



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

September 11, 2015

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

**Re: Inmate Scott Milner; CDC Number AT5162
Court Case Numbers; 2012014534 and 2013026034**

Dear Deputy Commissioner:

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

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

CIRCUMSTANCES OF THE COMMITMENT OFFENSES

Case 2012014534: On April 20, 2012, at approximately 9:30 a.m., deputies responded to the Arroyo Mobile Home Park area regarding a wanted suspect. During the search for the suspect, a deputy observed a subject, later identified as the inmate, on a bicycle on the railroad tracks and made contact. The inmate stated he was aware that he was not supposed to be on the railroad tracks and provided deputies with a false name of Kelly Adams. When asked for his date of birth, the inmate did not respond. The deputy observed a wooden handle sticking out of the inmate's left front shorts pocket. The inmate stated it was a club he received from his grandfather, and he carried it for protection from others and any animals that would attack him. The deputy pulled the club out of the inmate's pocket and noticed that it extended approximately 12 inches past the handle and was approximately five inches wide. A search of the inmate's backpack revealed a blue plastic baggie containing several mixed pills and a marijuana pipe.

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The inmate stated had the prescription bottles at home, but was unsure of what types of pills they were. He was subsequently arrested, handcuffed behind his back, and placed in the back seat of a patrol vehicle with the windows slightly cracked open.

While in the patrol vehicle, the inmate moved his cuffed hands to the front of his body and used his feet to kick the back window of the patrol car until it shattered. The inmate grabbed the top of the door and quickly launched himself out of the broken window, then fled. A deputy chased after him, yelling commands for him to stop, which he ignored. When the deputy came within five feet of the inmate, the inmate slowed down, brought his hands close to his chest and balanced himself by jumping on his right foot. He looked back to see where the deputy was and tried to "mule kick" him with his foot, however, he missed. He attempted to mule kick the deputy again, at which time the deputy deployed his Taser, striking the inmate in the back. The inmate fell to the ground and complied with further directives.

The inmate was transported to Simi Valley Hospital for a medical clearance and subsequently booked at the Ventura County Jail for 22210 PC, 594(a)(b)(1) PC, 4060 BP, 148(a)(1) PC, 148.9(a) PC, 11364.1(a) HS, and 369i(a) PC.

Case 2013026034: On August 20, 2013, at approximately 11:30 a.m., officers went to the inmate's residence to conduct a probation search. The inmate was contacted inside his open garage. He was cooperative and admitted to using methamphetamine one day earlier. With the use of a K-9, a cellophane wrapper was located on the wood frame next to the garage door. Inside the wrapper was 2.01 grams of methamphetamine. The inmate was read his Miranda rights and began answering questions. He confirmed that the methamphetamine found was his.

INMATE'S CRIMINAL HISTORY

Juvenile Record:

9-21-92 Simi Valley PD 499(b) PC

The inmate (age 17) took his father's vehicle without permission.

1-18-93 Simi Valley PD 10851(a) VC

The inmate (age 17) stole a motorcycle from the victim's home.

2-10-93 Simi Valley PD 487(1) PC

The inmate (age 17) stole a coin collection from his parents.

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Adult Record:

7-13-97	Simi Valley PD	243(d) PC	CR41800. 2-27-98: PG 243(d) PC, misd, 1320(b) PC, fel, 36 mos FP, 150 ds jl. 4-11-01: Adm VOP, 2 yrs CDC. 2-4-02: Paroled. 3-24-06: Discharged. (6 VOPs, 4 FTAs, 3 VOParole)
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The inmate and his girlfriend, Michelle Weyandt (age 16), had been arguing. He hit her three to four times on her mouth with his fist, causing lacerations to her chin and lip, requiring nine stitches.

2-6-99	Simi Valley PD	69 PC 11357(b) H&S 11364 H&S	CR45844. 3-24-99: PG 69 PC, fel, 36 mos FP, 90 ds jl. 4-11-01: Adm VOP, 8 mos CDC. 2-4-02: Paroled. 3-24-06: Discharged. (3 VOPs, 2 FTAs, 3 VOParole)
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The inmate was contacted and was very agitated. He denied smoking marijuana, insisting it was tobacco. Officers discovered a glass bowl with marijuana residue and a baggie containing marijuana seeds and stems (9.1 grams) in his pocket. A large bong found nearby had a strong odor of marijuana and residue. The glass bowl fit the bong perfectly.

