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January 17, 2018

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

**Re: Inmate Ortega Sabino; CDCR BB7373
Ventura County Superior Court Case 2016034801
Opposition Letter Due to Board of Parole Hearings January 17, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Sabino Ortega. The inmate was sentenced in November 2016 to serve 3 years 8 months in prison. If the inmate is granted early parole at this time he will have served less than 40 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history, including two robbery convictions.
- 3) The unreasonable threat to the safety of the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

Case 2016034801

On August 3, 2016, victim James Buscemi, owner of GBL Systems Corporation, reported to police that his vehicle was broken into and personal property was stolen, including a briefcase that contained cash and business checks.

Later that evening, the inmate entered Chicago Liquor and Deli in Oxnard. The inmate attempted to cash a check in the amount of \$745 that belonged to GBL Systems Corporation. The check was made out to the inmate. The store clerk called GBL Systems Corporation and spoke with Buscemi, who told him the checks were stolen. The store

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clerk told the inmate the check was stolen, and the inmate left the store. The clerk knew the inmate from prior contacts and identified him to police.

On September 22, 2016, the inmate was arrested. The inmate lied to the police and said he received a check in the amount of \$200 for two days of work at a ranch. He said he did not know it was stolen and did not know it was in the amount of \$745.

On October 7, 2016, the inmate pled guilty to identity theft. He also admitted a strike prior and two prison priors. The inmate was committed to CDCR for 44 months.

CRIMINAL HISTORY

The inmate's criminal history dates back almost three decades. The inmate has two prior strike convictions for robbery. He has served lengthy terms in prison and has not reformed. He has substance abuse issues which cause him to be a danger to the public.

In March 1985, at the age of 15, the inmate was weaving on his bicycle and stopped by police. He displayed symptoms of being under the influence of alcohol. He was convicted of driving under the influence of alcohol.

In April 1986, at the age of 16, the inmate was stopped driving a motor vehicle after he lit flares in the middle of a roadway. The inmate displayed symptoms of being under the influence of alcohol. He was convicted of driving under the influence of alcohol.

In January 1987, at the age of 17, the inmate was stopped after leaving a party where an individual had been stabbed. He admitted he attended the party and that he was drinking in violation of his probation, but denied any knowledge of the stabbing. He gave a false name and was convicted of providing false information to the police.

In May 1990, the inmate and his cousin assaulted Jose Flores, Marylene Flores, and Annamarie Flores. The inmate struck Marylene in the mouth with a weight lifting belt, knocking out her two front teeth. He also struck Anamarie in the arm and the left side of her face with the same belt. The inmate then grabbed Jose by the throat and began choking him. The inmate allegedly pushed a fourth victim to the ground, although she was not injured. The inmate and his cousin threatened to return later and harm the victims' children. Three hours after his arrest, the inmate's blood alcohol content was measured at .18 percent and .20 percent. This case was dismissed after a preliminary hearing.

In December 1991, the inmate was stopped driving a car. His blood alcohol content was measured at .21 percent. The inmate was convicted of driving under the influence in violation of Vehicle Code section 23152(a).

In June 1993, the inmate and a juvenile entered the residence of a victim and demanded to use his vehicle. The victim advised he would give the inmate and the juvenile a ride after he gave his children (ages two and three) a bath and put them to bed. The inmate pushed the victim on to the couch, sat on him, and punched him in the head three times while grabbing on to his throat. The juvenile was standing in the front doorway holding a knife. The two suspects left the residence in the victim's vehicle which was later recovered after it had been involved in a hit-and-run traffic collision.

During his probation interview, the inmate admitted he had routinely assaulted people and robbed them of their valuables. He also indicated he was involved in narcotics sales and trafficking. He said the victim in this matter provoked the attack because he refused to give the inmate and his accomplice a ride. The inmate was convicted of robbery and ordered to serve four years in prison.

In January 1997, the inmate and two other males approached a street vendor selling corn. One of them pulled out a knife and pointed it at the victim. Another simulated a handgun and threatened to shoot the victim. All three suspects went through the victim's pockets looking for money and removed a \$20 bill. They demanded more money and threatened to beat him. The inmate was convicted of robbery and sentenced to 11 years in prison.

On January 15, 2015, the inmate received substantial relief under Proposition 47, when the court reduced his felony drug possession case to a misdemeanor. Prior to that reduction, the court had ordered the inmate to serve 44 months in prison on that case. The inmate responded to this leniency by committing the instant offense.

DISCUSSION


For almost three decades, the inmate's substance abuse, violence, and thefts have caused physical harm to others and to the community around him. The inmate's history of violence, drug/alcohol abuse, and theft shows a clear pattern that that he will continue his criminal ways when released into the community. The best predictor of the future is the past, and this inmate's history demonstrates that he is a significant threat to commit violent crimes upon his release from prison.

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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,



GREGORY D. TOTTEN
District Attorney

GDT:db

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