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August 1, 2018

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

Re: **Inmate Justin Desantiago; CDCR BC5860**
Ventura County Superior Court Case 2014023475, 2013023361
Opposition to Letter Due to Board of Parole Hearings August 2, 2018

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Justin Desantiago.¹ In February 2017, the inmate was sentenced to 15 years 4 months in prison on the above cases. Releasing the inmate now means he would only serve approximately 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 violent conduct in prison.
- 3) The inmate's significant criminal history.
- 4) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSES

Case 2014023475

The inmate and his fellow Bad Habits criminal street gang member, Daniel Alvarez, were involved in the sale of methamphetamine. On June 3, 2012, the inmate and Alvarez were in the city of Oxnard, possibly to purchase drugs from victim Jorge Rodriguez and two other individuals.

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

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The inmate and Alvarez converged upon the victim and an argument ensued. Alvarez pointed a gun at the victim and told him, "That \$180 bucks you jacked me for, I give you ten seconds to empty out your pockets." When the victim did not comply, Alvarez shot him in the neck. Both Alvarez and the inmate fled the scene. The victim died a short time thereafter.

Later that day, Alvarez admitted to another individual, "Like, hey, fool, I just did some shit, fool, in the south on this fuckin' lame that owed me money." Surveillance video from the scene captured the victim and Alvarez having a verbal exchange. Soon after, a brief flash occurred, and Alvarez and the inmate fled the scene.

The inmate was convicted of a violation of Penal Code section 32, accessory to murder, with a criminal street gang enhancement, a prior strike, and a prior serious felony. He was sentenced to 16 months consecutive to the below case.

Case 2013029361

On August 31, 2012, victims Mark Newcombe and Justin Smith, along with three friends, were walking home from a restaurant. Six members of the Bad Habits criminal street gang were drinking in a nearby parking lot, including the inmate, Daniel Alvarez, and Jonathan Griggs.

Griggs, the inmate, and the other gang members approached the victims and said, "Where are you from?" and "Do you bang?" The victims tried to ignore them, but Griggs pressed the issue. Eventually, Mr. Smith replied, "No, we don't bang." Griggs then said, "When someone asks you whether you bang, you say, 'No!' Do you understand?" Mr. Smith replied, "No." Griggs threw a beer bottle, which broke on Mr. Smith's chest.

Victim Mark Newcombe immediately tackled Griggs. The gang members then attacked Mr. Newcombe and stabbed him four times in the back. The attack quickly ended when a female member of the victims' group yelled that she was calling 911. Mr. Newcombe suffered a lacerated spleen, punctured lungs, and severe nerve damage as a result of his stab wounds.

Griggs suffered a stab wound in his right arm. His fellow gang members, Perez and Valencia, took him to the hospital. A security guard confiscated a bloody knife from Perez which had the victim's DNA on the blade. Nurses also found a knife on Griggs with his own blood on it. Perez and Valencia left the hospital; however, officers stopped them in their vehicle several hours later. They located Griggs' blood in the rear passenger compartment of the vehicle.

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The inmate and Daniel Alvarez were contacted by officers in a nearby apartment approximately two hours after the attack. Officers located a bloody knife with the victim's DNA on the blade in a sweatshirt hanging on a chair in the kitchen. DNA results on the handle and sweatshirt were inconclusive. Officers also found a freshly washed knife in the kitchen. Alvarez's DNA was on the knife handle. The inmate left a beer bottle in a parking lot across the street from the melee, and his DNA matched swabs taken from the mouth of the bottle.

For his role in the incident, the inmate was convicted of assault with a deadly weapon, with a special allegation that the crime was committed for the benefit of a criminal street gang. He also admitted a strike prior and a prior serious felony conviction. He was sentenced to 14 years, consecutive to the 16 months in the above case.

THE INMATE'S VIOLENCE IN PRISON

The inmate is also violent in prison. On May 15, 2017, only two months after he was sent to prison on this case, he suffered a 115 for battery on a prisoner. The inmate's institutional record does not show overall compliance with institutional rules and should be an aggravating factor against an early release.

CRIMINAL HISTORY

The inmate has a lengthy criminal history, including adult felony convictions. He served a prior prison sentence in 2010 for several convictions, including possession of stolen property, and graffiti for the benefit of a criminal street gang. Below is a list of the adult crimes for which the inmate has been convicted:

- 2006** - Vandalism (PC 594(b)(2)(A))
- 2007** - False identification to a peace officer (PC 148.9)
- 2007** - Second-degree commercial burglary (PC 459)
- 2008** - Vandalism (PC 594(b)(2)(A))
- 2009** - Vandalism (PC 594(b)(2)(A))
- 2010** - Possession of graffiti tools (PC 594.2(a))
- 2010** - Possession of stolen property (PC 496(d)) 16 months CDCR
- 2010** - Petty theft with a prior (PC 666)
- 2011** - Graffiti for the benefit of a criminal street gang (PC 594(b)(1), 186.22(b)) 16 months CDCR
- 2012** - Accessory to murder for the benefit of a criminal street gang (PC 32, 186.22(b)) 14 years CDCR (current case)

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2012 - Assault with a deadly weapon for the benefit of a criminal street gang (PC 245(a)(1), 186.22(b)) 14 years CDCR (current case)
2013 - Possession of stolen property (PC 496(a))

DISCUSSION

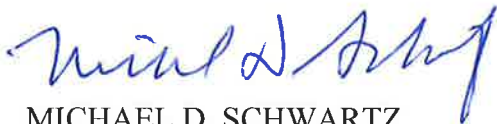
The inmate clearly presents a violent danger to the public. Despite having served a prior prison sentence for his gang crime in 2012, the defendant continued to reoffend after his release. In 2012, he committed two extremely serious and violent offenses. In June 2012, he was involved in the drug trade with his fellow gang member, Daniel Alvarez. The inmate was present and fled with Alvarez after he committed a callous murder over a \$180 debt. Just two months later, the inmate was involved in gang stabbing, where he and four of his fellow gang members jumped a group of unsuspecting victims on their way home from dinner. Early the following year, the defendant continued his criminality when he was caught by the police in presence of Daniel Alvarez with a bag of stolen property.

Prior imprisonment and opportunities on probation and parole have had no rehabilitative impact and there is no reason to believe the inmate will discontinue his criminality upon release from custody

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,



MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:kd

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