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August 25, 2017

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

**Re: Inmate Mark Anthony Montoya; CDCR AY1034
Ventura County Superior Court Case 2014026465
Opposition to Letter Due to Board of Parole Hearings August 25, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Mark Montoya. The inmate, who faced a sentence of up to 13 years 8 months in prison, was committed for 8 years. Releasing the inmate now would mean he will have spent only three years in custody of his eight-year sentence. This recommendation is based upon:

- 1) The dangerous nature of the commitment offense.
- 2) The inmate's recent involvement in violent criminal conduct.
- 3) The unreasonable public safety risk if the inmate is released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On August 4, 2014, the Ventura County Sheriff's Office located an advertisement on Craigslist selling Redotex, an illegal weight loss supplement. After several conversations and negotiation, a deputy arranged to meet the supplier for a purchase. The inmate and co-defendant were arrested at the arranged meeting. The co-defendant's purse contained three bottles of the Redotex pills. The inmate admitted the pills belonged to him, not the co-defendant. The inmate's co-defendant stated that the inmate gave her money to go to Mexico and purchase bottles of Redotex so she could sell them. The inmate pled guilty to transportation of a controlled substance in violation of Health and Safety Code section 11379(a), and possession for sale of a controlled substance, in violation of Health and Safety Code section 11378. The inmate admitted a prior strike conviction and having served a prior term in prison. (Pen. Code §§ 667/1170.12, 667.5(b)). On October 7, 2015, the inmate was sentenced to eight years in prison.

CRIMINAL HISTORY

The inmate's documented criminal history spans more than 35 years. In total, the inmate has eight prior convictions involving violence or weapons, six felony convictions, and four prison commitments.

In July 1985, at the age of 23, the inmate got into a fight, grabbed a baseball bat out of the back of his truck, and hit the victim. In August 1985, the inmate assaulted two different victims that he claimed had beaten up his son. Both incidents resulted in the inmate's misdemeanor convictions for assault with a deadly weapon. (Pen. Code § 245(a)(1)). In 1987, the inmate was convicted of disorderly conduct in court. (Pen. Code § 166(a)(1)).

In June 1988, the inmate possessed a controlled substance and was convicted of violating Health and Safety Code section 11350. In November 1988, the inmate was convicted of reckless driving in violation of Vehicle Code section 23103(a).

In April 1996, the inmate committed and was later convicted of domestic violence. (Pen. Code §§ 273(d)). He was convicted of vandalism (Pen. Code § 594(a)) in 1997, and drug possession (Health and Saf. Code § 11350(a)) in 1998.

In May 1998, when the inmate caught his wife cheating, he made criminal threats against his wife and the person he caught cheating with his wife. (Pen. Code § 422). Initially placed on probation, he failed within three months and was sentenced to three years eight months in prison.

The inmate was discharged from parole in November 2003, and in January 2004, was arrested for and later convicted of stalking and assault with a deadly weapon. (Pen. Code §§ 649.9(a), 245(a)(1)). The inmate was sentenced to four years in prison.

The inmate was discharged from parole in April 2009. In October 2010, the inmate brandished a short-barreled shotgun, waving it around inside a restaurant. He was convicted of unlawful possession of a firearm (Pen. Code § 12020(a)(1)) and sentenced to 32 months in prison. In April 2013, pursuant to Proposition 47, the inmate was discharged to local supervision.

In January 2014, the inmate sent a text to a woman he had dated for 10 days, stating that he was going to kill her and anyone who was with her. The victim also stated that the inmate went to her house with an aluminum baseball bat, and threatened to hit her with it. The inmate was convicted of making criminal threats (Pen. Code § 422) in February 2014.

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DISCUSSION

Despite numerous opportunities to rehabilitate himself, the inmate continues to disregard the law. The inmate's erratic pattern of criminality, brandishing weapons at random strangers, and especially the violence he displays against women, raises serious public safety concerns. Decades of drug use and sales, and violent, unstable conduct cannot be remedied by a mere three years in custody in this case.

The inmate's propensity for violence means that releasing the inmate early poses an unreasonable safety risk to the community at large.

CONCLUSION

The inmate poses an unreasonable public safety risk to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



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District Attorney

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