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March 28, 2018

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

**Re: Inmate Benjamin Garcia; CDCR BD1112
Ventura County Superior Court Cases 2016009048 and 2017001597
Opposition Letter Due to Board of Parole Hearings March 28, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Benjamin Garcia. In May 2017, the inmate was sentenced to four years in prison. Releasing the inmate now means he would serve about 30 percent of his actual sentence. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offenses.
- 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

Case 2016009048

On March 8, 2016, Oxnard Police detectives were driving through the parking lot of a motel when they saw a 1994 Honda Civic that matched the description of a stolen car. As detectives watched, the inmate entered the car and attempted to start the engine. Detectives approached the car and noticed the steering column was peeled off and the plastic casing around the steering wheel was broken.

The inmate was arrested for auto theft. A plastic bindle of methamphetamine was found in pant pocket. Detectives searched the inmate's motel room and located two digital scales, two bindles of methamphetamine, and a bag of cocaine. The inmate was also arrested for possessing drugs for sale.

Detectives conducted an interview of the inmate. The inmate admitted he believed the car was stolen because the steering column was broken, and he did not have any keys to the car. The inmate said he used a screwdriver to start the car. He also said all the drugs and scales belonged to him because he had been selling drugs. Text messages on the inmate's phone corroborated he was selling drugs. The inmate later pled guilty to auto theft, admitted a strike prior, and two prison priors.

Case 2017001597

On January 17, 2017, while out on bail in the above case, the inmate failed to stop at a stop sign while driving a stolen vehicle. Officer Oblander attempted a traffic stop, but the inmate did not stop. The inmate ultimately pulled over several blocks down the road. Once dispatch confirmed the car was stolen, the inmate was arrested for auto theft. During a search of the car, officers located methamphetamine in the cup holder next to where the inmate had been sitting and a methamphetamine pipe on the driver's seat.

Dispatch then advised that the car matched the description of a car involved in a hit and run just south of where the inmate was stopped. Another officer responded to the scene of the collision and discovered the inmate had rear ended another car at a stop sign. After the inmate rear ended the other car, he fled at a high rate of speed.

The inmate admitted being involved in a collision and failing to stop. The inmate also admitted possessing the methamphetamine and pipe. A records check revealed the inmate's driver's license was suspended for a prior DUI.

The inmate was charged with felony auto theft, hit and run, driving on a suspended license, and possession of methamphetamine. He pled guilty to auto theft and driving on a suspended license. He also admitted committing the crimes while out on bail, a strike prior, and two prison priors. He was sentenced on both cases to four years in prison.

CRIMINAL HISTORY

The inmate's criminal history dates to 1991. As a juvenile, the inmate committed petty theft, possessed marijuana, and violated curfew and truancy laws on multiple occasions.

The inmate's adult criminal history began in 1997, with drug and theft convictions. For the next 10 years, despite numerous grants of probation, the inmate continued to commit drug and theft offenses. He also committed a variety of vehicle code violations, including a DUI conviction in 2002. These charges demonstrate a disregard for people's safety and property.

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In 2007, the inmate again showed his disregard for others and their property by committing a carjacking with the use of a knife. There, the inmate stole the victim's car while brandishing a knife. He then robbed the victim of his cell phone, driver's license, and \$300. The inmate was sentenced to prison for four years. Once paroled, he picked up where he left off, committing more drug and theft crimes.

DISCUSSION

Granting early parole of the inmate poses a safety risk to the community. The inmate's long criminal history demonstrates he has not changed. In fact, his behavior has escalated over time. The inmate's comments to probation regarding his commitment offenses show his disregard for the safety of others. He blames his criminal conduct on his daily methamphetamine use. Instead of attempting to address his life-long drug addiction, the inmate has chosen to fuel his addiction by stealing others' property. He has done this for over 20 years and has shown he will resort to violence to accomplish his thefts. The inmate's inability to admit the seriousness of his crimes shows he poses a risk of violence if released from custody.

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

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