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June 1, 2018

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

Re: **Inmate Frank Hurtado; CDCR BC6539**
Ventura County Superior Court Case: 2016021835
Opposition Letter Due to Board of Parole Hearings June 2, 2018

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Frank Hurtado. On February 15, 2017, the inmate was sentenced to seven years prison with 577 days of credit. Releasing the inmate now means he would serve about 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 to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On June 6, 2016, victim Anastasza Schein lived with her boyfriend, Shane Ragatz, and his father, Jose Ragatz. Shane is a marine and lived at the house on weekends. During the few months leading up to the commitment offense, the victim and her boyfriend had \$500 stolen from their home. Items were also stolen from Jose: \$140, a Kindle, and a Sony camcorder. The victims had no idea who was entering their home and taking their property, so they installed surveillance cameras in their rooms. In fact, Jose fired his maid four months before the commitment offense because he believed she may have been committing the thefts. However, the thefts continued after the maid's termination.

On June 6, 2017, Jose left the house for work at 3:00 a.m., and Anastasza left the house around 8:00 a.m. All the doors were locked when they left. At around 8:20, the victim's cellphone alerted that the motion detector had sensed something on the camera. Shane, who was in San Diego at the time, pulled the video and saw the inmate was in the house.

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Shane called 911. When deputies arrived on scene, no one was in the house. However, Anastasza reviewed the video and realized the person in the house was their next-door neighbor. She watched as the inmate entered the room, walked toward the camera and pointed it in a downward position. She could see the inmate's hand reach into her dresser drawer and take \$6.

Deputy Fox attempted to contact the inmate the day of the residential burglary. The inmate came to the police station to speak with Deputy Fox. During the interview, the inmate lied about what happened inside the house. He claimed that he saw the front door open when he was taking his kids to school and wanted to make sure no one was inside. He denied taking anything from the house, but when asked about Shane's bedroom, the inmate said that he may have "bumped a knife, or a camera." When confronted about the stolen money, the inmate admitted he "took some change."

When asked about the earlier disappearance of \$500, the inmate was adamant he did not take the money. Deputy Fox then asked what his response would be if he showed a video of him going into the house a month ago. The inmate responded, "It's going to look bad." The inmate continued to deny taking the money. Deputy Fox arrested the inmate.

CRIMINAL HISTORY

The inmate has a lengthy criminal record involving inherently violent thefts, brandishing weapons, and drugs. Since 1990, the inmate has been convicted of six separate theft-related charges. It is clear the theft crimes intensified in seriousness and risk to the community as time passed. He started with petty thefts, then thefts while brandishing a weapon, and ultimately breaking into private homes.

The inmate was convicted of first-degree residential burglary in 2003. In that case, police responded to a residential burglary in progress after the front door to the home had been broken. When police arrived, they found the inmate hiding in the rear of the house. Police located a methamphetamine pipe, a syringe, and three See's candy suckers on his person.

The inmate lied to police and claimed he was there because a friend lived there. He said he was there to do some yard work and had been in the rear room looking for tools. Later, the inmate admitted breaking the window to the house, so he could enter and steal. He was subsequently convicted of first-degree residential burglary and sent to prison for four years. This was his fourth prison commitment.

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DISCUSSION

Despite eight prior grants of probation and four separate prison commitments, the inmate committed the instant offense. He is a career criminal who cannot be rehabilitated. Granting early parole of the inmate poses a safety risk to the community. The inmate's record shows a growing and increasingly dangerous trend – what started as a drug problem, rapidly devolved into theft crimes which over time have escalated in seriousness and risk of violence to the community.

History is the best predictor of future conduct. The inmate will continue to break into people's homes again once he is released from prison. Residential burglaries are by law inherently violent crimes due to the risk of people being in their homes when the crimes are committed. There is a great risk of violence to our community if this inmate is released early. Also, releasing the inmate now would mean he would serve less time in custody for this crime than he did in his prior residential burglary.

CONCLUSION

The inmate poses an unreasonable risk of danger to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:mb

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