



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: Ronald Zirpolo; CDCR #AP0093
Ventura County Superior Court Case # 2010043706, 2015027074,
2016000617, 2011035976
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 Ronald Zirpolo. 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

Case # 20100043706

On April 30, 2010, at approximately 3:38 p.m., officers were dispatched to a robbery call. Upon arrival, officers contacted victim Douglas Nelson. The victim was holding the back of his head, and blood was visible on both his head and neck area. The victim had parked his car on the third level of a parking structure, and as he got out of his vehicle he felt a sting to the back of his head, and realized he had been hit. Stunned, the victim turned around and saw a man holding a crowbar in his right hand. The man demanded the victim give him his money, to which the victim removed his wallet and gave the man \$25. The suspect then demanded the victim's cell phone and the victim refused. The suspect fled the parking structure. After police arrived and spoke to the victim, he was transported to the hospital for treatment. The victim had suffered a laceration to the lower back portion of his head.

Board of Parole Hearings
Re: Ronald Zirpolo, CDCR #AP0093
July 17, 2017
Page 2

At the scene, officers spoke with witness Veronica Rosetta. The witness said as she was walking up the stairway in the parking structure, she observed a man walking directly behind her. When she reached the third level, the witness passed the victim getting out of his vehicle, and then immediately heard, "Give me your money!" The witness turned around and saw the man holding a crowbar and demanding money from the victim. Shortly after, the witness observed the man down the stairwell of the parking garage. Officers recovered a blue metal crowbar from a trash can on the second level of the parking structure. Officers were unable to locate the inmate.

On November 17, 2010, officers received information that a DNA profile match was obtained from the crowbar found at the scene. The DNA matched the inmate. In addition, on November 24, 2010, the victim was presented with a photo line-up where he positively identified the inmate as the man who attacked him in the parking structure.

On December 8, 2010, at approximately 3:43 p.m., officers observed the inmate walking in Ventura. Officers approached and attempted to arrest him. As the officers were preparing to place handcuffs on the inmate, he lunged forward and began running. As officers instructed him to stop running, he continued to flee and evade officers through a parking lot and jumped a fence. The inmate was eventually cornered and placed under arrest for a violation of Penal Code section 211, robbery, and section 245(a)(1), assault with a deadly weapon.

During his *Miranda* interview, the inmate denied being involved in the robbery, though he did admit committing other robberies in the past. The inmate was unable to explain why his DNA was found on the crowbar.

The inmate pled guilty to second-degree robbery with personal use of a weapon. In March 2013, the inmate was sentenced to four years in prison.

Case # 2011035976

On October 9, 2011, officers were dispatched to a suspicious subject call. Upon arrival, officers contacted the inmate, who falsely identified himself as Feris Welton. The officers searched the inmate, and found a black plastic bag containing .31 grams of methamphetamine. The inmate was arrested and later pled guilty to possession of methamphetamine. He was sentenced to eight months in prison, consecutive to case # 20100043706.

Case # 2015027074

On August 24, 2015, victim Ashley Davidson was home with her one-year-old child while her husband, victim Justin Davidson, was out of town. The victims lived in a condominium with a small patio to the rear of the residence. The patio has a door that closes, but does not lock. The washer and dryer are kept in the patio area. Sometime between 2:00 a.m. and 4:00 a.m., Ashley heard a loud crashing sound outside of her bedroom window. Ashley thought her neighbors dropped something, and did not investigate any further.

Later that morning, Ashley observed someone else's property in her patio area. The property included syringes, hygiene items, a Motel 6 keycard, and a pair of high school gym shorts with "Ronaldo Z" printed on them. The laundry room doors were open and there was a sheet blocking the view to the washer and dryer. The victim noticed the dirty laundry she placed on top of the washer and dryer had been shoved inside the machines. As she was going through the laundry, Ashley smelt a foul odor and noticed her clothes were damp. The victim realized all the clothes in the machines were soiled with urine and feces. Further, there was feces inside the washer, dryer, her laundry baskets, and in the shorts left behind. Ashley then realized her husband's Carhartt jacket and blue "Kaiser Air Conditioning" shirt were missing. The victim contacted the police.

