



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

August 9, 2017

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

**Re: Inmate Oscar Santiago Herrera; CDCR AS8453
Ventura County Superior Court Cases 2014004351, 2013033386, 2013037975
Opposition Letter Due to Board of Parole Hearings August 12, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Oscar Santiago Herrera. This recommendation is based upon:

- 1) The inmate's commitment offenses.
- 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 OFFENSES

Case 2013033386

On October 24, 2013, at approximately 9:08 a.m., youth correctional officers unlocked the inmate from his assigned room to attend class. One of the officers instructed the inmate to submit to a clothed body search. The inmate refused and stated, "What are you going to do?" The inmate then punched the officer in the face several times. Another officer was in the hallway escorting inmate Attilio Sarceno to the classroom, and as he responded to assist the first officer, Sarceno began to punch the second officer in the face and upper body area. Additional officers came to assist, and the inmate was sprayed with pepper spray and placed in handcuffs.

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At approximately 2:20 p.m. the same day, as staff was walking in the hallway where the inmate and Sarceno were housed, Sarceno yelled, "Fuck you and if you open this door, I will fuck you up just like I did to staff today!" The inmate then yelled, "Yeah, come open my door, too. We bashing on niggers today!"

The inmate was arrested for battery by a prisoner, in violation of Penal Code section 4501.5; resisting an executive officer, in violation of Penal Code section 69; assaulting a police officer, in violation of Penal Code section 241(c); and battery on a peace officer, in violation of Penal Code section 243(c)(1). The inmate pled guilty to two counts of battery by a prisoner and admitted two prior strikes. He was sentenced to eight years in state prison.

Case 2013037975

On December 12, 2013, at approximately 12:15 p.m., the inmate engaged in a fight in a holding cell. Video surveillance depicts the inmate walking into the cell, shaking hands with several inmates, and then sitting on a bench before indicating to the victim to walk to the center of the cell. Both the inmate and the victim walked to the center of the cell and took a fighting stance. The inmate then punched the victim, and they began to fight. Two other subjects in the cell began punching the victim in the head and body. The inmate called off the other subjects and continued to fight the victim alone. When the victim was finally able to pin the inmate against the wall, three more subjects joined the fight and began punching the victim in the head and body. The victim continued to hold the inmate against the wall as the inmate and the three other subjects punched the victim in the head and body.

The inmate was convicted of assault and battery, in violation of Penal Code section 242, with a gang enhancement for the benefit of a street gang, in violation of Penal Code section 186.22. He was sentenced to eight months in state prison.

Case 2014004351

On February 9, 2014, at approximately 5:00 p.m., deputies were conducting pat down searches of inmates. During a search of the inmate, deputies observed that one of the inmate's socks appeared to be altered. The inmate advised that he had sewn a hole in his sock. Deputies were concerned that the inmate had a sharp object inside his cell which he used to create a sewing needle. The deputies conducted a search of the inmate's cell and discovered two pieces of pencil and a piece of metal on the top bunk. The two pieces of pencil matched up to make a whole pencil approximately three inches in length. The

pencil was spilt in half lengthwise by a sharp object and the lead was removed. The metal piece found was two inches in length and appeared to be a thin piece of wire which fit inside the hollow of the pencil where the lead would be.

Deputies also found a string made from jail-issued blankets that was approximately ten feet long which they concluded could be wrapped around the pencil to secure the metal piece and create a stabbing or slashing weapon. Deputies also observed gang writing of "Southside" on the inmate's bunk, "Breed St X3" on the door jamb, and "SUR X3 SOUTHSIDE" written inside of a bible belonging to the chaplain. The inmate is a documented member of the Breed criminal street gang, and admits to being a Sureno gang member.

The inmate was convicted of vandalism, in violation of Penal Code section 594(a)(2)(A), with a gang enhancement for benefit of a street gang, in violation of Penal Code section 186.22(d). He was sentenced to 16 months in state prison.

CRIMINAL HISTORY

In addition to the above commitment offenses, the inmate has engaged in numerous violent offenses, beginning at the age of 12. On October 3, 2006, the inmate was arrested for robbery, in violation of Penal Code section 211. The inmate and two other subjects punched the victim in the face and took an orange safety vest from the victim. He was sentenced to eight months in the California Youth Authority.

On April 10, 2007, the inmate was arrested for battery, in violation of Penal Code section 243(a). The inmate, aged 13, approached a student and told him to stop telling people he was from "Tiny Boys." The inmate walked away, and then returned with ten other students who surrounded the victim. The inmate told the victim "let's get down." He then punched the victim in the face and on top of the head. He was sentenced to four months in California Youth Authority.

On February 20, 2008, the inmate was arrested for possession of a firearm in a school zone, in violation of Penal Code section 626.9(b). The inmate, aged 14, was observed by police looking into a vehicle. As the officers made contact with the inmate, he pulled a gun out of his waistband. He was within 1,000 feet of a school. The inmate was sentenced to one year in California Youth Authority.

On June 7, 2010, the inmate was arrested for assault with a firearm, in violation of Penal Code section 245(a)(2). The inmate, aged 16, was found by officers in possession of a

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fully loaded .32 caliber semiautomatic pistol. After failing in a reformatory placement, the inmate brandished the firearm at a female victim and male from a rival gang. He was sentenced to 14 years in California Youth Authority.

On June 14, 2011, the inmate was again arrested for robbery. The inmate, aged 17, used a knife to cut a purse off the victim after another subject pushed her down onto the ground. The inmate was sentenced to two years in California Youth Authority.

DISCUSSION


In less than ten years, this inmate amassed a significant criminal record including two sustained petitions for robbery, and an assault with a firearm. Since the age of 12, the inmate has spent virtually no time outside of the juvenile or criminal justice systems. He was granted several opportunities in reformatory programming to no avail. The inmate shows no interest in rehabilitation.

The inmate's commitment offenses evidence an alarming disrespect for authority and the law and demonstrate his propensity for violence in even the most controlled circumstances. There is no question that his release into society creates an unreasonable risk of future violence.

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