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September 10, 2019

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

**Re: Inmate James David Mabb; CDCR BF5182
Ventura County Superior Court Case 2017035186
Opposition Letter Due to Board of Parole Hearings September 26, 2019**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate James Mabb. In February 2018, the inmate was sentenced to 11 years in prison. Releasing the inmate now means he would only serve about 20 percent of his actual sentence imposed. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offenses.
- 2) The inmate's serious criminal history.
- 3) The unreasonable risk of violence and of significant criminal conduct if released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On September 10, 2017, deputies responded to a residence in Fillmore regarding a dead body. It was confirmed Terry Olson had died from natural causes. Mr. Olson's next of kin was his mother, Marion Olson (Marion). Marion lived in Wisconsin and passed away on September 28, 2017. Sharon Hennings was Marion's power of attorney and was in the process of becoming Mr. Olson's power of attorney. Ms. Hennings also lives in Wisconsin.

Beatriz Hernandez, a neighbor, was watching after the home since Mr. Olson passed. The property owners, Mauricio and Trini Vasquez, had changed the locks on the home after Mr. Olson passed. On September 24, 2017, Ms. Hernandez heard from another neighbor Mr. Olson's truck was no longer in the driveway. Ms. Hernandez noticed the front door was unlocked and looked inside the house. Ms. Hernandez noticed the keys to the truck

were missing. Ms. Hernandez had seen Mr. Olson's car in the driveway just a few days prior. Ms. Hernandez called the police. The police inspected the house and learned a window over the garage door had been broken.

On September 30, 2017, deputies were again dispatched to Mr. Olson's house in reference to a suspicious subject. Deputy Tumbleson noticed a Chevy truck in the driveway. When running the truck, he learned the truck was listed as belonging to Mr. Olson and was listed as stolen. There was a plastic lid leaning against the front door, indicating nobody had entered through the front door. Deputy Tumbleson knocked on the front door and the defendant answered. Deputy Tumbleson detained the defendant. Deputy Tumbleson asked for identification. The defendant produced a wallet and began looking for his ID card. Deputy Tumbleson noticed a CCW permit in Mr. Olson's name. After producing a driver's license to Deputy Tumbleson, the defendant stated the truck in the driveway belonged to the defendant, then changed his story and claimed he did not have any vehicles.

Deputy Tumbleson ran the defendant through dispatch and learned the defendant had two warrants out of Los Angeles County. Deputy Tumbleson arrested the defendant. Deputy Tumbleson searched the defendant incident to arrest and found three wallets on his person. He also found a key fob for the Chevy truck. Inside one wallet, Deputy Tumbleson found two credit cards and a debit card in Marion's name. Also inside that same wallet was Mr. Olson's CCW card, three debit cards, two credit cards, and two checks from Mr. Olson's checking account made payable to the defendant, dated 9/5/17 and 9/16/17. In another wallet, Deputy Tumbleson found another debit card in Marion's name as well as 0.54 grams of methamphetamine (including packaging).

During his contact with the defendant, Deputy Tumbleson noted the defendant appeared to be under the influence of a CNS stimulant. Deputy Tumbleson conducted two DAR evaluations, confirming his suspicions. The defendant refused to provide a urine sample, claiming he just used methamphetamine the day prior and his urine would be dirty. Detective Meixner later conducted a third DAR evaluation, agreeing the defendant was under the influence of a CNS stimulant.

Deputy Chavez conducted a search of the truck. In the center console of the truck, Deputy Chavez found a loaded Smith and Wesson handgun. The defendant has been convicted of several felonies, including two prior strikes. A records check revealed the firearm was registered to Mr. Olson. Approximately 150 rounds of ammunition were also found in the truck.

Deputy Chavez spoke with another next-door neighbor, Juan Martinez, and his son, Kevin. Juan indicated he saw the defendant exit the truck and head toward the back of the residence. Kevin indicated he began video-recording the defendant exit the truck and

jump over a locked chain-link fence. Deputy Chavez inspected the area the defendant jumped over and saw the garage was locked, but a window was broken. This appeared to be the point of entry – again.

Deputy Chavez spoke with Trini and Mauricio Vasquez, the owners of the house Mr. Olson was renting. Mr. Vasquez indicated the defendant was not on any rental agreement and was not permitted by him (Mr. Vasquez) to be in the home. Mr. Vasquez explained after Mr. Olson was found deceased in the home on September 10, 2017, Mr. Vasquez changed the door locks, and no one but he and his wife had the keys to the new locks. After the burglary on September 24, 2017, where it was determined the garage door window was the point of entry, Mr. Vasquez stated he nailed planks of wood to board up the window. On September 30, 2017, the planks of wood were kicked in.

Detective Delpit spoke with Ms. Hennings over a span of multiple weeks. At the outset of their contact, Ms. Hennings informed Detective Delpit she had read several text messages on Mr. Olson's cell phone, which indicated Mr. Olson and the defendant were involved in a sexual relationship. One text message from Mr. Olson to the defendant on August 17, 2017, stated, "If you continue to fuck around with my bank, I'll take this to the police."

On September 27, 2017, Ms. Hennings informed Detective Delpit she had received a text alert on Mr. Olson's cell phone, indicating a charge of \$48 was made against Mr. Olson's credit card for Domino's Pizza in Woodland Hills. Detective Delpit called that Domino's location and spoke with the manager requesting information regarding that transaction. The manager informed Detective Delpit the caller identified himself as Terry Olsen and requested the pizza be delivered to Extended Stay America, Room 113, in Woodland Hills. The pizza was delivered, and the subject signed the receipt as Terry Olson. The credit card used to pay for the pizza ended in "1437." Detective Delpit then called Extended Stay America and spoke with a receptionist. The receptionist informed Detective Delpit that James Mabb was staying in room 113. She stated he checked in on September 26 and was checking out on September 29, 2017. The credit card used to purchase the pizza was one of the credit cards found by deputies on September 30, 2017.