The inmate was arrested and while attempting to handcuff him, the inmate became resistant and struggled with officers. He shoved, kicked and twisted, yelling, "I'm not going back to jail, dude!" During the struggle, one of the officers received a laceration and abrasion to his elbow, and the other officer's sunglasses were knocked off, stepped on, and destroyed by the inmate.

3-20-07	Los Angeles PD	664/187(a) PC	3-26-07: Release det only
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According to report #07-1708495, the inmate and his girlfriend, the victim, Nichole Heumann, had been in a relationship for over one year and have once child in common. On March 20, 2007, they were partying with some friends. The inmate let one of his friends take her car to get more "dope" and she became angry. An argument ensued and the victim threatened to leave the inmate. The inmate then grabbed their seven week old baby and stated that if he could not have her that he did not want anything to do with the baby and dropped the baby on the couch. He then threw the baby's bottle at the victim and it broke. He lunged toward her throwing her down to the floor and was strangling her with his forearm. She was panicking and unable to breath. He was yelling, "Bitch I will fucking kill you." Later that morning, they continued to argue and

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she was able to get him out of the house. The inmate then used a golf club and smashed the rear sliding glass door and rear bedroom window. Neighbors contacted the police.

3-27-07	Simi Valley PD	12303.2 PC 836.6(b) PC 594(a)(2) PC	2007011510. 1-15-08: PG 12303.2 PC, fel, w/one prior conv per 667/1170.12 PC & w/one prior pris per 667.5(b) PC, 836.6(b) PC, misd, 2 yrs CDC. 6-16-08: Paroled 7-16-09: Discharged
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The inmate was in possession of a homemade pipe bomb. It was later determined to be a sprinkler riser pipe that was wrapped in red and white vinyl tape, with PVC end caps, and wrapped in electrician's type tape. The device was filled with a pyrotechnic type powder and shot gun pellets along with eight inches of a hobby type fuse attached. The inmate was arrested and placed inside the police vehicle. The Ventura County Sheriff's Department Bomb Squad was contacted and as the officer was securing the area, the inmate kicked the police vehicle's window; shattering it completely. He jumped out while still handcuffed, and began to run away. Shortly after, an officer had to take the inmate down to the ground and he was apprehended.

7-24-09	CHP	23152(a) VC 23152(b) VC	2009027263. 1-15-10: PG 23152(a) VC, misd, 36 mos FP, 5 ds jl. 3-10-14: Adm VOPs, (7 FTAs, 10 VOPs) VOP 233 ds jl terminal
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10-15-09	Simi Valley PD	368(b)(1) PC	2009037806. 1-27-10: PG 368(b)(1) PC, misd, 36 mos FP, 138 ds jl. 3-10-14: Adm VOPs (5 FTAs, 10 VOPs) VOP 133 ds jl terminal
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The inmate lived with his grandfather, the victim, Benjamin Kelly (age 90). He was served a three day eviction notice and demanded the \$2,000 before he would move out or he would burn the house down. The inmate also threatened to kill his uncle.

6-15-11	Simi Valley PD	148(a)(1) PC	2011021501. 6-17-11: PNC 148(a)(1) PC, misd, 24 mos CRR, 3 ds jl (1 FTA, 2 VOPs)
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8-10-13	Simi Valley PD	11377(a) H&S 11364.1(a) H&S 11550(a) H&S	2013025013. 3-10-14: Dismissed in light of sentences in 2012014534 and 2013026034.
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According to report #2013-33782, officers went to the inmate's residence to conduct a probation search. Officers contacted the inmate in the garage and his three friends were inside the residence. Inside the garage, officers found a glass methamphetamine pipe sitting on a chair. Inside the pipe was a usable amount of methamphetamine burned into the bowl of the pipe. Additionally, the inmate displayed symptoms of being under the influence of a controlled substance. He later provided a urine sample which was presumptive positive for methamphetamine.

In addition to the above, the inmate had the following misdemeanor convictions: 484(a) PC (1993, 1994), 11550(a) H&S (2002), 594(a) PC (2007-San Fernando), 23109(c) VC (2007), 11364 H&S (2011).

CONCLUSION AND RECOMMENDATION

The inmate has not served his full sentence imposed by the court. 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. 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