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COUNTY OF YOLO

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May 2, 2016

Attn: Non-Violent Second Striker
Board of Parole Hearings
Correspondence-NVSS
P.O. Box 4036
Sacramento, CA 95812-4036

RE: Garcia, Francisco Dario, CDCR # AX5097

Dear Board of Parole Hearings,

Thank you for the opportunity to address the Board regarding the administrative review of inmate Francisco Dario Garcia, CDCR # AX5097, and his suitability for early release. Given the nature of the offense committed in Yolo County and Mr. Garcia's criminal history, Mr. Garcia poses an unreasonable risk to public safety such that the Yolo County District Attorney's Office opposes the early release of Mr. Garcia.

Current Domestic Violence Related Offense: February 25, 2015

On February 25, 2015, at approximately 1:00 am, the Defendant went to the apartment where his girlfriend [REDACTED] lived in Woodland California. At that time Ms. [REDACTED] lived there with 4 children, two of whom were the Defendant's. In the past she and the Defendant had lived together, but they had broken up in December 2014 and thereafter lived apart. When the Defendant arrived at the apartment he was intoxicated, a fact which was recognized by Ms. [REDACTED]. She let him into the apartment initially, but after approximately twenty minutes he became belligerent. He started to curse and she told him to go elsewhere that evening to sleep. In the past she had previously indicated to him that he could not be present there while intoxicated. After walking him to the door she closed it after her. Then she heard a loud thump which she believed was the Defendant kicking the door.

The Defendant began yelling at her through the apartment's glass sliding door to come outside. Ms. [REDACTED] refused. Then something hit the glass door, shattering it. She ran to the bedroom to call 911. While she was on the phone with 911, the Defendant walked around to the window of the bedroom she was in and began yelling at her from there. At the time she believed he had heard her make the phone call. When she refused to come outside she heard a loud crash and saw that the bedroom's window had been shattered. Looking around, she found a large river rock lying in the baby crib underneath

the window. Thankfully the crib was empty at that time. She didn't hear anything more from him after that.

The total damage as a result of the Defendant's vandalism came to approximately \$610 to \$625. Woodland police later found the Defendant near East Gibson Road. He was placed under arrest for felony vandalism.

Mr. Garcia was convicted via plea bargain of Penal Code § 594(b) as a felony and a prior "strike" conviction despite two "strike" convictions, Penal Code § 245(a)(1) assault with a deadly weapon and Penal Code § 186.22(b) participation in a criminal street gang. Mr. Garcia was sentenced to 32 months state prison.

2013 Domestic Violence

On May 27, 2013, Officer Brian Olson of the Woodland Police Department was dispatched because a minor had reported to a neighbor that her mom's boyfriend had been arguing with her and was stealing her car. The victim, [REDACTED] later called police and informed them that her boyfriend, the Defendant, had stolen her vehicle and struck her in the face. When Officer Olson arrived he interviewed the victim, and her daughter, who had placed the initial call. Both of them told the officer, in separate interviews, that the Defendant had struck [REDACTED] while she was in her bedroom. The victim had been holding her baby (by the Defendant) when the Defendant had struck her. The Defendant then picked the child up and went to the family room. Eventually he surrendered the child, left the apartment and took the car, which had his name on the registration.

A misdemeanor complaint was later filed against the Defendant alleging a violation of Section 243(e)(1) of the California Penal Code, battery against a person with a dating relationship, and a violation of Section 273A(b), abusing or endangering the health of a child. The District Attorney's file indicates that he pled to Section 242 of the Penal Code for 90 days county jail on February 2, 2015.

Prior Record: Parole Violations

The Defendant was arrested for four different parole violations following his release on parole for his 2004 convictions. One occurred in 2012, two occurred in 2013 and one in 2014. The Defendant's parole violations include: failure to follow instructions by failing to keep his parole officer informed about his living situation; associating with the victim in the present case, whom he was prohibited from seeing as a condition of parole, and failing to complete a batterer's program as a condition of parole.

