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November 30, 2017

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

**Re: Inmate Jovanny Hernandez; CDCR BE2530  
Ventura County Superior Court Case 2015007604  
Opposition Letter Due to Board of Parole Hearings November 30, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jovanny Hernandez. In August 2017, the inmate was sentenced to prison for 9 years 8 months. Releasing the inmate now would mean he would serve approximately 30 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 March 9, 2015, a police officer observed the inmate exit his vehicle in a parking lot and speak with another man, a co-defendant in the case. The officer recognized both the inmate and the co-defendant to be members of the Southside Chiques criminal street gang. The inmate had been served with an injunction against that gang; hence by interacting and associating with each other within the injunction's protected safe zone, the inmate was in violation of that court order.

As the officer looked on, the inmate and his co-defendant walked around and looked at several parked vehicles. The inmate then retrieved an object from his pocket as the co-defendant kept watch over the parking lot. The inmate placed the object near the locking mechanism of a car and attempted to open it. When another man approached them, the inmate and co-defendant immediately walked away from the vehicle. The inmate repeated

his actions on three other vehicles, but was unsuccessful in opening any. The inmate and co-defendant then entered the inmate's car and drove away.

Soon thereafter, officers contacted the inmate and arrested him. A search of the inmate revealed 14 keys, one shaved key, and a sharp metal object shaved down at one end; a device commonly used to start the ignition of a vehicle without its key.

After his initial arrest, the inmate failed to appear in court and a bench warrant was issued for his arrest.

In July 2017, the inmate pled guilty to attempted second-degree burglary of a vehicle and to unlawful taking or driving of a vehicle. Additionally, the inmate admitted a strike prior, a prison prior, and committing the offense for the benefit of a criminal street gang. On August 31, 2017, the inmate was sentenced to 9 years 8 months in prison.

## **CRIMINAL HISTORY**

The inmate has an extensive criminal history that dates to 2002.

In May 2002, as a juvenile, the inmate entered a residence and stole several items. In July 2002, a charge of first-degree residential burglary was sustained by admission. The inmate subsequently violated his probation five separate times by failing to submit to testing, failing to attend school, using marijuana, disobeying curfew, possessing gang paraphernalia, testing positive for methamphetamine, disobeying school officials, and associating with gang members.

In March 2004, as a juvenile, the inmate attacked another individual while in a courtroom waiting area, hitting that individual in the face with closed fists. A charge of battery was sustained by admission. The inmate subsequently violated probation once, by failing to obey all laws and associating with gang members.

In October 2004, as a juvenile, the inmate punched another youth in the chest and face while in juvenile custody because the inmate and that youth were in different gangs. In November 2004, another charge of battery was sustained by admission.

In January 2005, as a juvenile, the inmate punched a youth repeatedly in the head and upper body with closed fists while in juvenile custody. The inmate continued to punch the victim even as corrections officers attempted to intervene. In March 2005, a charge of disturbing the peace was sustained by admission, and the inmate was committed to the California Youth Authority.

In addition to the above, the inmate has suffered the following convictions.

July 2009

- Carrying a loaded firearm. (Pen. Code § 12031(a)(1))
- Participating in a criminal street gang. (Pen. Code § 186.22(a))

September 2009

- Resisting an executive officer. (Pen. Code § 69)
- Committing the above offense while out on bail. (Pen. Code § 12022.1(b))
- Resisting arrest. (Pen. Code § 148(a)(1))

October 2009

- Under the influence of a controlled substance. (Health and Saf. Code § 11550(a))

April 2015

- Under the influence of a controlled substance. (Health and Saf. Code § 11550(a))
- Resisting arrest. (Pen. Code § 148(a)(1))

## **DISCUSSION**

Granting early parole of the inmate poses a risk of safety to the community. The inmate is an active member of a criminal street gang, and he has been convicted of committing offenses for the benefit of his gang. As a juvenile, the inmate battered other individuals because of his gang affiliation, and the inmate continued and escalated this behavior in his adult life, having been convicted of carrying a loaded firearm while participating in a criminal street gang. The inmate continually defies peace officers and resists arrest. He has also been convicted of residential burglary, an inherently violent offense.

The inmate's profound disregard for the law is further illustrated by his numerous violations of probation, by his conviction for committing an offense while out on bail, and by the fact that he failed to appear in court for the commitment offense, requiring a bench warrant to be issued. The inmate is a lifelong, loyal member of his violent gang, and there is absolutely no indication that he will not continue committing crimes if released early. The inmate presents a danger to the community and should serve his full prison sentence.

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**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,

A handwritten signature in blue ink, appearing to read "Greg Totten", with a long horizontal flourish extending to the right.

GREGORY D. TOTTEN  
District Attorney

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