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September 5, 2018

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

**Re: Inmate Juan Rodriguez Jr.; CDCR AX3010  
Ventura County Superior Court Case 2015003252  
Opposition Letter Due to Board of Parole Hearings September 5, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Juan Rodriguez, Jr.<sup>1</sup> In July 2015, the inmate was sentenced to 6 years 4 months in prison. If released now, he will have served approximately 55 percent of his actual sentence. This recommendation to deny early release is based upon:

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

## CIRCUMSTANCES OF COMMITMENT OFFENSE

On January 30, 2015, Ventura County Sheriff's Office deputies working gang enforcement detail went to the inmate's residence to conduct a parole search. The inmate, a known gang member, observed police approaching. He threw a large quantity of methamphetamine that was packaged for sale into his girlfriend's car, and then attempted to walk away from police. When a deputy stopped the inmate, and told him they were conducting a parole search, the inmate became belligerent and began to fight the deputy. Ultimately, the deputy gained control. The inmate then stated that he had about "two 8-balls" of methamphetamine that he threw into the vehicle.

<sup>1</sup> This letter is very similar to the opposition letter sent last year.

Deputies conducted a parole search of the inmate's home and located a loaded .25 caliber semi-automatic handgun which was sitting in the hallway cupboard. The gun had three rounds in the magazine, and one round loaded in the chamber. Additionally, 17 more rounds for the handgun were found in a closet. A record check of the handgun revealed it was stolen on March 13, 1989. Deputies also found methamphetamine, a methamphetamine pipe with residue, bags of marijuana, a marijuana bong, cloth gloves, and \$310 in cash.

In total, deputies recovered 21.8 grams of methamphetamine and 151.4 grams of marijuana from the parole search. Further, the inmate's girlfriend told the deputies that the inmate had beaten her in the past, was very controlling, and the handgun and other contraband belonged to the inmate.

The inmate was arrested for unlawful possession of a firearm, possession of stolen property, possession of methamphetamine while armed, participating in a criminal street gang, committing a felony for the benefit of a criminal street gang, and resisting arrest. He pleaded guilty to possessing methamphetamine for sales and being a felon in possession of a firearm. He admitted a prior drug sales conviction, a strike prior and two prison priors. He was sentenced to prison for six years, four months.

### **CRIMINAL HISTORY**

With a criminal history of approximately 22 years, the inmate is the embodiment of a career criminal, and deserves the full sentence the court imposed.

In 1995, as a minor, the inmate was arrested for being under the influence of a controlled substance, and possession of a controlled substance. He served six months of informal probation and 40 hours of community work.

In 1997, the inmate was stopped in a vehicle and investigated after a report of shots fired. When the inmate exited the vehicle, an open can of beer fell from underneath his shirt. In addition, ten bags of cocaine, and a bag of methamphetamine were found on the inmate. The inmate was arrested for possession of a controlled substance for sale and being under the influence of a controlled substance. The inmate was initially placed in a diversion program but failed. He was then ordered to serve 120 days in jail and placed on probation. However, after violations of probation, including a new sales/transportation case and subsequent conviction, he was sentenced to two years in prison.

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In July 2003, less than one month after being paroled, the inmate drove a van into rival gang territory. The inmate was driving the van while a fellow gang member pointed a sawed-off shotgun at a resident and his three-year-old son. The inmate and his gang associate drove further down the street, opened the van door, and began shooting. When police arrived, the inmate fled in the van. He threw a loaded shotgun, shotgun shells, a stolen cell phone, an empty box of ammunition, and an open beer can from the van as he was being chased by the police. The inmate was subsequently convicted of attempted murder and sentenced to ten years in prison.

### **DISCUSSION**

The inmate has repeatedly demonstrated that upon his release from custody he puts the public at risk of violence. As described above, the inmate has repeatedly been involved in gang violence, and illegally using firearms. He also possesses firearms while selling drugs. Additionally, the inmate's girlfriend stated that he had beaten her. The inmate has been arrested seven times and sentenced to prison on most of those arrests. The inmate has yet to remain crime free after being released back into the community. To label the inmate a non-violent offender is a mischaracterization of who he is. He is a gang member, who tried to kill another human being by shooting him with a firearm.

### **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,



GREGORY D. TOTTON  
District Attorney

GDT:kd

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