Detective Meixner spoke with the defendant. The defendant stated that after he saw in the newspaper that Mr. Olson had passed, he wanted to go to Mr. Olson's house to collect some of his belongings. The defendant claimed that on the first entry of the home, he walked in through the front door. First, the defendant claimed the front door was wide open, but then stated it was closed, but unlocked. When asked specifically why he went to the location the first time, the defendant initially stated it was to get his belongings, but then stated he was going to grab whatever he could find in the house. The defendant admitted he intended on taking the truck. When asked why he took the truck, the defendant stated that nobody else was around that was going to get the truck or would care about it. Regarding the truck, the defendant admitted he would only drive it

specifically when requested by Mr. Olson and he did not have permission to take the truck or anything in writing proving the truck would become his. The defendant took both sets of keys to the truck and the wallets so that no one else would come in the house and take them.

After taking the truck, the defendant discovered one of Mr. Olson's handguns was in the center console of the truck. He also discovered there were three 50-round boxes of ammunition in the rear passenger area of the truck. He handled the handgun. The defendant admitted he was aware he was prohibited from possessing a firearm based on his record. The defendant stated he decided to keep the handgun for protection. Specifically, the defendant said, "even though I have a record, I'm going to have my fun and go target shooting. And if that's a charge, oh well, fuck it."

After taking the truck, the defendant went to various places, including a hotel in Woodland Hills. He checked out of that hotel on September 29. The defendant denied ever buying pizza with Mr. Olson's credit card. He admitted he never had permission to use Mr. Olson's credit cards other than to take money out of an ATM when Mr. Olson allowed him to. When asked why Mr. Olson would make a check out to the defendant for a date distant in the future, the defendant provided no explanation. The defendant denied trying to take money out of Marion's accounts.

The defendant stated he returned to Mr. Olson's house on September 30 to collect more of his belongings. He claimed he entered through the front door, which was closed but unlocked. The defendant denied jumping a fence and provided an inconsistent statement of what he was wearing. The neighbor claimed he was wearing a blue shirt, which was found in the garage, but he claimed he was wearing a white shirt.

When asked if the small zip-lock bag found on the defendant was methamphetamine, the defendant said he guessed it was if it was found in his possession. The defendant admitted to smoking methamphetamine the day prior in Woodland Hills. He admitted he regularly snorts and smokes methamphetamine.

The inmate was later convicted of felony identity theft, two counts of misdemeanor identity theft, felon in possession of a firearm, felon in possession of ammunition, and possession of a controlled substance. He admitted two strike priors and four prior prison commitments. The court sentenced the inmate to 11 years CDCR.

CRIMINAL HISTORY

The inmate's criminal history not only illustrates his propensity to commit crimes, but it also clearly establishes that he has a complete disregard for the rule of law. Since the age of 14, the inmate has led a life of crime. Since being an adult, the inmate has been

convicted of five misdemeanors and 12 felonies. The misdemeanor offenses include corporal injury on a spouse, possession of drug paraphernalia, and theft of a credit/debit card. The felony offenses include felony evading, possession of a weapon in custody, possession for sales (three counts), assault with a deadly weapon, first-degree residential burglary, battery on a peace officer, and second-degree burglary (four counts).

The inmate's first violent conviction was in 1995. The inmate was confronted by a security guard in an apartment complex. An argument ensued and the inmate grabbed the security guard's flashlight and struck him in on the head. The inmate then ran from the scene.

In 1990, the inmate was being transported from Los Angeles County jail to prison when he was found to be in possession of a broken razor blade.

In 2001, the inmate was seen beating his girlfriend while kicking her with a cast on his foot. The inmate then dragged her across the street by her hair.

In 2004, the inmate was convicted of battery on a peace officer. The inmate created a disturbance in his jail cell. As the deputy handcuffed his wrist, the inmate resisted and pushed off the wall. As a result, the inmate and another deputy landed on the ground. The inmate then wrapped his legs around the deputy's head and began to squeeze. The inmate struck the deputy several times in the shoulder, arms, and chest. Another deputy tried to spray the inmate with Oleoresin Capsicum but the inmate kicked the can out of his hand. The inmate then struck that deputy with his arms and legs. The inmate dug his nails in the deputy's neck and attempted to bite his inner left thigh. Both deputies sustained scratches and lacerations.

The inmate clearly believes he is above the law and that the law does not apply to him; he does what he wants, takes what he wants, and when he wants without considering the harm or loss to others. The most alarming part of his criminal history is his propensity for violence towards random strangers as well as individuals he knows.

DISCUSSION

The inmate has maintained a consistent history of violent criminal behavior. He has a history of theft, drugs, resisting law enforcement, and possessing/using weapons. Additionally, he has demonstrated his complete lack of respect for the criminal justice system and has consistently posed as a threat to members of his community.

Proposition 57 was enacted to allow "non-violent" offenders an opportunity to be released early from prison. To classify this offense, and the inmate, as non-violent is

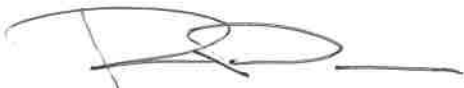
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absurd. The inmate is not the type of person the voters believed would be released early from prison. He is unpredictably violent and poses a great danger to the community.

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,

A handwritten signature in dark ink, appearing to be 'RD', with a horizontal line extending to the right.

RACHELLE DEAN
Supervising Deputy District Attorney

RD:je

E-mail: BPH.CorrespondenceUnit@cdcr.ca.gov