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January 7, 2016

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

Re: **Daniel Michael Ortiz; CDC Numbers: V045352; E006716**
Court Case Number: 2004009233

Dear Deputy Commissioner:

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

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

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On October 15, 2003, detectives from the Oxnard Police Department contacted a Confidential Informant (CI) in order to arrange a controlled drug buy from the inmate, a convicted felon and known heroin dealer. Oxnard PD provided the CI with pre-recorded funds for the transaction. At approximately 6:25 p.m., the inmate sold two baggies to the CI, containing 0.37 grams of heroin.

On November 13, 2003, Oxnard detectives again contacted the CI to arrange a second controlled buy. As before, the CI was provided with funds to make the purchase and then proceeded to the inmate's residence as directed by the inmate. On this occasion, at approximately 5:06 p.m., the inmate sold three baggies to the CI, containing 0.42 grams of heroin.

On November 19, 2003, at approximately 1:30 p.m., the inmate was contacted by Oxnard PD during a traffic stop. The inmate was driving with a suspended license. He

was arrested, and a search of his person revealed that the inmate was in possession of five bindles containing a total of 1.10 grams of heroin, as well as \$859.42 in cash. Oxnard PD further determined that the inmate was driving under the influence of a controlled substance, later substantiated by the presence of opiates and morphine in his urine. The inmate's passenger was on parole and also arrested on drug-related charges.

On November 19, 2003, law enforcement served a search warrant on the inmate's residence, where they found a digital scale, two spoons with two syringes, a razor blade inside a plastic bag, a smoking pipe, and 3.5 grams of marijuana. The inmate acknowledged that the syringes and spoons belonged to him but claimed that the heroin found in his possession was for his personal use, despite it being packaged for individual sale. The inmate admitted to selling heroin in the past, as recently as the previous Saturday. He also admitted to knowingly driving with a suspended license. The inmate stated he was currently unemployed, using methadone, and shooting heroin into his muscles.

THE INMATE'S CRIMINAL HISTORY

By age 16, the inmate had already established his pattern of substance-related criminal behavior, recklessness, and general disregard for the law and the safety of others, as the following juvenile sustained petitions show:

On November 14, 1973 the inmate sustained charges of PC § 484, petty theft. The inmate broke into several locked vehicles and stole a stereo.

On June 4, 1974 the inmate sustained charges of VC § 23102(a), DUI.

On July 30, 1974 the inmate sustained charges of PC § 647(f), public intoxication. The inmate, along with three teenage girls, were drinking beer and were severely intoxicated.

An examination of his juvenile record demonstrates the inmate's early experiences within the justice system left a scant impression. Nor have subsequent punishments and incarcerations deterred the inmate from continuing to make bad choices and pursue criminal activities. Over four decades, the inmate has accumulated dozens of misdemeanor convictions related to narcotics possession and use, driving under the influence, and driving either with a suspended license or without a license. However, he did not stop with these minor hazardous offenses. Rather, the inmate escalated to more serious criminal behavior, including felonies, which further endangered the community. A sampling of his extensive adult record is set forth below:

On April 28, 1976 the inmate was convicted of PC § 496, receiving stolen property, a misdemeanor.

On March 13, 1978 the inmate was convicted of PC § 270, child neglect, a misdemeanor.

On April 18, 1978 the inmate was convicted of PC § 459, burglary, a misdemeanor. The inmate stole motor oil from a gas station and then initiated a high-speed chase with law enforcement.

On August 8, 1979 the inmate was convicted of VC § 23102(a), DUI with two priors, a misdemeanor. The inmate had a BAC of 0.18 and 0.19%.

On October 25, 1979 the inmate was convicted of PC § 484(a), petty theft, a misdemeanor. The inmate and an accomplice stole \$173.00 worth of groceries from a supermarket.

On November 10, 1980 the inmate was convicted of PC § 459, burglary, a second degree felony at the time. However, due to the circumstances of the offense and the 1984 change in the law, this conviction was a first degree burglary at the time of trial and alleged as a strike. The inmate burglarized a residence, stealing a television and a clock.

On December 1, 1981 the inmate was convicted of VC § 23102(a), DUI, a misdemeanor. The inmate had a BAC of 0.26%. After his arrest, the inmate spat on one officer and kicked another.

On August 22, 1983 the inmate was convicted of PC § 484(a), petty theft with a prior, a misdemeanor.

On August 18, 1987 the inmate was convicted of PC § 484(a)/666, petty theft with a prior, a felony. The inmate stole \$129.00 worth of clothing from Mervyn's.

On July 25, 1988 the inmate was convicted of PC § 666, petty theft with prior jail time, a felony. The inmate stole \$392 of clothing from Sears. Officers searched the inmate's vehicle and found two syringes, cotton swabs, and a spoon coated with black residue.

On October 27, 1988 the inmate was convicted of PC § 484(a), petty theft, a misdemeanor. The inmate stole a package of drapes worth \$24.99 from Target.

On October 27, 1988 the inmate was convicted of PC § 666, petty theft, a misdemeanor. The inmate stole two bottles of Kahlua worth \$30.98 from Vons.

On October 31, 1988 the inmate was convicted of PC § 666, petty theft with priors, a felony. The inmate stole three blouses from Mervyn's. His urine was positive for opiates.

On May 6, 1992 the inmate was convicted of PC § 148.9(a), false identification to a peace officer, a misdemeanor.

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On July 16, 1993 the inmate was convicted of H&S § 11352, sale of narcotics, a felony. The inmate sold cocaine to a CI. His motel room contained syringes of heroin and cocaine, as well as empty syringes, prescription pills, pay/owe sheets, and \$620.00.

On May 18, 1999 the inmate was convicted of PC § 148(a), resisting arrest, and VC § 2800.1, evading a peace officer while in a vehicle, both misdemeanors. He was also convicted of VC § 23152(b), DUI over 0.08% with priors, a felony.

On October 25, 2000 the inmate was convicted of VC § 23152(b), DUI over 0.08% with priors, a misdemeanor.

On December 31, 2003 the inmate was convicted of VC § 23152(b), DUI over 0.08% with priors, a misdemeanor.

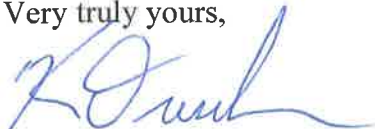
On June 17, 2004 the inmate was convicted of H&S §11351(a), possession for sale of narcotics with priors, and three counts of H&S §11352(a), sale of narcotics with priors, all felonies. He was also convicted of driving with a suspended license, and H&S §11550(a). These are the convictions the inmate is currently incarcerated for.

CONCLUSION AND RECOMMENDATION

This inmate has spent the past 40 years contributing to the destruction and peril of his community, while exhibiting neither a sense of responsibility or remorse, nor any intention of changing. Once released, the inmate will resume his previous illegal activities. He has sustained countless violations of probation and violations of parole. Even within the prison system the inmate continues to break the law; he was suspected of dealing drugs and placed in "the hole" for months. The community will unquestionably have a problem if the inmate does not serve his full sentence imposed by the court.

A "second-striker" does not have an inherent right to early release. Based on his commitment offense and criminal history alone the inmate is undeserving of such a privilege. Further taking into account the unreasonable risk that he poses to the public when released from custody, I request that you deny this inmate an early release.

Very truly yours,



KEVIN DRESCHER
Supervising District Attorney

Sent by US Mail and Email to BPH.CorrespondenceUnit@cdcr.ca.gov