



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 R. JUMP
Chief Deputy District Attorney
Victim & Community 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

July 31, 2017

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

**Re: Inmate Yanci McClay Dakin; CDCR AT1080
Ventura County Superior Court Case 2013014133
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 Yanci Dakin. 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 released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

At the time of the commitment offense, the inmate and victim had been in a dating relationship for more than four years. They lived together and had two children in common, ages three and one. On the evening of May 1, 2013, between 11:00 p.m. and 12:00 a.m., the inmate instigated a verbal argument with the victim which quickly escalated to threats and violence. During the 12-hour ordeal, the inmate threatened to slit the victim's throat, threatened to invite his friends to have sex with her as she was "a whore," beat and cut her, and told their two children to say, "Bye-bye to mommy."

At one point during the prolonged attack, the inmate allowed the victim to comfort the children, but grew impatient with their crying. The inmate punched the victim in the face several more times. He struck her in the head, arms, leg, and ribs. This portion of the assault occurred in front of the children. As they watched the violence, the children

continued to cry and call for their mommy. The victim then went to the kitchen with the one-year-old, leaving the three-year-old in the living room. The inmate approached the three-year-old and began to yell and scream at the child. The inmate yelled at the victim, "Look what you made me do to my child." The victim noticed a red mark on the three-year-old's arm.

The inmate dragged the victim into the bathroom, locking the children out. Once inside the bathroom, the inmate pulled out a knife with a seven-inch blade. The inmate told the victim he was going to kill her – that he would slit her throat. He then stabbed the wall right next to her head prior to placing his hand around her neck. He pushed her against the wall and squeezed her throat. She does not remember what happened next, but woke up leaning over the toilet.

As the inmate continued the verbal and physical assault, the victim begged him to let her say "goodbye" to her children. The inmate said he would give her ten minutes. She walked to the bedroom, where she located the children and hugged them. The inmate told the children that the victim deserved everything that was happening to her, and told the children, "Say bye-bye to mommy." The inmate retrieved another knife from the kitchen with a seven-to nine-inch blade. He held the knife to his own throat and began to slightly cut himself. He then used it to cut the victim's arm.

The inmate then punched the victim in the back of the head, causing her to fall to the ground. As she was on the ground, the inmate kicked her in the ribs. The victim begged the inmate to allow someone to take the children so they did not continue to see what was happening. The inmate refused. The inmate then strangled the victim with his right hand. She felt shortness of breath, which prevented her from yelling for help. Once he let her go, he continued yelling and hitting her. He told her none of them were going to make it out of the house alive. The victim thought she and her children were going to die. The inmate eventually left the residence at approximately 11:00 a.m.

At the hospital, the victim was treated for her injuries. The victim estimated being hit and kicked by the inmate over 100 times. She was bruised all over, had a black eye, a broken wrist, three stab wounds to her left bicep, and a ruptured eardrum.

The inmate was arrested for violating Penal Code section 273.5(a), felony domestic battery causing injury; Penal Code section 245(a)(1), assault with a deadly weapon; Penal Code section 422, criminal threats; Penal Code section 273a(b), child abuse; and Health and Safety Code section 11550(a), being under the influence of a controlled substance. The inmate received a sentence of nine years in prison.

CRIMINAL HISTORY

On May 14, 1999, the inmate was convicted of domestic battery after he head-butted his girlfriend during an argument. (PC 243(e)(1))

On December 19, 2007, the inmate was convicted of receiving stolen property after he was observed driving a stolen vehicle. (PC 496d(a))

On August 14, 2008, the inmate was convicted of felony assault with a deadly weapon. (PC 245(a)(1)) The inmate confronted his girlfriend at party. He began yelling and screaming at her to leave the party with him. She asked him several times to leave, but he refused. He began pacing back and forth prior to pulling out a knife with a four-inch blade. He told the victim that he wanted to kill himself, and that he did not want to live without her. She told him he was acting "crazy." He walked up to her, grabbed the front of her shirt, and pulled her toward him. He then raised the knife, placed it against her throat, and stated, "Crazy, I'll show you crazy." She immediately feared for her life and believed he was going to cut her throat. She could feel the blade resting against the side of her neck as he pushed it against her skin.

DISCUSSION

It defies any measure of logic to label this inmate a nonviolent offender. The inmate assaulted his girlfriend, the mother of his children, with fists and a knife, verbally and physically attacking her for hours in front of their two young children. The crime involved a substantial degree of cruelty, viciousness, and callousness.

During the sentencing, the victim (through a written victim impact statement) informed the sentencing judge that she began counseling sessions to get help coping with the emotional trauma. She further stated that she has trouble sleeping at night as she is living in fear and anxiety wondering if the inmate is going to be released, or if he is going to follow through with his threats of sending someone to finish the job for him. She also requested the court to ensure that justice be served. "His actions from one night has caused years of mental anguish not just for myself but for my children . . ."

It is important to note that the present matter represents the inmate's third violent and physical attack of a girlfriend and his second-strike conviction. The first strike was also a serious domestic violence matter involving a knife against a prior girlfriend. The inmate's refusal to learn from his prior behavior strongly suggests that if he is released early, he will continue to engage in violent criminal conduct, most likely against those that love

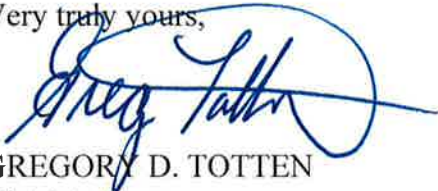
Board of Parole Hearings
Re: Yanci Dakin, CDCR AT1080
July 31, 2017
Page 4

and trust him. There is no evidence to suggest the inmate will curb his criminal ways if released into the community. Therefore, the inmate poses an unreasonable risk of violence to the community.

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,

A handwritten signature in blue ink, appearing to read "Gregory Totten", written over a blue circular scribble.

GREGORY D. TOTTON
District Attorney

GDT:jl

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov