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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 Dante Acosta; CDCR BA3474
Ventura County Superior Court Case 2014034203
Opposition Letter Due to Board of Parole Hearings August 9, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Dante Acosta.¹ In June 2016, the inmate was sentenced to 6 years 4 months prison. Releasing him now means he would only serve approximately 44 percent of his actual sentence. This recommendation to deny early release is based upon:

- 1) The inmate's violent commitment offense.
- 2) The inmate's conduct in custody.
- 3) The inmate's significant criminal history and failure to be crime free.
- 4) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On November 8, 2014, the victim was working inside an unoccupied residence, when the inmate attempted to steal the victim's tools by hiding them in a bush. The victim noticed the inmate appeared nervous, so he pulled out his hammer and stepped between the inmate and the bushes containing his tools. The inmate brandished a folding knife and unfolded its blade.

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

The inmate ran away with the victim's drill and fled in a white Lexus. While the victim was on the phone with the police, the car returned to the residence. The inmate and the driver, both gang members, exited the vehicle and approached the gate of the residence. The inmate again unfolded the knife and brandished it towards the victim. The victim told the inmate that he was on the phone with the police. The driver of the car drove away, and the inmate fled on foot.

The inmate pled guilty to attempted second-degree robbery and admitted the special allegation that the offense was committed for the benefit of a criminal street gang, with the specific intent to promote, further or assist criminal gang members. The inmate was initially sentenced to 245 days jail and formal probation.

The inmate had complete disregard for his probation grant. The inmate absconded from probation supervision and failed to participate in programming. The inmate failed to report his place of residence to probation. While in custody, the inmate incurred a major written reprimand for accumulation of minor reprimands and being in possession of contraband.

On September 24, 2015, a warrant was issued due to the inmate's violation of probation. On June 27, 2016, the inmate's probation was terminated unsuccessfully, and he was sentenced to 6 years 4 months in prison.

INMATE'S CONDUCT IN CUSTODY

The inmate's conduct in custody demonstrates continued disregard for rules and laws. While housed in jail, the inmate incurred a major written reprimand for an accumulation of minor reprimands and being in possession of contraband. While in prison, the inmate suffered an RVR on August 23, 2017, for possession of a cell phone. His intuitional behavior should be a factor in aggravation against an early release.

CRIMINAL HISTORY

The inmate has an extensive criminal history of brutal violence, narcotics abuse, and gang affiliation. The inmate's documented criminal history began as a juvenile:

On March 17, 1996, the inmate was arrested for public intoxication and resisting arrest. In this case, the inmate was contacted in a vehicle from which beer cans were being thrown out of the window. The inmate admitted drinking beer all day and smoking hashish. The charge was handled informally, and the inmate was required to perform 20 hours of community service.

On February 2, 1999, the inmate was convicted of possession of a dangerous weapon. According to the inmate, he possessed a steak knife. He was sentenced to 5 days in jail and 36 months probation. The inmate received one violation of probation in this case.

On May 1, 2000, the inmate was convicted of vandalism and sentenced to 36 months probation. The inmate received two violations of probation on this case.

On May 14, 2002, the inmate pled guilty to exhibiting a deadly and dangerous weapon. He was sentenced to 30 days in jail and 36 months probation. The inmate received two violations of probation and failed to appear twice.

On September 23, 2002, the inmate pled guilty to felony criminal threats. He was sentenced to 180 days in jail and 36 months formal probation. Here, the inmate stabbed his sister with a carving knife causing an abrasion on her arm. He later returned holding a different knife with a five-inch blade and lunged at the victim's father. The victim saw the inmate a few minutes later, and the inmate used his finger to make a slashing gesture across his throat. The inmate received four violations of probation in this case, and on September 1, 2004, probation was terminated unsuccessfully. The inmate was sentenced to serve one year in jail.

On August 12, 2005, the inmate pled guilty to petty theft and was sentenced to two days in jail.

On April 24, 2006, the inmate pled guilty to DUI. He was sentenced to 48 hours in jail and 36 months formal probation. The inmate failed to appear twice in this matter and received three violations of probation.

On February 11, 2008, the inmate was convicted of violating Penal Code section 484g(a), fraudulent use of access cards, and sentenced to 30 days in jail and 36 months probation. The inmate failed to appear twice in this matter and received four violations of probation.

On July 1, 2008, the inmate was convicted of resisting, delaying, or obstructing an officer. He was sentenced to 4 days in jail and 36 months probation. The inmate failed to appear twice in this matter and received three violations of probation.

On November 7, 2008, the inmate was convicted of residential trespass and being under the influence of a controlled substance. Both DEJ and Proposition 36 probation was terminated unsuccessfully. The inmate was sentenced to serve 60 days in jail. The inmate failed to appear twice in this matter and received three violations of probation.

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On May 20 and July 1, 2009, the inmate pled guilty to violating Health & Safety Code section 11550(a), under the influence of a controlled substance, and was sentenced to 36 months probation per Proposition 36. On September 10, 2010, Proposition 36 and probation were terminated unsuccessfully, and the inmate was sentenced to serve 60 days in jail. The inmate failed to appear three times in this matter and received three violations of probation.

On February 16, 2010, the inmate pled guilty to violating Penal Code section 666, petty theft with priors, and was sentenced to 60 days in jail and 36 months probation.

On September 13, 2010, the inmate pled guilty to attempted auto theft and was sentenced to 180 days jail and 36 months formal probation. The inmate received four violations of probation. The probation was terminated unsuccessfully on August 29, 2012.

On June 16, 2014, the inmate pled guilty to possession of a controlled substance and resisting arrest. He was sentenced to 36 months formal probation. The inmate had two violations of probation in this case.

In addition to the above convictions, the inmate has been arrested numerous times for violent crimes such as assault with a deadly weapon, criminal threats, battery, and exhibiting a deadly weapon. The inmate has also amassed multiple arrests for fraud, theft, and related offenses.

DISCUSSION

Over the course of a criminal career spanning two decades, the inmate has caused significant harm to members of his community. He has been arrested for numerous violent crimes, including instances where he brandished knives and threatened victims. Additionally, the inmate manufactured shivs and slashing weapons while incarcerated, and is a proud member of a street gang. His most recent crime, the attempted robbery, was completed in furtherance of gang objectives.

The inmate is a lifelong substance abuser and has accumulated at least nine convictions for offenses related to narcotics or alcohol abuse. The inmate admitted to trying heroin at the age of 12 and spending \$100 a day on drugs until he was 22 years old. The inmate admitted to smoking two grams of methamphetamine daily from the time he was 24 years old in 2002, until the year 2014. The inmate has participated in four separate rehabilitation programs and has not successfully completed any.

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The inmate has engaged in repeated instances of violence, theft, and fraud in the past, which indicates that he is a serious threat to our society. The inmate's past performance on probation has been unsatisfactory and includes at least 16 failures to appear and 37 violations of probation. The inmate has demonstrated repeatedly that he will continue to disobey all laws. The inmate exhibits chronic criminality and completely disregards directives from probation. Accordingly, early parole should be denied.

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 black ink, appearing to read "Michael D. Schwartz". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:kd

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