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December 14, 2018

Board of Parole Hearings  
Attn: Nonviolent Parole Review Process  
Post Office Box 4036  
Sacramento, CA 95812-4036

**Re: Inmate Rusty Edward Sellner; CDCR AW8787  
Ventura County Superior Court Case 2016044181  
Opposition Letter Due to Board of Parole Hearings December 20, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Rusty Edward Sellner. On January 12, 2018, the inmate was sentenced to nine years in prison. Releasing the inmate now means he would serve less than 25 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 and significant criminal conduct if the inmate is released early.

## **CIRCUMSTANCES OF COMMITMENT OFFENSES**

### Case 2016044181

On November 26, 2016, Morgan Mendoza went to the inmate's home to take care of the inmate's sister's cat while she was away on a trip. Morgan saw the inmate rummaging in Jacob Diprima's 1991 Ford Escort, which was parked in front of the inmate's home. Mendoza called Diprima, and Diprima told her the inmate did not have permission to drive his car. Diprima's stepfather, victim Andrew Greiman, is the registered owner and only allowed Diprima to drive the car. Diprima asked Mendoza to retrieve the car keys from his home and then drive his car to her house until he returned from his trip.

Mendoza picked up a friend, Kyker Sawicki, to help because Diprima's car was a stick shift, which Mendoza did not know how to operate. Once Mendoza and Sawicki were at Diprima's house, they saw that Diprima's car was now parked and locked across the street

from the house. Sawicki called Diprima to update him on the situation. Diprima asked Sawicki to use an unlocked rear door to enter the home and get the car keys. While Sawicki was in the home, he saw a female (Hanna Henson) asleep on the couch. Sawicki took a picture of Henson on his cell phone and used Facebook Live to film inside Diprima's house so Diprima could see what was happening. Sawicki then left the home to meet with Mendoza outside.

Sawicki and Mendoza called the police. As Mendoza was speaking with a dispatcher, they saw Henson leaving Diprima's home through the side gate. Henson approached Mendoza and Sawicki and asked if they were waiting for the inmate. Mendoza told Henson she was on the phone with the police and they wanted to speak with Henson. Mendoza gave Henson the phone and Henson spoke with the dispatcher. Henson then handed the phone back to Mendoza and fled.

When deputies arrived, they were unable to locate either the inmate or Henson. Deputy Robinson spoke with Greiman over the phone. Greiman said no one had permission to be inside his home or drive his car. Diprima confronted the inmate via text, and the inmate said he entered Diprima's home through a back door and took Diprima's car keys to use the car.

The defendant pled guilty to first degree residential burglary and auto theft. He admitted a strike prior, a serious felony prior, and three prison priors. He was sentenced to nine years prison.

## **CRIMINAL HISTORY**

The inmate has a documented criminal history dating back to 2004 when he was a juvenile. The inmate's decision to lead a life of crime began when he was 12 years old and has increased in severity.

In September 2004, at the age of 12, the inmate stole a vehicle using a spare key he obtained while attending a pool party. In February 2005, the inmate and his co-offender stole a scooter from the victim's garage. In January 2006, the inmate (aged 13) and his co-offender entered a school twice in one night and removed several items including a video game system, games, and DVDs. The property was recovered from the inmate's residence. In July 2007, the inmate (aged 14) returned to a school campus several times after being told to leave. He also threatened to injure a school official during the incident.

In December 2007, the inmate (aged 15) and two others broke into the co-offender's grandmother's house. They stole an iPod, jewelry, personal checks and coins. The stolen

property was recovered from the inmate's residence. In February 2008, the inmate (aged 15) stole a spare key to Carlos Revolorio's vehicle. The inmate took the vehicle on several occasions over the course of a week. Later in that same month, the inmate broke into Diana Metzgus's vehicle and stole a bag. The property was found in the inmate's bedroom.

The inmate remained undeterred in his proclivity to steal. In July 2008, the inmate (aged 15) and an unidentified individual were seen approaching Thomas Cody's residence via surveillance video. One subject can be seen entering Cody's vehicle. Cody noticed that a Sony Palm Pilot, a digital camera, and a leather wallet, were missing from his car. Brent Rice, who resides on the same street as Cody, had items taken from his vehicle on the same night. The inmate used a gas card stolen from Rice to make fraudulent purchases the morning of the theft and the following two days. Surveillance video from a gas station shows the inmate giving a female the stolen card to purchase gas for her car. The inmate also shattered the front passenger side window of Jeffrey Crocker's vehicle and stole his wallet. Crocker's Visa card was used that same morning at a local gas station in three separate transactions.

Not satisfied with simply stealing items from vehicles, the inmate started taking the vehicles. In June 2008, the inmate (aged 16) stole Colin Flaherty's 2004 Chevrolet truck. The inmate found a credit card in the truck belonging to the victim's wife and used it at several locations. In February 2009, the inmate's mother contacted police dispatch and advised that the inmate was in possession of a stolen 1991 Dodge Stealth. In May 2009, the inmate also victimized his own family when he stole his uncle's vehicle to obtain cigarettes. In September 2009, the inmate (aged 17) entered the victim's residence without permission and stole a credit card and the victim's car from the garage. A short time later, the inmate was captured on a surveillance camera at a gas station using the stolen credit card. When deputies contacted the inmate, he fled on foot. In February 2010, the inmate stole Steven Aaland's truck from his driveway.

The inmate continued his life of crime as an adult when he continued to systematically take from others. In August 2011, the inmate was in possession of a digital camera stolen from an unlocked vehicle. In December 2011, the inmate was recognized on video surveillance as one of the suspects who stole an ATV. During a traffic stop of the inmate, he led officers on a pursuit where the vehicle reached speeds of 60 to 65 MPH on a residential street and failed to stop at two stop signs.

In September 2012, the Schwartz family returned to their residence and discovered an iPad3, iPod Touch, iPhone3 and a diamond ring were missing. The investigating deputy discovered that the inmate sold the Apple devices to ecoATM at the Thousand Oaks Mall

approximately two hours after the burglary. The deputy also discovered the inmate sold the jewelry to West Coast Gold Buyers on the date the burglary occurred. A probation search at the inmate's residence turned up several other stolen items.

In November 2012, the inmate forced entry into the office of the Vallecito Mobile Estates by prying the door open. A safe containing cash, a checkbook, and gas credit cards were stolen, and a metal drop box containing rent checks from residents was broken open. The inmate had cut himself during the burglary as blood was found on a glass window, a flashlight, and on cabinets and door handles. The DNA profile from the blood matched the inmate.

#### **DISCUSSION**


Granting early parole of the inmate poses a safety risk to the community. The inmate has shown a complete disregard for the safety of others in the community and their property. His record consists of evading officers and an increasing brazenness in his thefts. Residential burglaries are inherently violent crimes. The inmate does not care about the well-being of others or their property.

The inmate's criminal history demonstrates he will not change as his crime has escalated over time. Prior grants of probation and parole have done nothing to deter the inmate's propensity to harm others. He is unquestionably a danger to the community.

#### **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

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