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December 20, 2018

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

**Re: Inmate Thomas Ortega; CDCR BD6095
Ventura County Superior Court Cases 2016045241; 2016016478
Opposition Letter Due to Board of Parole Hearings December 27, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Thomas Ortega. In June 2016, the inmate was sentenced to five years four months in prison. Releasing the inmate now would mean that he would only serve approximately 45 percent of the actual sentence imposed. This recommendation to deny early release 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 OFFENSE

2016045241

At 7:15 a.m. on December 27, 2016, a witness called 911 to report seeing the inmate in the backyard of her neighbor's residence. The witness informed the officers that the residence was currently vacant, but she knew the owner. The homeowner was living temporarily at an Alzheimer's facility in Kentucky. The only person other than the homeowner's sister who had been given access to the home was the homeowner's other neighbor Mr. Finn. The inmate is Mr. Finn's grandson. The witness knew the inmate previously lived with Mr. Finn but was evicted from Mr. Finn's residence.

Officers responded to the residence and noticed the screen on the backdoor was pried off. As one officer waited by the front of the residence for additional units, he heard the

Board of Parole Hearings
Re: George Diaz, CDCR BD6095
December 13, 2018
Page 2

side window open and then saw the inmate attempting to scale the side wall. The officer immediately ordered the inmate to the ground at gunpoint. The inmate was searched and was in possession of a wristwatch, a folding knife and \$200 in cash. A subsequent search of the residence revealed the master bedroom had been ransacked.

Officers contacted the homeowner's sister, Ms. Durham. Ms. Durham told the police the homeowner did not give the inmate permission to enter the residence. At the time of this offense, the inmate was on probation for the residential burglary described below.

The inmate pleaded guilty to second-degree residential burglary because the home was vacant. He admitted a prior strike for the residential burglary described below.

2016016478

At 8:45 am on February 15, 2015, Joseph and Virginia Althoff (the victims) left their residence for breakfast. When they returned around 10:00 a.m., they saw their window was open, and their bedroom had been ransacked. The victims were missing over \$15,000 worth of property and cash. Later that day, the inmate's grandmother (Mrs. Finn), who lives three houses away from the victims' residence, contacted the police to report having found several possibly stolen items in her backyard. Mrs. Finn reported that the inmate often slept in her backyard and she believed he had left the items in her yard. The victims identified the property as their own. The next day, the victims also discovered that several items of their stolen jewelry had been pawned to a local pawn shop. The pawn shop's records showed the inmate pawned the items.

At 11:00 a.m. on April 8, 2015, the victims returned to their residence and again discovered that their home had been broken into. Several rooms were ransacked, and they were missing several valuable items.

Later the same day, Mrs. Flinn again contacted police after she saw the inmate in her backyard. She noticed additional property had been left in her yard which she suspected was stolen. The victims were contacted and confirmed that the items belonged to them.

At 4:00 p.m., on March 4, 2016, while the victims were out of town, their son Dale went to check on their residence. Dale found the master bedroom window slightly open. He also noticed the window screen on the ground and saw footprints in the dirt just below the window. However, the window could not be opened because the victims had placed a wooden stick in the frame. Dale did not find anything missing from the residence. Fingerprints were taken from all three incidents. They were subsequently analyzed and found to match the inmate's fingerprints.

Board of Parole Hearings
Re: George Diaz, CDCR BD6095
December 13, 2018
Page 3

On June 20, 2016, the inmate pleaded guilty to one count of first-degree residential burglary. He was originally sentenced to 365 days in the Ventura County Jail, and 36 months of formal probation. On June 21, 2017, the inmate was found to be in violation of his probation and sentenced to 16 months prison, consecutive to the case above.

CRIMINAL HISTORY

The inmate's criminal history consists of both juvenile and adult convictions. As a juvenile the inmate committed the following offenses: four separate vandalisms in 2013, a residential burglary in August 2013 where the inmate and two other juveniles burglarized a residence, and providing a false name to a police officer in December 2013. As an adult, the inmate committed a vandalism in August 2014, petty theft in August 2014, and another vandalism in July 2015.

DISCUSSION

This inmate has demonstrated he is a threat to public safety, as evidenced by his numerous residential burglaries committed on several different dates. Residential burglaries are inherently dangerous and potentially violent, as residents are often home during the break-in. Here, the inmate broke into one house on two separate occasions and attempted to break in to the same home on a third occasion. He then burglarized another house while the owners were out of the state, and he did so while he was on formal probation for a prior residential burglary. This is a continuous pattern of behavior as he committed a residential burglary as a juvenile. This inmate will victimize others the moment he is released. He is not deserving of early parole and should serve his full sentence.

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,



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District Attorney

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