



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

JANICE L. MAURIZI
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Administrative Services

W. CHARLES HUGHES
Chief Deputy District Attorney
Special Prosecutions

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

MICHAEL D. SCHWARTZ
Special Assistant District Attorney
Justice Services

R. MILES WEISS
Chief Deputy District Attorney
Criminal Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

August 1, 2018

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

**Re: Inmate Jorge Miguel Garcia; CDCR AY6526
Ventura County Superior Court Case 2014007987, 2014008346
Opposition Letter Due to Board of Parole Hearings August 4, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jorge Garcia.¹ In November 2015, the inmate was sentenced to 11 years prison in case 2014007987. In October 2017, two years were added to the sentence because of the conduct in case 2014008346. Releasing the inmate now means he would serve approximately 33 percent of his 13-year sentence. This recommendation is based upon:

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

CIRCUMSTANCES OF THE COMMITMENT OFFENSES

In March 2014, detectives with the Ventura County Sheriff's Office narcotics task force were investigating the inmate's girlfriend, Leah Montijo, for selling narcotics. During surveillance, the detectives observed the inmate exit his residence with a black duffle bag and enter a vehicle along with Montijo and her eight-year-old son. A marked patrol vehicle attempted to initiate a traffic stop, but the inmate evaded the officer and failed to yield. During the chase, the inmate threw a plastic bag from the vehicle. The bag was later found to contain over 30 grams of methamphetamine.

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

The inmate drove erratically and collided into a curb, causing a flat tire. Nevertheless, the inmate persisted and continued driving in the center of the residential street. Eventually, the patrol car hit the inmate's bumper causing the inmate to lose control and stop the vehicle. With the patrol car pinning the inmate into the vehicle, the inmate leapt into the backseat and grabbed the eight-year-old boy, using him as a shield as detectives approached with their guns drawn. The inmate refused commands to show his hands, release the boy, or exit the vehicle, and began reaching for the center console and his waistband. Fortunately, a quick acting detective managed to open the opposite passenger door and retrieve the child while the inmate was distracted. Another detective was able to pull the inmate out of the car.

Detectives searched the vehicle and located the black canvas bag inside the center console – where the inmate had been reaching while using the child as a shield. Inside the bag, detectives found a loaded .22 caliber handgun, 124.7 grams of heroin, \$6,500 in cash, and 206.92 grams of methamphetamine. On the passenger side of the vehicle, detectives located two cell phones, over 9 grams of heroin packaged in three separate bags, a digital scale, and \$5,508 in cash. In the trunk, detectives located two additional loaded magazines for the handgun and a white plastic container containing methamphetamine.

Social workers from Child Protective Services interviewed the boy and his older sister. The boy did not know what cocaine, heroin, methamphetamine, and marijuana were, but his sister did. Prior to leaving the house that day, the inmate had taken the loaded handgun out of the black canvas bag and shown it to the boy. The inmate had also shown the boy a bag of meth and told him it was called "crystal."

The inmate pled guilty to transportation of heroin and admitted a prior conviction for sales of a controlled substance, as well as being armed with a firearm. The inmate also pled guilty to transportation of methamphetamine and admitted three prison priors. The inmate was sentenced to a total term of 11 years.

An order of production was executed, and the inmate was brought back to Ventura County from prison in February 2017, to face charges in case 2014008346. In this 2014 case, DNA and fingerprint evidence were used to link the inmate to 197.9 grams of heroin and 29 grams of methamphetamine found in a stolen car. The defendant pled guilty to possession of heroin for sale and auto theft. He was sentenced in October 2017, to two years to be served consecutive to the case above.

CRIMINAL HISTORY

The inmate's lengthy and violent criminal history began in 1999, at the age of 13, when the inmate threatened his family and battered his brother. In 2002, at the age of 16, the inmate kicked, punched, and held his sister down on a bed while yelling obscenities at her. The inmate was declared a ward of the court but suffered several violations of probation, failing on several levels to comply with authority.

