



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

CHERYL M. TEMPLE
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Administrative Services

R. MILES WEISS
Chief Deputy District Attorney
Criminal Prosecutions

W. CHARLES HUGHES
Chief Deputy District Attorney
Justice Services

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

KEVIN B. DRESCHER
Chief Deputy District Attorney
Special Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

November 8, 2019

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

**Re: Inmate Jose Guadalupe DeHaro; CDCR BI5348
Ventura County Superior Court Case 2018025366
Opposition Letter Due to Board of Parole Hearings November 15, 2019**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Jose Guadalupe DeHaro. On February 5, 2019, the inmate was sentenced to two years eight months in prison, with 396 days of credit. Releasing the inmate now means he would serve approximately 50 percent of his actual sentence. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offenses.
- 2) The inmate's significant criminal history.
- 3) The unreasonable risk to the community if the inmate is released early.

CIRCUMSTANCES OF COMMITMENT OFFENSE

On July 23, 2018, at approximately 4:00 a.m., a patrol officer was traveling behind the inmate when he failed to obey traffic laws. The officer conducted a traffic stop and the inmate eventually pulled over in front of an auto body shop in Oxnard. The inmate identified himself as "Jose Robles," and when asked, he denied being on probation. The inmate then explained that the car was not his, but the body shop allows him to use customers' vehicles. He also stated that he lived inside of an ice cream truck, which was parked in a lot of the body shop. The inmate claimed he was returning from the liquor store when he was stopped.

Although the inmate gave several false names, the officer ultimately identified the inmate's true name and discovered that he was in fact on probation. The officer also found contact information for the registered owner of the vehicle, victim Josephine Salazar (age 78). Officers contacted the victim at her home at 5:00 a.m. The victim's vehicle had been dropped

off at a repair shop located approximately 2.5 miles from the auto body shop where the inmate claimed he took the vehicle. Ms. Salazar confirmed she did not know the inmate and never gave him permission to drive her vehicle.

The key found in the ignition of the vehicle did not appear to belong to the victim's car. Under *Miranda*, the inmate stated that he saw the car parked across the street from the body shop, found the keys inside the car on the driver's side floorboard, and drove the car to the store to get cigarettes. The inmate told officers he did not believe the District Attorney would file charges against him because what he did would be considered mere "joyriding."

The inmate was convicted of felony unlawful driving or taking of a vehicle. The court found true a strike prior and one prison prior. The court sentenced him to two years eight months in prison, refusing to strike his prior strike offense.

CRIMINAL HISTORY

This inmate's criminal history dates back over 30 years. He has repeatedly committed crimes of violence, theft, and substance abuse.

In December 1986, at the age of 12, a petition was filed against the inmate for violation of Penal Code section 245(a)(1); assault with a deadly weapon. The case was handled informally with Community Work.

In 1988, at the age of 14, and again in 1990, a petition was filed against the inmate for violation of Penal Code section 484; petty theft. In 1991, at the age of 17, a petition was filed against the inmate for violation of Penal Code section 459; burglary. Both petitions were sustained, and he was made a ward of the court.

As an adult, the inmate was convicted in 1994 for violation of Vehicle Code section 23152(b); driving under the influence. By 1995, the inmate's criminal conduct quickly escalated. He suffered convictions for Penal Code section 245(a)(1); assault with a deadly weapon, and Penal Code section 148(a); resisting, obstructing, or delaying a peace officer. By 1998, after suffering another conviction for driving under the influence and multiple convictions for theft offenses, the inmate was convicted of Penal Code section 211; second-degree robbery with use of a firearm. He was sentenced to 13 years in prison.

In July 2010, and again in August 2010, while in custody at CDCR's Soledad Facility, the inmate was charged with violations of Penal Code section 405; participating in a riot. Those cases were handled administratively.

