



Sacramento County District Attorney's Office

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Non-Violent Parole Review Process
Correspondence-NVSS
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Re: Gabriel Ballesteros Ortiz CDC# AL9564 Court Docket: 11F07768

Gabriel Ballesteros Ortiz has a long criminal history and should not be considered for early release. He has shown an absolute disregard for the sanctity of other people's homes and/or property throughout his life. He has also committed several violent crimes and has repeatedly demonstrated that he is a threat to public safety. The circumstances of his current conviction and his prior criminal record show that he poses an unreasonable risk of violence to the community.

[REDACTED]

[REDACTED] During his early adulthood, Mr. Ortiz was convicted of a series of crimes for which the details are unknown.

Dec. 23, 1986	P.C. 647(g), Disorderly Conduct (misdemeanor, 5 days)
July 2, 1987	P.C. 245(a)(1), Assault with a Deadly Weapon (misdemeanor, 90 days)
May 9, 1988	P.C. 243(d), 148, Battery with Serious Bodily Injury and Resisting Arrest (misdemeanors, 60 days)
Nov. 29, 1988	P.C. 273.5, Domestic Violence (misdemeanor, 30 days)
June 8, 1989	V.C. 23152(a), Driving Under the Influence (misdemeanor, 2 days)
Oct. 23, 1989	P.C. 242, Battery (misdemeanor, 10 days)
Dec. 4, 1989	P.C. 273.5, Domestic Violence (felony, 180 days)
Sept. 4, 1990	Violation of felony probation (2 years state prison)

On April 30, 1990 Ortiz was convicted of a violation of P.C. 211 (Robbery) and sentenced to 2 years state prison. Mr. Ortiz and another subject entered a market and took beer. They attempted to leave the store without paying, but the clerk got in their way and would not allow them to leave. Ortiz punched the clerk and left the store. Ortiz served this sentence concurrently with a 2-year state prison term for a violation of Penal Code section 273.5 (Domestic Violence).

Between November, 1992 and 1995 Ortiz violated parole on at least 3 occasions.

On July 18, 1996, Ortiz was convicted of V.C. 10851(a) (Auto Theft) and P.C. 245(a)(1) (Assault with a Deadly Weapon). Ortiz entered a victim's residence, grabbed the victim around his neck and held a knife to his chest. Ortiz told the victim he needed his car and took his keys. Ortiz left the residence in the victim's car. Ortiz was sentenced to 7 years, 4 months in state prison.

On April 21, 2005, Ortiz was convicted of a violation of Penal Code section 602.5 (Trespassing, misdemeanor) and sentenced to 180 days jail. The facts of this case are not available. Ortiz also violated his parole on numerous occasions between 2002 and 2005.

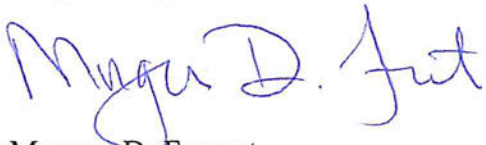
On January 9, 2006, Ortiz was convicted of a violation of Penal Code section 666 (Theft with a prior Theft Conviction) and sentenced to 32 months state prison. Three suspects initially stole beer from a Save Mart store. One of the suspects brandished a handgun when confronted by store employees. The suspects fled in a white station wagon, which was later recovered. The defendant was identified by store employees.

On November 11, 2011, Ortiz entered a garage that had been converted into a residence. The victim stated that she noticed the garage door was open from inside the residence. The victim went to the garage and saw Ortiz walking away with her husband's laptop computer bag. The victim confronted Ortiz and told him she thought he had her husband's computer and bag. Ortiz denied it was the victim's property. The victim grabbed the bag and Ortiz would not let go. They struggled over the bag and moved toward a back patio. A family member saw them struggling and came to assist. Another family member ultimately hit Ortiz with a log and was able to retrieve the laptop. Ortiz left the residence, but was quickly apprehended by law enforcement. Ortiz was found guilty by a jury on May 21, 2012, of violations of Penal Code sections 459 and 664/211 (Burglary and Attempted Robbery). During the trial Ortiz testified and tried to minimize his behavior because he was under the influence of alcohol. In a post-conviction interview he stated, "I was drunk. I was bamboozled. Dude handed me a laptop. I thought it was his. I wasn't in my right mind."

The Sacramento District Attorney's Office pursued the case against Ortiz as a two-strikes case even though he had 2 prior strike offenses. At the time of sentencing, Ortiz's strike prior was found true, 5 alleged prison priors were found true, and 2 priors related to serious felonies were found true. Given his extensive and ongoing criminal history, Ortiz was sentenced to 22 years, 4 months in state prison. Ortiz has served approximately 7 years of his sentence and should not receive the benefit of early parole.

As we are given 30 days to respond, and we are not provided with any disciplinary history or any other information aside from the one-page notice of parole review, I cannot comment on inmate Ortiz's prison conduct. However, from the record that is available, it is clear that inmate Ortiz should not be released because he poses a significant, unreasonable, risk of violence to the community.

Respectfully,



Morgan D. Forrest
Deputy District Attorney
Sacramento County District Attorney's Office