



# 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

May 22, 2015

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

**Re: Inmate Frank Orta; CDC Number F99313  
Court Case Number 2008041297**

Dear Deputy Commissioner:

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

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

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSES**

On March 9, 2009, Frank Orta was sentenced in case number 2008041297 for a first degree residential burglary he committed sometime between October 12 and October 15, 2007. At the time of sentencing, Orta had an additional pending case, case number 2008018627, in which he committed another first degree residential burglary on November 4, 2007. The 2008018627 case was dismissed with a *Harvey* waiver in light of Orta's guilty plea in case number 2008041297.

On Friday, October 12, 2007, the residents of the mobile home at 5573 Cypress Road in Oxnard left their home for a weekend trip. The residents included 19 year old Ricardo Saucedo, 42 year old Sylvia Lopez, and 24 year old Janira Martinez. They returned to the home on Monday, October 15, 2007. When they returned, they saw a ladder that was leaning against a newly

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broken bedroom window. They also noticed the rear door to the home had been left open and the side gate appeared forced open as the gate's padlock was on the ground.

When they entered the residence, they discovered all the rooms ransacked, all the drawers were pulled out, and the beds were overturned. They noticed a great deal of missing property: \$5,000 in cash (which had been hidden away), two X-box systems, a Nintendo Game Cube, two Nintendo Game Boys, a Nintendo game, a flat panel computer monitor, a cell phone, spare keys to their vehicles, a compact disc player that was previously inside one of their vehicles, and a social security card. Law enforcement officials found a cigarette butt on scene, and Orta's DNA was on the cigarette butt.

On November 5, 2007, Elisa Takaya, along with her two young children, left their residence to go to the grocery store. Takaya had locked all of the residence's doors with the exception of a rear sliding glass door and a bathroom window that was left slightly ajar. Upon their return, Takaya noticed that items in her garage were out of place and one of the cabinet doors inside of the garage was open. When Takaya started to walk into her residence, she heard loud voices inside talking to each other. Takaya exited her residence and waited for law enforcement.

When law enforcement officials arrived on scene, they saw the bathroom window was open and the screen had been removed. Takaya noticed several missing items: cash, two suitcases, a computer monitor, a speaker, a memory card, a \$240 digital camera, \$500 diamond earrings, a \$300 diamond necklace, a gold necklace, and two watches valued at \$240. In the backyard of the residence, near the fence, the investigating officers noticed a fresh footprint in the mud and a cigarette butt, which contained Orta's DNA.

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

Frank Orta's criminal history dates back to 1992, when Orta was a juvenile. There were three incidents in 1992. In June 1992, Orta and two companions committed second degree burglary of a vehicle; this felony case was dismissed with a *Harvey* waiver. In July 1992, Orta stole then sold his grandfather's jewelry; a felony petition for violating *Penal Code* section 487.1 was sustained against him. In September 1992, Orta committed first degree residential burglary by entering into a victim's home through a bathroom window and stealing a camera and \$20 in coins. Orta subsequently violated his probation five times, and his probation was ultimately terminated unsuccessfully in 1997.

Orta has numerous misdemeanor and felony convictions on his adult record. Most prominently, Orta's first strike conviction is from 2007, when Orta was convicted of a first degree residential burglary that he committed on January 30, 2007. In that case, Orta entered a victim's garage and stole a bicycle. When Orta was apprehended, he possessed numerous tools, such as a multipurpose tool, two screwdrivers, tin snips, bolt cutters and two sets of piers. Orta was initially granted probation for this offense on June 19, 2007 and was released from custody on July 23, 2007. It was while Orta was on probation for this case, and only months after being released from custody, that Orta committed the two separate first degree residential burglaries that constituted case numbers 2008041297 and 2008018627.

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In 1996, Orta was convicted of violating *Vehicle Code* section 10851(a), a felony, when he and his co-defendant stole a bait car. In 2005, Orta was convicted of violating *Penal Code* section 273.5(a), a misdemeanor, when he prevented his girlfriend and his 21 month old child from leaving in a vehicle by getting in the vehicle and driving away with them. When his girlfriend tried to call her cousin for help, Orta punched his girlfriend in the stomach, head and eye.

In addition, Orta has six drug-related convictions from the following years: 2001, 2002, 2003, 2004 and 2006. The inmate has engaged in continuous criminal conduct, acquiring at least one criminal conviction every year, between 2001 and 2008.

### **CONCLUSION AND RECOMMENDATION**

The inmate has not served his full sentence imposed by the court. Moreover, based on his commitment offenses and criminal history the inmate does not deserve to be released early from prison simply because he is a second-striker. The inmate consistently made poor choices and decisions that resulted in his incarceration. 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)