The inmate was convicted of a felony violation of Penal Code section 12021(c)(1).

### **CONCLUSION AND RECOMMENDATION**

The inmate has not served his full sentence imposed by the court for his current crime. Moreover, 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. The inmate consistently make poor choices and decisions that results in his incarceration. Allowing the inmate to be released early will only enable him to victimize others as he has done before. I request 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)