



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 15, 2017

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

**Re: Inmate Kurt John Vonconlin; CDCR BD6726
Ventura County Superior Court Cases 2014031399, 2014029683
Opposition Letter Due to Board of Parole Hearings September 15, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Kurt Vonconlin. Two months ago, the inmate was sent to prison to serve an eight-year sentence on the above cases. If released now, he will have served less than 33 percent of his actual sentence. This recommendation to deny early release 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 2014031399

On October 12, 2014, victim Jeremiah Shelton awoke in his Ventura motel room to find his wallet, cell phone, video gaming device, and several video games missing. Later that day, an unauthorized purchase was made at a local restaurant using the victim's credit card. The victim informed police, and an officer responded to the restaurant.

At the restaurant, the officer reviewed surveillance video showing the inmate entering the bar area and completing a transaction. After review of the video, the officer noticed that the inmate was still in the restaurant. The inmate initially identified himself to the officer with a false name; however, admitted using the victim's credit card at the restaurant, and

removed the victim's wallet from his pocket. The wallet contained the victim's college identification card and Social Security card. The inmate stated the victim's credit card and identification card, missing from the wallet, were at a different business where he had attempted to make another unlawful purchase. The inmate additionally had the victim's cell phone hidden in his left sock. In a later interview, the inmate stated that he had entered the victim's motel room because it was open and he was trying to find cigarettes.

On March 16, 2015, the inmate pled guilty to first-degree residential burglary and fraudulent use of an access card. Additionally, the inmate admitted to one strike prior. On July 28, 2015, the inmate was sentenced to seven years in prison; however, the execution of the sentence was suspended and the inmate was placed on three years probation. On July 3, 2017, the inmate was found to be in violation of probation and ordered to serve his full seven-year prison sentence.

Case 2014029683

On September 26, 2014, at approximately 6:00 a.m., victim Charles Harmon was outside his home when he heard a disturbance from a nearby hotel. As he turned in the direction of the disturbance, the victim saw the inmate approaching from the alleyway of the hotel. The inmate was cursing and yelling as he walked towards the victim. The inmate then demanded a cigarette from Mr. Harmon.

Seeing the inmate's aggressive behavior and demeanor, the victim declined to give him a cigarette. Hearing this, the inmate displayed a wooden object in his hand as he continued walking toward the victim and threatened, "I'm going to hit you." The inmate immediately struck the victim with the wooden object. As the victim began to blackout because of the attack, the inmate walked away. The victim was transported to a hospital and treated for a deep laceration and swelling near his eye, which required extensive suturing.

On June 22, 2015, the inmate pled guilty to assault with a deadly weapon, a violation of Penal Code section 245(a)(1). The inmate also admitted a prison prior and strike prior. On July 28, 2015, the inmate was sentenced to one year in prison, consecutive to case 2014031399. Execution of the sentence was suspended and the inmate was placed on probation. On July 3, 2017, the inmate was found to be in violation of probation and ordered to serve his full prison sentence.

CRIMINAL HISTORY

The inmate has an extensive criminal history that dates to 1991. On July 23, 1991, the inmate was arrested for battery. The inmate, while riding on a bus, grabbed 70-year-old victim Bert Wilson by the shirt and hit him on the temple with a closed fist, causing him to bleed. In August 1991, the inmate was convicted of unlawfully fighting in a public place and sentenced to 12 months probation.

On November 13, 1994, the inmate arrived at his apartment and encountered his apartment manager, victim Alfred Rader. The victim held the door open for the inmate, and as the inmate walked inside, the victim asked him when he would pay his rent. The inmate became irate and began yelling at the victim. The inmate then headbutted the victim, who retreated. Later that day, when the victim was in the courtyard of the apartment complex next to the swimming pool, the inmate approached him and began to yell at him. The inmate then punched the victim in the head with a closed fist, causing the victim to fall into the pool. The inmate stood over the victim, kicking at his head and preventing him from exiting the pool until a bystander intervened. The inmate was convicted of battery and sentenced to 20 days jail, and 24 months probation.

