



# 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

November 24, 2015

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

Re: **Phillip Alamillo Rivera; CDC Numbers: C72522; AM8246**  
**Court Case Number: 2009044545**

Dear Deputy Commissioner:

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

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

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSE**

On December 7, 2009, at approximately 11:24 a.m., the inmate was contacted at Duke's Restaurant in Santa Paula by members of the Santa Paula Police Department. He was found in possession of 15 grams of black tar heroin packaged into 45 individually wrapped aluminum bindles. According to witnesses, the inmate spent over an hour wandering in and around the restaurant, making contact with several people outside. The inmate was also found to be carrying \$1,238.43 in cash.

Officers also recovered methadone from the inmate's vehicle, which he had been prescribed for the past eight years. Despite this indication that he was no longer a chronic heroin user, the inmate insisted that he had meticulously separated the heroin into bindles for his own daily use. The inmate also claimed he was at Duke's for only 10 minutes. He said he was not intending to sell the heroin, despite the large sum of cash still on his person.

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

The inmate has led a life of crime for the past 40 years. From 1969, which was the year of his first felony conviction to 2012, the inmate has had no less than twelve felony convictions and thirty misdemeanor convictions. The majority of the low level felony and misdemeanor convictions relate to the possession and use of narcotics, driving under the influence, as well as multiple theft offenses. Below I have highlighted the most egregious and violent criminal conduct of the inmate that has spanned 40 years:

On June 12, 1969 the inmate was convicted of PC § 475(a), forgery, a felony.

On July 23, 1969 the inmate was convicted of PC § 459, burglary, a felony. During this incident, the inmate and a companion entered the residence of another in the City of Santa Paula and stole a television.

On July 23, 1969 the inmate was convicted of HS § 11910, possession of a controlled substance, a felony. During this incident officers attempted to conduct a traffic stop on the inmate who was driving a vehicle erratically. The inmate fled from the officers, drove onto the sidewalk and hit a utility pole. The inmate was found to be in possession of marijuana and ninety-six secobarbital capsules.

On March 20, 1973 the inmate was convicted of PC § 496, possession of stolen property a misdemeanor.

On March 3, 1975 the inmate was convicted of PC § 148, resisting a peace officer, a misdemeanor.

On May 24, 1978 the inmate was convicted of PC § 12020(a), possession of a deadly weapon, a misdemeanor.

On February 1, 1979 the inmate was convicted of PC §211 a felony with a special allegation of PC § 12022 being found true. The inmate participated in a robbery of a retail store, during which the inmate's accomplice pointed a gun at the clerk working the store and demanded money from the cash register.

On January 28, 1982 the inmate was convicted of VC § 2800.1, evading a law enforcement officer, a misdemeanor.

On July 21, 1982 the inmate was found in violation of parole for conduct consistent with violations of HS § 11350, PC § 12020, PC § 496, HS § 11364, and PC § 12021. The inmate had in his possession a stolen .22 caliber handgun, a sawed-off shotgun, and heroin.

Phillip Alamillo Rivera, CDC# C72522; AM8246

November 24, 2015

Page 3

On November 17, 1986 the inmate was convicted of PC § 484(a)/666, petty theft with at least three prior theft convictions, a felony.

On March 27, 1987 the inmate was convicted of PC § 12031(a), carrying a loaded firearm, a misdemeanor.

On December 6, 1990 the inmate was convicted of PC § 459, first degree residential burglary, a felony. The inmate broke into a residence. Then when confronted by the owner of the residence, the inmate fled the scene and drove away in a vehicle.

On October 6, 1998 the inmate was convicted of PC § 459, second degree burglary, a felony.

On March 3, 2004 the inmate was convicted of PC § 415(1), fighting in a public place, a misdemeanor.

On July 13, 2012 the inmate was convicted of HS § 11351, possession for sale of heroin, his commitment offense.

### **CONCLUSION AND RECOMMENDATION**

This inmate is an unremitting and violent career criminal who refuses to take responsibility for his actions. He has stated he always gets out of custody "the same person" as before, yet time and again he fails to take the opportunity to change. Whether in or out of custody the inmate always returns to his illegal and destructive activities. The inmate has not served his full sentence imposed by the court on this case. Based on his commitment offense and criminal history the inmate does not deserve to be released early simply because he is technically a "second-striker," even though he has multiple prior serious and violent "strike" convictions. 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)