



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

JANICE L. MAURIZI
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Criminal Prosecutions

W. CHARLES HUGHES
Chief Deputy District Attorney
Administrative Services

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

MICHAEL D. SCHWARTZ
Special Assistant District Attorney
Justice Services

R. MILES WEISS
Chief Deputy District Attorney
Special Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

July 17, 2017

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

**Re: Inmate Juan Palacios Soto; CDCR #BC9874
Ventura County Superior Court Case #2016005789
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 Juan Soto. This recommendation is based upon:

- 1) The dangerous and concerning nature of the commitment offense.
- 2) The inmate's significant mental illnesses and instability.
- 3) The unreasonable risk of violence to the community if released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On February 16, 2016, the inmate threatened an elderly man and several officers, brandished a knife, and refused to comply with officers' orders. The inmate's violent conduct resulted in the inmate being shot by the police.

Early morning, February 16, 2016, the inmate asked the victim, a 78-year-old man who was on his morning walk, if he had a gun. The victim replied that he did, hoping to "scare off" the inmate. The inmate then told the victim, "Make sure you know where you're going to shoot me, if not, I'm going to stab you." The victim hurried off and took refuge in a nearby friend's house. A witness called the police when he observed the inmate waiting outside for the victim, picking up several rocks, and then throwing them at a nearby building. The inmate left the area and walked toward two nearby officers, Jose Silva and Brandon Rodriguez, who were in their patrol car. The inmate told Officer

Silva that there was “a guy with a gun” and then walked past him while mumbling to himself in a demanding tone with his eyes wide open. The inmate raised his middle finger at Officer Silva. Senior Officer Steve Funk arrived and advised the officers that an individual who matched the inmate’s description was throwing rocks. Officer Silva contacted the inmate who turned toward the officer in an aggressive stance with his right fist clenched and left hand holding what appeared to be a weapon. The inmate attempted to leave. Officer Silva asked him to come back. The inmate stopped, holding a “shiny object” and moving side to side. Officer Silva inquired about the object and the inmate stated, “It’s a knife.”

The inmate attempted to leave again, Officer Rodriguez directed him to stop and drop the knife. The inmate did not listen and advanced toward Officer Rodriguez, who deployed his Taser. The inmate began yelling, but did not drop the knife or yield to the officer’s instructions. While holding the knife in front of him, the inmate took several steps toward Officer Rodriguez. Officer Silva, believing the Taser was ineffective, fearing for Officer Rodriguez’s life, and realizing the defendant posed a deadly threat to patrons in a nearby restaurant, shot the inmate, striking him in the left arm.

On May 4, 2016, the inmate was found incompetent to stand trial. According to an evaluation report on February 6, 2017, the inmate was diagnosed with Schizophrenia, Alcohol Use Disorder, Cannabis Use Disorder, and Inhalant Use Disorder. The inmate was found competent to stand trial on February 6, 2017. The inmate pled guilty to criminal threats, in violation of Penal Code section 422, and two counts of resisting an executive officer by means of threat or force in violation of Penal Code section 69. He also admitted a special allegation for use of a deadly weapon, a knife. He was sentenced to three years eight months in prison.

DISCUSSION

The inmate’s violent conduct last year resulted in him being shot by the police due to the danger he posed to an officer and the public. Many of the inmate’s mental health diagnoses require medication and treatment. Records indicate the inmate received treatment prior to this incident. Despite receiving treatment, these acts of violence occurred. There is no evidence that a similar or more severe incident would not happen again, if he is released early. Releasing the inmate early poses an alarming and unreasonable risk to society. The inmate’s unprovoked threat to stab an elderly man and his failure to comply with officers’ requests, going so far as to advance on an officer while holding a knife, do not warrant early parole.

Board of Parole Hearings
Re: Juan Soto, CDCR #BC9874
July 17, 2017
Page 3

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 "Gregory D. Totten", with a long horizontal line extending to the right.

GREGORY D. TOTTON
District Attorney

GDT:ta

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov