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October 10, 2018

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

**Re: Inmate Jacob Anthony Silerio; CDCR AY4250
Ventura County Superior Court Cases 2008041015, 2012012573, 2014002435
Opposition Letter Due to Board of Parole Hearings October 11, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jacob Silerio.¹ In October 2015, the inmate was sentenced to 15 years 4 months in prison on the above cases. Releasing the inmate now means he would serve approximately 35 percent of the actual sentence imposed. This recommendation to deny early release 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 2008041015

On October 1, 2008, the inmate was drinking at a bar. Over the course of the night, he became drunk and belligerent. He had taken off his shirt, was challenging people to fight, and taking the drinks of other patrons and drinking them himself. The bartender, victim Mary Malone, told the inmate to leave and tried to take away his beer. In response, the inmate swung a glass beer bottle at the victim, striking her in the head and injuring her. On July 22, 2009, the inmate pled guilty to assault with a deadly weapon. The inmate also

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

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admitted a strike prior, as well as two serious felony priors. The inmate was placed on probation, which he violated repeatedly. On October 8, 2015, the inmate was sentenced to 12 years in prison.

Case 2012012573

In February 2012, police received information from a confidential informant that the inmate was involved in the sale of methamphetamine. Police had the informant arrange to buy 3.5 grams of methamphetamine for \$240. As police surveilled the meeting location near a store, a car pulled up next to the informant and parked. The inmate, a passenger in the car, then exited, leaving the informant to conduct the transaction with the driver.

Two weeks later, police had the confidential informant arrange a second controlled buy of 7 grams of methamphetamine from the inmate. The informant met with the inmate in front of the inmate's parents' house and conducted the sale. The inmate was later arrested and admitted selling methamphetamine. The inmate explained that he was "getting by" with the money he was making from selling drugs.

On October 8, 2015, the inmate pled guilty to sale, transport, or offer to sell of a controlled substance and admitted two strike priors. The inmate was sentenced to two years in prison, to be served consecutively to case 2008041015.

Case 2014002435

On January 23, 2014, SWAT officers arrived at the inmate's residence to execute a search warrant. Repeated commands to open the door were made without response. Officers heard an individual inside the restroom and suspected narcotics were being disposed of. Officers breached the bathroom window and observed the inmate on the toilet. The inmate had his hands near his feet, where they were obscured from the view of the officers. The inmate ignored commands to put his hands in the air, prompting officers to deploy several pepper ball rounds. After the inmate continued to ignore commands and officers deployed a second round, the inmate placed his hands in the air, stating, "I give up. I give up." Eventually, officers breached the front door of the residence and took the inmate into custody.

A search of the inmate's bedroom revealed four cell phones, a plastic container of MSM crystals, \$2,525 in cash, a bag containing marijuana, a bag containing methamphetamine, and a methamphetamine pipe. The methamphetamine pipe and bag were found underneath a dresser, approximately one foot from where the inmate's two-year-old

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daughter slept. Additionally, a set of keys to a storage unit in the residence was found in the kitchen. Inside the storage unit, officers found a handbag containing 9.66 ounces of methamphetamine.

On October 8, 2015, the inmate pled guilty to possession for sale of a controlled substance. Additionally, the inmate admitted a strike prior, as well as to committing the charged felony after release on bail. The inmate was sentenced to 16 months in prison, to be served consecutively to case 2012012573.

CRIMINAL HISTORY

The inmate has an extensive criminal history that dates to 1993.

On April 16, 1995, the inmate and his two companions, one of whom was a minor and both of whom were, like the inmate, known members of the Surtown criminal street gang, were loitering when they were approached by a vehicle containing five people. An argument between the two parties ensued, and as the vehicle drove away, the inmate and one of his companions fired a semiautomatic handgun into the air. On December 7, 1995, the inmate was convicted of negligent discharge of a firearm, a violation of Penal Code section 246.3, and was sentenced to two years in prison.

On June 6, 1995, the inmate and two accomplices entered the garage of a house while the homeowner was asleep inside the residence and stole a jack and several bicycle parts. On April 10, 1996, the inmate pled guilty to first-degree residential burglary, a violation of Penal Code section 459, and was sentenced to two years in prison to be served consecutively to the sentence imposed in the case above.

On June 3, 2006, the inmate and victim Stephanie Bura had just ended a dating relationship, and the victim had moved her belongings out of their residence. As the victim attempted to leave in her car, the inmate approached the vehicle and grabbed the car window. He then pulled on the window with such force that it bent and shattered. The inmate then struck the rear driver's side window as the victim drove away. On November 17, 2004, the inmate pled no contest to vandalism, a violation of Penal Code section 594(b)(1).

In addition to the above, the inmate has also suffered convictions for the following offenses:

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1993 – Contributing to the delinquency of a minor (Pen. Code § 272)
1993 – Vandalism (Pen. Code § 594)
1998 – Resisting, delaying, or obstructing a peace officer (Pen. Code § 148(a))
1998 – False representation of identity to peace officer (Pen. Code § 148.9)
1998 – Driving under the influence (Veh. Code § 23152(b))
1999 – False personation of another (Pen. Code § 529)
1999 – Battery against a spouse (Pen. Code § 243(e))
2001 – Driving under the influence (Veh. Code § 23152(b))
2004 – Driving under the influence (Veh. Code § 23152(b))
2004 – Resisting, delaying, or obstructing a peace officer (Pen. Code § 148(a)(1))
2004 – False representation of identity to a peace officer (Pen. Code § 148.9(a))
2009 – Driving under the influence (Veh. Code § 23152(b))

DISCUSSION

Granting early parole of the inmate poses a risk to the safety of the community.

Since 1993, the inmate has been arrested or convicted at least 19 separate times. He has been to prison and been given opportunities to reform on parole and probation, to no avail. He has shown no interest in rehabilitation.

The inmate's current offenses aptly demonstrate he is violent and dangerous. One is for a violent assault, one for sales of methamphetamine, and another for possession for sale of methamphetamine.

The inmate has been convicted of negligent discharge of a firearm. This is a violent offense on its own, but even more troubling, the inmate discharged a firearm to threaten and intimidate members of a rival street gang. The inmate has been convicted on separate occasions of first-degree residential burglary, spousal battery, and vandalism as a result of a violent attack on the car of a former girlfriend.

In addition to his more violent crimes, the inmate has displayed a propensity for lying to and resisting the police. He has twice been convicted of resisting a peace officer, and twice convicted of false representation of identity to a peace officer. The inmate has also sustained four separate DUI convictions, demonstrating his complete indifference to the safety of other persons on the road and a willingness to put others in danger. The inmate's total disregard for the well-being of others is further displayed by his convictions for selling drugs. His callousness is highlighted by the fact that officers discovered methamphetamine mere inches from where the inmate's young child slept.


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The inmate has displayed a persistent disrespect for the law and every opportunity given to him to change his criminal ways. He has violated probation a staggering 39 separate times. The inmate's 12-year sentence on his 2008 assault with a deadly weapon was imposed as a result of a violation of probation in 2015. The inmate has not reformed, despite the generous opportunities given to him. The inmate presents a risk to the community and 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,


GREGORY D. TOTTEN
District Attorney

GDT:kd

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