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August 3, 2018

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

**Re: Inmate Roger William Colbert; CDCR BA5760
Ventura County Superior Court Case 2015013013, 2013024568
Opposition Letter Due to Board of Parole Hearings August 4, 2017**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Roger Colbert.¹ In June 2016, the inmate was sentenced to 7 years 8 months prison in the above cases. Releasing him now means he would serve approximately 45 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offenses.
- 2) The inmate's significant criminal history and failure to be crime free.
- 3) The unreasonable risk of violence to the community if released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

Case 2013024568

In August 2013, the inmate lived with his girlfriend, victim Jacqueline Rodriguez, in a motel in Oxnard. Officers arrived at the inmate's motel room and found the inmate crawling on the ground. Officers learned that the inmate had battered several people, including Ms. Rodriguez, Antonia Ochoa, and motel employee Bharat Parjapapi.

According to Ms. Rodriguez, the inmate was "high out of his mind" on the day of the attacks. While Ms. Rodriguez was sleeping, the inmate started to yell and act agitated. The inmate grabbed a bottle of bleach and poured it on Ms. Rodriguez before she was

¹ This letter is very similar to the opposition letter sent last year.

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able to leave the room. When Ms. Rodriguez returned to the room, the inmate punched her in the face approximately three times. The inmate pushed Ms. Rodriguez to the ground and got on top of her before she could escape.

The inmate also attacked Ms. Ochoa and Mr. Parjapapi. According to Ms. Ochoa, the inmate approached her as she walked across Oxnard Boulevard. The inmate did not say anything to Ms. Ochoa when he walked up to her and punched her in the forehead. When she fell to the ground, she observed the inmate running through the hotel. According to Mr. Parjapapi, the inmate approached him and punched him with a closed fist in the left side of his face. Mr. Parjapapi suffered substantial swelling from the attack.

Case 2015013013

In April 2015, the inmate entered a store and bumped into victim Francis Hart. The inmate quickly exited and reentered the store, then approached Mr. Hart from behind. As Mr. Hart was shopping, the inmate struck him in the jaw. Mr. Hart fell to the ground and temporarily lost consciousness. When he regained consciousness, the inmate repeatedly struck him in the head. The inmate got on top of Mr. Hart and continue to strike blows.

During the attack, two individuals, including John Morales, attempted to get the inmate away from Mr. Hart. The inmate kicked Mr. Morales in the leg, punched him in the chest twice, and bit Mr. Hart in the arm.

The inmate exited the store and entered the grocery store next door. Inside that store, the inmate covered himself with chili, took off his clothing, and briefly struggled with an employee. When officers arrived, the inmate was inside the butcher department's storage area. The inmate was naked and held a screwdriver in one hand and a plastic storage bin as a shield in the other. Officers observed the inmate act agitated and yell nonsensical words. The inmate swung the screwdriver at one of the officers, who took the inmate to the ground. After struggling with the officers, the inmate was arrested and taken to a hospital for an evaluation.

At the time of the attack, Mr. Hart was receiving chemotherapy. He stated that the inmate "jacked him up," and he felt that his health declined since the attack.

In the above cases, the inmate was convicted of corporal injury to his girlfriend, battery with serious bodily injury, and resisting an executive officer with force or violence. He admitted a strike prior, a serious felony prior, and two prison priors. In June 2016, he was sentenced to 7 years 8 months in prison.

CRIMINAL HISTORY

The inmate has a criminal history that dates to 1998 when he was a juvenile. The inmate continued to engage in criminal conduct as an adult. The inmate has one prior strike conviction, and two prison priors.

In September 1998, the inmate was arrested for vandalism. The inmate, aged 13, vandalized two of the victim's vehicles. The victim told officers she was afraid to confront the inmate, and that it was not the first time he vandalized her property.

In March 2002, the inmate was arrested for residential burglary. The inmate and another juvenile broke into the victim's residence and stole \$200 cash, a gold necklace valued at \$700, and a camera valued at \$350. The inmate then went to a restaurant and stole a waitress's tip money. The inmate was convicted of residential burglary and theft and sentenced to 180 days in a work program.

In March 2005, the inmate was arrested for unlawful possession of a dirk or dagger, and petty theft. The inmate admitted to shoplifting from a liquor store. When the inmate was arrested, officers discovered a kitchen knife on the inmate. In April 2005, the inmate was convicted of both counts and sentenced to 12 months probation and five days in jail.

In August 2006, the inmate was arrested for felony vandalism, resisting peace officers, and association with a criminal street gang. The inmate spray painted a wall in a park. When officers arrived, the inmate fled on foot and threw a can of paint. Officers discovered fresh graffiti on the walls. In October 2006, the inmate pled guilty to vandalism and was sentenced to 36 months probation and 180 days in jail. He violated the terms of probation in July 2007 and was sentenced to an additional 120 days in jail.

In July 2007, deputies with the Ventura County Sheriff's Office received a call that an individual was attempting to break into a residence. Deputies contacted the inmate outside of his mother's home. The inmate's mother yelled at him to leave her residence. During the confrontation, victim Frank Guerrero approached and yelled at the inmate for breaking his car window. The inmate was seen hitting Mr. Guerrero's car with a stick earlier in the night. In addition to the damage to Mr. Guerrero's car, the inmate shattered the back window of another victim's vehicle. In September 2007, the inmate pled guilty to felony vandalism and was sentenced to 60 months probation. In April 2008, the inmate was sentenced to 1 year 4 months in prison for violating probation.

In February 2008, the inmate was arrested for robbery. The inmate approached victim Luis Mex, who was walking to work. The inmate bumped into Mr. Mex and yelled, "Give me your money!" As he shouted, the inmate appeared to be holding a gun. Mr. Mex said he did not have any money, so the inmate demanded his rings. After Mr. Mex gave the inmate one ring, the inmate ran from the area. In March 2008, the inmate pled guilty to second-degree robbery, and was sentenced to two years in prison.

In addition to aforementioned convictions, the inmate has other convictions, including:

- 2000 – PC 484(a).
- 2000 – PC 484(a).
- 2004 – PC 602.5.
- 2004 – PC 496(a) and PC 594.2(a).
- 2005 – PC 594(b)(2).
- 2005 – 27 counts of PC 594(d)(2).
- 2005 – PC 602.5.
- 2005 – PC 148(a)(1).
- 2006 – PC 653k.
- 2012 – HS 11550.
- 2012 – HS 11500.
- 2012– PC 459.

DISCUSSION

Granting early parole of this inmate poses a risk to the safety of the people of California. Since 1998, the inmate has been convicted in 20 separate cases. The inmate's criminal activity affects his victims and community in various ways, including financial and physical violence. The inmate's continued substance abuse also affects the victims of his crimes and the community. In 2002, the inmate entered a victim's home and stole more than \$1,000 in personal items. In 2007, the inmate shattered car windows of two other victims, before causing a disturbance at his mother's home. The inmate was ultimately convicted of felony vandalism and sentenced to 60 months probation. The inmate failed to follow the terms of probation and was sentenced to 1 year 4 months in prison.

In addition to the inmate's violent outbursts, he has a long record of substance abuse. The inmate's commitment offenses involved violence while under the influence of narcotics, and the inmate has several other arrests involving illegal substances. There is no evidence to suggest the inmate will stop using illegal drugs upon his release.

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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 "Michael D. Schwartz".

MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:kd

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