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August 9, 2018

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

Re: **Inmate Joaquin Daniel Sepulveda; CDCR BC4433**
Ventura County Superior Court Case 2015025826
Opposition Letter Due to Board of Parole Hearings August 9, 2017

Dear Board Members:

This letter is written to recommend the denial of early parole for inmate Joaquin Sepulveda.¹ In February 2017, the inmate was sentenced to 12 years 8 months in prison. Releasing him now means the inmate would serve less than 25 percent of the actual sentenced imposed. This recommendation is based on:

- 1) The circumstances of the 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 THE COMMITMENT OFFENSE

On August 11, 2015, the inmate and his girlfriend, Lizette Mendoza, attended a concert at the Ventura County Fair. According to Ms. Mendoza, she picked up the inmate in her vehicle, a 2012 Toyota, at approximately 6:30 p.m. and drove to the fairgrounds. While at the fairgrounds, Ms. Mendoza reported that she and the inmate each consumed approximately three 20-ounce cups of beer. They left the fairgrounds sometime between 8:30 p.m. to 9:00 p.m., with the inmate driving the vehicle.

The inmate and Ms. Mendoza drove to Oxnard and planned to stop at a local restaurant. The inmate was driving in the number one eastbound lane, and directly in front of him was the victim's vehicle, a 2004 Honda, driven by Esmeralda Delgadillo. Her father, Manuel Delgadillo-Salazar, was seated in the front passenger's seat. The inmate

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

increased the speed of his vehicle, presumably with the intent to pass the victim's vehicle. According to Ms. Mendoza, a vehicle in the number two lane next to their car appeared to be maintaining the same speed as the inmate, which prevented the inmate from moving around the victim's car. As the inmate continued to increase the speed of his vehicle, Ms. Mendoza told the inmate that he needed to slow down. The inmate's vehicle then "collided into the back" of the rear passenger corner of the victim's Honda, at a significant rate of speed, causing Ms. Delgadillo to lose control of her vehicle, resulting in the passenger side of her vehicle striking a large tree in the center divider.

Ms. Mendoza was unable to get out of the vehicle as the airbags had deployed and while she was still seated, she heard the inmate say, "Sorry Liz." She observed him exit the vehicle from the driver's side door and flee the scene on foot. At the preliminary hearing, Ms. Mendoza testified that following the collision, the inmate remained in their vehicle for a time, and appeared "lost, out of it, and confused," before fleeing the scene.

Police arrived at the scene, and observed the victim's vehicle with Ms. Delgadillo and Mr. Delgadillo-Salazar trapped inside. Officers were advised by several bystanders that the driver of the suspect vehicle, the inmate, had "fled over a wall." Emergency personnel were called to extract the victims from their vehicle. Mr. Delgadillo-Salazar was pronounced dead at the scene. The cause of death was blunt force trauma, with lacerations of right and left lungs, inferior vena cava, aorta, liver, spleen, and interatrial septum of the heart, left hemothorax, multiple rib fractures, and pelvic and spine fractures. Ms. Delgadillo was transported to the hospital for treatment of broken ribs and a fractured shoulder.

Further investigation revealed the inmate was driving the vehicle at approximately 75 mph in a 45-mph zone. Additionally, it was confirmed that between 4.2 and 2.2 seconds prior to the impact, the inmate never applied the brakes to his vehicle, and that he increased the acceleration to 99 percent. Only at 1.2 seconds prior to impact did the inmate apply the brakes.

The inmate was charged with gross vehicular manslaughter, with a special allegation that he left the scene of the crime, and a separate felony charge for hit and run resulting in death. The inmate had a prior strike, a prior serious or violent felony, and a prison prior. At the sentencing hearing, Ms. Delgadillo provided a statement to the court regarding the death of her father and her own injuries. Visibly shaken, she told the court how devastated she was that her father's life was cut short by the inmate. She also told the court that the injuries she suffered at the hands of the inmate will never truly go away and that she continues to struggle with pain.

The inmate faced a maximum sentence of 24 years 4 months in prison. Ultimately, the inmate received leniency from the court, which agreed to strike the inmate's strike and

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prison prior enhancement. He was sentenced to 12 years 8 months. The inmate does not deserve any more leniency.

INMATE'S CRIMINAL HISTORY

The inmate and co-offenders, Romo and Pacheco, were at a shopping mall in Ventura. The three encountered the victim and his cousin and asked them where they were from. The victim responded, "Where are you from?" and one replied, "Colonia Chiques." The victim stated that he was from "the Avenue," and a fight ensued. Mall security broke up the fight; however, once outside the mall, the inmate passed a boxcutter to Romo who "rushed" the victim, and stabbed him multiple times. The inmate and co-offenders then fled the area. The victim suffered multiple stab wounds to two different arteries.

The inmate was convicted of assault with a deadly weapon and sentenced to four years in prison. After his release in 2013, he violated parole on two separate occasions and was returned to custody. His last parole violation commitment was mere months prior to the commission of the commitment offense.

The inmate also suffered a conviction of driving under the influence of alcohol. He was still on probation in that case when the commitment offense occurred.

DISCUSSION

Several factors make the inmate's conduct in this case particularly egregious. The inmate's driving pattern displayed extreme recklessness and disregard for human life. He raced over the speed limit and did not exercise caution while driving. The evidence indicates the inmate was under the influence of alcohol when the incident occurred. This, coupled with the fact that the inmate was already on probation for driving under the influence, demonstrates that the inmate presents an unreasonable danger to society.

The inmate's prior conviction was also very serious and further demonstrates the inmate's disregard for human life and his willingness to commit violence. All these factors support the inmate's incarceration for the full term of his sentence.

The inmate is eligible for early parole consideration because he was sentenced to the low term of two years in the primary count, even though the inmate was driving extremely recklessly and was likely under the influence of alcohol. The inmate has already received a sentencing benefit in the court's decision to strike the imposition of additional time for two of the special allegations admitted by the inmate.

The inmate should be required to serve the full sentence. The five-year enhancement for leaving the scene of a fatal collision (Veh. Code § 20001(c)) addresses the fact that the

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inmate ran from the scene with no attempt to assist the injured. The significance of this enhancement becomes clear when looking at the legislature's decision to direct the court that it must impose this enhancement if it is pled and proven. By taking away the court's power to strike this enhancement, the legislature has made it abundantly clear that the imposition of this enhancement is necessary to punish the inmate and to deter similar conduct.

The court also imposed eight months for the inmate's failure to stop at the scene of an injury accident. (Veh. Code § 20001(a)(1)). The imposition of this part of the inmate's sentence was necessary to address the injuries he caused to Ms. Delgadillo. While Mr. Delgadillo-Salazar lost his life that day, Ms. Delgadillo suffered serious and irreparable injuries as a result of the inmate's conduct. The inmate's failure to remain on the scene seriously affected the investigation in this case and law enforcement's opportunity to determine whether the inmate was under the influence at the time of the collision.

Early release should be denied, and the inmate should be held fully accountable for his reckless and criminal conduct. As evidenced by his criminal record and inability to remain free of custody, previous grants of probation and parole failed to curb the inmate's criminal activity. There is no evidence to suggest the inmate will change his criminal ways if released into the community. He is a violent danger to our community.

RECOMMENDATION

While I agree that at some stage it is appropriate to evaluate possible rehabilitation when considering parole, this inmate has been in prison on the commitment offense for only three years. It is unreasonable to believe that any programming could have a sufficient rehabilitative impact in such a short amount of time.

The inmate has demonstrated that he poses a significant danger to the community. I respectfully request that early parole be denied.

Very truly yours,



MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:kd

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