Later that same morning, the inmate was found sleeping on the front porch of a residence at approximately 5:52 a.m. Police were contacted. The inmate was wearing a Carhartt jacket and a shirt with the "Kaiser Air Conditioning" logo. The inmate told police he purchased the clothing from the Goodwill.

On August 25, 2016, Ashley was contacted by law enforcement. She told deputies that since the burglary, she has been very nervous and could no longer sleep well at night. After the incident, the victims placed an audible alarm system in their home. In addition, the victim disposed of all the clothing that was soiled in urine and feces. According to her insurance claim, the cost was over \$1,000.

An arrest warrant was issued for the inmate. The inmate was arrested after he was observed entering the backyard of a residence. A foot pursuit ensued and the inmate began jumping fences. The inmate was arrested for a violation of Penal Code sections 459, residential burglary, petty theft, and vandalism. The inmate was convicted of vandalism and theft. He was sentenced to two years eight months in prison.

Case # 2016000617

On January 5, 2016, victim Amy Zuniga was the victim of theft. Ms. Zuniga is the girlfriend of the inmate's father. Since November 2015, the inmate had been living with his father and the victim, because he was in and out of custody. The victim knew the inmate had drug issues and knew of his previous convictions. Ms. Zuniga kept her valuables, a .22 caliber revolver, and a box of ammunition locked in a cabinet inside of her bedroom. The inmate did not have permission to enter her bedroom.

On January 5, 2016, the victim closed her bedroom door and left for work at approximately 7:00 a.m. The inmate stayed in the residence. Ms. Zuniga returned home around 4:00 p.m. Upon her return, she noticed opened packaging and an empty iPhone 6S box on her front porch. She realized the iPhone she ordered for the inmate's father was missing. Her bedroom door was left open and the lights were on. An empty retail bag was next to the cabinet where she kept her belongings, so she decided to check the cabinet. Upon opening the cabinet, the victim realized her gun, ammunition, numerous jewelry items, and two bottles of antibiotics were missing. The victim suspected the defendant was responsible and contacted police.

The following day on January 6, 2016, the inmate was contacted in a high crime area of Los Angeles County. The inmate was observed talking with a known prostitute, Ms. Banks. Police officers ran a records check and discovered the inmate was on parole. A search of his person revealed a switchblade knife and an antique watch in his pockets. In his duffel bag were Ms. Zuniga's stolen revolver, 209 rounds of .22 ammunition, 22 knives, the iPhone, her check book, and jewelry.

Ms. Banks was interviewed and she told officers that the inmate approached her and asked if she had an identification card. The inmate asked her for help pawning some items because he did not have an identification card. Deputies responded to Los Angeles and arrested the inmate for grand theft and carrying a loaded firearm in a public place.

Ms. Zuniga came to the police station and identified some of the items. She identified the jewelry as hers, but said there were still missing items. The victim also explained that the knives were from her son's collection and she had not even realized they were stolen.

The inmate pled guilty to grand theft and was sentenced to three years four months in prison.

CRIMINAL HISTORY

On April 5, 2006, the 14-year-old inmate was arrested for a violation of Penal Code section 487(d)(1), grand theft auto, and Vehicle Code section 10851(a), auto theft, in Los Angeles County for stealing a truck. He was sentenced to 23 days in the juvenile facility, and 30 days in a program.

On March 1, 2007, the 15-year-old inmate was again arrested and sentenced for auto theft for stealing his father's rental vehicle. The inmate incurred multiple violations of probation for failing to return home by the scheduled time, failing to comply with residential program/ placement rules, and failing to obey reasonable orders of his parent.

On March 4, 2008, the 16-year-old inmate was arrested for a violation of Penal Code section 459, burglary, and conspiracy for stealing a case of beer from a supermarket. He was sentenced to 240 days in the juvenile facility.

On March 9, 2008, the inmate was arrested for a violation of Penal Code section 664/459, attempted burglary, and section 459, burglary. The 16-year-old inmate was found in the backyard of the victim's home. The victim heard the inmate, and retrieved his pistol. The victim pointed the pistol at the inmate, and instructed him to leave. The inmate fled. An additional victim reported that his rear passenger window was broken, a broken bottle of alcohol was on the ground nearby, and a pack of cigarettes were missing from his vehicle. Upon contacting the inmate, he admitted to drinking the alcohol. He was also in possession of the cigarettes and had a watch that belonged to the victim. The inmate was sentenced to 240 days in the juvenile facility.

