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October 18, 2018

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

**Re: Inmate Vance Zelaya; CDCR BC0545  
Ventura County Superior Court Cases 2016026485; 2015033393  
Opposition Letter Due to Board of Parole Hearings October 18, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Vance Zelaya. The inmate was sentenced in January 2017 to serve 13 years in prison. If the inmate is granted early parole now, he will have served less than 33 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offenses.
- 2) The unreasonable threat to the safety of the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSES**

### Case 2016026485

On August 14, 2015, the city of Simi Valley began experiencing a rash of forced entry residential burglaries that were concentrated in a specific area near the 118 freeway. Several reports were taken by police and it appeared the burglaries were similar, as the method of entry involved gaining access through a shattered glass door or broken window usually in the rear of each residence.

The inmate was convicted of **eight** first-degree residential burglaries, as part of a ten-count complaint. The offenses are described below. He also admitted on seven of those counts that he committed the crime for the benefit of, at the direction of, or in association with the Rollin' 30s Crips gang. Many of the inmate's co-defendants were members of the Rollin' 30s Crips, a documented criminal street gang from Los Angeles County. This gang is known to law enforcement as being prolific in committing residential burglaries across multiple counties in California, typically operating in smaller subgroups known as "flocking crews."

On August 14, 2015, at 5:08 p.m., officers responded to a private residence in Simi Valley of a report of a residential burglary. Upon arrival, officers contacted victim Joaquin Lam. Lam stated that he heard someone ringing his doorbell approximately 20 times but decided not to answer as he was not expecting anyone. A few minutes later, he heard a "loud crash" in the rear living room area of his residence. As he went to investigate, he noticed that the window to his rear door was shattered. Officers conducted a follow-up investigation with Lam via telephone, and he verified that the window had been broken and as he looked out a rear window, he saw an unknown subject fleeing and climbing a rear wall. (Ct. 1)

On August 14, 2015, at 6:50 p.m., officers were dispatched to a private residence in Simi Valley to a report of a residential burglary. Upon arrival, officers contacted victim Seema Chopra. Chopra stated that she left her residence at 8:30 a.m. and when she returned home at approximately 6:15 p.m., she realized that her home had been burglarized. While investigating the matter, officers noted that the point of entry was a "smashed" downstairs bedroom window. At the time of the investigation, Chopra was unable to determine what had been taken during the burglary. (Ct. 2)

On August 14, 2015, at 8:15 p.m., officers were dispatched to a private residence in Simi Valley. Upon arrival, officers contacted victim Hong Ho. Ho stated she left for work at approximately 8:45 a.m. When she returned home at approximately 8:00 p.m., she saw her sliding glass door had been shattered and the bedrooms were ransacked. Ho noted that at least \$500 worth of jewelry and cash were missing. (Ct. 3)

On August 14, 2015, at 8:28 p.m., officers were dispatched to a residence in Simi Valley to a report of a residential burglary. Officers contacted victims Nelson Velasquez and Ana Reid. Velasquez stated he left his house at approximately 10:00 a.m. and returned at approximately 3:30 p.m. When he returned, he discovered his rear slider was open and his kitchen window was broken. The bedrooms were ransacked. Jewelry, shoes, purses and a Nikon Camera were missing from the residence. (Ct. 4)

On August 21, 2015, at 11:46 a.m., officers were dispatched to a home in Simi Valley to a report of a residential burglary. Upon arrival, officers contacted victim Zviah Aloush. Aloush stated she left her residence at 8:50 a.m. and returned at 11:46 a.m. When she returned, she noticed her front door was open, and the rear slider had been "smashed." During the investigation, it appeared that the bedrooms had been ransacked; however, Aloush was unsure what items had been taken. (Ct. 6)

On August 26, 2015, at 4:27 p.m., officers were dispatched to a residence in Simi Valley to a report of a residential burglary. Upon arrival, officers contacted victim Gary Larson. Larson stated he arrived home at approximately 4:00 p.m., and as he pulled into his driveway, he saw a slender black male walk down the driveway of his neighbors' residence. The male subject entered the driver's seat of a white BMW vehicle. Larson entered his residence and discovered his home had been burglarized. Larson got back into his vehicle and attempted to chase the BMW, but eventually lost sight of it. Officers noted that multiple drawers in a bathroom and two bedrooms had been ransacked. At the time of the report, Larson believed jewelry was missing, but he was unable to provide any specifics. (Ct. 7) It should be noted that on October 7, 2015, Simi Valley police conducted surveillance of the inmate's residence. During their operation, officers observed the white BMW associated with the earlier residential burglary parked out front.

