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December 21, 2018

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

**Re: Inmate Jose Enrique Valdez; CDCR BE4996  
Ventura County Superior Court Case 2016041812  
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 Jose Enrique Valdez. In September 2017, the inmate was sentenced to 6 years in prison. Releasing the inmate now means he would serve approximately 33 percent of the actual sentence imposed. The recommendation to deny early release is based upon:

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

## **CIRCUMSTANCES OF COMMITMENT OFFENSE**

The inmate's commitment offense resulted in the inmate impregnating a 16-year-old girl named Tiana. For years, the inmate defied Tiana's mother's requests to stay away from Tiana. In fact, the mother (Maria) even obtained a restraining order in an attempt to keep the inmate away from Tiana. The inmate, however, repeatedly violated the order and had constant contact with the Tiana. Tiana became pregnant with the inmate's child in January 2016.

In June 2015, Tiana's mother discovered her daughter was in a long-term romantic relationship with the inmate. She learned from her daughter that this relationship dated

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back to 2014 when the inmate was serving a sentence in state prison and maintained contact with Tiana via mail. The victim's mother directed the inmate to stay away from Tiana, but he refused and continued to harass Maria and her family.

In December 2015, the inmate went to Maria's residence and refused to leave. Later that month, the inmate rammed his vehicle into Maria's car when she was seated in the driver's seat. He yelled at Maria and Tiana, "That's what you get you fucking bitches!" In January 2016, the victim became pregnant with the inmate's child. In February 2017, the inmate repeatedly called Tiana's aunt and threatened that if Tiana didn't call him, he would "do something to her!"

On September 8, 2016, Tianna gave birth to a child. A paternity test confirmed the inmate was the father of the child. Shortly after giving birth, Tianna began using drugs and was unable to care for her child. Maria is now the guardian of the inmate's child. She is petrified he will continue to terrorize her, Tiana, and the child when he is released from prison.

### **CRIMINAL HISTORY**

The inmate's performance on prior grants of probation was poor. The probation officer, who supervised the inmate for violating the restraining order violations with Tiana, stated the inmate appears to have mental health issues. This was demonstrated by the inmate's repeated disregard of the court's orders and by the probation department's mandate to stay away from the victim and her family.

The inmate's criminal history dates back to when he was 15 years old. In 2004, the inmate had a sustained juvenile petition for trespass. He absconded from probation for over a year. In 2006, the inmate was suspended from school for suspicion of tagging. He started a physical altercation with the principal and yelled, "You can't touch me, I'm going to get you. I will see you on the streets!"

As an adult the inmate continued his criminal ways. In 2008, the inmate was convicted of first-degree residential burglary. His probation was revoked, and he served two years in prison. In 2009, the inmate was convicted of second-degree burglary and again sentenced to prison.

Of particular significance in relation to the inmate's behavior in intimate relationships, the inmate was convicted of stalking and resisting arrest in 2013. There the inmate was in a dating relationship with a woman who ended their relationship after several domestic

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violence incidents. The inmate sent the woman numerous text messages threatening to kill her and damage her property. The woman contacted law enforcement after the inmate slashed the tires of her car and threatened to shoot her and her mother. When contacted by law enforcement, the inmate fled. The inmate was sentenced to 32 months prison and released on PRCS in 2015. He violated the terms of his PRCS release twice.

In 2015, the inmate was convicted of misdemeanor battery. In 2016, he was convicted in two cases for violating restraining orders prohibiting contact with Tiana. In one case, the inmate went to a residence where Tiana was visiting. When confronted by the property owner, the inmate said, "Shut the fuck up, bitch, catch me if you can." and sent Tiana messages threatening to kill her and her unborn child. The inmate was sentenced to 120 days in jail. Three months later, he violated the restraining order again.

In October 2016, the inmate entered Tiana's residence without permission in violation of the restraining order. He demanded to hold their one-month old child. When police were called, the inmate vandalized Tiana's relative's car while holding the baby. He then fell to the ground while holding the child. When police attempted to contact him, he fled. The inmate was sentenced to 90 day in Ventura County jail. One month later, he was arrested for his most current offence.

## **DISCUSSION**

Granting early parole of the inmate poses a clear and present danger to Tiana, her future intimate partners, her family, and to the community. The 27-year-old inmate started his romantic relationship with Tiana when she was 13 or 14 years old. The inmate has demonstrated over and over that he has no respect for the law. A felony stalking conviction, court orders, and restraining orders have done nothing to stop his obsessive contacts and criminal threats. His behavior indicates a long-standing scheme of dominance and control in domestic relationships. In domestic violence situations, this scheme usually escalates in frequency, severity, and potential for significant violence.

In the instant offense, the inmate admitted a great bodily injury (GBI) allegation (due to the fact that the victim became pregnant as a result of the offense) and a serious prior allegation. The sentencing judge struck the great bodily injury allegation, which resulted in the underlying offense no longer being a violent felony prior and allowing this violent inmate the chance to be released early. Also, the striking of the GBI allegation caused the serious felony prior (a five-year enhancement) to become no longer applicable. Hence, the five-year enhancement was stricken by the court. This conferred the inmate the benefit of a sentence of 6 years in prison when his exposure at the time of plea was 14 years.

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The California Legislature has found that domestic abusers present a “clear and present danger to the mental and physical well-being of the citizens of the state of California.” (Penal Code section 273.8). In addition, the inmate has been convicted of stalking and engaged in stalking behavior in the present case. Penal Code section 647.6 recognizes that stalking is a serious and frightening crime. Nationwide statistics suggest that 90 percent of women killed by their husband or boyfriend were stalked before the murder.

The inmate’s substantial criminal conduct paints a vivid picture of extreme disregard for laws. He terrorized and impregnated a 16-year-old girl and destroyed her life. His repeated threats to kill his domestic partners and their families indicates a potential for extreme violence. The inmate is utterly unable to refrain from engaging in criminal conduct. He should serve his full prison term.

#### **CONCLUSION**

The inmate poses an unreasonable risk of violence to the victim and 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

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