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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 Erik Rayas; CDCR #A16041  
Ventura County Superior Court Case #2011004258  
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 Erik Rayas. 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 February 2, 2011, Oxnard Police officers stopped a vehicle in which the inmate was the front passenger. Also in the vehicle were driver Donald Young, and rear passenger Adrian Mendoza. A records check revealed the inmate was on probation, and a search of the vehicle revealed a loaded 9-millimeter semiautomatic handgun located underneath the passenger seat. The gun was in reach of the inmate and appeared to have been placed under the seat by him. Both Young and Mendoza denied any knowledge of the gun. Further, the inmate and Mendoza were known to be members of the Loma Flats gang.

The inmate displayed symptoms of being under the influence of drugs. The officers determined the inmate was under the influence and placed him under arrest for a violation of Health and Safety Code section 11550(e), under the influence of a controlled substance while possession a gun.

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Under *Miranda*, the inmate stated that he knew his prints were on the gun, but he did not know how. He stated that the gun was not his and he could not explain why his prints were on the gun. The inmate told officers that he became a Loma Flat gang member because his cousins and uncle were in the gang. The inmate has a tattoo on his face that reads "west" across his right cheek and "side" across his left cheek. Loma Flats gang members refer to themselves as "Westside."

The inmate was convicted of being a felon in possession of a gun, with a gang enhancement for participation in a criminal street gang. He was sentenced to nine years in prison.

## **CRIMINAL HISTORY**

**On May 19, 1997**, the inmate was arrested for a violation of Penal Code section 594(b)(2), vandalism. The inmate, aged 13, tagged gang slogans at 15 different sites in the cities of Oxnard and Camarillo.

**On September 2, 1998**, the inmate was arrested for a violation of Health and Safety Code section 11364, possession of drug paraphernalia. The inmate, aged 15, was in possession of a socket tool, a lighter, and a clear tube-type pipe at school.

**On October 19, 1999**, the inmate was arrested for a violation of Penal Code section 626.10(a), weapon on campus. The inmate, aged 15, showed students at school a three-inch steak knife. The knife blade was wrapped in duct tape, which helped the knife remain undetected by the campus metal detector.

**On December 2, 1999**, the inmate was arrested for petty theft. The inmate, aged 16, entered a cellular phone store and stole a digital scale. The clerk from the store chased the inmate and detained him on a school campus.

**On December 7, 1999**, the inmate was arrested for a violation of Penal Code section 148, resisting arrest, Vehicle Code section 10851(a), unlawful taking or driving of a vehicle, and section 20002(a), misdemeanor hit and run. The inmate, aged 16, was driving a stolen vehicle. When police attempted to stop him, he sped away, lost control and hit a brick wall. The inmate exited and attempted to flee on foot before he was detained. He was sentenced to 120 days in jail. However, the inmate failed to comply with drug court and tested positive for marijuana and PCP. The inmate also failed to appear in court, removed his electronic monitoring advice, and failed to attend counseling.

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**On September 19, 2000**, the inmate was arrested for a violation of Penal Code section 211, robbery. Between March 2000, and September 2000, the inmate entered 16 businesses to commit robberies, some at gun point. He successfully robbed businesses and took more than \$4,250. The inmate also threatened to kill some clerks if they did not comply with his demands. He was sentenced to six years four months in prison. The inmate incurred five violations of parole.

**On February 9, 2008**, the inmate was arrested for parole violations, possession of methamphetamine, and under the influence of a controlled substance. He was sentenced to three months in jail and three years probation.

**On November 14, 2009**, the inmate was again arrested for being under the influence of a controlled substance. The inmate was sentenced to 36 months probation and 90 days in jail. The inmate incurred one violation of probation.

**On October 22, 2010**, the inmate was again arrested for parole violations, receiving stolen property, identity theft, and business and administering a controlled substance. An officer attempted to contact the inmate in front of a residence after the inmate threw an object onto the ground and fled from the officer. The object was a prescription pad from a doctor. After he was apprehended, the inmate admitted to using drugs the previous day. The case was rejected and handled as a violation of parole.

## **DISCUSSION**

Granting this inmate early parole will create an unreasonable risk of violence to the public. First, the inmate's most recent convictions demonstrate he poses a threat to public safety. The inmate was in possession of a loaded firearm and multiple rounds of ammunition. He admitted being a gang member, and he has multiple convictions for gang affiliated crimes. The inmate's gang affiliation and strong commitment to his gang places the community at risk. The conduct of this inmate poses a significant threat to the community and shows a callous disregard for the safety of others.

In addition to his most recent convictions, the inmate has a lengthy criminal history. As a juvenile, the inmate incurred multiple convictions for gang related activity and violent conduct, such as stealing vehicles and bringing weapons to school. As an adult, the inmate continued his pattern of criminal behavior. He has three prior robbery convictions, and his conduct in the robberies highlight his violent nature. The inmate entered a total of 16 businesses and stole more than \$4,250. Further, the inmate held numerous employees at gun point and threatened to kill them if they did not comply with his demands.


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The inmate's behavior on probation and parole also show his unwillingness to comply with the law. After his robbery conviction in 2000, he was paroled in 2006 and received five violations of parole. The inmate also incurred multiple violations of probation throughout his criminal career. Previous grants of probation and parole failed to stop his criminal activity. There is no evidence to suggest the inmate will curb his criminal ways, if released into the community.

### **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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