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December 27, 2017

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

**Re: Inmate Gerardo Vargas; CDCR BC9124
Ventura County Superior Court Case 2016035291
Opposition Letter Due to Board of Parole Hearings January 4, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Gerardo Vargas. On March 2, 2017, the inmate was sentenced to 6 years 4 months in prison, with just over one year of credit. Releasing the inmate now means he would serve about one-third 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

In August 2016, Ventura County Sheriff's (VSO) detectives learned the inmate was working with a large-scale Mexico-based narcotics smuggler, Nelson Flores, who in turn, was working on behalf of the Mexican Mafia. The inmate is an LBZ gang member who had been given authority by the Mexican Mafia to sell drugs in large areas of Ventura County. VSO investigators obtained a court-authorized wiretap for the inmate's cell phone and identified others working within the inmate's criminal organization.

During the first week of September 2016, the inmate had several telephone conversations with Flores about obtaining 11 pounds of methamphetamine. Through surveillance, on September 6, 2016, detectives watched one of the organization's drug couriers deliver the methamphetamine to the inmate's residence. That same evening, the inmate made calls to one of his largest distributors, Alfred Estrada, to provide him a portion of the illegal controlled substance.

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Two days later, on September 8, the inmate spoke with Estrada about picking up some of the money he had made from the sale of the drugs, and Estrada requested to obtain more methamphetamine. After that exchange, on September 12, the inmate spoke with Estrada, and they arranged to meet again so Estrada could give him \$9,700 in cash that he owed for the drugs. The inmate also supplied Estrada with three more pounds of methamphetamine.

On September 13, detectives arrested Estrada. They found several ounces of heroin and several ounces of methamphetamine in his immediate possession. They served a search warrant on Estrada's residence, and detectives recovered the three pounds of methamphetamine that the inmate had provided him earlier in the day. In addition, they found another quarter pound of methamphetamine, other evidence of sales, and a loaded .357 revolver.

On September 15, the inmate called Flores to let him know that Estrada had been arrested, and that he hadn't yet been paid for the drugs the inmate supplied to Estrada. Flores and the inmate discussed whether the inmate should receive any more shipments of narcotics until they knew whether he was at risk of being arrested as well. The inmate said he wanted to slow things down until the heat was off.

On September 19, the inmate received a call from another gang member and discussed some problems with storing the inmate's guns. The inmate arranged to have another courier in his organization, Enrique Navarrette, retrieve the guns and move them to the inmate's tailor shop in Fillmore, which he used as a stash pad for his contraband. On September 20, the inmate spoke with another gang member about narcotics, and the inmate offered to trade or sell the gang member some AR-15 assault rifles.

On September 20, VSO served a search warrant on the inmate's residence and his tailor shop. Inside the shop, they found a pound of cocaine packaged in 19 separate bindles, two AR-15 assault rifles, and two high-capacity magazines for the rifles. On September 28, VSO served a search warrant on the courier who delivered the drugs to the inmate. There investigators found the packaging he had used to store and transfer the methamphetamine, a loaded semi-automatic pistol, a ballistic vest, and other indicia of drug trafficking.

During the wiretap, investigators also monitored calls between the inmate, and a CDCR prisoner, who is a Mexican Mafia associate. These conversations were about money the inmate was paying the Mexican Mafia, and where to send the proceeds of his drug trafficking. Also, the inmate spoke with Flores about the organization, telling him he was working for the Sureño cause.

After his plea, the inmate spoke with probation about his crime. He admitted his involvement, but said investigators “blew it out of proportion.” The inmate described his role as he “helped a lot of people,” and he was “doing someone a favor, that was drug-related.” Finally, he said his crime was being “made out to be worse than it was.”

CRIMINAL HISTORY

Like many criminal street gang members, the inmate’s criminal history began as a juvenile. He engaged in vandalism, burglary, and disturbing the peace. He also set off a small bomb on school campus.

As an adult, the inmate was caught with a loaded .32 caliber handgun. On May 19, 2000, the inmate was drinking with a group of people. The police were called when someone reported gunfire. As law enforcement arrived, the inmate tried to flee the scene. During his flight, the loaded handgun fell from his pocket. Deputies caught the inmate, and he was arrested for the gun. He was charged and convicted for this offense.

Between November of 2003 and February 6, 2004, the inmate was investigated for conspiracy to sell and the sale of methamphetamine. During the investigation, detectives caught the inmate engaging in the direct sale of methamphetamine to an informant. He was arrested, charged, and convicted of conspiracy to sell methamphetamine.

DISCUSSION

Granting early parole of the inmate poses a safety risk to the community. The inmate is a criminal street gang member who engaged in high-level drug trafficking involving pounds of narcotics being shipped from Mexico, while controlling two AR-15 assault weapons that he offered to trade or sell to others involved in drug sales. He was working with violent gang members, who were also armed with guns. The inmate made it clear his actions were for the benefit of the gang.

The inmate’s criminal history has both firearms and drug sales related priors, which demonstrate he has not changed. The inmate’s comments to probation for his sentencing also reinforce that he does not think any of this is “a big deal.” Working to benefit the Mexican Mafia, trafficking large quantities of drugs from Mexico, possessing and offering to sell assault weapons, and working with other violent gang members and CDCR prisoners make him a dangerous person. Further, the inmate’s inability to admit the seriousness of these crimes shows he is a danger if released from custody.

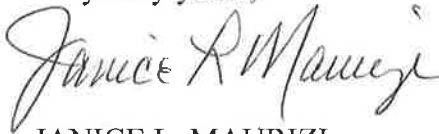
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The inmate has displayed throughout his life a disregard for the law. He is a hardened gang member, engaging in a sophisticated enterprise with one of the most dangerous gangs in our state. While the inmate attempted to minimize his conduct, his criminal activity is increasing. The inmate has moved from possessing handguns and conducting street-level drug sales for his local criminal street gang, to international drug trafficking for the Mexican Mafia, performed while possessing and attempting to sell assault weapons. The inmate is unable to refrain from engaging in violent, dangerous criminal conduct. He should serve his full prison term.

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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Chief Assistant District Attorney

JLM:dr

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