



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

November 28, 2018

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

**Re: Inmate Joseph Matthew Garcia; CDCR BE4371
Ventura County Superior Court Cases 2014014643, 2016013389
Opposition Letter Due to Board of Parole Hearings November 28, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Joseph Garcia.¹ The inmate was sentenced to 7 years 8 months in prison in September 2017. If released now, he will have served less than 40 percent of his actual sentence. 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 2014014643

On May 10, 2014, police officers responded to a report that the inmate was threatening victim Stephanie Martinez with a gun. The victim was out late and returned home at approximately 12:30 a.m. The victim has a child in common with the inmate. The victim was afraid that the inmate would be at her home when she arrived because the inmate's family members had seen her with a new male companion, Tommy Guzman.

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

Board of Parole Hearings
Re: Joseph Garcia, CDCR BE4371
November 28, 2018
Page 2

Ms. Martinez returned home and noticed the inmate's vehicle out front and blasting loud music; however, she did not see the inmate. Ms. Martinez decided to visit a friend's home instead. When she later returned to her home, Mr. Guzman was there. Mr. Guzman told the victim that the inmate asked if he knew where she was and then asked Mr. Guzman if he was dating her. The inmate told Mr. Guzman to stay away from the victim and her house or he would kill him. Mr. Guzman said the inmate was pointing a gun at him while telling him to stay away from victim.

At approximately 12:47 a.m., the victim began receiving phone calls and text messages from the inmate threatening that he had a gun and that he would come to her home, shoot at her house and kill her. At one point, the inmate stated he was outside her home, and if she did not come out, he would shoot through her windows. The victim contacted the police. The inmate continued to text her and call her names while officers were present with the victim.

The inmate's parole officer, Rudy Garcia, confirmed the inmate's ankle monitoring device placed him near the victim's residence between 12:54 a.m. and 1:24 a.m. The inmate was later found and arrested. The inmate said he was upset when family members told him the victim was with another man at a night club. The inmate obtained a ride to the victim's neighborhood and confronted another man but denied possessing a gun or threatening him. The inmate admitted to leaving the victim phone messages.

In August 2016, the inmate pled guilty to felony criminal threats. He also admitted a strike prior, a serious felony prior, and a prison prior. He was later sentenced to 7 years 8 months in prison.

Case 2016013389

On April 5, 2016, Ventura County Sheriff's deputies observed a motorcycle traveling at a high speed. The inmate was riding the motorcycle without a helmet and deputies attempted to initiate a traffic stop. The inmate quickly accelerated, traveling at 70 mph in a 55-mph zone. The inmate ran a red light and narrowly missed striking a truck crossing the intersection. The inmate continued to drive at high speed while failing to stop for red lights and narrowly missing other vehicles. At one point, deputies observed the inmate reach into his waistband. When the inmate's motorcycle began to sputter and came to a stop, the inmate continued to flee by running from deputies. The inmate again reached into his waistband and threw an object into some bushes. Deputies located an empty gun holster, a pair of gloves and a loaded 9mm Ruger handgun.

After his arrest, the inmate stated he did not stop the motorcycle because he did not wish to return to jail. The inmate acknowledged his speed was excessive and that he narrowly missed hitting multiple vehicles. While he initially denied ownership of the handgun, the inmate eventually admitted receiving the gun from someone and carrying it for protection while doing "business."

In August 2016, the inmate pled guilty to felony evading with willful disregard for others and unlawful possession of a firearm. Additionally, the inmate admitted to one strike prior and one prison prior. In September 2017, the inmate was sentenced to 2 years 8 months concurrent with his sentence in case 2014014643.

CRIMINAL HISTORY

The inmate has an extensive criminal history that dates to 2000.

In July 2000, as a juvenile (aged 15) the inmate stole six skateboards, valued at \$449, from a retail store. The inmate was charged with burglary and ordered to serve 24 hours of community service. His probation was terminated successfully, and the petition was dismissed.

In February 2003, the inmate (aged 17) stole two 12-packs of beer from a supermarket. His petty theft probation was terminated successfully, and the petition was dismissed.

In July 2004, the inmate was stopped for a traffic violation. The officer found a loaded .380 caliber handgun behind the driver seat and saw that the serial number was destroyed. The inmate was discharged as no case was filed. Similarly, in May 2005, the inmate was stopped for a traffic violation and officers found a .25 caliber handgun on the driver's side floor. Officers also found 22.6 grams of marijuana, a digital scale and ammunition. The inmate was discharged as no case was filed.

In February 2006, the inmate was acting as a lookout while another male spray-painted Eastside Saticoy gang graffiti on a wall. The inmate pled guilty to vandalism and conspiracy. The inmate served 19 days in jail and was placed on 36 months of probation.

In October 2006, the inmate and Eastside Saticoy gang members entered a residence. The inmate was perceived to have a gun in his jacket while he and the other three subjects proceeded to ransack the home by taking DVDs, CDs, money, cell phones and electronic games. The subjects threatened the occupants of the home. The inmate pled guilty to armed residential robbery, for the benefit of a criminal street gang. The inmate was sentenced to six years in prison.

Board of Parole Hearings
Re: Joseph Garcia, CDCR BE4371
November 28, 2018
Page 4

DISCUSSION

Granting early parole of the inmate poses a risk of safety to the community. The inmate's significant criminal history displays a propensity for violence. The inmate does this with disturbing frequency and a clear lack of remorse. He has sustained two arrests in addition to three separate convictions for conduct while possessing firearms or threatening to shoot others with firearms. In one instance, the inmate threatened to shoot two people because he was upset the mother of his child was in a relationship with someone else. The inmate's history of possessing firearms over 13 years is unsettling. The inmate has no qualms carrying a firearm during robberies or while threatening others.

The inmate has also shown his disregard for the safety of the community as he has placed others in danger by recklessly evading police, while armed. His excessive speeds, while narrowly missing other vehicles, and his admission that he did not want to return to jail, demonstrate the lengths he is willing to go to escape accountability.

The inmate has no regard for the property or personal safety of other individuals. He also has little to no regard for the law or for the leniency he has been given throughout his lengthy criminal career. When released from prison on the robbery, the inmate violated the terms of his parole at least four times. Nothing about the inmate's behavior suggests he will change his violent ways. He should serve the full term of his sentence.

CONCLUSION

The inmate poses an unreasonable risk of significant criminal conduct, and 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

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