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September 20, 2018

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

**Re: Inmate David Garza, CDCR BD1770  
Ventura County Superior Court Case 2015025680  
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 David Garza. On February 17, 2017, the inmate was sentenced to five years in prison. Releasing the inmate now means he would serve approximately half of his actual sentence. This recommendation to deny early release is based on:

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

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

On August 12, 2015, the inmate was booked into the Ventura County jail after violating his post-release offender supervision. After spending three hours in holding cells, with access to a toilet, the inmate was strip-searched and found to be hiding 2.1 grams (without packaging) of methamphetamine in his buttocks. When asked what he intended to do with the equivalent of 21 doses of methamphetamine once escorted into housing, the inmate said that he was "going to get rid of it."

The inmate was found guilty by a jury of one count of possession of an illegal substance in a jail facility. The inmate admitted a strike prior and four prison priors. He was sentenced to five years in prison. The court twice denied defense motions to strike the strike prior because the inmate did not deserve any leniency.

## **CRIMINAL HISTORY**

At the age of 15, the inmate joined the Santa Paula 12<sup>th</sup> Street Locos criminal street gang and adopted the moniker Lil' Criminal. This is one of the most violent street gangs in Santa Paula.

At 16, the inmate traveled into rival gang territory with an adult gang member. The inmate armed himself with a fully loaded .25 caliber semi-automatic pistol, two fully loaded clips of ammunition, and a holster; for recreation they also brought along beer, marijuana, and hashish. Also, at 16, the inmate kicked over the fire extinguisher in a convenience store to get the attention of the store clerk, who locked himself behind a door after the inmate's accomplice threatened him with a butcher knife while saying, "Give me the money, motherfucker." The inmate and his accomplice hid the knife and stolen cash in the wall heater of a nearby residence, where they took up hiding.

At 17, the inmate added the sedative Rohypnol (aka Roofies) to his daily use of methamphetamine. By his account, this continued until he was 25. When 17, the inmate and an accomplice stole stereo equipment. The inmate subsequently violated his felony probation by using methamphetamine, cocaine, codeine, and marijuana, along with leaving the county, failing to report to court or probation, and failing to obey his court-ordered curfew.

At 20, the inmate committed a first-degree residential burglary by breaking into a home with an accomplice and stealing tools valued at more than \$1,000. The court offered drug treatment three times, but the inmate refused. Instead, the inmate continued using narcotics and associating with gang members. After failing to attend court-ordered Narcotics Anonymous, the inmate absconded from supervision altogether.

At 22, the inmate was arrested as an accomplice in the gang-related murder of a juvenile; however, no charges were filed for that offense. At 23, the inmate carjacked a vehicle and was sent to prison. He subsequently violated parole 11 times.

At 29, the inmate broke into his neighbor's home and stole her purse to obtain money for alcohol and her mobile phone.

At 31, the inmate was caught in a stolen car with shaved keys, a syringe, and a glass pipe. He said he was just trying to sober up after a night of heavy drinking. He subsequently violated parole and post-release community supervision six times.

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At 36 and 37, the inmate was found on two occasions in possession of methamphetamine, a pipe and a syringe, while under the influence of methamphetamine.

## **DISCUSSION**

For 24 years, the inmate has demonstrated he will commit whatever crime is necessary to feed his drug addiction, including carjacking, armed robbery, first-degree burglary, auto theft, receipt of stolen property, and carrying a loaded gun into an expected encounter with rival gang members. He has defied society's efforts to rehabilitate him, rejecting no fewer than three formal offers from the court of treatment in lieu of custody prior to the commitment offense. He has consistently absconded from or violated grants of supervision. He has chosen the company of his fellow Santa Paula 12<sup>th</sup> Street Locos over that of anyone who could help him straighten out his life.

While the commitment offense of possessing 21 doses of methamphetamine inside a county jail is classified as nonviolent, the inmate's self-described daily need for methamphetamine has driven him to commit violent crimes since he was 16 years old. The inmate's conduct demonstrates that he is dangerous and violent. He should not be released early from prison. He will offend and harm someone in our 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,



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District Attorney

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