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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 Brian Keith Herron; CDCR BF1867  
Ventura County Superior Court Case 2016032928  
Opposition Letter Due to Board of Parole Hearings September 7, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Brian Herron. On January 3, 2018, the inmate was sentenced to 5 years 4 months in prison. Releasing the inmate now means he would serve less than 50 percent of his actual sentence. The recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The unreasonable danger to the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

On September 7, 2016, the inmate was stopped for a traffic offense. He was driving on a suspended license. After being informed his vehicle would be towed and impounded, the inmate said he did not want his vehicle searched. His vehicle was searched, with the help of a K9 officer, in accordance with department policies prior to its impound.

A trained K9 alerted to narcotics in multiple areas of the inmate's vehicle. The officers found several bindles of methamphetamine, including one on the inmate's person, totaling over three ounces of methamphetamine. In addition to the controlled substances, the officers found over \$800 in cash on the inmate, a small scale consistent with the type used to sell drugs, and drug paraphernalia consisting of pipes and syringes. In total, the amount of methamphetamine found on or near the inmate comprised over 800 doses,

assuming the commonly understood average of .1 grams per dose. Additionally, a shotgun shell was located in the vehicle.

On December 4, 2016, the inmate pled guilty to possession of methamphetamine for sale, transportation of methamphetamine for sale, and being a felon in possession of ammunition. He also admitted four prison priors.

### **CRIMINAL HISTORY**

The inmate has a lengthy history of criminal activity involving violence, theft, and drug sales since at least the mid-1980s, interrupted only by periods of incarceration. The inmate's first theft conviction was on April 29, 1986, followed by a battery conviction on August 13. He was convicted of possessing cocaine on April 21, 1987, petty theft with priors on January 29, 1990, and possessing a deadly weapon on June 19, 1990.

In 1991, the inmate's criminal activity continued to escalate. He was convicted of two separate batteries. One was against his girlfriend where he grabbed and twisted her arm and forced her out of their house. In 1992, he broke open the front door of a residence and stole the victim's video recording machine, microwave, and videotapes. He was convicted of felony receiving stolen property and sent to prison for three years.

Shortly after his release from parole, the inmate was convicted of transportation of a controlled substance. Under the sentencing guidelines at that time, he was sentenced to 27 years to life, beginning May 14, 1999. The inmate was paroled on May 15, 2002. Within three years, he was again arrested and convicted of possession of methamphetamine for sale. The inmate was simultaneously convicted of possession of a firearm by a felon. He was sent to prison for 5 years 8 months.

Yet again, after being released from prison, the inmate engaged in criminal activity. He was convicted of possession of an unlawful billy club. He was subsequently arrested on several occasions throughout 2015 and 2016, for narcotics and weapons charges, culminating in the commitment offense.

### **DISCUSSION**

Granting early parole of the inmate poses a risk to the community. The inmate has engaged in an increasingly alarming pattern of criminal activity involving weapons and violence, which recently culminated in his being found with a significant amount of methamphetamine along with firearm ammunition.

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The inmate has a significant criminal history which occurs any time he is out of custody. His conduct is increasingly violent as he possesses weapons and ammunition, along with his narcotics for sale. The defendant shows no indications that he intends to cease his criminal activity. He should serve his full prison term.

**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:jl

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