



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

JANICE L. MAURIZI
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Administrative Services

W. CHARLES HUGHES
Chief Deputy District Attorney
Special Prosecutions

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

MICHAEL D. SCHWARTZ
Special Assistant District Attorney
Justice Services

R. MILES WEISS
Chief Deputy District Attorney
Criminal Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

April 26, 2018

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

**Re: Inmate Michael Hirohata; CDCR H05554
Ventura County Superior Court Case CR46954
Opposition Letter Due to Board of Parole Hearings April 28, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Michael Hirohata. On January 9, 2003, the inmate was ordered to serve 21 years 4 months in prison. 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 July 23, 1999, just one month after being released on parole, the inmate and his accomplice entered a residence on a weekday morning by prying open the front door with a screw driver. They had rung the doorbell repeatedly, prior to breaking open the front door. After entering the house, the inmate and his accomplice were discovered by a female victim inside the house.¹ They then fled out the front door. A short time later, deputies located the inmate and his accomplice in a car a few miles away. The inmate was driving and evaded the police which resulted in a dangerous high-speed pursuit. The inmate eventually drove his car through a crowded shopping center parking lot. When his car was trapped in the parking lot, he exited the car and ran away on foot. The police eventually arrested him.

¹ The facts of this case make this a violent felony under Penal Codes section 667.5(c)(21), and not subject to Prop 57. However, that specific allegation was not charged for unknown reasons.

Board of Parole Hearings
Re: Michael Hirohata, CDCR H05554
April 26, 2018
Page 2

The inmate was convicted of first-degree residential burglary and felony evading with willful disregard for the safety of others. He admitted three strike priors, three serious felony priors, and two prison priors. Over our objection, the court struck two strike priors. On January 9, 2003, the inmate was sentenced to 21 years 4 months in prison.

CRIMINAL HISTORY

The inmate has been a lifelong criminal committing residential burglaries, which are inherently violent crimes.

The inmate was committed to the California Youth Authority by the juvenile court of Los Angeles County on June 12, 1985, for five separate counts of first-degree residential burglary. The inmate was discharged from CYA on November 3, 1989. No further information about these residential burglaries is available.

Less than two months later, on December 29, 1989, the inmate was seen at the victim's home by a resident. Pry marks, a broken screen and a screwdriver were found on a window on the home. When confronted by the victim, the inmate told the victim he was lost, but then admitted he was there to rob her but stopped because the victim's children were present. The inmate was later detained by a deputy sheriff. The inmate possessed gloves and a knife. In an interview with detectives, he admitted his intent to burglarize the house. He was convicted of attempted burglary and eventually sentenced to prison for two years, along with the below case.

On January 26, 1990, just two months after being discharged from CYA, the inmate struck a victim with his fists about the victim's face, causing a laceration to the forehead, several lacerations to the upper and lower lips, and major swelling to the left eye. The attack was unprovoked. The inmate was arrested and found to be under the influence of a controlled substance. During a booking, search officers found cocaine in the inmate's pocket. The inmate was sentenced to two years in prison on September 21, 1990, but the sentence was stayed. The court however, lifted the stay and imposed the two-year sentence on August 20, 1991. He was released on parole on March 20, 1992.

Less than two months after being released on parole in the above cases, the inmate committed two separate car-jackings on May 8, 1992. The inmate approached the first victim and stated, "I'm being chased. I need your car and money. If you don't cooperate, I'll gang bang you right here and you will die with me." The victim gave the inmate her keys and purse. The inmate left with the items and the car. An hour later, the inmate approached the second victim while the victim's car was stopped at a traffic light. The inmate entered the car holding a knife. The inmate said he wanted her money. Unsatisfied

Board of Parole Hearings
Re: Michael Hirohata, CDCR H05554
April 26, 2018
Page 3

by the amount of money the victim displayed, the inmate began to look through an ashtray for change. While the inmate was distracted, the victim jumped from the car and ran. The inmate drove off in the victim's car. On June 23, 1992, the inmate was sentenced to seven years in prison. He was released on parole January 2, 1996.

On June 3, 1997, while still on parole, officers observed the inmate drive up to a co-defendant and engage in a conversation. The co-defendant pulled a smaller than palm-sized object from his waistband and handed it to the inmate, who in turn handed the co-defendant money. The inmate was detained, then dropped rock cocaine from his hand. On July 2, 1997, he was sentenced to 32 months in prison. He was released on parole on June 29, 1999. He committed his commitment offense less than one month later.

DISCUSSION

Granting early parole of the inmate poses a safety risk to the community. The inmate has shown a complete disregard for the safety of others in the community. His record consists of many violent crimes, from multiple hot prowl residential burglaries, to car jackings and violent assaults. The inmate has made it clear, through his life-long criminal conduct, he has no regard for the safety of others or their property.

The inmate's criminal history demonstrates he will victimize others almost immediately when out of custody. Numerous grants of probation and parole have not deterred his violence towards others. The inmate is unquestionably a danger to the community if released from custody and should serve his full sentence.

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:kd

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov