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September 7, 2018

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

**Re: Inmate Augusto Chapa; CDCR BD6725
Ventura County Superior Court Case 2015017119
Opposition Letter Due to Board of Parole Hearings September 9, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Augusto Chapa.¹ In June 2017, the inmate was sentenced to 7 years 8 months prison. If the inmate is granted parole now, he will have served approximately 40 percent of his actual sentence. We oppose his early release for the following reasons:

- 1) The inmate's commitment offenses.
- 2) The inmate's violent criminal history, including assaulting other inmates.
- 3) The unreasonable threat to the safety of the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

The inmate is a documented Moorpark Locos (MPLS) criminal street gang member. On May 28, 2015, the inmate was at Poindexter Park, an MPLS hangout, with several other MPLS gang members. As the victims drove by the park, one of the inmate's co-defendants began to yell and waive his arms at the victims. The victims continued driving, but the inmate and three other gang members jumped into a vehicle and followed them. They chased the victims for a short distance, but the victims had car trouble and stopped on the side of a freeway. The inmate and his associates pulled up behind them. One of the inmate's associates pulled out a knife, and chased one of the victims across traffic lanes, into the center median of the freeway. The other victim was caught by two

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

of the gang members, and they began to beat him. In the meantime, the inmate started to rummage through the inside of the victim's car to steal items. The inmate and one of his associates kicked the outside of the victim's car. One of the gang members slashed two of the victim's car tires with a knife. Two of the gang members were juveniles. The inmate was the oldest member of the group.

The inmate pled guilty to felony vandalism causing more than \$400 in damage. He admitted a strike prior, a serious felony prior, and that the crime was committed for the benefit of his criminal street gang.

Prior to his plea, the inmate was housed in local jail for almost two years. During that time, he received four major written reprimands for conduct including assaulting inmates, destruction of county property, and mutual combat.

CRIMINAL HISTORY

The inmate was first caught for gang-related criminal conduct in March 2002, when he carved gang-related words on a desk at the Work, Education, Restitution, and Competency Center. In quick succession, the inmate was convicted for several more gang-related crimes.

In May 2002, the inmate etched gang-related graffiti into a window at the Colston Youth Center. While on probation for that offense, he committed numerous violations. He was caught associating with gang members on five different occasions, and he obtained multiple gang-related tattoos on his face and hands.

In October 2002, the inmate vandalized another person's property causing more than \$400 in damage and possessed a deadly and dangerous weapon. He was convicted less than one year later of receiving stolen property.

In September 2003, the inmate committed his strike offense, a robbery with two other gang members. The three gang members approached the victim. One of them held a knife to the victim's throat and they demanded money. They also punched the victim. One of the gang members removed the victim's car stereo, and then the three ran away. A short time later, the inmate and his two associates approached a second victim who was walking on the street. They brandished a glass bottle then demanded the victim hand over his wallet or he would be stabbed. Two of the gang members punched the victim and the victim fell to the ground. Once he was knocked to the ground, they stole the victim's wallet from his pocket. The inmate and his associates then ran off. The inmate was

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convicted of robbery and sentenced to three years prison. While on parole for this offense, the inmate committed five separate parole violations.

In September 2006, the inmate resisted, obstructed, or delayed a law enforcement officer in Kern County.

In August 2007, the inmate and other MPLS gang members were seen spray-painting graffiti on private property in an apartment complex. Deputies stopped the group a short distance away, and during the detention, the inmate battered a peace officer by shoving him down. The inmate ran off, and deputies found him a short distance away hiding under a car. The inmate pled guilty to felony vandalism and admitted the crime was committed for the benefit of his gang; however, the judge struck the gang allegation at the time of sentencing and sentenced him to 2 years 8 months in prison. Once released from prison, he violated his parole three separate times.

In September 2010, the inmate was convicted of resisting arrest. Instead of being placed on probation, the inmate served 300 days in jail.

In January 2012, the inmate was arrested for felony vandalism, criminal threats, and for being under the influence of a controlled substance. He was convicted of being under the influence of a controlled substance and placed on probation. While on probation, he committed three separate violations of his probation.

In April 2013, the inmate was convicted of battering his girlfriend.

DISCUSSION

For nearly two decades, the inmate's association with his criminal street gang, his violence and resistance towards law enforcement, his terrorizing the community through gang vandalism, and now his training and using younger gang members to commit gang-related violence, demonstrates he is a danger to the community. The MPLS criminal street gang is the largest active criminal street gang in the city of Moorpark. Its members routinely commit robberies, assaults with deadly weapons, extortions, and attempted murders. One need look no further for a demonstration of his commitment to his gang than to see his face and head:

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The inmate will not leave the gang life when he is released, whether now or in the future. He is a violent risk to citizens of the community.

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,

MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MDS:kd

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