By 2017, the inmate was convicted of Penal Code section 242 – Battery, Penal Code section

243(b) – Battery on a Peace Officer, and Penal Code section 148(a)(1) – Resisting, Obstructing, or Delaying a Peace Officer. In that case, officers were dispatched to a street fight in progress. Upon arrival, the victim reported he was working at a city facility when someone began kicking the door. After 2-3 kicks, the victim opened the door and was confronted by the inmate. The inmate threw a lunging punch at the victim with a closed fist and struck him on the shoulder. When officers confronted the inmate, he began yelling and sticking up his middle fingers at officers before running away. After officers pursued the inmate, he quickly approached an officer's patrol vehicle with his fists clinched and shoulders rolled forward, as if he intended to fight. While being taken into custody, the inmate was so combative, officers were forced to place him in a hobble restraint. The inmate refused to identify himself or answer any questions about what happened. When officers tried helping the inmate to his feet, the inmate turned to face an officer and spit, hitting the officer's pants. He was ultimately sentenced to 180 days in jail.

In April 2018, the inmate was convicted of Penal Code section 602.5(a) – Aggravated Trespass, and Penal Code section 148(a)(1) – Resisting, Obstructing, or Delaying a Peace Officer. In that case, the inmate arrived at the victim's home at 6:00 a.m. The victim observed the inmate get out of a car parked in the victim's driveway. The inmate asked the victim if he wanted beer or drugs, which the victim ignored. The inmate then ran past the victim and into the open door of the victim's home. The victim immediately went back into his house because the victim's wife was asleep inside. The victim called 911 and watched the inmate inside his home until police arrived minutes later. The inmate then grabbed a bottle of Ensure and ran out of the house. When officers contacted the inmate in the victim's driveway, the inmate said, "I'm a martial artist, my fists are weapons" and "I have a bomb in my pocket". While the officer attempted to take the inmate into custody, the inmate yelled "Fuck you, get off me" before attempting to punch the officer. The officer had to repeatedly punch the inmate in the face to stop the inmate from swinging punches. Officers later found methamphetamine on the inmate's person. He was ultimately sentenced to 148 days in jail.

The inmate's conduct while in custody at Ventura County Jail is illustrative of his continued disregard for the law and refusal to learn from his prior behavior despite multiple convictions and imprisonment. On August 17, 2018, the inmate received a major write-up for an accumulation of minor offenses. On September 5, 2018, the inmate received a major write-up for failing to obey a directive, smuggling contraband, and unauthorized communications. On October 10, 2018, the inmate received a major write-up for failing to lockdown. On December 2, 2018, the inmate received a major write-up for destruction of county property, placing foreign objects in the toilet and vandalism. On January 10, 2019, the inmate received a major write-up for loitering in front of a cell door. After being told twice to step away, he passed a stack of papers under the door. He then failed to follow several directives and began shouting in the day room. He disrespected staff, failed to obey, created a disturbance, and passed contraband.

Board of Parole Hearings
Jose Guadalupe DeHaro CDCR BI5348
November 8, 2019
Page 4

DISCUSSION

Granting early parole of the inmate poses a safety risk to the community. This inmate has made a career out of breaking the law with over 30 years' experience with robbery, weapons possession, vehicle theft, crimes of violence and substance abuse. The inmate's refusal to learn from his prior behavior strongly suggests if he is released early, he will continue to engage in violence, theft and drug-related criminal conduct. Even after being sentenced to thirteen years in prison for robbery, the inmate promptly continued with his criminal behavior, and continued to victimize the community upon being released on parole.

Based on his commitment offense, criminal history and demonstrated refusal to comply with the conditions of probation and parole, the inmate should not be released early from prison. California's constitution provides that victims of crime have a collective right held in common with all people of California to expect that persons convicted of committing criminal acts are sufficiently punished by the length of sentences imposed by the courts. (California Const. art. 1, section 28(a).)

Based on the inmate's unwillingness to change his behavior despite multiple incarcerations, he presents an unreasonable risk of significant criminal activity when released. Moreover, the inmate's continued criminal conduct while in custody shows a continued disregard for the law. He should serve his full term.

CONCLUSION

The inmate poses an unreasonable risk of violence to the community, and an unreasonable risk of significant criminal activity if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



RACHELLE HELM DEAN
Supervising Sr. Deputy District Attorney

RHD:hs

Email: BPH.CorrespondenceUnit@cdcr.ca.gov