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August 15, 2017

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

**Re: Inmate Robert Jesus Cota; CDCR BA8861
Ventura County Superior Court Case 2013026862
Opposition Letter Due to Board of Parole Hearings August 17, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Robert Cota. 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

On October 29, 2012, the inmate attempted to rob victim Alejandro Rodriguez, who suffers from a mental disability. Mr. Rodriguez refused to hand the inmate any money and in response the inmate threatened to kill Mr. Rodriguez, displaying a firearm to emphasize he was serious. Mr. Rodriguez began calling police on his cell phone. The inmate grabbed the phone and attempted to wrestle it away. When Mr. Rodriguez succeeded in keeping the phone, the inmate fled in a waiting vehicle.

On November 1, 2012, officers conducted a parole search of the inmate's motel room. A search of the room and his vehicle revealed 12.53 grams of heroin, 12.44 grams of methamphetamine, .14 grams of cocaine, five hydrocodone pills, a glass bong, two glass smoking pipes, small plastic bags, and additional drug paraphernalia. The inmate was arrested for possession of heroin for sale, a violation of Health and Safety Code section 11351, possession of methamphetamine for sale, a violation of Health and Safety Code

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section 11379(a), and possession of a controlled substance, a violation of Health and Safety Code section 11350(a). The inmate, was subsequently identified as the perpetrator of the attempted robbery of Mr. Rodriquez and arrested for that felony, in violation of Penal Code section 664/211, and for making a criminal threat, in violation of Penal Code section 422.

While in custody at the Ventura County jail pending trial on the above offenses, the inmate extorted \$1,500 from another inmate, Raul Vences, who was facing child abuse charges. The inmate told Vences that the inmate could protect him if he paid the inmate the amount demanded, first \$1,000 and later another \$500. The inmate told Vences that if the crime was reported to police "they" would go to Vence's house and Vence would be "in trouble."

On September 28, 2013, during a search of the inmate's cell, deputies located two bags and a container full of ingredients required to make pruno, also known as jail alcohol. On June 29, 2014, during a search of the inmate's cell, deputies located a jail issued razor with the handle broken off, and wedged in between a small gap in the frame of the bed and the wall. Upon further inspection, the head of the razor had been altered. The plastic protective housing of the razor was removed, which exposed one inch of the metal blade on either side. Inmates commonly refer to this manufactured weapon as a "tomahawk." The inmate admitted making the weapon by using his teeth to expose the blade.

Each of these crimes was consolidated into the commitment offense case. The inmate pled guilty to one count of extortion, a violation of Penal Code section 520, and intimidating a witness, a violation of Penal Code section 136.1(b)(1). The inmate admitted a prior strike conviction for robbery, as well as having served two prior terms in prison. (Pen. Code, § 667.5(b)) The inmate agreed the remaining counts could be considered in determining his sentence. The inmate was sentenced to 12 years 4 months in jail.

THE INMATE'S CRIMINAL HISTORY IS SUBSTANTIAL

This inmate has been engaged in a pattern of violent crime since 1979, when he committed and was later convicted of his first robbery. (Pen. Code, § 211) Four years later, in 1983, and again in 1986, he was found in possession of stolen property (Pen. Code, § 496) and convicted both times. In 1987, he was found in unlawful possession of a firearm (Pen. Code, § 12020), convicted, and given his fourth opportunity to reform on probation.

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Despite the opportunities to begin a law-abiding life, the inmate continued his violent lifestyle and in December 1991 he committed, and was later convicted for robbery, in violation of Penal Code section 211. He was sentenced to three years in prison. In January 1997, the inmate committed another robbery, and 10 years later was convicted and sentenced to 17 years in prison.

While in custody pending disposition of the commitment offense the inmate received 15 major incident reports, including the above possession of pruno, possession of a weapon, destruction of property, and mutual combat.

DISCUSSION


It is an unfortunate irony that this inmate, convicted of witness intimidation, received the benefit of a plea bargain because the witnesses against him could not be located for trial. No matter what label is assigned to the current conviction, this inmate's record, and more current offenses, demonstrate that he is a violent criminal.

Throughout his 38-year criminal career, the inmate has displayed a disregard for the criminal justice system. The inmate has scoffed at opportunities to rehabilitate and there is no evidence to suggest the inmate will stop his criminal ways if released early.

CONCLUSION

The inmate clearly 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,



GREGORY D. TOTTEN
District Attorney

GDT:rf

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