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August 9, 2017

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

**Re: Inmate Ramon Silva; CDCR AN7216
Ventura County Superior Court Cases 2012041314, 2011038204
Opposition Letter Due to Board of Parole Hearings August 13, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Ramon Silva. This recommendation is based upon:

- 1) The inmate's commitment offenses.
- 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 OFFENSE

Case 2011038204

On October 29, 2011, the inmate, a Colonia Chiques criminal street gang member, was in the dayroom of a juvenile detention facility. The inmate, aged 16, approached Miguel M., a member of rival gang Southside Chiques. When Miguel M. faced the inmate, the inmate punched him in the eye causing an orbital fracture and scalp hematoma. The inmate attempted to run from staff before being detained.

On January 25, 2012, the inmate was interviewed about the attack on Miguel M. The inmate stated that he witnessed Miguel M. "running his mouth." As a result, the inmate

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said that he was justified in hurting Miguel M. The inmate pled guilty to assault with force likely to cause great bodily injury in violation of Penal Code section 245(a)(1), and admitted personally causing great bodily injury pursuant to Penal Code section 12022.7(a), and to committing the attack for the benefit of a criminal street gang pursuant to Penal Code section 186.22(b)(1). Initially placed on probation, he was later sentenced to serve a year in prison, consecutive to case 2012041314.

Case 2012041314

On November 17, 2012, while on probation for the above offense, the inmate was dining in the juvenile facility. The inmate, aged 18, jumped out of his chair and advanced on victim Alfredo C., aged 13. The inmate began to strike Alfredo C. with closed fists. When officers brought the inmate to the ground, he yelled “[i]t’s all about the trece (thirteen), it’s all about the Sur (south) trece.” Alfredo C. suffered an occipital cephalohematoma and a contusion to the mandible, as well as bruising and swelling to his face.

On February 8, 2013, the inmate was interviewed about the incident with Alfredo C. The inmate stated that he believed the attack constituted mutual combat even though the victim did not have a chance to fight back.

The inmate pled guilty to assault with force likely to cause great bodily injury, and admitted the attack was for the benefit of a criminal street gang. He also admitted having a prior strike conviction. The sentencing court struck the penalty for the gang enhancement and the inmate was sentenced to nine years in prison. The inmate’s aggregate term was set at ten years in prison.

CRIMINAL HISTORY

At the time of sentencing for the commitment offense, the 18-year-old inmate had already established himself as a violent and repeat offender.

At the age of 10, the inmate stole clothing from a school’s student store, and at the age of 12, was caught tagging a business with his gang moniker. Violence soon followed when in 2008, at the age of 13, the inmate initiated an unprovoked classroom attack on another student, punching the student in the shoulder twice. He later threw away his electronic monitoring device.

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In December 2008, the inmate was arrested for unlawful taking of a vehicle, a violation of Vehicle Code § 10851(a). The inmate, aged 14, stole a vehicle with several friends and went joyriding for hours. When officers stopped the vehicle, the inmate fled on foot before being apprehended. After a petition was sustained, the inmate was sentenced to 140 days in the juvenile facility. While at the facility, the inmate attacked an older boy, punching him in the face and upper torso.

In December 2009, the inmate was arrested for fighting on school property, a violation of Penal Code section 415.5(a). In January 2010, the inmate was sentenced to 240 days in the juvenile facility for disturbing the peace. (Pen. Code § 415(1)) While there, the inmate committed yet another battery when, in April 2010, he walked up to the victim and punched him in the head. As officers escorted the inmate to his room, he asked the victim, "Why didn't you swing back?"

In August 2010, the inmate committed yet another assault with force likely to cause great bodily injury, and resisted a peace officer, a violation of Penal Code section 148(a)(1). Still serving time in the juvenile facility, the inmate, aged 15, threw his food tray at another resident and proceeded to punch him in the head and face.

In addition to the aforementioned sustained petitions, the inmate has been arrested, or had petitions sustained, on several other occasions, including vandalism (Pen. Code § 594(b)(2)(A)) in December 2009, and March 2011; receiving stolen property (Pen. Code § 496(a)) in May of 2011, and theft (Pen. Code § 484(a)) in October 2011; cutting his electronic monitoring device in July of 2012; disobeying a court order in September and November 2012; and vehicle theft (Veh. Code § 10851) in November 2012.

DISCUSSION

Granting early parole of this inmate poses an unreasonable threat to the safety of the community. His history, though short in years, is long in violence – he has committed at least eight unprovoked attacks, three using force likely to cause great bodily injury. He has proven himself to be an incorrigible criminal with no respect for the criminal justice system, and with unwavering allegiance to his criminal street gang and the lifestyle it represents. There is no evidence to suggest the inmate would stop his violent criminal ways if released into the community.

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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,

A handwritten signature in blue ink, appearing to read "Greg Totten", with a large, stylized flourish extending to the right.

GREGORY D. TOTTEN
District Attorney

GDT:at

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