



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

December 26, 2017

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

**Re: Inmate Gabriel Jaime Beserra; CDCR BC9116
Ventura County Superior Court Case 2013023227
Opposition Letter Due to Board of Parole Hearings December 27, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Gabriel Beserra. In October 2013, the inmate was initially sentenced to local custody and probation, but after multiple violations of his probation, he was sentenced to 6 years 4 months in prison in March 2017. Releasing the inmate now means he would serve less than 25 percent of his actual sentence. 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 the afternoon of July 6, 2013, the victim was walking on a sidewalk listening to music on his cell phone when the inmate and another violent gang member approached him from behind and told him to stop. The other gang member threatened the victim saying he needed to give up his cell phone or they would attack him. The victim refused, and both the inmate and his partner began battering the victim. The other gang member punched the victim. The inmate grabbed the victim in a bear hug and threw him to the ground. The inmate and his partner continued to punch and kick the victim until someone driving by

stopped and yelled out towards the group. The inmate and his partner then ran from the scene. After the brutal attack, the victim suffered from dizziness, felt faint, and had bumps and abrasions on his arms and back. The victim sought treatment at the emergency room, and was diagnosed with a sprained ankle requiring crutches. Months later, he still suffered from headaches and nosebleeds from his injuries.

Since most of the inmate's criminal history was as a juvenile, the court initially gave the inmate a grant of probation, which included counseling in a residential treatment program. However, within the first several months of that treatment, the inmate walked away from the center, failed to report to probation, and obtained a new gang tattoo on his face. The inmate was given another chance at counseling. He again failed to participate and was eventually kicked out of the program because he threatened violence upon other participants. Based on his numerous violations of probation, the court sent the inmate to prison.

CRIMINAL HISTORY

In the years leading up to the current conviction, the inmate committed many crimes involving violence. He has committed batteries, disturbing the peace based on threats of violence, and a gang-related battery less than one year prior to the commitment offense for attempted robbery for the benefit of his gang. While housed in local jail pending resolution of the case, he was given a major write-up for destroying county property.

Although the inmate was only 18 years old when he committed the current offense, he has already demonstrated he is entrenched in a violent gang lifestyle.

DISCUSSION

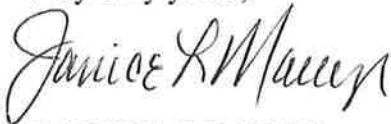
Granting early parole of the inmate poses a safety risk to the community. The inmate's violent history, his refusal to fully acknowledge criminal culpability or change his ways, and his current offense all demonstrate he is a violent criminal. The nature of his commitment offense, targeting an innocent citizen walking along the road, and then executing a brutal attack to rob him, is demonstrative of his disregard for others. Whether he is acting in concert with other violent gang members, battering people, making threats to fight, or trying to take property by force, his actions establish the need to incarcerate him to prevent further violence. The inmate should serve his full prison term.

Board of Parole Hearings
Re: Gabriel Beserra, CDCR BC9116
December 26, 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,



JANICE L. MAURIZI
Chief Assistant District Attorney

JLM:dr

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