



# 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 15, 2018

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

**Re: Inmate Gilbert Lemos; CDCR BE0543  
Ventura County Superior Court Case 2016008886  
Opposition Letter Due to Board of Parole Hearings November 18, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Gilbert Lemos. In August 2017, the inmate was sentenced to 7 years 8 months in prison. Releasing the inmate now means he would serve approximately 37 percent of the actual sentence imposed. 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 March 7, 2016, Oxnard Police officers were advised by an officer working a plainclothes assignment of two individuals displaying gang signs. The patrol officers responded to the area and observed the inmate and another subject walking on a sidewalk. The inmate and the other subject were members of the Colonia Chiques criminal street gang. Both had been served with the Colonia Chiques gang injunction. The inmate and his fellow gang member were inside the injunction zone where they were prohibited from mutually associating and conducting gang-related activities.

Upon seeing the inmate, the officers pulled their patrol car alongside him. As soon as the inmate made eye contact with the officers, he fled. One of the officers gave chase. The inmate continued to run, ignoring commands to stop, until he eventually tripped and fell

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to the ground. A search of the inmate revealed a loaded .45 caliber revolver. Five additional loose bullets were in his backpack. The inmate was prohibited from possessing firearms as a felon, and also by his post-release community supervision terms.

On June 27, 2017, the inmate pled guilty to possession of a firearm by a felon. The inmate also admitted a strike prior, a prior serious felony conviction, and four prison priors. The inmate further admitted to committing the offense for the benefit of a criminal street gang. On August 18, 2017, the inmate was sentenced to 7 years 8 months in prison.

### **CRIMINAL HISTORY**

The inmate has an extensive criminal history that dates to 1995.

In April 1995, as a juvenile, the inmate entered a residence and stole a cage containing four pit bull puppies. The puppies were valued at \$200 each. In May 1995, the charges of first-degree residential burglary and grand theft were sustained by the court.

In May 1996, as a juvenile, the inmate broke into a vehicle and stole several items, including a stereo faceplate, 24 compact discs, and the vehicle's registration. In June 1996, the charge of receiving stolen property was sustained by admission.

In March 1998, the inmate and two other individuals broke into a vehicle and stole several items, including a VCR, a video game, and a CD player. The inmate and his accomplices were interrupted by the victim's neighbor, and they fled the scene. When police later attempted to contact them in their vehicle, the inmate and the two other individuals abandoned the vehicle and attempted to flee on foot. However, they were subsequently caught and arrested. In June 1998, the inmate was found guilty of three counts of second-degree burglary and was sentenced to 180 days in jail and 36 months felony probation. In March 2000, after four violations of probation, the inmate's probation was terminated unsuccessfully, and he was sentenced to 16 months in prison.

In September 2000, while in jail, the inmate struck another inmate in the back of the head. The inmate told deputies that he had done this because the victim inmate made a joke about him, causing other inmates to laugh at him. The inmate pled no contest to misdemeanor battery and was sentenced to 90 days in jail.

In March 2005, the inmate was in an alley attempting to avoid detection from the police. When officers attempted to contact him, the inmate ran. He eventually stopped and was searched by officers. The inmate was in possession of a folding, locking-blade knife and a

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12-inch screwdriver. During a booking search, officers located a clear plastic bag containing .31 grams of methamphetamine in the inmate's pocket. In March 2006, the inmate pled guilty to possession of a controlled substance, and to resisting arrest. He also admitted a prison prior. The inmate was sentenced to eight months in prison.

In December 2005, police responded to a report of several subjects inside a home that was in the process of eviction. When officers arrived, they contacted the inmate and four other individuals, all of whom admitted membership in the Colonia Chiques gang. The inmate identified himself to the officers using a false name. Upon learning the inmate's true identity, the officers discovered the inmate had an outstanding arrest warrant, and the inmate was searched. On the inmate's person, officers found a sparkplug chip, an identification card, checks, and other miscellaneous cards under another person's name. Three pieces of paper containing the personal information of other people were also found, as was a container with plastic wrappers containing methamphetamine and cocaine. As the inmate was being transported to the police department, he attempted to discard several items in the back seat of the police car. The items recovered included various identification cards and personal information belonging to other people. In March 2006, the inmate pled guilty to receiving stolen property. The inmate additionally admitted committing the offense while out on bail, and to two prison priors. The inmate was sentenced to two years in prison. In February 2007, the inmate was released on parole. He violated parole one time.

