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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 Gustavo Manuel Saragoza; CDCR AM1112
Ventura County Superior Court Cases 2011036100, 2012005668, 2011041371
Opposition Letter Due to Board of Parole Hearings September 23, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Gustavo Saragoza.¹ In July 2012, the inmate was sentenced to 11 years 8 months in the above cases. If the inmate is granted early parole now, he would only serve approximately 60 percent of his sentence. This recommendation is based upon:

- 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 OFFENSES

Case 2011036100

On August 18, 2011, at approximately 5:50 a.m., victim Eusebio Medina left his residence. When he returned at 4:00 p.m., he noticed doors that he had closed were open, and that numerous items had been removed from a closet and several drawers, including jewelry. Additionally, two glass bottles containing coins and an autographed \$5 bill had been emptied, and the contents taken. Police collected latent fingerprints from a window, the burglar's point of entry, as well as from one of the glass bottles. The fingerprints were later analyzed and were a match to the inmate.

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

On October 10, 2011, at approximately 2:00 p.m., victim Ricardo Camarena was finishing yard work at a neighbor's house. As he returned home, he heard his house alarm sounding. The victim looked toward the back door of his residence and saw the inmate, who had his hand on the door. The victim approached and confronted the inmate, who told him he was looking for his mechanic. The victim did not believe this story and pressed the inmate for the truth. The inmate denied entering the victim's residence and maintained that he had only opened the back door in order to call for his mechanic. The victim asked the inmate where he lived and decided to accompany him to his residence to see if anyone could verify his story. While on the way to his claimed residence, the inmate changed his story and said he lived at a different location; however, realizing that this new lie would probably also fail, the inmate ran. The victim and a friend gave chase and attempted to detain the inmate, and a fight ensued. The inmate managed to flee the area on foot, but police caught him shortly thereafter. After he returned home and inspected his residence, the victim told police that nothing appeared to be disturbed or missing. The inmate was arrested for attempted first-degree residential burglary.

On June 19, 2012, the inmate pled guilty to first-degree residential burglary, and admitted a strike prior and a serious prior felony conviction per Penal Code section 667(a)(1). On July 24, 2012, the inmate was sentenced to nine years in this case.

Case 2012005668

On September 26, 2011, at approximately 1:30 p.m., victim Rebecca Gonzalez left her residence after locking all her doors and windows. At 3:30 p.m., she returned home and noticed the front door was open. Upon entering her residence, the victim saw that her television was missing from the living room. She called the police. Police officers obtained latent fingerprints from several locations in the home, including a screen which had been removed from a kitchen window. Officers noticed forced entry was made into the patio room. Once inside, the burglar removed the screen and entered the kitchen through the window. All the bedrooms were ransacked. The fingerprints were later analyzed and were a match to the inmate. The victim estimated that about \$1,300 worth of jewelry was taken in addition to the \$700 television.

The inmate was later interviewed while he was in custody. The inmate claimed he did not know the victim or anyone who resided at her residence but told his interviewers that he recalled burglarizing two homes on her street. The inmate explained that he entered through the back door of a residence and took a large flat screen television, which he later sold on the street for drugs.

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On June 19, 2012, the inmate pled guilty to first-degree residential burglary and he was sentenced to 16 months, consecutive to his other cases.

Case 2011041371

On October 20, 2011, at 12:45 p.m., victim Veronica Tena left her home to pick up her children from school. She returned about 25 minutes later to find her clothes strewn on the floor and her bedroom ransacked. Police collected latent fingerprints from a bathroom window, which appeared to be the burglar's point of entry. The fingerprints were later analyzed and were a match to the inmate.

On June 19, 2012, the inmate pled guilty to first-degree residential burglary. He was sentenced to 16 months prison, to be served consecutively to his other cases.

CRIMINAL HISTORY

The inmate has a documented criminal history dating back to 2008. On July 8, 2008, at the age of 17, the inmate was observed by a police officer walking on a street while carrying a bottle of beer in a paper bag. The inmate was searched, and the officer found a glass pipe containing methamphetamine in his pant pocket. The inmate admitted to using methamphetamine since the age of 15. He also stated he purchased .4 grams of methamphetamine from someone he met the previous day. On July 11, 2008, the two charges against the inmate were sustained by admission: possession of a controlled substance and possession of drug paraphernalia. The inmate was ultimately sentenced to 120 days jail. The inmate was placed on probation and violated the terms of his probation once. The inmate also failed to appear twice on this case.

On November 27, 2009, the inmate filled a water bottle with gasoline and held a lighter to the bottom of the bottle to set a house on fire. However, the bottle exploded before the inmate could throw it, setting his clothing and part of the house on fire. The inmate later said the resident of the home, along with several other individuals, threatened him. The inmate stated he attempted to set the home on fire to scare those individuals. On March 9, 2010, the inmate was convicted of arson of an inhabited structure and sentenced to 365 days jail, and 36 months probation.

On September 20, 2011, police officers were dispatched to a residence in response to a report of a residential burglary. When they arrived, officers contacted victims Baldomero Lopez, Gregorio Bustamante, and Magdalena Arreola, who reported two rear doors to their home had been forced open. All three victims' rooms were ransacked, and a

total of \$800 cash was stolen. Latent prints were obtained and matched the inmate's. On November 7, 2011, the inmate was arrested for first-degree residential burglary, but the case was later dismissed.

On November 6, 2011, at approximately 8:17 p.m., a police officer contacted the inmate and another individual while they were standing next to a vehicle. The officer recognized the inmate from prior contacts and knew he was a burglary suspect. While the officer spoke with the inmate, the inmate displayed symptoms of being under the influence of a controlled substance and admitted using crystal methamphetamine the previous day. The inmate provided a urine sample, which tested presumptive positive for methamphetamine and MDMA. The inmate was also in possession of a key card for a nearby motel and stated that he was staying there with his girlfriend. When asked where the pipe that he had used to smoke the methamphetamine was, the inmate replied that it was in his motel room, along with two other pipes, a small amount of methamphetamine, and three stolen watches. During a search of the inmate's motel room, officers retrieved four methamphetamine pipes, two bags containing .4 grams of methamphetamine, assorted coins and jewelry, including six watches, three of which the defendant admitted to having stolen from a residence, a cell phone, and multiple digital cameras. The inmate was arrested and charged with being under the influence of a controlled substance, possession of a controlled substance, and possession of drug paraphernalia. The case was never filed.

DISCUSSION

Granting early parole of the inmate poses a risk of safety to the community. Since 2008, the inmate has been arrested or convicted at least seven separate times. Though the inmate's criminal history may seem relatively short, this is because the inmate is relatively young. In his four years of adulthood leading up to his current commitment, the inmate managed to accrue four separate convictions. These convictions are not for trivial crimes. Three are for separate residential burglaries, and one is for arson of an inhabited building. All are serious strike convictions under the law.

The inmate's crimes demonstrate great potential for violence. Aside from his propensity for burglarizing dwellings, an action that can easily turn violent should a resident be home or return home, the inmate has been convicted of arson when he set fire to part of a house in an act of revenge against an individual who threatened him. Further, the inmate has admitted to associating with the violent Colonia Chiques criminal street gang. The potential for the inmate to commit further violence if he is released is significant.

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Also concerning is the inmate's need to feed his drug habit by burglarizing homes. He has done this on three separate occasions, and all within a very short time period. Stating he was driven to commit these burglaries by a desire for drugs is not mere conjecture; the inmate himself admitted to exchanging some of the items he managed to steal in the commitment burglaries on the street for methamphetamine.

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. TOTTEN
District Attorney

GDT:kd

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