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August 18, 2017

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

**Re: Inmate Martin Gaspar; CDCR AK8895  
Ventura County Superior Court Cases 2009029807, 2014008448  
Opposition Letter Due to Board of parole Hearings August 19, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Martin Gaspar. The inmate was sentenced in September 2014 to serve seven years eight months in prison. If the inmate is granted early parole at this time he will have spent only three and one-half years in custody, less than half of his sentence. This recommendation is based upon:

- 1) The inmate's commitment offenses.
- 2) The inmate's significant criminal history.
- 3) The unreasonable threat to the safety of the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

### Case 2009029807

In June 2009, the inmate approached two victims, one aged 17, and told them he was from "The Boyz," and wanted to fight them for "tagging up the neighborhood." One of the victims told the inmate he would not fight as the inmate pulled out a knife and threw it on a nearby lawn. The inmate and another individual beat one victim as he attempted to lock himself in his vehicle, and subsequently beat the other victim when he attempted to intervene. One of the victims was able to run from the scene to get help. Before fleeing, the inmate picked up the knife and yelled, "Fuck you fool. I'll stab you. The Boyz. Fuck you fool, we're going to get you."

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The inmate pled guilty to making criminal threats in violation of Penal Code section 422, and admitted using a deadly weapon and acting for the benefit of a criminal street gang (Pen. Code §§ 12022(b)(1), 186.22(b)(1)). In November 2009, the inmate was placed on probation. After several violations of probation, mostly involving continued involvement in a criminal street gang, the inmate's probation was revoked and in January 2012, he was sentenced to three years in prison. He was on parole for this offense when he was arrested for the offense in case 2014008448.

#### Case 2014008448

On March 18, 2014, officers with the Ventura County Sheriff's Office served an arrest warrant on one of the inmate's fellow gang members. The inmate and others fled from a shed but were apprehended. The inmate and his fellow gang members were arrested for being under the influence of drugs. After the arrests, guns and ammunition were found in and around the shed.

The inmate pled guilty of engaging in street terrorism in violation of Penal Code section 186.22(a), of possessing controlled substances with a firearm in violation of Penal Code section 29800(a)(1), and of resisting arrest in violation of Penal Code section 148(a). The inmate admitted a prior strike (Pen. Code § 667/1170.12), a prior serious or violent conviction (Pen. Code § 667(a)(1)), and having served a prior term in prison (Pen. Code § 667.5(b)). On September 15, 2015, the inmate was sentenced to serve seven years eight months in prison.

#### **CRIMINAL HISTORY**

The inmate has a criminal history that dates back to 2005. The inmate has one prior strike conviction for felony criminal threats in violation of Penal Code section 422.

In February 2005, at the age of 16, the inmate was arrested for battery on school grounds when he injured another student by poking a hot welding rod into the victim's back.

In July 2007, the inmate resisted arrest and was later convicted of resisting a peace officer (Pen. Code § 148(a)(1)). In October 2013, the inmate was once again arrested of, and later pled guilty to, resisting a peace officer.

In June 2009, the inmate possessed a sap. He pled no contest to possession of a weapon in violation of Penal Code section 12020(a).

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The inmate was paroled in commitment case 2009029807 on September 16, 2012. His performance on parole was nothing short of appalling. In January 2013, he was arrested and later convicted of being under the influence of a controlled substance. (Health & Saf. Code, § 11550(a).) In March 2013, he was arrested and later convicted of failing to register as a gang member (Pen. Code, § 186.33), and was arrested and later convicted of the same offense in January 2014. In October 2013, he was arrested and later convicted of resisting police.

In November 2013, the inmate violated parole in case 2009029807, and was ordered to serve 180 days in jail. Shortly after being released, he was arrested for the offense in case 2014008448.

#### **DISCUSSION**

For more than a decade, the inmate's association with a criminal street gang, his substance abuse, and his propensity for possessing and using deadly weapons have created a safety threat to the community. He was on parole for a violent gang assault when he was arrested in this case, using drugs and in possession of weapons with other gang members. He routinely resists officers acting in the course of their duties. There is no evidence to suggest the inmate will stop his criminal ways if released into 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,



GREGORY D. TOTTEN  
District Attorney

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