On November 15, 1994, the inmate was arrested for robbery. The inmate entered a store where victim Samer Ghannom was employed as a salesman. When the victim asked the inmate if he needed assistance, the inmate responded, "Your kind of people piss me off!" The inmate then proceeded to jab the victim in the chest with the straight end of a cane he was carrying. The victim told the inmate to leave the store. The inmate responded by jabbing the victim again, this time in his face. The inmate then left the store, stealing a phone that was on display. In November 1994, the inmate was convicted of battery and sentenced to 10 days jail, and 24 months probation.

On December 1, 2001, the inmate entered a private Bar Mitzvah and asked to speak with the Rabbi. Victim Terry Foster, along with other catering employees, approached the inmate and asked him to leave. The inmate refused, made vulgar remarks, and struck a wooden stick against the walls as he was escorted out. In the parking lot, the inmate turned and spat at victim Ed Frame. He then struck victim Terry Foster on the side of his head with the wooden stick with such force that the stick broke in two. The inmate attempted to flee, but several employees were able to detain him. Police later searched the inmate's vehicle and found a realistic-looking BB handgun and three folding knives. In April 2002, the inmate pled guilty to felony assault with a deadly weapon, a violation of Penal Code section 245(a)(1), and was sentenced to 240 days jail, and 60 months probation.

On October 2, 2006, victim Bertil Asklund contacted police to report that the inmate, an old friend of his, took his vehicle without permission. The spare key to his vehicle was missing from his kitchen. The victim's neighbor, Jacob Ehrhardt, advised police that he saw the victim's vehicle being driven by the inmate, and that he confronted the inmate. When he told the inmate to return the vehicle, the inmate responded, "Fuck you," and then drove the vehicle at Ehrhardt. Ehrhardt, fearing the inmate was attempting to hit him with the vehicle, ran to the sidewalk as the inmate continued to drive toward him. Eventually the inmate then drove away. The inmate was later convicted of elder abuse, a violation of Penal Code section 368(d), and assault with a deadly weapon, a violation of Penal Code section 245(a)(1). He was sentenced to 365 days jail, and 60 months probation.

On March 22, 2010, the inmate and a companion went to a restaurant and ordered meals. The inmate attempted to pay for the meals with a gift card, which was declined. When the restaurant owner advised the inmate that the card was declined, the inmate produced a stack of gift cards and said that he had just obtained them from a nearby supermarket. When the owner contacted police, the inmate and his companion then fled. Police located both subjects. In the inmate's pockets, officers found 24 gift cards. Police later determined that hours earlier, the inmate went to a supermarket and attempted to purchase the gift cards with a check that had insufficient funds. The inmate was also in possession of a crack pipe, and he admitted that he had purchased this "straight shooter" one week earlier to smoke \$20 worth of "rock." In June 2013, the inmate was convicted of felony burglary, and sentenced to 16 months jail.

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

1996 – Grand theft (Pen. Code § 487(c))

1999 – Larceny (Florida) (Fla. Stat. 812.014(1))

1999 – Defrauding an innkeeper (Florida) (Fla. Stat. 509.151)

2001 – Assault with a deadly weapon (Pen. Code § 245(a)(1))

2005 – Assault with a deadly weapon (Pen. Code § 245(a)(1))

Board of Parole Hearings
Re: Kurt Vonconlin, CDCR BD6726
September 15, 2017
Page 5

DISCUSSION

Granting early parole of this inmate poses a great risk to the safety of the community. The inmate's criminal history exhibits a complete inability to refrain from aggressive and violent behavior. He has suffered five separate convictions of assault with a deadly weapon, two separate convictions of battery, and one conviction of fighting in a public place or challenging another person to fight. The inmate was also convicted of two burglaries, one being a first-degree residential burglary, an inherently violent felony.

The inmate's behavior demonstrates he is violent. The inmate has, on separate occasions, jabbed and struck a store employee with a cane, telling him that "[his] kind of people piss [him] off," headbutted and punched his apartment manager, essentially holding him hostage in the pool until a passerby intervened, and attempted to run a man down with a truck he stole. Additionally, the inmate struck a man with a wooden object so hard that the man nearly lost consciousness, hit a woman with a wooden stick with such force that the stick broke, and punched a man on a bus, causing him to bleed. These incidents occurred entirely without provocation to the inmate.

The inmate's criminal history demonstrates he is a danger to the public and capable of committing violent acts without reason or provocation. The inmate's repeated incarcerations, as well as his violations of probation and parole, demonstrate he has not reformed.

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:ls

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