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July 17, 2017

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

**Re: Inmate Francisco Paz; CDCR #AH4040
Ventura County Superior Court Case #2010042142
Opposition 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 Francisco Paz. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history and failure to be crime free.
- 3) The unreasonable risk of violence to the community if released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On November 26, 2010, at approximately 1:00 p.m., the inmate attempted to burglarize the residence of victim Delfia Zermeno. The victim's neighbor, John Macik, heard his dog barking in his yard. Mr. Macik looked outside and observed the inmate running around the victim's backyard. Mr. Macik watched the inmate force open the locked screen door then clutch the handle on the sliding glass window, tugging on it. Mr. Macik yelled for his wife to call the police. When the inmate realized Mr. Macik was present, he covered his face with his hands and ran away. Police arrived and located the inmate several houses away, wearing white clothing. The inmate was dirty with leaves and dirt in his hair as if had been crawling through bushes.

The victim testified that at the time of the incident she was sleeping. Ms. Zermeno stated she was wakened by Mr. Macik's barking dog. She heard noises on her front steps, and then the sound of someone shaking her front door as if to open it. She then heard noises on the side of her yard. Ms. Zermeno opened her front door and saw the inmate wearing white clothing walking away from her residence.

The inmate was found guilty of two counts of Penal Code Section 459/664, attempted first-degree residential burglary, and sentenced to ten years four months in prison.

THE INMATE'S CRIMINAL HISTORY IS SUBSTANTIAL

On October 13, 1998, the inmate, aged 16, was arrested for vandalism. The inmate was observed tagging "COP" on a wall and throwing away two cans of spray paint. The misdemeanor petition was sustained by admission and transferred to Los Angeles County for disposition. One month later, the inmate was arrested for possession of a black permanent marker after a call of juveniles tagging was made by a citizen. The misdemeanor was dismissed and transferred to Los Angeles County for Disposition.

On December 13, 1998, the inmate was arrested for Penal Code section 459, attempted burglary and Vehicle Code section 10852, tampering of a vehicle. The misdemeanor was sustained by admission and transferred to Los Angeles County for disposition. Less than a month later, the inmate, still 16 years old, was arrested for Penal Code section 211, robbery. The inmate approached the victim and threatened he would steal the victim's bike if the victim did not steal something for him. The case was sustained by admission and transferred to Los Angeles County for disposition.

On June 6, 1999, the inmate, aged 17, was arrested for Penal Code section 496(a), receiving stolen property. The felony was sustained by admission and transferred to Los Angeles County for disposition, then back to Ventura County for supervision. The inmate then received 45 days of jail, probation and wardship to term upon completion of jail time. The inmate had two probation violations.

On June 29, 2000, the inmate was arrested for, and pled guilty, to Business and Professions Code section 25662, minor possession of alcohol. The inmate was fined.

On August 25, 2000, the inmate was arrested for, and pled guilty to, Penal Code section 484(a), petty theft. The inmate was sentenced to 36 months probation and five days in jail. The probation term was unsuccessful. The inmate had two probation violations and two failures to appear.

On September 9, 2000, the inmate was arrested for Vehicle Code section 10851(a), auto theft, and Penal Code section 496(a), receiving stolen property. The inmate pled guilty to Vehicle Code section 10851(a). The inmate was sentenced to 36 months of probation and 180 days in jail. The probation term was unsuccessful and the inmate was subsequently sentenced to 16 months prison. The inmate had seven probation violations and two failures to appear.

On October 2, 2001, the inmate was arrested for Health and Safety Code section 11550(a), under the influence of a controlled substance, and Health and Safety Code section 11364, possession of drug paraphernalia. The inmate pled guilty to Health and Safety Code section 11550(a), and was sentenced to 36 months probation. The probation term was unsuccessful and the inmate was subsequently sentenced to 90 days in jail. The inmate had two probation violations and one failure to appear.

On April 16, 2002, the inmate was arrested for, *inter alia*, Health and Safety Code section 11351, possession for sales. During a search warrant, 2.40 gram of heroin, .7 grams of methamphetamine, bindles of marijuana, paraphernalia, and a firearm were recovered from the inmate's room. Charges were never filed.

On June 20, 2002, the inmate was arrested and pled guilty to Health and Safety Code section 11550(a). The inmate was sentenced to 36 months probation. The probation term was unsuccessful and the inmate was subsequently sentenced to 90 days in jail. The inmate had one probation violation.

On July 17, 2002, the inmate was arrested for Penal Code section 12020(a), possession of deadly weapons. The inmate ran into the backyard of a residence after being observed by police. The inmate was arrested for three outstanding warrants and possessing a six-inch steak knife. This case was rejected.

On August 1, 2002, the inmate was arrested for Vehicle Code section 10851(a), auto theft, but pleaded guilty to Health and Safety Code section 11550, possession of a controlled substance. The inmate refused probation and was subsequently sentenced to 180 days in jail.

On March 14, 2003, the inmate was again arrested and pled guilty to 11550(a). The inmate was sentenced to 36 months probation. The probation term was unsuccessful and the inmate was subsequently sentenced to 120 days in jail.

On March 22, 2003, the inmate was arrested for Penal Code section 664/211, attempted robbery and 11550(a). The inmate pled guilty to 11550(a) and was sentenced to 36

months probation. The probation term was unsuccessful and the inmate was subsequently sentenced to 90 days in jail. The inmate had one probation violation and one failure to appear.

On April 15, 2003, the inmate was arrested for Penal Code section 211, robbery. The inmate pled guilty to robbery with personal use of a deadly weapon per Penal Code section 12022(b)(1). The inmate approached two victims, who were ice cream vendors, and pulled out a hunting knife and demanded money. On another occasion, the inmate stole money from his girlfriend, then demanded money from her and told her he had a gun. The inmate was sentenced to two years in prison. He had two parole violations.

On September 7, 2006, the inmate was arrested for robbery, possession of methamphetamine, and 11550(a). The inmate was convicted in a jury trial of Health and Safety Code section 11364, possession of drug paraphernalia and 11550(a). The inmate was sentenced to 36 months of probation and 90 days in jail. The inmate had two probation violations.

On December 4, 2007, the inmate was arrested and convicted for Penal Code section 242, battery. The inmate was sentenced to 12 months probation. The inmate had one failure to appear.

On August 14, 2008, the inmate was again arrested and convicted for Penal Code section 242, battery. The inmate was sentenced to 36 months probation and five days in jail.

On November 26, 2010, the inmate was arrested for his commitment offense.

DISCUSSION

The inmate has an extensive criminal record spanning the last 19 years. The inmate's juvenile record dates back to 1998, and since his first adult arrest in 2000, until his last arrest in 2010, the inmate has been arrested 16 times in a span of 10 years. Of note, in these arrests are multiple battery charges, drugs, and several theft charges ranging from taking vehicles, to robberies with deadly weapons.

The inmate has shown a clear disregard for the criminal justice system. While being arrested 16 times in 10 years, the inmate has had 14 probation violations, seven failures to appear, and multiple violations of parole. Based on the inmate's actions, and lack thereof, it is evident that previous grants of probation and parole have failed to curb the inmate's appetite for criminal activity. There is no evidence to suggest the inmate will curb his criminal ways if released into the community.

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CONCLUSION

The inmate clearly 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,

A handwritten signature in blue ink, appearing to read "Gregory D. Totten", with a long horizontal flourish extending to the right.

GREGORY D. TOTTON
District Attorney

GDT:rf

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