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July 26, 2017

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

**Re: Inmate Francisco Javier Ramirez; CDCR AZ1712
Ventura County Superior Court Case 2012036237, 2015009506
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 Ramirez. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 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 2015009506

On March 24, 2015, the inmate struck victim Maheshkumar Patel in the head with a four-foot long PVC pipe, causing Mr. Patel to become disoriented and collapse to the ground. The inmate struck him in the head merely because Mr. Patel observed the inmate chase a car brandishing the pipe, and said, "Hey, what are you doing?" The inmate then approached Mr. Patel as he lay on the ground, but fled when another bystander stopped the inmate from striking Mr. Patel again.

After the inmate fled the scene, he began hitting several parked vehicles with the pipe. Raymundo Avila observed the inmate vandalizing the parked vehicles. The inmate then approached Mr. Avila who was standing in the street. The inmate swung the pipe at Mr. Avila approximately 50 times, and chased him as he ran away from the inmate.

Luckily, Mr. Avila outran the inmate and was not injured during the assault. When police attempted to place the inmate in handcuffs, the inmate struggled to break free by kicking at the officers. The inmate was so combative he needed a body wrap for his safety.

Mr. Patel stated he suffers continuous head pain, memory loss, trouble with vision, and sought medical treatment on his own. Mr. Patel further stated he and his family are still afraid of the inmate. He requested he be notified if the inmate were released.

In addition to the primary offense of Penal Code section 245(a)(1), assault with a deadly weapon, the inmate also admitted allegations pursuant to Penal Code section 667(a)(1), for having two prior serious felonies, and Penal Code section 667.5(b), for having four prior prison terms. The court's 14-year sentence, imposed in February 2016, reflects a grant of leniency made over the People's objection. The inmate was treated as a second striker instead of a third striker, and four prison priors were stricken.

Case 2012036237

The notice received by my office from the Board of Parole Hearings references case number 2012036287. The record indicates the inmate was convicted of possession of methamphetamine, and sentenced to 28 months in prison. Pursuant to Proposition 47, the charge was declared a misdemeanor and the inmate was discharged in December 2015.

CRIMINAL HISTORY

The inmate is a documented member of the Colonia Chiques gang. He has a long criminal history spanning 30 years and is the embodiment of a career criminal. He has a lengthy juvenile record, including trespassing, vandalism, under the influence, vehicle theft, battery, leaving juvenile facilities without permission, and alcohol offenses, including driving under the influence of alcohol.

For example, at the age of 14, the inmate was arrested for drinking alcohol and curfew violations, and became violent in route to the police station. The inmate caused an undetermined amount of damage to the police van as a result of his violent actions. At the age of 15, the inmate stole a vehicle and evaded police. While attempting to flee, the inmate drove the stolen vehicle into two other vehicles before finally hitting a post. The inmate was convicted of Vehicle Code section 10851(a), vehicle theft, and spent 120 days in California Youth Corrections. At the age of 16, the inmate was intoxicated and got into an argument with his brother. When police arrived, the inmate kicked his brother, kicked an officer twice, and bit another officer's shoe. The inmate was charged and convicted of Penal Code section 243(b), battery against a peace officer, and spent 27 days in jail and 90 days in the juvenile restitution project, from which he escaped twice.

As an adult, the inmate's crimes escalated, undeterred by rehabilitative efforts or sanctions. On December 7, 1991, the inmate drove a vehicle on a street while passengers in the car fired a gun at occupied homes yelling "Colonia." One victim was shot in the arm. Officers found a .22 caliber revolver and ammunition and open beer cans in the car. The inmate had a blood alcohol content of .12. The inmate was convicted of Penal Code section 245(a)(2), assault with a firearm, with a special allegation of use of a firearm. He was sentenced to three years in prison. He paroled September 12, 1993, and between 1993 and 2003, the inmate was convicted of driving under the influence, battery with serious bodily injury, hit and run with injury, and being under the influence of a controlled substance.

His violence again escalated. On October 25, 2003, the inmate and a friend were in a vehicle with two female passengers. Multiple witnesses saw the inmate strike a female passenger. The inmate then grabbed a tire iron from his trunk and swung it at the witnesses, striking one in the shoulder. The inmate was also under the influence of alcohol. The inmate was convicted of Penal Code section 245(a)(1), assault with a deadly weapon, and was sentenced to two years in prison. He paroled December 26, 2004, and had three violations of parole.

On November 11, 2007, the inmate was in possession of a concealed fixed knife and was sentenced to prison for two years. He violated parole three times.

On August 17, 2008, the inmate was convicted of Penal Code section 243(e)(1), domestic battery, when he pulled a female victim onto a balcony by her hair, and slapped her across the face two times.

Between 2011 and 2014, the inmate was convicted of multiple drug violation counts with three strike allegations. The felony drug convictions were later reduced to misdemeanors pursuant to Proposition 47.

On August 2, 2014, the inmate approached a vehicle with two occupants that had pulled over to allow emergency vehicles to pass. The inmate pulled out a knife, and waived the knife at them with the blade exposed. The occupants were fearful and quickly drove away. The inmate was convicted of Penal Code section 417(a)(1), drawing a deadly weapon.

On February 19, 2015, the inmate was standing in the middle of a road holding a knife, and displayed signs and symptoms of being under the influence. He tested positive for methamphetamines and marijuana. The inmate was convicted of brandishing a deadly weapon.

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DISCUSSION

This inmate is not a nonviolent offender. His conviction offense includes striking a stranger with a pipe and attempting to do the same to another stranger. His history is replete with violence including indiscriminate violence aimed at strangers and the community at large. Justice requires the inmate serve his full sentence.

This inmate has repeatedly demonstrated that his release would subject the public to an increased risk of violence. The inmate's significant and violent criminal history makes clear that previous grants of probation and parole failed to deter his criminal activity. There is no evidence to suggest the inmate will curb his criminal ways if released into the community. In fact, the inmate has demonstrated the opposite. The inmate has continued to commit violent offenses in an escalating pattern.

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,



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District Attorney

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