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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: Inmate Jose Manuel Duran; CDCR AD0389
Ventura County Superior Court Case 2009035834
Opposition Letter Due to Board of Parole Hearings August 31, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jose Manuel Duran.¹ In April 2010, the inmate was sentenced to 16 years in prison. Releasing the inmate now means he would serve approximately 55 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The inmate's misbehavior in custody.
- 4) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On January 7, 2009, the inmate and three members of his gang attacked the victim from behind. The inmate kicked and punched the victim while he was on the ground. The inmate then went to his truck and retrieved a pipe and pliers. The inmate threw the pliers at the victim, cutting the victim in the hand, then hit the victim in the arm and head with the pipe, causing severe lacerations. The inmate then began shouting, "Barry Street Gang," and, "I'm going to kill you," then ran away with his gang. The victim was treated at a hospital where he received ten sutures to his hand and four staples to his head.

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

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Two months prior to the attack, the inmate and other gang members went to the victim's house, asking for the victim's uncle whom the inmate intended to engage in a fight. The victim wielded a baseball bat and told the inmate and the others to leave. The victim later heard rumors the inmate was seeking retaliation.

The inmate was arrested on January 24, 2009. A witness of the attack was so afraid to testify in court because of the inmate that he had to be placed in protective custody until his testimony was completed. The inmate was convicted by jury of assault with a deadly weapon, as well as attempted criminal threats, both for the benefit of a criminal street gang. The inmate's strike prior and serious felony prior were also found true. On April 9, 2010, the inmate was sentenced to serve 16 years in prison.

CRIMINAL HISTORY

With a criminal history spanning 17 years, the inmate is a career criminal. In February 2000, at the age of 16, the inmate was upset at his sister. He barged into her bedroom and threw an aerosol can at her. The victim sustained cuts on her upper lip and knee. A petition was sustained. In September 2000, the inmate violated probation with a sustained petition for driving under the influence of alcohol.

In February 2001, the inmate and several other gang members attacked a victim at a bowling alley. The victim sustained a swollen eye, bruises on his chest and back, a laceration on his lip, and pain to his head and neck. The inmate admitted a battery charge.

In 2004, the inmate attacked a victim with a crow bar because the victim was wearing a work shirt that had "Oxnard" printed on it, rather than Camarillo, the city in which the inmate lived. Once a bystander gained control of the situation, the inmate challenged the victim to fight at another location. The inmate was convicted of assault with a deadly weapon and admitted committing the crime for the benefit of a criminal street gang.

SERIOUS RULE VIOLATIONS WHILE IN PRISON

The inmate has been incarcerated in prison on this case since April 2010. He has a record of misbehaving while in custody and has accrued many serious Rule Violation Reports. They include, but are not limited to, fighting in July 2013, possessing manufactured alcohol in February 2013, destruction of state property in December 2011, and assault on an inmate in July 2010.

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While pending trial in his commitment offense, the inmate received six major write-ups at the Ventura County jail. They included possession of contraband, disrespect toward staff, and failure to follow orders.

DISCUSSION

The inmate's gang moniker is "Danger." He has lived up to the name, attacking his sister and three other victims without provocation. He attacked his last two victims with weapons capable of causing great bodily injury: a crow bar, pliers, and a metal pipe. His pattern of violence is escalating. There is no evidence to suggest the inmate will stop his criminal ways if released into the community.

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,



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District Attorney

GDT:kd

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