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August 1, 2017

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

**Re: Inmate Bryan Pahua; CDCR BB09002  
Ventura County Superior Court Case 2015007248  
Opposition to 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 Bryan Pahua. This recommendation is based upon:

- 1) The aggressive and 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 March 5, 2015, at approximately 6:45 p.m., the victim was talking on his cell phone inside the entrance lobby of his apartment building. The victim went downstairs to the laundry room to continue his phone conversation because the inmate and other potential gang members had gathered outside. When the victim finished his conversation, he walked up the stairs where the inmate and his co-defendant, Michael Morales, stood, waiting for the victim. The inmate, 17 years old at the time, and Morales are documented members of the TOCAS street gang.

The inmate demanded money but the victim said he did not have any. The victim tried to walk past the two of them. The inmate grabbed the victim and punched him repeatedly, causing a cut under his eye approximately one inch. The victim pulled away and ran back down the stairs. The victim's hat fell off during the fight and he saw the inmate pick it up. The inmate told the victim, "You better not call the police, or it will be worse for you." The inmate and Morales then fled. The victim was afraid and believed the two could have had weapons. The victim has suffered physically and emotionally as a direct result of the defendant's actions. The inmate pled guilty to attempted robbery with a special allegation that the offense was committed for the benefit of a criminal street gang

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(Pen. Code §§ 664/211, 186.22(b)(1)), and dissuading a witness from testifying. (Pen. Code §136.1(a)(1)) The inmate failed to comply with the terms of probation and refused to separate himself from the TOCAS gang. After more than a year of failing on probation, the inmate was sentenced on December 28, 2016, to 6 years 4 months in prison.

### **CRIMINAL HISTORY**

Despite his young age, the inmate has already collected a significant criminal history. The court sustained a petition for robbery and dissuading a witness from testifying. (Pen. Code §§ 211, 136.1(a)(1)). While still on probation for the commitment offense, the inmate repeatedly associated with TOCAS gang members and was convicted of possession of metal knuckles (Pen. Code § 21810), and received a sentence of 180 days.

### **DISCUSSION**


The inmate has participated in an escalating pattern of criminality for the benefit of a street gang and there is no evidence to suggest he will alter his behavior if released. That his commitment offense is labeled “nonviolent” rather than “violent” is inaccurate. But for the fact the victim had no money and was able to escape, the inmate would not be eligible for early release at all.

The inmate’s performance on probation for the commitment offense demonstrates that he poses an unreasonable risk of violence if released. He refused to cut ties with the TOCAS gang and continued to possess weapons associated with gang violence.

### **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,

  
GREGORY D. TOTTON  
District Attorney

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