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August 30, 2018

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

**Re: Inmate Gerardo Reyes; CDCR BF8442  
Ventura County Superior Court Case 2014021013  
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 Gerardo Reyes. In March 2018, the court sentenced the inmate to 13 years in state prison. Releasing the inmate now means he would serve less than one third of his actual sentence. The recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's criminal history and continuing criminal conduct.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

During April and May 2013, the inmate was operating as an enforcer in a sophisticated Mexican Mafia scheme to extort local drug dealers. Through extensive investigation, the use of court authorized wiretaps, and an informant, investigators learned the inmate worked directly for Michael "Boo" Moreno, a member of the Mexican Mafia who wields great influence in that criminal organization. At times, the inmate reported to Alejandro Ornelas, the person Moreno had chosen to run his local criminal enterprises, and on other occasions the inmate reported directly to Moreno about extortion and narcotics proceeds.

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In May 2013, the inmate tracked down Robert Castro, a drug dealer in Oxnard, in order to extort money from him. The inmate located Castro and collected \$500 in "taxes" from him on behalf of the Mexican Mafia. Afterwards, Moreno spoke to Castro on the phone using veiled threats that Castro needed to stay in contact with the inmate.

During the larger conspiracy, a number of drug dealers and local criminal street gang members paid extortion proceeds to the Mexican Mafia, which were collected by the inmate and others. Though the inmate was only one part of the conspiracy, the cash totals sent to the Mexican Mafia from these extortions exceeded thousands of dollars a month.

### **CRIMINAL HISTORY AND PRIOR CRIMINAL CONDUCT**

The inmate began his criminal career as a juvenile more than 20 years ago. As a young adult, he engaged in violence and other unlawful conduct against law enforcement, resulting in misdemeanor convictions of battery and resisting, obstructing, or delaying a peace officer in 1993 and 1995, respectively.

In 2000, the inmate began accruing felony convictions. On March 22, 2000, the inmate and his gang associates tried to enter a private graduation party, but they were told to leave. After several attempts to enter the party, the inmate and the other gang members began yelling gang slogans and throwing beer bottles at the attendees. During the ensuing commotion, the inmate stabbed the victim in the neck, and then he fled the scene. The victim was taken to a hospital where he received treatment for the laceration in his neck. Based on this, a warrant for the inmate's arrest was issued.

Several days later, police conducted a traffic stop on the inmate. While pulling over, the inmate took a bag containing 140 grams of cocaine from his pocket, and he put it in his seven-year-old daughter's backpack. Officers arrested the inmate and asked his daughter to exit the car, so they could conduct a search. Officers found the bag of cocaine in her backpack. A subsequent search of the inmate's home yielded nine more grams of cocaine, pay-owe sheets, and handgun ammunition. Based on the stabbing, the inmate received convictions for battery causing serious bodily injury, along with the special allegations that he used a knife during the commission of the felony, and that this crime was committed for the benefit of his criminal street gang. For using his daughter to conceal the cocaine, he also suffered a conviction for use of a juvenile in drug dealing in violation of Health & Safety Code sections 11353 and 11353.1. The inmate was sent to prison.

While in prison, the inmate engaged in a brutal attack on another inmate. On January 27, 2002, the inmate attacked the fellow inmate and briefly knocked him unconscious. Corrections officers saw the inmate continue his assault. While the victim was on the ground in a fetal position, the inmate proceeded to kick him in the head and upper torso area. After the assault, the victim was treated by emergency medical personnel. He had multiple abrasions on his face and head, which included one on his face that was approximately four centimeters long and that required four sutures to close. The inmate had the victim's blood on his clothing, yet he denied involvement in the assault. This crime added time to his prison sentence.

Once paroled, the inmate returned to drug dealing. This time he was operating as part of a larger drug-trafficking ring. The inmate worked for a fellow high-ranking criminal street gang member in the Colonia Chiques, and he facilitated large-scale cocaine deals. On June 13, 2011, the inmate was contacted by a customer requesting a quarter-pound of cocaine, and the inmate reached out to his source of supply to obtain the cocaine. His source, Luis Tapia, planned to have one of his couriers deliver the cocaine on June 14. The inmate then took the cocaine to his customer. The drugs were seized, and everyone involved was arrested for their involvement in the sale of cocaine. For his role, the inmate was convicted of possession of cocaine for sale. The court sent him back to prison. This case was pending in court while the inmate was engaging in his present commitment offense.

Though not convicted, the inmate has likely engaged in at least one other violent felony: murder. In January of 1997, the inmate and several other Colonia Chiques gang members and associates were linked to the shooting death of a victim near a night club in Santa Barbara. Initially, based on gun shot residue and the statement of an eyewitness, Efren Cruz was convicted of that murder. However, subsequent evidence came to light about the crime. Based on witness statements and new evidence, Efren Cruz was granted a habeas corpus hearing. "During the habeas corpus hearing, Cruz convinced the trial court that [Gerardo] Reyes, not Cruz, fired the shots." (*In re Efren Cruz* (2003) 104 Cal. App. 4<sup>th</sup> 1339, 1342). The newly discovered evidence introduced at the hearing was "...a recorded statement from Reyes himself in which he admitted that he was the shooter." *Id.* The trial court granted the writ of habeas corpus, vacating Cruz's conviction, and stated, "Cruz had 'met his burden by proving by a preponderance of the substantial credible evidence that Gerardo Reyes was the shooter....'" *Id.* at 1343.

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## **DISCUSSION**

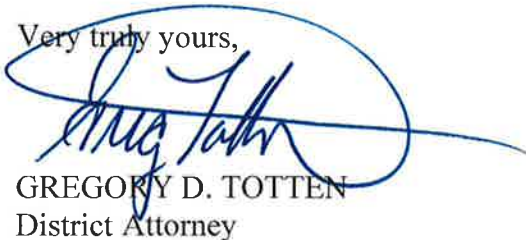
Granting early parole of the inmate poses a safety risk to the community. The inmate's violent history, his continued participation in organized crime, and demonstrated commitment to the criminal street gang ideology make it clear he should not be paroled.

In particular, the nature of this offense – to commit an extortion at the behest of a Mexican Mafia member – while waiting to do his prison time for sales on behalf of a drug-dealing organization serves to demonstrate he is an intransigent gang criminal. The inmate's prior criminal acts, including stabbing an innocent person, brutally attacking another prisoner, and shooting someone in a parking lot, unquestionably make him a danger to our community. Whether he is acting in concert with gang members to commit violent acts, dealing drugs for organized crime organizations, or trying to take property by extortion, his actions demonstrate a continued need to keep him locked up and away from our community. He should serve his full prison sentence

## **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. TOTTEN  
District Attorney

GDT:dr

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