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August 29, 2018

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

**Re: Rudy Cortez; CDCR AW5531
Ventura County Superior Court Cases 2014023910, 2013023069, 2013028099,
2014024645, 2014028560, 2013021476, 2014024308, 2013032555
Opposition Letter Due to Board of Parole Hearings August 23, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Rudy Cortez.¹ The inmate was sentenced in April 2015, for seven separate felony cases and one misdemeanor case. After the court struck multiple sentencing enhancements, including being out on bail while committing numerous felonies, the inmate was sentenced to 11 years 4 months in prison. Releasing the inmate now means he will have served less than 30 percent of his actual sentence. This recommendation 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

Case 2013023069

On February 5, 2013, at approximately 7:00 a.m., the inmate threw a cinder block through the window of a Verizon Wireless store. He filled a duffel bag with a cash box and three smart phones which he tore from tethers.

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

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On February 26 and 27, 2013, the inmate threw cement blocks through the door of a water store, then entered the store and stole a laptop computer and \$100 from the cash register.

On July 23, 2013, the inmate resisted arrest when deputies attempted to arrest him on warrants issued in the above theft case. He fled on foot and attempted to jump over a fence before deputies were able to detain him.

The inmate pled guilty of two counts of burglary and admitted having served two prior terms in prison. He was sentenced to eight months in prison, consecutive to the sentence in case 2014024645.

Case 2013021476

On July 6, 2013, the inmate hit his wife in the face and body with closed fists and placed his hands over her mouth in a possible attempt to suffocate her. The inmate fled with their four children. While deputies were speaking with the victim, the inmate called numerous times. The victim put the phone on speaker, so the deputies could hear the inmate shout incoherent profanities.

On March 7, 2014, the inmate spat in the victim's face upon learning the victim had called the police earlier that day. The following day the inmate pushed the victim several times in the chest, using great force with both hands, and spat on her multiple times. When she attempted to call police, the inmate took her phone away. When she attempted to call out for help, he put his hand across her nose and mouth. He then bent the victim over their bed, held her down, and hit her in the head with his closed fist. The entire incident happened in front of their three-year-old daughter.

On March 11, 2014, the inmate barricaded himself in a room and made loud banging noises. A deputy was able to gain entry to the room, but the inmate fought with him, causing cuts and scrapes to the deputy's arms. Shortly thereafter, deputies deployed a K9 and were able to arrest the inmate.

The inmate was convicted of corporal injury to a spouse and resisting an executive officer causing injury. He was sentenced to 1 year 8 months in prison, consecutive to the sentence in case 2014024645.

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Case 2013028099

On September 8, 2013, a deputy on patrol attempted a routine traffic stop on the inmate. The inmate failed to yield and led the deputy on a high-speed chase, traveling in excess of 60 mph, and driving on the wrong side of a residential street. When the car the inmate was driving became inoperable, the inmate fled on foot. The inmate had to be tased twice before he complied with the deputy's commands.

The inmate was in possession of a glass smoking pipe, 2.5 grams of methamphetamine, ten hydrocodone pills, and one morphine pill as well as a large set of bolt cutters and a large rock with the address 2202 Greenfield written on it. A search of the inmate's phone revealed a police scanner program set to the Ventura County Sheriff's Office dispatch calls. While at the police station, the inmate tested presumptive positive for methamphetamine.

The inmate was convicted of reckless evading with wanton disregard of others and resisting arrest. He was sentenced to eight months in prison, consecutive to the sentence in case 2014024645.

Case 2014024308

On July 21, 2014, the victim was inside a convenience store when her vehicle's window was broken, and her purse and cell phone stolen. Thereafter, the victim's credit and debit cards were used at several locations. Video surveillance from three of those locations showed the inmate using the stolen cards to make purchases and withdraw funds. The inmate was convicted of identity theft. He was sentenced to two years in prison, concurrent to the sentence in case 2014024645.

Case 2014028560

On August 1, 2014, an employee of Berkshire Hathaway Home Services was the victim of theft from his vehicle. Among the property that was stolen was a Garmin navigation unit and a set of keys belonging to the victim's employer. That same morning, a deputy responded to a burglary at Berkshire Hathaway Home Services. Inside the office, multiple computer monitors and a big screen television were missing. In addition, file cabinets from different cubicles were open, cabinets were pulled out, and drawers and documents were all scattered about. Some file cabinets were pried open and one office door had been kicked open. Numerous personal laptops along with computers, monitors, a business laptop, keys to properties, real estate documents, checks, and bank documents were stolen from the business.

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On August 7, 2014, the inmate was involved in a vehicle pursuit. During the pursuit, the inmate exited the vehicle and fled. He was apprehended and arrested. The search of the vehicle revealed bank statements, signed checks, hundreds of real estate documents, several personal and business files, three computer monitors, two computers, a keyboard, a mouse, and other office electronics. All of the items were confirmed stolen from Berkshire Hathaway Home Services. A navigation system, keys, and other personal items stolen from the victim's vehicle were also located in the inmate's vehicle.

The inmate was convicted of burglary. He was sentenced to two years in prison to be served concurrent to the sentence in case 2014024645.

Case 2014023910

On August 3, 2014, deputies responded to a domestic violence dispute. Upon arrival, deputies contacted the victim who denied any dispute had occurred. Deputies could see the inmate looking outside of the window at the deputies. The inmate ran to the garage and fled the house in a vehicle. Shortly thereafter, another deputy observed the inmate driving towards him while accelerating. The deputy pulled over in order to avoid a collision with the inmate's vehicle, and then began to follow the inmate. The deputy lost sight of the vehicle as the inmate sped off and ran through a stop sign.