On October 1, 2008, the inmate was arrested for two violations of second-degree burglary, and resisting arrest. In this case, the inmate, aged 17, entered a restaurant and stole the employee tip jar containing approximately \$40. The inmate was identified through video surveillance. Deputies attempted to detain him, but the inmate fled. After a short pursuit, he was caught. He was sentenced to 240 days in the juvenile facility. In this case, the inmate incurred a violation of probation for leaving his residence without permission and failing to attend school.

On April 1, 2009, the 17-year-old inmate was arrested for first-degree burglary for entering a residence through an unlocked door and stealing a \$500 laptop from inside the home. Further, the victim reported that \$40 was missing from her vehicle, and several credit cards from her wallet. The inmate was sentenced to 120 days in the juvenile facility. The inmate incurred multiple violations of probation for failing to report to

probation, remaining away from home overnight without permission, failing to seek employment, failing to pay restitution, possessing alcohol, using a controlled substance, and failing to submit for testing of a controlled substance.

On July 17, 2009, the inmate was convicted of section 628.1 of the Welfare Institutions Code, absconding from supervision while on probation. The inmate, aged 18, absconded from electronic monitoring, and his whereabouts were unknown. The inmate was sentenced to 60 days in the juvenile facility, to be followed with 60 days electronic monitoring. He received a total of 120 days. The inmate incurred multiple violations of probation for failing to report to the probation officer, failing to submit to tests for use of a controlled substance, and using a controlled substance.

On July 19, 2009, the inmate was arrested for a violation of Health and Safety Code section 11357(b), possession of marijuana, section 11550(a), under the influence of a controlled substance, section 11350(a), possession of a controlled substance, and Penal Code section 148.9(a), false identification to a police officer. He was granted 24 months delayed entry of judgement, but he failed. On April 12, 2013, the inmate was sentenced to 90 days in jail.

DISCUSSION

Granting this inmate early parole will create an unreasonable risk of violence to the public. The inmate's most recent convictions demonstrate he poses a threat to public safety. In case number 2015027074, the inmate entered the victim's patio area of their home and severely vandalized the property. The inmate urinated and defecated throughout the patio area and all over the clothes of the victim. The inmate also left behind syringes which pose a serious safety risk to the victims. Further, the victims have a one-year-old child that was put in significant danger by the actions of the inmate. The inmate's conviction in this case was for one count of vandalism, and one count of grand theft. This case was originally filed as first-degree residential burglary, a violent felony, but the inmate was ultimately convicted of a much lesser offense. The inmate's actions show a clear and callous disregard for the safety of others.

In case number 2016000617, the inmate again displayed his lack of regard for public safety. The inmate took advantage of, and betrayed the trust of his father and of Ms. Zuniga. He stole many valuable items and many dangerous weapons. The inmate has a lengthy criminal history, and his possession of a gun, ammunition, and 22 knives pose a serious threat of violence to the public. This offense occurred less than a year from his 2015 felony convictions, and while on parole from the January 2016 offense.

Board of Parole Hearings
Re: Ronald Zirpolo, CDCR #AP0093
July 17, 2017
Page 7

In addition to his most current convictions, the inmate's past criminal activity show that he is a violent and repeat offender who poses an unreasonable risk of violence to the community. In 2010, the inmate used severe violence to carry out a robbery. The inmate used a crowbar and seriously injured the victim. The victim was particularly vulnerable, as he was hit from behind in the back of the head. The inmate is very violent.

From age 14, the inmate engaged in a pattern of criminal behavior which increased in seriousness. The inmate's prospects are poor. His conduct in past crimes highlights his violent and aggressive nature. The inmate has served multiple prison sentences and jail sentences, and has yet to show any attempt in reforming his criminal behavior. Previous grants of probation and parole failed to curb the inmate's appetite for criminal activity.

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,


GREGORY D. TOTTEN
District Attorney

GDT:tm

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