In January 2008, officers encountered the inmate driving a vehicle that matched the description of a vehicle involved in a recent shooting. As the officers drove past the inmate, the inmate accelerated and fled. The officers turned their vehicle around and followed. Shortly thereafter, the inmate pulled into a driveway, collided with another vehicle, and ran from his vehicle. The inmate ran through various house yards in an attempt to escape the officers. The inmate attempted to enter a residence but was detained before he could do so. A search of the inmate's person revealed a syringe, two lighters, two sets of gloves bearing the Dallas Cowboys logo (members of the Colonia Chiques criminal street gang identify themselves with Dallas Cowboys paraphernalia), a .38 caliber bullet, a counterfeit \$100 bill, and a bag containing .6 grams of methamphetamine. While retracing the path of the foot pursuit, officers recovered a loaded revolver which matched the caliber of the bullet found in the inmate's possession. In February 2008, the inmate pled guilty to possession of a firearm by a felon, and admitted he committed this offense for the benefit of his gang. He also pled guilty to forgery and disobedience of a court order. The inmate also admitted his prison priors. The inmate was sentenced to three years in prison. The inmate was later released on parole and sustained six parole violations.

In January 2012, police pulled over a vehicle in which the inmate was in the front passenger seat. Upon learning the inmate was on parole, police searched the vehicle. A 16-gauge sawed-off shotgun was located behind the inmate's seat. Additionally, a syringe was wedged between the passenger seat and the door. A search of the inmate's cell phone showed gang-related photos. The inmate was wearing gang-related clothing. After the inmate was booked, a strap with a hanging loop was located around the inmate's midsection. Such a device is normally used to carry a weapon, such as a firearm too lengthy to be hidden in a pocket or on a person, under one's clothing. In January 2013, the inmate pled guilty to participation in a criminal street gang and possession of a firearm by a felon. Additionally, the inmate admitted a strike prior and four prison priors. The inmate was sentenced to six years in prison. In December 2015, the inmate was released on PRCS. He violated his PRCS terms twice.

Additionally, the inmate has also suffered convictions for the following offenses:

- 1998 – Vandalism. (Pen. Code § 594(b))
- 1998 – Resisting arrest. (Pen. Code § 148(a))
- 2000 – Domestic battery. (Pen. Code § 243(e)(1))
- 2000 – Providing false identification to a peace officer. (Pen. Code § 148.9(a))
- 2000 – Battery. (Pen. Code § 242)
- 2002 – Domestic battery. (Pen. Code § 243(e)(1))
- 2003 – Resisting arrest. (Pen. Code § 148(a)(1))
- 2004 – Possession of drug paraphernalia. (Health and Saf. Code § 11364)  
Providing false identification to a peace officer. (Pen. Code § 148.9(a))
- 2004 – Under the influence of a controlled substance. (Health and Saf. Code § 11550(a))
- 2005 – Possession of a controlled substance. (Health and Saf. Code § 11377(a))  
Resisting arrest. (Pen. Code § 148(a)(1))
- 2005 – Willful disobedience of a lawful court order. (Pen. Code § 166(a)(4))
- 2007 – Providing false identification to a peace officer. (Pen. Code § 148.9(a))
- 2010 – Under the influence of a controlled substance. (Health and Saf. Code § 11550(a))
- 2010 – Providing false identification to a peace officer. (Pen. Code § 148.9(a))
- 2010 – Resisting arrest. (Pen. Code § 148(a)(1))
- 2011 – Under the influence of a controlled substance. (Health and Saf. Code § 11550(a))
- 2011 – Resisting arrest. (Pen. Code § 148(a)(1))

## **DISCUSSION**

Granting early parole of the inmate poses a safety risk to the community. Since 1995, the inmate has been arrested or convicted on at least 28 separate occasions. The inmate's

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substantial criminal history paints a vivid picture of his violent nature and potential for extreme violence. The inmate is a known member of a violent criminal street gang, and he has been repeatedly found in possession of firearms despite multiple prohibitions from possessing such weapons. He also possesses firearms for the benefit of his violent criminal street gang. In one instance, the inmate was found wearing a device for concealing an unwieldy firearm under his clothing. The inmate has suffered several battery convictions, both in custody and out, as well as for domestic violence.

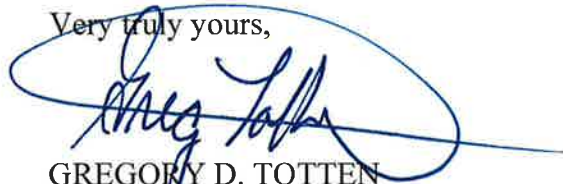
Legal prohibitions and court orders clearly mean little to this inmate. He is loyal to his gang and continues to associate with others in his gang. His three convictions for willfully disobeying a court order are all for violating the Colonia Chiques gang injunction. The inmate has shown that he will continue to associate with his violent criminal gang while armed. He poses a great danger to the community if released early.

Throughout his life, the inmate has displayed a complete disregard for the law. The inmate has violated probation 17 times and incurred dozens of PRCS and parole violations. The inmate is utterly unable to refrain from engaging in violent and dangerous criminal conduct. He should serve his full prison term.

#### **CONCLUSION**

The inmate poses an unreasonable risk of violence to the community if granted early parole. Moreover, the inmate also poses an unreasonable risk of significant criminal conduct when released. 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](mailto:BPH.CorrespondenceUnit@cdcr.ca.gov)