Prior Record: Strike Offense

On Thursday, January 15, 2003, at approximately 1:18 pm, the Woodland Police Department responded to a stabbing at the intersection of East St. and Gum Ave. in Woodland. Prior to the stabbing, the Defendant had been engaged in an argument with the victim of the stabbing. The victim had been walking down Gum Avenue with his wife and a child in a stroller when the Defendant drove by in his car and made gang signs. Both had known each other for several years and the Defendant belonged to a gang that was rivals with the gang that the victim had belonged to. In addition, the victim had

married the former girlfriend of the Defendant. They argued for a while, and at some point the Defendant parked his car, in the process blocking the victim's movement. The Defendant exited his car and ran towards the victim while carrying a knife. A fight ensued and the victim was stabbed in the leg and cut on the arm and above his eye. When the victim demanded to know why the Defendant had used a knife, the Defendant then threatened to use a gun.

All of this took place in public, in front of the victim's pregnant wife and young child. The stab wound to the leg punctured and severed an artery, causing the victim to begin to bleed profusely. After prompting by his girlfriend, the Defendant fled the scene, leaving the victim bleeding out on the street. The victim was transported to UC Davis Medical Center in Sacramento in critical condition. While there the victim underwent surgery and was stabilized.

The Defendant, meanwhile, had fled with his girlfriend. The Defendant's girlfriend was later pulled over in a different vehicle. Near the front passenger seat was a purse, which held a paper bag containing a bloody knife. The Defendant was later arrested in Pomona, California. He was eventually arraigned and released on bail. When the Defendant showed up at court on June 17, 2003, he learned from his lawyer that he would probably be taken back into custody that day. This prompted the Defendant to run out of the courthouse. He fled the scene and was hiding from law enforcement until 2004, when he was finally brought back into custody.

The case resolved short of trial when the defendant pled to one count of Penal Code § 245(a), Assault with a Deadly Weapon not a Firearm and Penal Code § 186.22(a), participation in a Criminal Street gang, with enhancements under Penal Code §§ 1320.5.1 and 12022.1, willful failure to appear while released on bail and committing a felony while released on bail.

Prior Record: 2001 Misdemeanor Conviction

In 2001 the Defendant was arrested and convicted for violating Penal Code Section 136.1(b)(1), victim intimidation and Penal Code Section 243(e)(1) misdemeanor domestic violence.

Prior Record: 2000 Misdemeanor Convictions

In 2000 the Defendant was arrested and convicted for violating California Vehicle Code Section 23152(b), driving under the influence, and for Penal Code Sections 242, misdemeanor battery and 69, obstructing or resisting an officer.

Conclusion

Since becoming an adult the Defendant has constantly been in trouble with the law. In the past fifteen years he has been either in custody, on probation, on parole, or committing a new offense; sometimes more than one at once. The violent nature behind several of the convictions demonstrates that the Defendant is exactly the type of repeat violent offender three strikes was intended to protect the public from.

In 2004 the Defendant was convicted as a result of him stabbing a man multiple times with a folding knife. As a result of this vicious attack, the victim suffered a severed

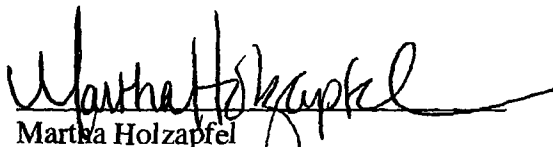
artery in his leg, an injury which placed him in critical condition. If not for medical assistance by witnesses and the prompt response of emergency personnel, he might have died. A major impetus for this attack, and the reason for one of his felony convictions, was the fact that the Defendant was a member of a criminal gang, the Nortenos.

The Defendant stands convicted of vandalism with a strike. Once again, Ms. [REDACTED] is a victim of the Defendant's aggression. While it is true that no one was hurt in this latest crime, the Defendant's actions could easily have injured someone, perhaps significantly. He threw a rock through a window which had the blinds drawn. He could not see clearly who was on the other side. The fact that the rock landed in a baby crib is especially troubling. Thankfully a child was not in the crib at the time. This action demonstrated a clear disregard for the safety of others.

The Defendant committed the crime a mere 20 days after pleading to a battery against Ms. Armendariz. The Defendant has demonstrated that he will continue to engage in violent or destructive behavior even while he is already facing the possibility of further incarceration.

The Yolo County District Attorney asks this Board to recognize that Mr. Garcia continues to pose an unreasonable risk to public safety. For these reasons, the District Attorney asks this Board not to release Mr. Garcia before his sentence is concluded.

Sincerely,



Martha Holzapfel
Lead Deputy District Attorney
Yolo County District Attorney's Office