



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 29, 2018

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

**Re: Inmate Benigno Madrid Perez; CDCR G40226
Ventura County Superior Court Case 2014009512
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 Benigno Perez. In November 2014, the inmate was sentenced to 10 years 4 months in prison. Releasing the inmate now means he would serve approximately 50 percent of his actual sentence. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 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 OFFENSE

On March 28, 2014, at approximately 2:00 a.m., Oxnard Police Department officers were dispatched to an apartment regarding a roommate dispute. The victim, Melissa Durazo, had locked herself in her bedroom. She identified her assailant as the inmate.

Officers Hartson and Cortenbach arrived at the apartment complex and contacted the inmate in a carport. The inmate immediately took an aggressive stance with the officers by throwing his hands in the air in a challenging manner and repeating several times, "What's up?" After the officers ordered the inmate to have a seat on the ground, the inmate fled, and officers gave chase. After running approximately 100 yards, the inmate stopped, turned around, took a fighting stance with both fists clenched, and began

walking toward the officers. Both officers drew their tasers and several times ordered the inmate to comply. The inmate said, "I'm going to hurt you. I can't go back." The inmate continued to walk aggressively toward the officers. Officer Hartson then deployed his taser, subduing the inmate.

Melissa Durazo and Gregory Andrade were contacted. The two were in a dating relationship and were roommates with the inmate. Ms. Durazo stated she was in her bedroom watching a movie on her cell phone when the inmate entered and asked to borrow the land-line phone, which all the roommates shared. She stated she did not have the phone, but that Mr. Andrade did. The inmate then yelled, "You're fucking lying, bitch!" The inmate punched her several times in her face and chest, knocking her to the ground. Hearing the assault, Mr. Andrade entered the bedroom and attempted to stop it, but he was unsuccessful. The inmate then straddled Ms. Durazo and began choking her with both hands, causing her to lose her breath several times. While choking her, the inmate screamed numerous times, "I'm going to kill you, bitch!" After approximately one minute, Mr. Andrade was finally able to pull the inmate off Ms. Durazo. The inmate then turned his attention toward Mr. Andrade, saying repeatedly, "Don't make me hurt you, Greg." The inmate grabbed him by the throat and shoved him against a wall. Holding his cell phone in his left hand, Mr. Andrade yelled for Ms. Durazo to call the police. The inmate next grabbed Mr. Andrade's cell phone from his hand and threw it out of the apartment window. The inmate exited the apartment, continuing to say, "Don't make me hurt you, Greg." Ms. Durazo told police that she feared for her life and that she thought she was going to die.

As the officers were transporting the inmate from the scene, they drove by the front of the apartment complex where the victims were standing. From the back of the police car, the inmate looked in their direction and yelled, "Southside!" The inmate was referencing the Southside Chiques criminal street gang. While the inmate could not be documented as an active participant of this gang, he was threatening the victims.

The inmate was transported to the hospital to be medically cleared. There, the inmate continued to be physically uncooperative and aggressive with officers and hospital staff, kicking and flailing his elbows. After telling the treating physician that he was going to kick him in the back of his head, the inmate spat in Officer Hartson's eye and threatened him and his family. The inmate stated numerous times to Officer Hartson that he and his family were "dead" and that they would be screaming his name for help. The inmate also yelled, "The first chance I get, I'm going to fuck your ass up!" In reference to the initial contact the inmate had with the officers when they first arrived, the inmate said, "You guys are lucky I didn't have my shit with me. You're lucky. You tried to come up and talk

to me. I would have blew your fucking head off. You better recognize.” Throughout his time at the hospital, the inmate continued threatening the lives of Officer Hartson and his family, saying they needed to recognize “El Trece.” This phrase represents the number 13, which is associated with Southern California criminal street gangs. Officer Hartson interpreted this as a threat upon himself and his family. The inmate also said the two victims were lucky to be alive and the only reason they were not dead was because he chose not to kill them.

On August 8, 2014, the inmate was convicted of three felony counts of criminal threats, and one misdemeanor count of battery. The inmate was also convicted of a strike prior and a serious felony prior for his prior violent felony convictions. On November 3, 2014, the inmate was sentenced to 10 years 4 months in prison.

CRIMINAL HISTORY

The inmate has a lengthy criminal record, with crimes of violence going as far back as when the inmate was only nine years old, when he battered other children without motive, provocation or warning. As a juvenile, the inmate also suffered sustained petitions for petty theft, auto theft, and robbery, which sent him to the California Youth Authority.

As an adult, the inmate’s behavior and penchant for violence increased. In 2001, he was convicted of domestic violence against his girlfriend, whom he threatened and physically attacked. In 2008, the inmate threatened, beat and robbed his wife in front of their 2-year-old son, crimes for which he was ultimately convicted and sent to prison for 6 years 8 months.

DISCUSSION

Granting early parole of the inmate poses a safety risk to the community. The inmate has a long history of violence, especially against women, and has displayed throughout his life a disregard for the law. The inmate’s 2014 offenses demonstrate his continued dangerousness to the community as it is an example of the escalating violence he is willing to inflict upon all people, including police officers.

During the incident, the inmate attacked a woman without provocation, battering her, threatening to kill her, and putting her in fear for her life. When a roommate attempted to intervene to protect the woman, the inmate then attacked and threatened him. Finally, the inmate was extremely aggressive with police officers and hospital staff, even threatening the police officer’s life and the lives of his family.

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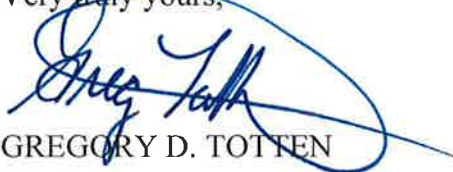
The inmate has refused to take responsibility for his actions. The inmate blamed his violent behavior on alcohol and accused an anonymous person of giving him Xanax. The inmate never apologized for his physical assault on Ms. Durazo and Mr. Andrade. In fact, the inmate accused them of being aggressive and "pushy." In explaining his conduct against the officers, the inmate deflected blame, saying the officers "added fuel to the fire." The inmate offered no explanations for the threats he made against Officer Hartson or his family.

As the inmate's criminality is increasing, he is becoming more violent against all people, even threatening to kill others and their families. The fact the inmate shifts blame to others to justify his violence is almost sociopathic. The inmate appears unable to refrain from engaging in violent, dangerous criminal conduct. He should serve his full prison term.

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,



GREGORY D. TOTTON
District Attorney

GDT:jb

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