The inmate's adult criminal record began in 2004 when the inmate was convicted twice of being under the influence of controlled substances and twice of possession of methamphetamine and arrested for possession of stolen property. He failed on probation, and in 2006, was sentenced to 16 months in prison for his second possession conviction.

In 2005, the inmate fled officers who attempting to serve arrest warrants and struck an officer in the head several times upon being apprehended. The inmate was convicted of battery on a peace officer causing injury, a violation of Penal Code section 69. Later in 2005, the inmate was convicted of two other felony drug offenses and resisting arrests. He was also found in possession of a loaded handgun. Once again, failing probation, the inmate was sentenced to serve 16 months in prison.

In 2007, the inmate received his first conviction for the sale of narcotics. When contacted by the officers, he fled and attempted to discard a bag, which contained eight grams of methamphetamine. The inmate was sent to state prison for two years.

In 2009, the inmate was convicted of possession of stolen property. He was sentenced to two years in prison and was paroled on May 19, 2011.

One month later, on June 29, 2011, the inmate was arrested for, and later convicted of, making criminal threats. In September 2011, the defendant was arrested for, and later convicted of, vehicle theft and resisting arrest. The inmate also ran from police who were investigating the stolen car, discarded methamphetamine during the chase, and fought with officers when they finally apprehended him. The inmate was sentenced to three years for this conduct. He was released from custody on April 28, 2013.

Five months later, on September 3, 2013, the inmate was parked in a residential neighborhood with another individual when officers arrived to investigate whether the inmate or his passenger were using illegal drugs. Upon seeing the officers, the inmate and his passenger exited the vehicle and fled on foot. Officer Kline chased the inmate down a nearby bike path and up a small hill towards another roadway. As the inmate was running, he began discarding items along the path and hillside. As the inmate and

Officer Kline descended the opposite side of the hill, Officer Kline lost his footing and fell, striking his head on a rock. The impact caused the officer to nearly lose consciousness; however, he was able to continue his pursuit, ultimately catching up to the inmate. The officer used his body weight to slow the inmate down and commanded him to stop. The inmate refused to comply and took a fighting position against the officer. Officer Kline grabbed a nearby stone and hit the inmate on the back. Once he did so, the inmate surrendered.

At the location the inmate had discarded items during his flight, Officer Kline found a nylon bag containing small clear plastic bags, a digital scale with residue on it, a cell phone, a bag containing hydrocodone pills, and other personal items belonging to the inmate. Officers searched the inmate's phone and found text messages indicating the inmate was selling narcotics. The officers also searched the inmate's car and located a loaded 9-millimeter handgun.

THE INMATE'S PRISON VIOLENCE

On March 29, 2016, the inmate received a CDC 115 rules violation for battery on a prisoner. The inmate's behavior was determined to have a nexus to a STG II prison gang. His conduct demonstrates a disregard for institutions rules and should be an aggravating factor against an early release.

DISCUSSION

The inmate's involvement in the sale of vast quantities of one of the most dangerous drugs on our streets renders him a danger to society. That he sells narcotics while armed with a loaded firearm only confirms he poses an unreasonable risk of violence. He is an armed heroin dealer willing to risk the lives of others while fleeing police, and he is a career criminal with no compunction about using a child as a human shield from officers approaching with weapons drawn.

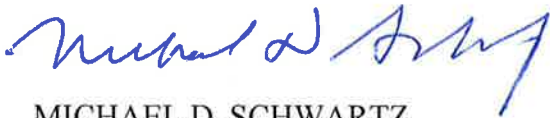
The inmate has no comprehension of the extent of his offenses. The inmate told the probation officer he "made a mistake," and felt bad for the officer who was injured. He took no responsibility for his actions with the young boy and blamed his actions on an unsupportive family. There is no evidence to suggest the inmate will change. His inability to understand his own crimes means he will not be able to curb his criminal conduct if released. His numerous prior failures on probation and parole, and persistent criminal conduct despite multiple imprisonments, proves this point.

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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

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov