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December 17, 2018

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

**Re: Inmate George Diaz; CDCR AZ3633
Ventura County Superior Court Case 2015037346
Opposition Letter Due to Board of Parole Hearings December 21, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate George Diaz.¹ In March 2016, the inmate was sentenced to nine years in prison. Releasing the inmate now means he would only serve about 33 percent of his actual sentence imposed. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offenses.
- 2) The inmate's serious criminal history.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

The inmate and a group of fellow Sureño gang members incarcerated at the Ventura County jail viciously attacked the victim. They knocked him to the ground, beat him, and ultimately kicked one of his teeth out and caused a laceration to his head that required six sutures to close. This beating was preceded by gang politicking that broke down along racial lines. Due to a perceived slight, the Sureño tank boss (the gang member in charge of the southern Hispanic gang members) wrote a letter to the African-American inmates instructing them to "roll it up" or move out of the section. When the African-American inmates refused, the Sureño inmates began exchanging kites, or handwritten letters, with instructions to attack the inmates at meal time.

¹ This letter is very similar to the letter sent last year in opposition of early release.

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Once the African-American inmates were out of their cells for lunch, the inmate and his gang members attacked the victim. At the same time, other Hispanic inmates attacked the victim's cellmate, and the jail section began to turn into a riot. The victim suffered repeated strikes from his attackers and fell to the ground. While on the ground, he was kicked and punched. The victim was able to stand, but his attackers knocked him down again. This beating continued until the deputies threatened the use of Tasers.

Several African-American inmates suffered minor injuries in this coordinated attack by the Sureño inmates, but the victim of the inmate's beating suffered the worst of it. When the victim testified at the preliminary hearing three months later, he had a scar from the wound that required stitches and a had a gap in his teeth from the missing tooth.

Prior to being incarcerated, the inmate was documented as an Ojai Sureño Locos (OSL) criminal street gang member. Many of the others involved in the attack were documented members of other criminal street gangs. Because they joined together to enforce Sureño rules in custody, they were prosecuted as gang members under Penal Code section 186.22(b)(1). The inmate pleaded guilty to the charge of assault by means likely to cause great bodily injury and admitted the gang allegation.

In addition to his involvement in the felony assault and riot, the inmate's other conduct in custody had been poor. He received four major write-ups for violating jail rules.

SECONDARY OFFENSE

In addition to the primary charge, the inmate pled guilty in a second case. He was initially charged with a residential burglary; however, as part of the disposition, he pled guilty to residential trespass in violation of Penal Code section 602.5(a).

The inmate acted as a look-out for his co-defendant, B.D. Pergson. Officers happened upon the inmate standing in front of the victim's residence acting suspicious. As officers approached, they watched the co-defendant exit the front door wearing a thick jacket and socks on his hands, in spite of the warm weather. Officers located several stolen items from the residence in the possession of the co-defendant. On the inmate, officers found an EBT card in the co-defendant's name, a credit card bearing a female's name, and prescription medication. The inmate said it was merely coincidence that he was in front of the house when the co-defendant exited. Officers contacted the owners of the residence, who searched the property to determine how much had been stolen. The victims confirmed many of the items in the co-defendant's possession belonged to them, but also said that some of the stolen property must have been taken from another victim because they did not recognize it.

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CRIMINAL HISTORY

The inmate is an entrenched gang member. He has several gang-related convictions, which also involved violence and use of deadly weapons. His criminal history also reflects theft and drug crimes. His violence is not just restricted to the gang context, he also has a domestic violence conviction from 2012. His performance on probation and parole also appears to be abysmal. His record reflects multiple violations of supervision. The inmate was on *seven* different probations at the time of the commitment offense, which perfectly illustrates his disregard for the rule of law.

DISCUSSION


The inmate has maintained a consistent history of violent, gang-related criminal behavior and presents a clear danger to society. He has a history of attacking innocent civilians and using weapons to effectuate his attacks. He also has a history of violence in his own personal relationships. Additionally, he has demonstrated his complete lack of respect for the criminal justice system, and he has never even been serious about walking the straight-and-narrow for the periods he has been given a chance on probation.

Considering the inmate's crimes against multiple victims and his past conviction for violent conduct, justice requires that the inmate serve considerably more time than the short period that has elapsed since his crime. The inmate has demonstrated that he poses a significant danger to the community and a grant of early release will not sufficiently punish him, protect the public, or deter others from similar conduct.

CONCLUSION

The inmate poses an unreasonable risk of violence, and significant criminal conduct if released early. 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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