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October 31, 2018

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

**Re: Inmate Gilbert Mark Espinosa; CDCR AY4241  
Ventura County Superior Court Case 2014030319  
Opposition Letter Due to Board of Parole Hearings November 3, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Gilbert Espinosa.<sup>1</sup> In November 2015, the inmate was sentenced to eight years in prison on the above case. Releasing the inmate now means he would serve approximately 50 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.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

On September 26, 2014, victim Brian Williams met the inmate through a mutual acquaintance. That same day, the victim allowed the inmate to borrow his vehicle, which the inmate claimed he needed to use for only one or two hours. The inmate never returned with the victim's vehicle as agreed, and on October 1, 2014, the victim filed a stolen vehicle report with the police.

On October 2, 2014, at approximately 1:40 a.m., police conducted a traffic stop on the inmate, who was driving the victim's vehicle. Three passengers were in the vehicle with the inmate. The inmate was unable to provide a driver's license, and he displayed

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

symptoms of being under the influence of a controlled substance. Police ran a records check on the vehicle, which revealed that it was stolen. When confronted with this information, the inmate stated that he had borrowed the vehicle from a friend and that he had no idea that it had been reported stolen.

During a search of the vehicle, police located a narcotic smoking pipe on one of the passenger seats. A hypodermic needle, two checkbooks, and several credit cards that did not belong to the inmate were recovered from within the center console.

When questioned further, the inmate insisted he borrowed the vehicle the previous day and that the victim had not indicated to him a specific time when it was to be returned. During a *Miranda* interrogation, the inmate claimed that he had an open-ended agreement with the victim to borrow the vehicle whenever he needed it, and he denied knowledge of the checkbooks and credit cards found inside the vehicle.

On October 21, 2015, after a trial, the inmate was found guilty of felony auto theft. The inmate had pled guilty on October 20, 2015, to being under the influence of a controlled substance and possession of a device used for unlawfully ingesting a controlled substance. Additionally, a strike prior, as well as five prison priors were found true. On November 19, 2015, the inmate was sentenced to eight years in prison.

## **CRIMINAL HISTORY**

The inmate has an extensive criminal history that dates to 1975.

In 1975, as a juvenile, the inmate, along with two accomplices, stole \$3,100 worth of tools from a shop where he was employed.

In 1976, the inmate and two juvenile accomplices entered a residence and stole various items including two televisions, a polaroid camera, two clock radios, and a cassette tape recorder. In June 1976, the inmate was convicted of residential burglary, a violation of Penal Code section 459, and sentenced to 90 days in jail and 36 months formal probation. The inmate violated the terms of his probation once.

In 1979, the inmate entered a store and brandished a .38 caliber revolver, ordering all the employees and customers to the floor. He ordered a clerk to go behind the counter and give him money from the cash register. The clerk complied. Upon obtaining the money, the inmate ordered the clerk to lie on the floor, and he fired one shot over the check stand. The inmate then fled the store. When police confronted the inmate, he pulled a gun from his waistband; however, he dropped the weapon. The inmate was taken into custody and \$803 was found on his person. The gun in the inmate's possession was reported stolen in

a burglary the previous year. In July 1979, the inmate was convicted of second-degree robbery, with an enhancement for personally using a firearm in the commission of the offense. The inmate was sentenced to seven years in prison. In July 1984, the inmate was released on parole. He violated parole one time.

In 1985, the inmate stole \$195 worth of clothing from a department store. In July 1985, the inmate was convicted of felony petty theft with priors and was sentenced to two years in prison. In October 1986, the inmate was released on parole. He violated parole one time.

In 1987, the inmate was arrested after he and two accomplices were discovered conspiring to steal from several businesses. The inmate was working for a restaurant chain and making deliveries to various grocery stores. His accomplices worked with him to steal money out of six different grocery store cash registers. In April 1987, the inmate was convicted of six separate counts of robbery, with an enhancement for a violent felony prior conviction. The inmate was sentenced to ten years in prison. In October 1994, the inmate was released on parole. He violated parole twice.

In 1996, the inmate was arrested after police traced drug sales back to him. The inmate had been purchasing illicit substances, including marijuana, heroin, and methamphetamine in San Diego, and with the help of accomplices, transporting the drugs to Los Angeles and Bakersfield to sell. In July 1997, the inmate was convicted of two counts of transportation or sale of methamphetamine, and two counts of possession of methamphetamine for sale, with enhancements for three prior prison terms. The inmate was sentenced to 53 years to life in prison under the three strikes law. In November 2013, as a result of Proposition 36, the inmate was resentenced to 12 years in prison and discharged.

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

1985 – Under the influence of a controlled substance.

1990 – Possession of a controlled substance or paraphernalia in a penal institution.

2000 – Possession of a weapon in a penal institution.

## **DISCUSSION**

Granting early parole of the inmate poses a risk of safety to the community. Since 1975, the inmate has been arrested or convicted at least 14 separate times. The inmate is a violent individual. He has suffered convictions for seven separate instances of robbery. On one of those occasions, the inmate used and fired a gun inside a crowded store to strike fear into the employees and patrons. The inmate has also sustained a conviction for residential burglary, an inherently violent crime.

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The inmate's dangerous criminal disposition is such that a judge deemed him deserving of a life sentence. In 1996, the inmate was sentenced to 53 years to life in prison for a third strike offense; however, because his third strike conviction was for a "nonviolent" offense, the inmate was serendipitously granted yet another chance at reforming when the California three strikes law was modified per Proposition 36. Instead of taking advantage of the tremendous opportunity he was afforded to rehabilitate and become a law-abiding citizen, he returned to a life of crime, stealing a vehicle and using controlled substances within a year of his release.

Throughout his life, the inmate has displayed a contempt for the law. He plans and commits violent offenses routinely and he has poisoned the community trafficking drugs. He has violated probation and parole several times. Even while in custody, the inmate is unable to refrain from committing criminal activity. He has been convicted of possessing a weapon in a penal institution, and of possessing a controlled substance or paraphernalia in a penal institution. He also received 27 major disciplinary reports for his conduct in jail prior to his commitment offense. The inmate went so far as to tell a deputy that he did not agree with county jail policies and that he will not adhere to the rules. The inmate presents an unacceptable risk of danger to the community and should serve his full sentence.

#### **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,

A handwritten signature in blue ink, appearing to read "Greg Totten", is written over a large, loopy blue scribble that extends across the line.

GREGORY D. TOTTEN  
District Attorney

GDT:kd

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