A short while later, a deputy attempted to stop the inmate's vehicle. The inmate accelerated at a high rate of speed and drove into the opposite lane of traffic, evading police at speeds in excess of 110 mph. The inmate ran a red light and deputies lost sight of the vehicle. He was unable to be located, and an arrested warrant was issued.

The inmate was convicted of reckless evading of a police officer with wanton disregard of others. He was sentenced to eight months in prison to be served consecutively to the sentence in case 2004024645.

Case 2014024645

On August 7, 2014, the inmate was a wanted subject. Deputies located his vehicle parked at a residence. As the inmate exited the home and entered his vehicle, undercover deputies approached on foot and surrounded his vehicle. The inmate backed the car into the police vehicles and drove over the front yard. A deputy standing in the yard had to run backwards to escape the path of the inmate. The inmate continued to drive at the deputy who then fired a shot at the inmate. The inmate was not hit, and the deputy fell over a utility box and out of the path of the inmate's vehicle.

The inmate continued to flee as deputies pursued him. He crashed his vehicle and attempted to flee on foot into an assisted living facility. He was caught and arrested inside the facility.

The inmate was convicted of assault with a deadly weapon on a police officer and resisting an executive officer causing injury. The inmate was sentenced to seven years prison.

CRIMINAL HISTORY

As a juvenile, the inmate was arrested and/or convicted of the following offenses:

- Vandalism, a violation of Penal Code section 594.
- Battery committed on school property, a violation of Penal Code section 243.2(a).
- Petty theft, a violation of Penal Code section 484(a).
- Assault with a deadly weapon, a violation of Penal Code section 245.
- Brandishing a weapon, a violation of Penal Code section 417.
- Possession of dangerous weapons, a violation of Penal Code section 12020(a).
- Robbery, a violation of Penal Code section 211.
- Receiving stolen property, a violation of Penal Code section 496(a).
- Resisting arrest, a violation of Penal Code section 148 (2 separate arrests.)
- False identification to a police officer, a violation of Penal Code section 148.9.
- Possession for sale of designated substances, a violation of Health and Safety Code section 11375.
- Escaping from a juvenile restitution program, a violation of Welfare and Institutions Code section 871(c) (two separate arrests.)

The inmate's adult convictions include repeated theft and drug-related offenses, and multiple incidents of domestic violence, resisting police officers, and evading arrest.

On January 22, 2001, the inmate was arrested and later convicted of burglary of a vehicle. He was sentenced to 16 months in prison after an unsuccessful probation term.

On January 18, 2002, the inmate was arrested for, and later convicted of, identity theft. While in custody, the inmate threatened another inmate, took possession of his armband and personal belongings, and attempted to post bail, using the inmate's identity. The inmate was sentenced to 16 months in prison.

On January 11, 2005, the inmate entered the payroll office at a Marriott Hotel pretending to be seeking employment. He ran from the victim's office with her purse. The victim

was able to retrieve her purse, but the inmate fled. Several days later, police responded to the inmate's residence, and he fled on foot. After fleeing for several minutes and jumping over multiple fences, the inmate was apprehended. He pled guilty to receiving stolen property and resisting arrest. He was sentenced to two years in prison.

On April 11, 2008, the inmate was arrested for domestic violence and vandalism, and later pled guilty to domestic violence.

In addition to the offenses for which he is currently committed and the above-listed offenses, the inmate has also been arrested or convicted of the following:

- False impersonation, a violation of Penal Code section 529.3.
- False identification to a police officer.
- Grand theft, a violation of Penal Code section 487(a).
- Petty theft.
- Under the influence of a controlled substance, a violation of Health and Safety Code section 11550(a).
- Three charges for possession of methamphetamine, a violation of Health and Safety Code section 11377(a).
- Resisting arrest.
- Driving under the influence of alcohol, a violation of Vehicle Code section 23152(a) and (b).
- Three charges for driving with a suspended license for DUI, a violation of Vehicle Code section 14601.2(a).

DISCUSSION

In 1995, at the age of 14, the inmate began an unrelenting life of crime. In the ensuing two decades he was arrested at least 40 times, at least once in 13 consecutive years. By the age of 17, he had suffered four sustained petitions, and agreed to have four other petitions considered in the sentencing of the sustained charges.

As an adult, the inmate has suffered 18 felony convictions. At the time of sentencing for the commitment offense, he had served two prior prison terms. Including the current set of offenses, the inmate has been convicted of at least seven crimes involving violence. He has endangered his spouse, his children, police, and the public with his violent outbursts, erratic escapes, and direct assaults.

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The inmate is now incarcerated for a multitude of offenses, several involving violence, and the potential for harm to multiple people. He used force to commit multiple burglaries, he used aggression and violence against his wife, he recklessly evaded police officers, and he assaulted police officers with an automobile. Each arrest for his current set of convictions involved an act of resistance, four of those involved erratic vehicle chases, and his actions twice resulted in injury to arresting officers. The inmate even attempted to fight with a K9.

His pattern of aggression and domestic violence is of significant concern. From the time of their engagement until the present offenses, the inmate has used violence against his wife. His drug abuse increases his reckless and aggressive conduct, and yet he has made no attempt to seek treatment even with the motivation of probation. He is an inveterate, violent recidivist.

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 "Greg Totten", with a large, sweeping flourish extending to the right.

GREGORY D. TOTTEN
District Attorney

GDT:kd

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