



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

October 18, 2018

Board of Parole Hearings
Attn: Nonviolent Parole Review Process
Post Office Box 4036
Sacramento, CA 95812-4036

**Re: Inmate David Anthony Arrieta; CDCR AM6094
Ventura County Court Cases 2011040861, 2008051787
Opposition Letter Due to Board of Parole Hearings October 19, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate David Arrieta. In October 2012, the inmate was sentenced to 19 years in prison in three Ventura County cases.¹ Releasing the inmate now means he would only serve approximately 42 percent of his actual sentence. This recommendation is based upon:

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

CIRCUMSTANCES OF COMMITMENT OFFENSES

Case 2008051878

In 2008, the inmate, and fellow Sur Town gang member Robert Davis, were both in possession of loaded handguns when two uniformed Oxnard Police officers attempted to detain them in front of the inmate's residence. They were suspected of selling narcotics. Both the inmate and Davis fled. The inmate threw his gun over a fence as he ran while Davis fired at the officers, missing both of them. A subsequent search warrant of the inmate's residence revealed an empty handgun holster, a loaded handgun,

¹ BPH's notification of this inmate's eligibility for early release only referenced two of his commitment cases. He was sent to CDCR on three Ventura County court cases, 2011009511, 2011040861 and 2008051787. Each case will be address in this letter.

methamphetamine and a scale. Davis was sentenced to over 53 years in prison for attempt murder of police officer for the benefit of a criminal street gang with the personal discharge of a firearm. This inmate was convicted of street terrorism and being a felon possessing a firearm for the benefit of a criminal street gang. A strike and serious felony prior were also found true, as well as four prison priors.

Case 2011009511

In March 2011, ATF and the DEA utilized a confidential informant ("CI") to purchase one ounce of methamphetamine for \$1,360. This money was given to the inmate, who walked into an apartment complex and handed over 26 grams of methamphetamine to the CI. The inmate was convicted of street terrorism and possessing methamphetamine for sales or transportation for the purpose of sales. A strike prior and four prison priors were also found true, as well as an out-on-bail allegation.

Case 2011040861

In November 2011, Oxnard Police officers pulled over a vehicle in which the defendant was laying down in the backseat, with his hands near the right passenger side rear floor board. During a search of the car, officers located a loaded .38 caliber handgun under the front right passenger seat. The inmate was convicted of street terrorism. A strike prior and four prison priors were also found true, as well as another out on bail allegation.

On October 1, 2012, the inmate was sentenced to 19 years in prison for his involvement in the above cases. He was sentenced to 13 years in case 2008051878, plus 3 years 4 months consecutive in case 2011009511, plus 2 years 8 months consecutive in case 2011040861.

CRIMINAL HISTORY

The inmate's life of crime began at the age of ten, when he began to smoke marijuana. He was arrested at the age of 12 for theft. At 13, he became a "Sur Town" criminal street gang member, a standing he holds to this day. When he was 15, the inmate was arrested for being under the influence of toluene. Later that year, he and approximately ten other Sur Town gang members fought 10-15 rival Loma Flat gang members. The gang fight involved a 12-inch knife, bats, pipes, sticks, rocks and belts. At 16, he was addicted to crack cocaine and smoked it five times a day, he also punched a rival gang member in the face. As a minor he was caught in a stolen car, lied about his identity and committed theft from a department store. He violated his juvenile probation seven times.

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When the inmate was 18, he began injecting heroin twice a day. He has been smoking methamphetamine daily since the age of 19. As an adult, his criminal career escalated as he was arrested and prosecuted for being under the influence of controlled substances, thefts, burglary, robbery causing serious bodily injury to the victim, possessing loaded guns while associating with gang members, and possession of ammunition.

He was first sent to prison in 1998 and is now serving his fourth prison sentence for gang and weapons charges. He has violated adult probation three times, violated parole nine times, and absconded from parole supervision.

DISCUSSION


The inmate has caused serious bodily injury to a victim during a robbery, proved himself to be a drug dealer and a lifetime gang member. He has been convicted and sent to prison in four cases involving loaded guns and gang activity. While carrying a gun himself, one of his co-defendants attempted to murder police officers during a drug sales investigation. The inmate has never displayed any indication he will stop victimizing people.

Releasing the inmate before his full sentence is served will only embolden him and allow him to re-engage with his gang and harm our community. The frequency and severity of the inmate's crimes demonstrate he has no intention changing his ways. There is no valid reason to release this violent inmate early from prison.

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:jr

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov