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July 26, 2017

Board of Parole Hearings  
Attn: Nonviolent Parole Review Process  
P.O. Box 4036  
Sacramento, CA 95812-4036

**Re: Inmate David Acosta; CDCR AX0597  
Ventura County Superior Court Case 2012038720  
Opposition Letter Due to Board of Parole Hearings August 2, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate David Acosta. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSE**

The inmate was committed to prison for being instrumental in an international Mexican Mafia criminal gang conspiracy, which sought to unite and organize all the criminal street gangs in every city in Ventura County to collect and pay taxes to the Mexican Mafia. The Mexican Mafia set up a ruling body of loyal and trusted local Hispanic street gang members for the purpose of taxing and punishing local drug dealers and gang members across the entire county of Ventura.

A three-month long intensive law enforcement operation and investigation exposed that Mexican Mafia member Martin "Evil" Madrigal had organized a *mesa*, or ruling body, in Ventura County.

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This *mesa* used the threats of force and great bodily harm against local drug dealers to intimidate them into paying taxes. The *mesa* also threatened local gang members who challenged the Mexican Mafia's appointed leader of Ventura County. The inmate, a Squires Drive gang member, was placed in charge of collecting narcotics taxes in South Oxnard. The inmate extorted a local drug dealer on behalf of the Mexican Mafia. The inmate displayed an eager and willing participation in the Mexican Mafia's extortion scheme, specifically bragging on a wiretapped phone call that he had been "promoted" within the *mesa*. The extorted drug dealer reported to a friend on tapped phone calls that he was in fear of his life and was being threatened by the *mesa*. The inmate collected both drugs and money from the drug dealer on behalf of the Mexican Mafia. For his crimes, the inmate received a 17-year prison sentence in this case.

## **CRIMINAL HISTORY**

The inmate's criminal activity began in 1989 when he was 14 years old and adjudicated for Vehicle Code section 10851, unlawful taking of a vehicle, and Penal Code section 148.9, for providing false identification to law enforcement. He was sentenced to the California Youth Authority in 1995, and paroled in 1996. He was later convicted in 1998 of Penal Code section 243(e), domestic battery against his girlfriend.

The inmate's first prison commitment was in 2001 for possession for transmission of counterfeit items in violation of Penal Code section 475(a), and he was sentenced to 16 months in prison. After his release, the inmate was returned to custody for a parole violation establishing that he could not abide by the terms and conditions of a grant of parole.

One month after his June 2003 release on parole, the inmate went on a crime spree, robbing four businesses at gunpoint in the span of one week. (Pen. Code § 211) The inmate pulled a handgun from his waistband and pointed it at the cash register clerk of the first business. She complied with his demands for money. Hours later, the inmate again used the gun to rob the owner of a Dairy Queen of cash register money.

The following day, the inmate used the gun for a third time to rob the clerk of merchandise at an auto parts business.

A couple of days later, the inmate once again pulled the gun and pointed it at a gas station clerk and demanded money. Once the inmate was given the money, he fled. The inmate was apprehended based on the robbery victim's description of the inmate's tattoos, and drug paraphernalia was found on his person during his arrest. He was sentenced to four

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years in prison. While on parole, he was convicted in 2010 for being under the influence of a controlled substance in violation of Health and Safety Code section 11550(a).

In February 2012, the intoxicated inmate was asked to leave his girlfriend's home. The violent inmate attempted to drag her out with him by grabbing her by the neck and pulling her, in violation of Penal Code section 243(e)(1), domestic battery. The inmate was granted probation for this conviction, but violated that probationary grant due to his arrest in the current commitment offenses.

Additionally, between 1989 to 2012, the inmate was convicted of failing to stay at the scene of an accident in violation of Vehicle Code section 20002(a), unlawful taking of a vehicle in violation of Vehicle Code section 10851(a), vandalism in violation of Penal Code section 594(b)(4), two additional counts of Health and Safety Code section 11550(a), another count of Penal Code section 243(e)(1), and receiving stolen property in violation of Penal Code section 496(a).

## **DISCUSSION**

The inmate has proved to be a loyal and violent criminal street gang member who has spent almost his entire adult life in custody, on parole, or on the streets conducting criminal business for the Mexican Mafia. He is connected to a wide-spanning net of international underworld gang leaders, and the Mexican Mafia. His willingness to use guns to rob four different victims demonstrates the danger he presents to the community. The life-long effect of these armed robberies on these four local business employees cannot be underestimated or minimized.

At 42 years old, the inmate has never been a productive member of society. He does not have a career, other than being a violent gang member. He does not have a law-abiding family or support system to assist him in learning to live a law-abiding life. His loyalty to the Mexican Mafia has been cemented by his actions in the current case, and he has made no efforts in prison to repudiate the Mexican Mafia or leave the gang. He has every incentive including a mandate by the mafia to go back to crime. His time in prison with other *Surenos* gang members has no doubt established his loyalty, and as such he would be commonly granted more authority and a higher-ranking position within the mafia upon leaving custody. Indeed, if the inmate failed to rejoin the Mexican Mafia *mesa* upon his return to Ventura County, it is all but certain he would be targeted by the mafia and even his own gang for being disloyal.

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The inmate has proven that he is unable to lead a law-abiding life as his activities since he was 14 years old have consistently been violent in nature. Furthermore, parole has been granted to him twice before giving him two separate second chances by the parole board. Despite multiple second chances, the inmate has refused to reform and the citizens of Ventura County have paid the price. There has been no indication that he will stop now.

### **CONCLUSION**

The inmate poses an unreasonable risk of violence to the community if granted early parole. Considering the inmate's crimes of violence against multiple victims and his past convictions for violent conduct, as well as his failure to repudiate the Mexican Mafia and Squires Drives criminal street gang, I respectfully request the Board deny early parole for the inmate.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gregory D. Totten", is written over a large, loopy blue scribble that partially obscures the text below.

GREGORY D. TOTTE  
District Attorney

GDT:sp

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