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October 26, 2017

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

**Re: Inmate Hector Luna; CDCR BC0542  
Ventura County Superior Court Case 2013007745  
Opposition Letter Due to Board of Parole Hearings October 26, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Hector Luna. The inmate was sentenced in January 2017 to eight years in prison. Releasing the inmate now means he would serve only 25 percent of the actual sentence imposed. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 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 OFFENSE**

On March 9, 2013, police officers responded to a residence while searching for Dustin Wilson, a subject with multiple outstanding warrants. When officers arrived at the residence, they observed the inmate, along with Wilson and homeowner Mary Elswick, on the front porch. The inmate had a backpack near his feet. Officers approached and instructed the three individuals to remain seated; however, the inmate fled into the residence and shut the door behind him. An officer pursued the inmate into the residence and detained him while an investigation was conducted. The inmate's 10-year-old son was found inside the residence.

A records check of the inmate revealed that he had an active parole warrant, and he was placed under arrest. A search of the inmate's backpack revealed a loaded .22 caliber revolver (later determined to have been stolen), 14.69 grams of methamphetamine, four oxycodone pills, a digital scale, a glass smoking pipe, and several cell phones containing

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text messages indicative of narcotics sales. A search of the inmate's car revealed 14 rifle rounds.

On May 26, 2016, the inmate was found guilty of possession for sale of a controlled substance, a violation of Health and Safety Code section 11378; possession of a firearm by a felon, a violation of Penal Code section 29800(a)(1); possession of a controlled substance while armed with a firearm, a violation of Health and Safety Code section 11370.1(a); and possession of ammunition by a felon, a violation of Penal Code section 30305(a)(1). The inmate admitted a strike prior as well as a prison prior per Penal Code section 667.5(b). On January 18, 2017, the inmate was sentenced to eight years in prison.

### **CRIMINAL HISTORY**

The inmate has a criminal history that dates back to at least 2004 when he was convicted of domestic violence (Pen. Code §§ 273.5(a), 243(e)), child endangerment (Pen. Code § 273a(b)), and witness intimidation. (Pen. Code §136.1.)

On June 8, 2009, victim Jamie Luna reported a domestic abuse incident that had occurred earlier that day. Jamie told police that she had been married to the inmate for approximately two years, and that they had one child together, but were estranged. They had argued in the inmate's car outside his apartment, and the situation escalated to the point where the victim told the inmate that she was going to call police. As she began to dial 911, the inmate exited the vehicle and forcefully knocked the phone from her hand; the phone fell to the ground, and the inmate picked it up. The inmate grabbed a kitchen knife from inside the vehicle and brandished it as he chased after the victim, who ran from him into the inmate's apartment. When the inmate caught up to her, he placed the tip of the knife at her throat, and he warned her not to call the police, threatening that if she did so, "it [would] be the last thing [she did]." In March 2010, the inmate was convicted of intimidating a victim with a threat of force or violence, a violation of Penal Code section 136.1(c)(1), with an enhancement for using a deadly weapon in the commission of the offense, a violation of Penal Code section 12022(b)(1), and he was sentenced to three years in prison. In November 2010, the inmate was released on parole, and he violated parole two times.

While the above charges were pending, on September 18, 2009, the inmate called Jamie and told her that he was outside her residence and that he wanted to see their child. Jamie allowed him in, and he went to her bedroom, picked the child up, and told her that he wanted to take the child for the evening. When she opposed him, the inmate became irate, and wrapped his hands around her throat and pushed her down onto the bed. The inmate held her down and insisted that he was going to take the child. He eventually released the

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her and left her residence, taking the child with him and placing the child into his vehicle. The victim followed the inmate outside, and told him that she was going to call police. The inmate returned the child to the victim and left the area. In March 2010, the inmate was convicted of battery against a spouse, a violation of Penal Code section 243(e)(1), and he was sentenced to 180 days in jail.

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

2006 – Vandalism. (Pen. Code § 594(b)(2)(A)).  
2007 – Aggravated trespass. (Pen. Code § 602.5(b)).

### **DISCUSSION**

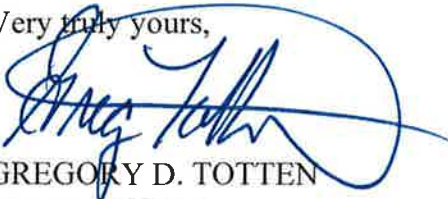
The inmate's history of domestic violence and of endangering his own child demonstrates he is a violent and dangerous individual. His possession and use of weapons in the commission of crimes is particularly troubling, as is his propensity to use threats and intimidation to prevent a victim from summoning aid from the police, having on one occasion threatened at knifepoint to kill his victim if she called 911. He has been convicted of endangering his child, he has forcefully taken the child from the child's mother, and he had the child inside the residence where he was armed and dealing drugs.

The inmate displays no respect for the law, or for the leniency he has previously been granted. He has repeatedly committed offenses of a similarly violent or potentially violent nature, and he has violated the terms of his parole in the past.

### **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,



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District Attorney

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