



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
Administrative Services

W. CHARLES HUGHES
Chief Deputy District Attorney
Special Prosecutions

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
Criminal Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

September 19, 2017

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

**Re: Inmate Anthony Marcos Trejo; CDCR BA5287
Ventura County Superior Court Cases 2013036613, 2014010513, 2016014285
Opposition Letter Due to Board of Parole Hearings September 21, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Anthony Trejo. 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 COMMITMENT OFFENSES

Case 2013036613

On November 28, 2013, at approximately 2:00 a.m., a patrol officer contacted the inmate, whom he recognized to be a known member of the Montalvo street gang and on parole. A search of the inmate and his backpack revealed four bags of methamphetamine (1.0 grams, .5 grams, .4 grams, and .3 grams), a glass smoking pipe, marijuana, and four hydrocodone pills. After waiving his *Miranda* rights, the inmate admitted to smoking methamphetamine earlier that day, and acknowledged being a member of the Montalvo gang.

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On April 30, 2014, the inmate pled guilty to possession of a controlled substance. The inmate also admitted three prison priors, as well as a strike prior. On June 4, 2014, the inmate was sentenced to three years in prison. The violation was later reduced to a misdemeanor under Proposition 47, and the inmate was resentenced to 365 days jail.
2014010513

On April 7, 2014, a police officer responded to a call of suspicious activity near an apartment complex. The officer observed the inmate, whom he recognized to be an active member of the Montalvo gang and on parole, looking around the neighborhood. When the officer identified himself, the inmate fled. The officer gave chase, and a foot pursuit ensued through the apartment complex. As the inmate was running, he removed a can of pepper spray, several hydrocodone pills, and two bags of methamphetamine from his person, and dropped them to the ground. Ultimately, officers caught the inmate and took him into custody.

On April 30, 2014, the inmate pled guilty to possession of a controlled substance, and to resisting a peace officer. Again, the inmate admitted to three prison priors and a strike prior. He also admitted committing the offense while out on bail. The inmate was sentenced to three years prison. The possession violation was later reduced to a misdemeanor under Proposition 47, and the inmate was resentenced to 365 days jail.

2016014285

On April 10, 2016, at approximately 8:45 p.m., a police officer on patrol observed a Toyota Camry with a non-functioning center brake light. As he monitored the vehicle, the officer noticed the inmate in the passenger seat looking back in his direction, acting nervously. The officer conducted a traffic stop on the vehicle and contacted the driver, the inmate, and a third passenger. The driver and the other passenger stated they were on probation; however, the inmate lied, and said he was not on probation.

The officer asked the inmate whether he had any items that he needed to be aware of. The inmate replied he had "some shit" on him. The officer then had the inmate exit the vehicle and conducted a search of the inmate. The inmate had two 22.5-gram plastic bags containing methamphetamine. Additionally, a subsequent search of the inmate's backpack revealed a methamphetamine pipe, 25 unused plastic bags, a digital scale, and marijuana paraphernalia.

On June 16, 2016, the inmate pled guilty to possession of methamphetamine for sale. He also admitted to three prison priors, a strike prior, and drug sales prior per Health and Safety Code section 11370.2(c). On July 20, 2016, the inmate was sentenced to five years eight months in prison.

CRIMINAL HISTORY

The inmate has an extensive criminal history that dates to 2005.

In August 2006, police officers responded to a report of gang members loitering at an apartment complex. When officers arrived, all the subjects ran in separate directions. The inmate and another male ran into the laundry room of the apartment complex, where the inmate was ultimately found hiding in a storage area. Officers located 6.39 grams of methamphetamine, .08 grams of marijuana, a marijuana pipe, a scale, pay/owe sheets, and several small plastic bags near the inmate. The inmate pled guilty to possession of methamphetamine for sale and was sentenced to 288 days jail and 36 months probation. The inmate violated the terms of his probation, and was sent to prison for 16 months. The inmate violated parole six times.

