



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

February 4, 2019

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

**Re: Inmate Jorge Antonio Esquivel; CDCR BF0394
Ventura County Superior Court Case 2017004438
Opposition Letter Due to Board of Parole Hearings February 7, 2019**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jorge A. Esquivel. In November 2017, the court sentenced the inmate to seven years in state prison. The inmate has only served approximately 30 percent of the actual sentence imposed. Given the violent nature of his crimes and the present danger he poses to the public the inmate should serve his full term. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's obvious allegiance to a violent criminal street gang mentality.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On January 17, 2017, the inmate and three other gang members were out driving around looking for the victim so they could assault him. These gang members were doing this in order to have the participants demonstrate their loyalty and allegiance to the criminal street gang. They found the victim walking to a friend's house, and they stopped their car to confront him. They yelled, "Where you from?", but the victim kept on walking. Three of the four jumped out of the car to attack the victim, which included the inmate. During the brutal 3-on-1 attack, the inmate pulled out a metal pipe, and he began to beat the victim with it. The inmate hit the victim in the head. When the victim raised his arms in

a defensive posture, the inmate struck the victim's hand. The inmate fractured the victim's finger, and caused a two-inch laceration to the back of the victim's head, which required eight staples to close. The victim also suffered significant bruising and abrasions on his upper body from the inmate striking him with the metal bar. During this attack, the gang members were yelling out their gang name. While beating the victim, the group also took the victim's hat and an electronic device. The inmate and his fellow gang members beat the victim for about 30 seconds. They then ran back to the car and drove away.

During subsequent investigation, detectives recovered the victim's hat from one of the inmate's fellow gang members. They also found photographs in a cell phone depicting people in the inmate's gang wearing the stolen hat as a trophy while flashing their gang signs.

Following the assault with a deadly weapon, the group of gang members went to the residence of a "shot-caller" for the gang. The group of gang members, inmate included, discussed the fact that one of them remained in the car instead of participating in the assault. Based on his failure to participate, the gang members decided to kick out the fourth person, which meant they would assault him. The inmate and three other gang members then violently assaulted the one who did not participate in the earlier attack. They beat him up and kicked him out of the gang. This second victim was only 16 years old.

Detectives obtained a search warrant for the inmate's cell phone. During the search, they found communication between him and other gang members about the assault with a deadly weapon and the later beating. The inmate told another gang member, "Aye me and the homie fucked up [the victim] all nasty g." He went on to explain that the juvenile victim had been kicked out of the gang for his failure to engage in the violence expected of him. Finally, the inmate asked a fellow gang member to borrow a handgun in case rival gang members came to his house.

In the following weeks, other members of the inmate's criminal street gang continued to harass the juvenile victim, and even dissuaded him from reporting the crime. The inmate eventually pled guilty to assault with a deadly weapon and a battery, and admitted the special allegations that both crimes were committed for the benefit of his criminal street gang. The court sentenced the inmate to seven years in prison despite not having a documented criminal record.

DISCUSSION

Proposition 57 was enacted to give “non-violent” offenders an opportunity to be released early. The inmate’s commitment offenses were violent gang assaults which should prevent him from being paroled early. The inmate is a violent person.

Granting early parole of the inmate poses a safety risk to the community. The inmate’s violent crime, his attacks on multiple victims, and his demonstrated commitment to the criminal street gang violent ideology make it clear he should not be paroled. In particular, the nature of this offense – to plan an attack, bringing a deadly weapon, beating the victim in the head and body, working in concert with other gang members, and doing it publicly in order to instill fear in the community – demonstrate he is a violent gang criminal. The inmate’s other bad acts include attacking a juvenile who refused to participate in the first brutal beating, bragging about both attacks to other gang members, sharing his trophy (the stolen hat) with fellow homies, and showing an intent to continue on that same path by making attempts to arm himself with a firearm. Whether it’s acting in concert with gang members to commit an assault with a deadly weapon, beating juveniles who don’t live up to his standard of violence, or propagating the violent gang culture, the inmate’s actions demonstrate a continued need to prevent him from having the opportunity to commit further harm to the community. He should serve his full prison term.

CONCLUSION

The inmate poses an unreasonable risk of violence to 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

GDT:ls

Email: BPH.CorrespondenceUnit@cdcr.ca.gov