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January 19, 2018

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

**Re: Inmate Javier Francisco Ortega; CDCR BA4742
Ventura County Superior Court Case 2016002487
Opposition Letter Due to Board of Parole Hearings January 19, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Javier Ortega. On July 6, 2016, the inmate was sentenced to seven years prison with 336 days of credit. Releasing the inmate now would mean he would serve approximately 33 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 January 21, 2016, Ventura County Sheriff's detectives served a search warrant on the inmate's residence. The inmate was a known drug dealer at the time the search warrant was executed. Eleven ounces of heroin packaged for sales, three ounces of methamphetamine packaged for sales, scales, and a loaded .357 magnum revolver were located. The inmate pled guilty to possessing heroin for sale. He also admitted a strike prior, that he was personally armed with a firearm during the offense, and a drug weight enhancement allegation. He was sentenced to seven years in prison.

CRIMINAL HISTORY

In 1998, at the age of 18, the inmate was convicted of possessing a deadly weapon, specifically an ice pick. He was also in possession of alcohol when arrested for this

offense. A few months later while on probation, the inmate was convicted of being intoxicated in public while being unable to care for his own safety.

In 2000, the inmate was convicted of misdemeanor vandalism for tagging.

In 2001, the inmate was convicted of corporal injury on his girlfriend and possessing cocaine. During an argument with his girlfriend, the inmate bit her chest. When she attempted to leave, he grabbed her from behind, placed his hand over her mouth, and tried to carry her away. He then shoved her against a wall, causing her head to strike the wall. When arrested, the inmate was in possession of cocaine. Based on his numerous violations of probation, his grant of probation in this case was terminated unsuccessfully.

In 2002, the inmate was convicted of hit and run driving. Less than a year later, he was convicted of giving a false name during a traffic stop to avoid arrest on a warrant.

In 2004, the inmate was arrested for another violent domestic violence case involving the same girlfriend from the 2001 crime. The inmate had been looking for his girlfriend, so the victim had her coworkers walk her home because she was in fear of the inmate. The inmate pulled up next to her in a stolen car as she walked home, pulled out a .357 magnum revolver, and ordered her into the car. When one of the coworkers attempted to dial 911, he pointed the gun at the coworker and ordered her to place the phone on the ground. The police responded, and the inmate recklessly evaded them, committed a hit and run causing injury, fled on foot, and ran into the home of a family with two children, while carrying a gun. The mother escaped out the back door and the father grabbed his two children and retreated into a bedroom. The house was surrounded by officers while the father and his children were still trapped inside. The inmate eventually surrendered. The loaded .357 magnum was found in the bathroom. The inmate was subsequently convicted of criminal threats with use of a firearm, auto theft, evading with a willful and wanton disregard for human life, and hit and run – all felony offenses. The inmate was sentenced to seven years in CDCR.

In 2013, the inmate was arrested for felon in possession of a firearm in a vehicle and possession of methamphetamine. The inmate was driving a car and stopped for nearly causing an accident when he made a dangerous lane change. A search of the vehicle found a loaded .357 magnum revolver under the rear seat next to a baggie of methamphetamine. Charges were not filed due to the difficulty of establishing whether it was the inmate or his passenger who possessed the firearm.

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DISCUSSION

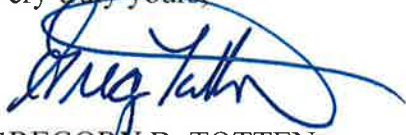
Granting early parole to the inmate poses a safety risk to the community. The inmate's criminal history began with weapons violations and escalated into multiple violent incidents. Despite having been previously convicted of the strike offense with use of a loaded .357 firearm in 2004, the inmate refuses to give up his predilection for carrying loaded .357 revolvers while committing crimes.

The inmate's current offense is possession for sale of both heroin and methamphetamine while possessing a loaded .357 magnum revolver. It is unquestionable that guns and drugs go together and there is always a high likelihood of violent conflict amongst the drug milieu. We know from the inmate's past criminal behavior he will not hesitate to use a gun and that a loaded .357 magnum is his weapon of choice.

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", written over a horizontal line.

GREGORY D. TOTTEN
District Attorney

GDT:sh

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