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July 2, 2018

Board of Parole Hearings  
Attn: Nonviolent Parole Review Process  
Post Office Box 4036  
Sacramento, CA 95812-4036

**Re: Inmate Ayala, Juan Cuauhyemoc; CDCR # AZ9260  
Ventura County Superior Court Case 2013021574  
Opposition Letter Due to Board of Parole Hearings July 14, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Juan Cuauhyemoc Ayala. On May 2, 2016, the inmate was sentenced to 19 years in prison. Releasing the inmate now means he would only serve less than 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 OFFENSES**

On July 9, 2013, Oxnard police officers initiated a traffic stop of the inmate for parking his car more than eighteen inches from the curb. The inmate parked directly in front of a known narcotics house. After learning the inmate's passenger was on probation with search terms, an officer asked the inmate to step out of the vehicle. The inmate threw a black backpack into the back of the vehicle. The inmate did not comply with the officer's request to conduct a pat-down search. Instead, the inmate pushed the officer and fled on foot. As the inmate fled, he reached into his waistband and discarded a loaded handgun.

Officers ultimately set a perimeter and requested a helicopter to locate the inmate. The inmate's backpack contained large quantities of narcotics including methamphetamine,

cocaine, cocaine base, heroin, and marijuana. The inmate also had a digital scale, plastic packaging paraphernalia, and a cell phone containing narcotics sales-related activity. Officers also recovered a large amount of currency from the inmate's pocket. After being arrested, the inmate's blood tested positive for amphetamines and methamphetamine.

On July 29, 2013, an Oxnard officer initiated a traffic stop of the inmate for making an unsafe turning movement. Knowing the inmate had been arrested twenty days prior for narcotic and firearm possession, the officer asked the inmate to step out of the vehicle for a pat-down search. The inmate was uncooperative and had to be detained at gunpoint. A pat-down search yielded two 7.62-caliber Soviet rifle rounds. A search of the vehicle yielded a semiautomatic handgun, heroin, two syringes loaded with heroin, and a cell phone with narcotics sales-related activity.

The inmate eventually pleaded guilty to two felony counts of transportation of a controlled substance. He also admitted a prior strike and two special allegations of committing the underlying offenses while armed with a firearm. The court sentenced the inmate to 19 years in state prison.

## **CRIMINAL HISTORY**

The inmate's criminal history spans 26 years, beginning with juvenile offenses at age 14. In 1992, he and a friend shoplifted spray paint from a home improvement store. In 1993 he etched graffiti on windows, mirrors, and tables at a pizza parlor. In 1994, he was found guilty of throwing a lit beer bottle containing gasoline at a victim's house, causing minor damage. The inmate violated the terms of his probation multiple times.

As an adult, the inmate was arrested and convicted of extremely violent crimes involving victims. In 1997, the inmate was convicted of two counts of attempted murder and admitted to two special enhancements of using a firearm while trying to kill the victims. He laid in wait and blatantly shot at his former girlfriend and wounded her friend. He shot her in her head. The court sentenced him to serve 11 years in prison. The inmate served eight years and was granted parole in 2008. While on parole, he had several violations, including testing positive for controlled substances.

## **DISCUSSION**

This inmate is a violent danger to the community and poses an immediate safety risk to society. The inmate's strike offenses exhibit a high degree of cruelty, callousness, and calculation. Without provocation, he openly shot at an occupied car in a residential

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neighborhood, carrying the mother of his own child. He endangered and frightened the lives of his two targeted victims as well as those who witnessed the crime. The inmate is unpredictably violent and poses a risk to the community.

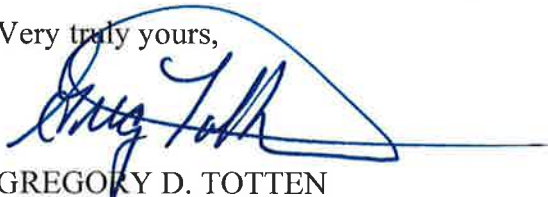
At the time the inmate committed the commitment offense, he was prohibited from possessing or carrying firearms or ammunition. Yet, he carried a stolen firearm on the first arrest date, posted bail, and immediately re-armed himself. The fact he committed similar offenses just twenty days apart depicts his inability or unwillingness to distance himself from a world of crime. He has a predisposition to carry loaded firearms and has shown he is willing to use them to kill people.

Despite having the opportunity to reform, the inmate is unwilling to conform to the law and to authority. The inmate's criminal history is riddled with probation violations, parole violations, and multiple major write-ups while in custody. History is the best predictor of future conduct. Unfortunately, the inmate's past conduct demonstrates he will re-offend with a firearm when he is released. His victims and the community should have the peace of mind knowing that he will serve his full prison 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,

A handwritten signature in blue ink, appearing to read "Gregory Totten", with a long horizontal line extending to the right.

GREGORY D. TOTTEN  
District Attorney

GDT:cb

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