On August 26, 2015, at 5:40 p.m., officers were dispatched to a residence in Simi Valley in reference to a report of a residential burglary. Upon arrival, officers contacted victim Daniel Loveless. Loveless stated at approximately 7:00 a.m. he and his wife left for work. He returned home at 5:30 p.m. and discovered his home had been ransacked. During the investigation, officers noted the screen to a window of a rear door had been cut and the window was shattered. At the time of the report, Loveless reported that a Sony PlayStation and its controller were missing. (Ct. 8)

On September 29, 2015, at 12:15 p.m., officers were dispatched to a home in Simi Valley to a report of a residential burglary. Officers contacted victim Danielle Miller. Miller stated that she left her residence at 7:30 a.m., and returned at approximately 12:05 p.m. When she returned home, she discovered a window pane to a rear door had been broken and the door was left ajar. The master bedroom had been ransacked and a Smith and Wesson .357 caliber revolver and jewelry was determined to have been taken. (Ct. 9)

On September 14, 2015, the Simi Valley Police Department was contacted by Los Angeles County Sheriff's Department detectives who inquired if Simi Valley had experienced any residential burglaries, specifically on August 14, August 20, and August 21. The detectives explained that on August 23, 2015, the inmate's co-defendant,

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Rafiki Smith, a documented Rollin 30's Crip gang member, was involved in a vehicle pursuit with Los Angeles Police Department officers. Smith fled the scene and eluded police; however, a search of his vehicle recovered two firearms that were previously stolen from burglaries in the cities of Santa Clarita and Rancho Palos Verdes.

Officers also recovered a police scanner, two pairs of gloves, a Louis Vuitton bag containing \$1,200, and Smith's cell phone. After reviewing call data records on Smith's cell phone, and based on specific "tower hits," it was determined that on the above-mentioned dates, Smith's cell phone was likely associated with the locations of these burglaries. Further investigation revealed that co-defendants, Rafiki Smith, Ryeheem Johnson, Darren King, Diamond Williams, Michael Butler, Brandon Robinson, and the inmate received or made outgoing phone calls to each other around the time of the burglaries in Simi Valley. Additionally, each of these defendants' cell phones showed multiple tower hits in the locations of these burglaries, further establishing that they were at or near the scenes of these crimes as they occurred. Finally, other corroborating information in the form of photos, police contacts, and other investigations, confirmed that these individuals were associates of each other.

#### Case 2015033393

On October 20, 2015, Simi Valley Police received a call from Vivint Alarm Company stating that a "glass breakage" alarm had been activated at a private home on Waldo Street. Plain clothes detectives who were in the area for an unrelated matter heard the broadcast and requested the assistance of the Los Angeles County Sheriff's Office. Additionally, a Los Angeles County Sheriff airship responded and observed the incident from above.

During the surveillance of the suspects, later identified as Jason Hayes (co-defendant), Diamond Williams (co-defendant), and the inmate, the observer from the airship saw two of the suspects enter the rear yard of the residence. The suspects attempted to pry open a rear sliding door, but due to the angle the observer briefly lost sight of the suspects. The observer eventually saw the two suspects exit the residence through the front door and get into an awaiting white BMW vehicle.

The airship and unmarked police vehicles surveilled the BMW as it entered a freeway. A marked patrol unit activated its overhead lights and sirens to try to stop the vehicle. The BMW changed lanes and sped away. The police vehicle attempted to block the BMW, but the BMW changed lanes again, and drove around the unmarked vehicle.

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One of the officers subsequently performed a PIT maneuver to stop the BMW from fleeing. As soon as the officer made contact the BMW and pushed it, the BMW slammed on its brakes and stopped. A high-risk stop was conducted, and all suspects were arrested. A search of the vehicle revealed a police scanner, a large gold Nixon brand watch, two sets of gloves, two cell phones, and jewelry items in the ashtray console.

Officers dispatched to the residence on Waldo Street saw that the front door of the residence was open. The rear sliding glass door was determined to be the point of forced entry as the exterior screen was pried open and the window was "smashed" inward. The upstairs bedrooms were rummaged through and partially ransacked. After speaking with victim, Marcello Duffau Jr., who had arrived at the scene, it was determined a Nixon brand watch (valued at \$600) was taken from the residence. This watch was found inside the vehicle that was occupied by the three suspects.

### **CRIMINAL HISTORY**

The inmate's criminal history, prior to these residential burglaries, consists of convictions of the following crimes; possession of burglar tools in July 2005, disturbing the peace/fighting in public in December 2005, and a DUI in July 2009.

### **DISCUSSION**

This inmate has demonstrated he is a violent threat to the public safety of our communities, as evidenced by his numerous residential burglaries on different dates, the majority of which were completed with other Rollin' 30s gang members. Residential burglaries are inherently dangerous as residents are often home during the break-in. Here the inmate vandalized the target home by breaking a window or sliding glass door to obtain entry, and then removed property which ranged from jewelry, clothing, electronics, and cash, to even firearms. In addition, on at least one occasion, the inmate and his associates engaged law enforcement in a high-speed pursuit on a freeway, putting the lives of many people in jeopardy. As such, this inmate is not deserving of early parole and his release should be denied at this time.

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**CONCLUSION**

The inmate poses an unreasonable risk to public safety if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



GREGORY D. TOTTON  
District Attorney

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