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February 4, 2019

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

**Re: Inmate Miguel Gallardo; CDCR AV9138
Ventura County Court Cases 2012038720, 2014012752
Opposition Letter Due to Board of Parole Hearings February 9, 2019**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Miguel Gallardo.¹ In February 2015, the inmate was sentenced to 12 years in prison. Releasing the inmate now would mean he would serve less than 50 percent of the actual sentence imposed. This recommendation is based upon:

- 1) The inmate's commitment offense involving the Mexican Mafia criminal street gang.
- 2) The inmate's significant criminal history and failure to be crime free.
- 3) The inmate's poor conduct while incarcerated.
- 3) The unreasonable risk of violence, and of significant criminal activity in the community if released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

Case 2012038720

The inmate was committed to prison for being instrumental in an international Mexican Mafia criminal gang conspiracy to unite and organize all criminal street gangs throughout Ventura County to collect and pay taxes to the Mexican Mafia. The Mexican Mafia set up this ruling body of loyal and trusted local street gang members for the purpose of taxing and punishing drug dealers and gang members in Ventura County. A three-month long wiretap and interagency law enforcement operation and investigation exposed that Mexican Mafia member Martin Madrigal had organized a *mesa*, or ruling

¹ This letter is very similar to the opposition letter sent last year.

body, in Ventura County. Mexican Mafia associate Edwin Mora, who is also in prison on this case, had been granted control of the narcotics trafficking in Ventura County by Madrigal. Mora organized the gangs and appointed gang leaders from each gang to collect taxes and enforce the mafia's edicts within their own gang. These leaders forwarded collected taxes to Mora, who then sent money to Madrigal's wife in Mexico.

This *mesa* used threats of force and great bodily harm against drug dealers to intimidate them into paying these taxes. They also threatened gang members who were reluctant to accept and follow Mora as the Mexican Mafia's appointed leader.

The inmate was instrumental in assisting Mora in setting up the *mesa*'s control in the city of Camarillo by vouching for a local gang member to control Camarillo. The inmate also identified a local drug dealer and personally told the drug dealer that he was going to have to pay \$500 per week in narcotic taxes. The drug dealer was then contacted by another *mesa* member, Juan Rosas, who followed through and began collecting weekly extortion money until Rosas was arrested. The *mesa* continued to operate, and several other *mesa* members contacted Rosas to continue the threats and extortions. Unable to escape the extortion web, Rosas went into hiding.

Case 2014012752

On September 17, 2013, a contraband control search was conducted of the inmate's cell at the Ventura County jail. Hidden in a box under the inmate's legal mail was a seven-foot long braided rope with eight tied knots. A razor blade broken in half and removed from its protective housing was found between a folded towel. A 2-pound, 20-inch club made from rolled magazines wrapped in plastic wrap was also found. After waiving his *Miranda* advisements, the inmate admitted the club was his.

From the inmate's arrest on August 24, 2012, to his sentencing in February 2015, he had 13 major incident reports for failure to obey, deception, possession of contraband, disrespect towards staff, excess amount of contraband, possessing or manufacturing a weapon, creating a disturbance and disrupting normal jail operations, challenging to fight another inmate, hoarding food, and making or possessing pruno in the local jail.

CRIMINAL HISTORY

As a juvenile, the inmate first consumed alcohol at the age of 14, used methamphetamine at 18, began injecting heroin at 21, and has used cocaine. He has never participated in drug or alcohol treatment. At age 14, the inmate committed his first theft. He was convicted of assault at 18 and convicted of battery at 19. His first prison term was for two cases involving the heroin possession at age 22, and possession of tar heroin at 24. Upon his release from prison, he was quickly returned to prison for possession of heroin.

Board of Parole Hearings
Re: Miguel Gallardo, CDCR AV9138
February 4, 2019
Page 3

In 2005, he was convicted of possessing brass knuckles. In 2006, he was convicted of his strike offense, criminal threats of death and/or great bodily injury. He was again sent to prison. Upon his release, he was convicted of possessing a knife and brass knuckles.

CONDUCT IN PRISON

During this current incarceration the inmate has incurred serious prison rule violations. On March 29, 2015, he was in possession of manufactured alcohol. On June 6, 2015, he was fighting another inmate. Later that month on June 30, he was battering another inmate. One year later on June 27, 2016, he was in possession of a cell phone.

DISCUSSION

The inmate has established himself as a loyal criminal street gang member whose life has been spent in custody, on parole or on the streets helping the Mexican Mafia extort drug dealers. He is connected to a wide net of international gang leaders and the Mexican Mafia. The inmate is well-connected to his gang and has functioned as their tax collector.

His activities since his juvenile detention have demonstrated he is unable to lead a drug-free law-abiding life. Parole has been granted to him numerous times. This is someone who has been given chance after chance by society, only to return to violent criminal activity. Considering the inmate's life of crime since he was 14 years old, and the current offenses, justice requires the inmate serve his full sentence.

CONCLUSION

The inmate, with his willingness to be part of the Mexican Mafia, poses an unreasonable risk of violence to the community if granted early parole. Moreover, a grant of early parole does not sufficiently punish him for the commitment offense. I respectfully request early parole be again denied.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

GDT:kd

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