In October 2008, police officers responded to a report of a large fight in the middle of a residential street. The reporting party stated the subjects were armed with guns. When officers arrived, the group immediately dispersed and all subjects ran in different directions. The inmate was one of these fleeing subjects, and officers pursued him. While officers chased the inmate, they heard several metal objects hit the ground. The inmate ran towards a waiting truck with three female occupants inside. Officers caught the inmate, who had a backpack wrapped around his legs. Inside the backpack, officers found three grams of methamphetamine, 32 grams of marijuana, a scale, and several small plastic bags. When officers retrieved the items the inmate had discarded during the chase, they found a loaded .380 magazine and a loaded AMT .380/9mm Kurz semi-automatic pistol. The weapon was loaded with four rounds in the magazine and one in the chamber. The weapon's safety mechanism was off and the firearm was ready to fire. They also found a cell phone case, which contained a handgun magazine and three .380 rounds. Near the waiting vehicle, officers located a butterfly knife which was open and in the locked position. Inside the vehicle, an additional magazine loaded with six rounds of ammunition and a glass smoking pipe were found. The inmate pled guilty to possession of a controlled substance while armed with a firearm, and was sentenced to two years prison. On February 18, 2009, the inmate was released on parole. The inmate violated this parole five times.

In May 2011, codefendant Jordan Patterson and victim Jesse Griffith were involved in a physical altercation. The victim emerged as the apparent victor of the fight and went home. Shortly thereafter, as the victim conversed with his father in front of their residence, the inmate and codefendant Richard Rodriguez approached him. The two men told the victim that if he did not apologize to Patterson for beating him in the fight, bad things would happen to him. The inmate then led the victim into an alley while Rodriguez stood guard outside. Patterson was waiting in the alley. When the victim attempted to apologize, Patterson stated, "Fuck you. I'm gonna fuckin' kill you," and he proceeded to stab the victim at least twice. In December 2011, the inmate pled guilty to assault with a deadly weapon, and was sentenced to two years prison.

In May 2011, the inmate had a warrant for his arrest. Officers tracked the inmate and found him attempting to hide in a laundry room. When officers directed the inmate to open the door, he refused. After obtaining a key, officers unlocked the door, but the inmate physically blocked the officers from entering. Officers forced their way inside where the inmate continued to disregard commands. He was eventually subdued, and taken into custody. The inmate had a glass smoking pipe in his pocket. The inmate pled guilty to resisting arrest and sentenced to 180 days jail.

In addition to the above, the inmate suffered convictions for the following offenses:

- 2005 – False representation of identity to a peace officer (Pen. Code § 148.9(a))
- 2005 – Carrying a dirk or dagger (Pen. Code § 12020(a)(4))
- 2006 – Resisting a peace officer (Pen. Code § 148(a)(1))
- 2006 – Being under the influence of drugs (Health & Saf. Code § 11550(a))
- 2010 – Resisting a peace officer (Pen. Code § 148(a)(1))
- 2013 – Possession of an opium pipe (Health & Saf. Code § 11364.1)

DISCUSSION

Granting early parole of the inmate poses a significant safety risk to the people of California. Since 2005, the inmate has been arrested or convicted at least 15 separate times.

The inmate's criminal history shows great potential for violence if released. He has committed violent acts through inherently dangerous conduct. One of the inmate's many drug-related convictions is for possessing controlled substances while armed with a loaded firearm. On one occasion, the inmate led a victim into an alleyway to be stabbed by a codefendant. The inmate has also been convicted of carrying a dirk or dagger.

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The inmate's admitted gang affiliation exacerbates his potential for violence and makes him more of a threat to the community. Several of his convictions resulted from participation in gang activity. His arrest and conviction for possessing a controlled substance while armed with a firearm, for instance, came after police arrived to stop a brawl among armed individuals in the street, and the inmate's 2006 arrest and conviction for possession for sale of a controlled substance came after police responded to a report of gang members loitering.


The inmate has demonstrated propensity for lying to, hiding from, fleeing from, and resisting the police. The inmate lied to police about his probation status in his 2016 commitment offense. He has been convicted of false representation of identity to a peace officer, and he has been convicted of resisting a peace officer four separate times. This conduct likely stems from the fact that the inmate is unable to refrain from using or dealing controlled substances. He has suffered seven separate convictions for offenses related to controlled substances, including use, possession, and sale of such substances or related paraphernalia.

Throughout his adult life, the inmate has displayed a persistent disrespect toward the law and toward every opportunity given to him to change his criminal ways. He has consistently violated the terms of his probation, and has violated parole 12 times.

CONCLUSION

The inmate poses an unreasonable risk of violence to the community if granted early parole. I respectfully request this Board deny early parole for the inmate.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

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