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August 9, 2017

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

**Re: Inmate Kenneth Gene Bivens; CDCR AW5535
Ventura County Superior Court Case 2014008629
Opposition Letter Due to Board of Parole Hearings August 11, 2017**

Dear Board Members:

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

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

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On March 19, 2014, the inmate called his wife, the victim, from whom he was separated and left a message stating, "I'm going to kill your ass, bitch." The inmate left several other messages that morning, all threatening to hurt or kill her, and the inmate further stated, "I don't care who witnesses." Later that day, the inmate was seen waiting for the victim outside her place of employment. The victim contacted the police because the inmate had abused her in the past and she was frightened.

While the victim was talking with the police, the inmate called her cell phone. A police officer answered the phone, and identified himself. The inmate then said, "The police? I don't give a fuck. I don't care if you're the police. Come to the pier and find me." Given these statements and the threats made to the victim, an emergency protective order was obtained for the victim, and a probable cause warrant was issued for the inmate. On March 19, 2014, officers contacted the inmate. A pat down search revealed the inmate was in possession of 1.8 grams of methamphetamine. The inmate was arrested for criminal threats (Pen. Code § 422), and possession of methamphetamine. (Health & Safety Code § 11377(a))

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CRIMINAL HISTORY

With a long criminal history of approximately 40 years, the inmate is the very embodiment of a career criminal. Beginning in 1979, as a minor, the inmate was arrested for assault with a deadly weapon, a violation of Penal Code section 245(a)(1), and paroled in 1980.

In 1981, the inmate was convicted of assault, a violation of Penal Code section 240.

In 1984, the inmate was convicted of felony burglary of an inhabited dwelling, a violation of Penal Code section 459. The inmate was sentenced to two years in prison, and paroled in 1985.

Upon release in 1985, the inmate was again convicted of felony burglary of an inhabited dwelling. (Pen. Code §§ 459 & 460.1) The inmate was sentenced to five years in prison, and paroled in 1988.

In 1990, the inmate was convicted of his third felony, false imprisonment, a violation of Penal Code section 236, and sentenced to two years in prison.

In 1997, just five months after being discharged from parole, the inmate was convicted of another felony, selling or importing controlled substances, a violation of the Health and Safety Code section 11550, with a prior felony conviction, a violation of Penal Code section 667.5(c). The inmate was sentenced to eight years in prison and paroled in 2003.

In 2004, the inmate was convicted of battery on school property, a violation of Penal Code section 243.2, and falsely representing himself to a police officer, a violation of Penal Code section 539. The inmate was sentenced to 74 days in jail and 3 years probation.

In 2009, the inmate hit his wife in the face, pushed her against a wall, smashed a phone into a lamp, and eventually had to be tased by officers. The inmate was arrested for corporal injury resulting in trauma to a spouse, a violation of Penal Code section 273.5, and resisting arrest, a violation of Penal Code section 148(a)(1). The inmate was sentenced to 60 days in jail, and three years formal probation.

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DISCUSSION

The inmate was sentenced to 11 years 4 months in prison on April 21, 2015. With two prior violent convictions the inmate was facing a potential sentence exceeding 30 years to life in prison.

The inmate has repeatedly demonstrated that his early release puts the public at a greater risk of violence. The inmate has repeatedly threatened to commit violence upon his wife, and even police officers. The inmate has been convicted of assault with a deadly weapon, false imprisonment, and felony burglary when people were in their home. He has been arrested ten times, and sentenced to prison on the majority of those arrests; however, the inmate has yet to make it more than a short period of time once released back into the community, without reoffending or violating parole. To label this inmate a non-violent offender would be a gross mischaracterization of his criminal history.

The inmate's pattern of crime makes clear that previous imprisonment and grants of parole failed to curb the inmate's criminal activity. There is no evidence to suggest the inmate will end his criminal ways if released into the community. In fact, the inmate has demonstrated the opposite. The inmate has continued to commit offenses that are violent in nature, with a blatant disregard for being caught.

CONCLUSION

The inmate poses an unreasonable risk of violence to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



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District Attorney

GDT:nl

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