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August 3, 2017

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

**Re: Inmate Kevin Mercier; CDCR BB8591
Ventura County Superior Court Cases 2012032048, 2016037077
Opposition Letter Due to Board of Parole Hearings August 4, 2017**

Dear Board Members:

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

- 1) The inmate's commitment offenses.
- 2) The inmate's significant and escalating criminal history.
- 3) The unreasonable threat to public safety if released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSES

Case 2016037077

On July 15, 2016, the inmate was placed on ankle monitor tracking to serve a felony sentence pursuant to Penal Code section 1170(h). He had three prison priors. On July 29, notice was received that the inmate had tampered with the device. On October 9, an officer observed the inmate, who had a no-bail warrant, driving in Simi Valley. When the officer activated his vehicle lights, he observed the inmate reaching to the passenger-side floorboard area. The inmate failed to yield after the officer activated his siren. During the pursuit, the inmate ran several stop signs, drove on the wrong side of the road twice, drove through numerous red lights, nearly ran over two pedestrians and almost struck several other vehicles. The inmate eventually lost control of his vehicle and attempted to flee on foot. After the K-9 unit detained the inmate, the inmate punched the dog.

During the pursuit, the inmate threw a black backpack out the window. Officers discovered 56 grams of psilocybin mushrooms, a container with 19.7 grams of methamphetamine, a glass pipe, and a digital scale inside the backpack. The inmate admitted to officers that he cut off his ankle monitor and discarded it in a residential neighborhood. The inmate pled guilty to felony evading (Veh. Code 2800.2(a)), with three prison priors. (Pen. Code § 667.5(b)) One prison prior was stricken and he was sentenced to 16 months in prison plus two years for the remaining two prison priors for a total of 40 months in prison. Grand theft charges and obstructing and delaying a peace officer charges were dismissed.

Case 2012037077

As officers were initiating a traffic stop, the inmate, who was a passenger, was observed bending forward as if he were concealing something. The inmate was known to the officers, and the inmate had a felony warrant for possession of methamphetamine. During a search of the vehicle, two magnetic cases containing 21.6 grams methamphetamine were found under the passenger seat. The inmate had \$793 cash in his possession. *He told the officer with "20 felonies" on his record, he did not know what else to do other than to "sell dope."* The inmate had three separate 11370.2(c) priors for qualifying drug convictions and initially received an eight-year split sentence pursuant to Penal Code section 1170(h). On December 13, 2016, the inmate was sentenced to serve eight years in prison concurrent with case 2016037077.

CRIMINAL HISTORY

The inmate has a criminal history that dates to 1992 and has three prison priors.

In August 2003, the inmate was arrested for Health and Safety Code section 11378, possession of a controlled substance for sale; Health and Safety Code section 11377(a), possession of a controlled substance; Health and Safety Code section 11351, unlawful possession of a controlled substance for sale; and Penal Code section 120202(a), unlawful possession of a weapon. During execution of a search warrant at the inmate's residence, officers with the Ventura County Sheriff's Office and Simi Valley Police Department located the inmate, Jed Hicks, and Lauren Grey. Hicks was found in possession of 30 "hits" of Ecstasy, which he said he bought from the inmate for \$500. Officers also discovered 2,103 Vicodin pills, 276 Diazepam pills, 10 Fentanyl suckers, 60 Ecstasy tablets, 31 Oxycontin pills, 53 Xanax pills, 400 miscellaneous pills, 14 grams of methamphetamine, 100 Soma pills, a small amount of marijuana, a Consumer Reports Drug Reference book, a double-edged knife, and a police-style metal baton. The inmate

told officers that he found a box containing different pills and that he decided to make “a little extra cash” selling the pills.

In November 2003, the inmate was arrested for possession of a controlled substance. An officer observed the inmate driving erratically and followed him to a motel known for criminal activity. When contacted by the officer, the inmate stated that he did not have any identification. The inmate was arrested for driving without a driver’s license and the officer conducted a search incident to arrest. During the search, the officer discovered a clear plastic bag with methamphetamine, yellow pills with a “Norco 599” imprint, 45 Vicodin pills, and a glass smoking pipe. The inmate was convicted of unlawful possession of a controlled substance (Health & Safety Code § 11377(a)), and failure to appear in court, and was placed on probation.

In April 2004, the inmate pled guilty to unlawful possession of a weapon, possession of a controlled substance for sale, unlawful possession of a controlled substance for sale, and maintaining a place for trafficking of controlled substances, in violation of Health and Safety Code section 11366. After failing on probation, the inmate was sentenced to three years in prison.

In March 2008, the inmate was arrested for possession of a controlled substance for sale. Officers pulled over a vehicle and observed the inmate in the passenger seat moving from side to side and acting nervously. The inmate identified himself to officers as Peter Benson. An officer then saw the inmate take a small plastic bag from his pants pocket and drop it on the floorboard. When officers recognized the inmate from a parolee contact flyer, they arrested him for possession of smoking paraphernalia. During a search of the vehicle, officers found a container with 4.29 grams of methamphetamine, \$410 in cash, a digital scale with white powder, and a vial with white crystalline residue. In April 2009, the inmate pled guilty to transportation of a controlled substance (Health & Safety Code § 11379(a)), an enhancement for prior controlled substance convictions, and possession of a controlled substance. The inmate was sentenced to four years in prison on May 8, 2009, and was paroled on May 29, 2010.

In October 2010, the inmate was arrested for transporting a controlled substance. Officers pulled over a vehicle and observed the inmate in the passenger seat with his hands between his legs, as if he were concealing something. A small black container with a crystal rock of methamphetamine was subsequently found on the passenger seat. A bag containing marijuana, an Oxycodone pill, methamphetamine, multiple plastic bags with methamphetamine residue, a scale, and 55 Hydrocodone pills were found on the passenger floorboard. Inside a duffle bag belonging to the inmate was a pill bottle and 21

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empty plastic bags. When the inmate placed his hands on the trunk of the vehicle, he threw a container of methamphetamine. The inmate was sentenced to three years in prison and was paroled on October 11, 2011.

In addition, the inmate's record reflects numerous other arrests for drugs, and a conviction for misappropriation of lost property.

DISCUSSION

The inmate has been extended leniency after leniency. Nothing seems to deter him from continued drug use, sales, or reckless and unlawful conduct endangering innocent citizens. Prior to sentencing on the commitment offense, the inmate was screened on the Ohio Risk Assessment System and his "overall score was 29, indicating a high risk to reoffend in the community." The inmate's continued drug trafficking endangers the community. There is no reason to believe the inmate will not return to drug trafficking, an arena fraught with violence.

CONCLUSION

The inmate has already been given multiple breaks with concurrent sentences, despite the high risk he presents to the community. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



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