



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Administrative Services

CHERYL M. TEMPLE
Chief Deputy District Attorney
Special Prosecutions

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

W. CHARLES HUGHES
Chief Deputy District Attorney
Justice Services

R. MILES WEISS
Chief Deputy District Attorney
Criminal Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

September 20, 2018

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

**Re: Inmate Jesus Galvan; CDCR BC4428
Ventura County Superior Court Case 2015030108
Opposition Letter Due to Board of Parole Hearings September 21, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jesus Galvan. The inmate was sentenced in February 2017 to eight years in prison for an act of brutal violence. If the inmate is released now he will have served less than 40 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The unreasonable threat to the safety of the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On September 20, 2015, at about 3:45 p.m., Tony Hernandez, Sr. and his son, Tony Hernandez, Jr. were watching Tony Sr.'s younger son play baseball at De Anza Middle School in Ventura. The younger son was playing in an age 10-12-year-old league, and his team was from El Rio, which is an unincorporated area of Ventura County. Tony Jr. was sitting behind the backstop with his girlfriend, Brianna, and their toddler son. Tony Sr. was sitting in the stands along the third base line with his girlfriend, Vanessa. Tony Sr.'s ex-wife, Gina, was also in attendance.

During the game, a young Hispanic male approached Tony Jr. and asked for a cigarette. When Tony Jr. replied he did not have any, the Hispanic male said, "What's up lamé?" and started punching him. Soon after, other Hispanic males joined in on the assault. From

the stands, Tony Sr. saw these males approach his son and came to his aid. One eyewitness described Tony Jr. as getting punched and stabbed by a heavysset Hispanic male, later identified as the inmate. Tony Jr. was stabbed a total of five times, with a couple of stabs inflicted to his front and more to his back. He suffered a collapsed lung.

The fight eventually spilled into the parking lot. At one point, other Hispanic males were also attempting to stab Tony Jr. During the melee, the inmate was also stabbed by someone in the group. The fight eventually broke up and approximately 7-10 individuals fled the scene. The inmate tried to flee, too, but because of his injury, he only made it to the front of the school where he was subsequently contacted by Ventura Police officers. He was taken to the hospital for treatment and eventually arrested. At the hospital, the inmate was confrontational with the staff.

Tony Sr. was also attacked by this mob of young Hispanic males. A second eyewitness described a thin Hispanic male standing over Tony Sr. in the parking lot and stabbing him approximately 3-4 times. This individual was never identified. But a third eyewitness identified the inmate's co-defendant, Isaac Lopez, as stabbing Tony Sr. in the back.

Officers later concluded this attack was gang-motivated, with the perpetrators being members of the Ventura Avenue Gangsters (VAG), a criminal street gang from the west side of Ventura, who mistakenly believed Tony Jr. was a member of a rival gang from El Rio. Both the inmate and co-defendant Lopez were members of VAG. Due to this association, both the inmate and Lopez were prosecuted for the underlying offenses and gang allegations in this case.

The inmate ultimately pled guilty to assault with a deadly weapon, a felony, and admitted he committed the crime for the benefit of, at the direction of, or in association with, the Ventura Avenue Gangsters. On February 9, 2017, the inmate was sentenced to serve eight years in prison.

While in county jail pending this matter, the inmate sustained four major disciplinary sanctions for breaking custodial rules. He received major disciplinary sanctions for failure to obey a directive, deception, creating a disturbance, possession of a rat line (twice), and mutual combat.

DISCUSSION

The inmate demonstrated he is a violent threat to the safety of our communities. He and co-defendant Lopez were thoroughly entrenched in a violent gang mentality at the time of

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this incident and demonstrated this by committing a group attack with several other gang members on two individuals in front of adults and children attending a youth baseball game. Not only was the inmate present for the altercation, he took a substantial role in committing these crimes. This behavior is disturbingly violent and shows a callous disregard for human life. This is not the type of "non-violent" crime that was contemplated by the voters to release non-violent offenders from prison early. As such, early parole should be denied for this inmate.

CONCLUSION

The inmate poses an unreasonable risk to public safety if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

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By e-mail: BP.H.CorrespondenceUnit@cdcr.ca.gov