



Sacramento County District Attorney's Office

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March 17, 2021

The Honorable Gavin Newsom
Governor of California
State Capitol Building
Sacramento, CA 95814

ATTN: Legal Affairs Department

**Re: Samuel Arciniega (CDC # F-95060) – Sacramento County District Attorney
Opposition to Parole Grant on July 2, 2020 and February 4, 2021**

Dear Governor Newsom,

The Sacramento County District Attorney's Office is opposed to the finding of suitability and grant of parole to Inmate Samuel Arciniega (CDC # F-95060) as of July 2, 2020 and February 4, 2021 and request that the parole grant be reversed.

Summary of the Factual Circumstances of the Underlying Crimes

Victim #1 (██████)

On June 17, 2005 at approximately 22:54 hours, an officer responded to a residence regarding a possible rape in progress. Upon arriving on scene, the officer contacted a witness who advised him that she had been hailed by a female on the second floor of a residence. The female victim on the second floor had asked the witness to call the police because she had just been raped, and stated the suspect was still inside the house.

Officers attempted to make contact at the front door of the residence. They knocked loudly several times with negative results. The officers illuminated the upstairs window with their flashlights attempting to make contact. The victim came to the window and leaned out. The victim appeared very frightened. The officers could see the victim had been crying. She appeared to be hysterical. She was visibly shaking as she leaned out from the window. It appeared the victim did not have any clothes from the waist up.

The victim said clearly, "Help, I've been raped." One of the officers asked the victim if the suspect was still inside the house and she nodded her head rapidly in the affirmative. The officer asked the victim if she could come downstairs to the front door. The victim nodded her head in the affirmative.

The victim went back inside the room. The officers waited a short time with no response from the victim. When she didn't come to the front door, the officers illuminated the bedroom window with their flashlights again.

The officers observed the victim through the window looking down at them. The victim looked terrified. She repeatedly looked over her shoulder into the room. It appeared she could not make herself move away from the window. The victim was frantic and looked down at the officers with her mouth and eyes wide open, but she appeared unable to speak.

One of the officers asked the victim if she wanted them to kick down the door. The victim rapidly nodded her head in the affirmative. One of the officers loudly announced their presence by yelling, "Sacramento Police Department!" The officer then kicked the front door in. At that time, the officer heard a male voice inside the house say "Who's there?" The officer loudly announced, "Sacramento Police Department!"

The officer heard the male voice from upstairs say, "I'll be down in a second." It sounded like the suspect was in the same area as the victim. Due to the circumstances, the officers entered the residence and proceeded up the stairs to the room they had seen the victim in. Upon reaching the top of the stairs, the officers observed the defendant exit the west bedroom where they had seen the victim at the window. The defendant was detained and placed in handcuffs in the hallway outside of the bedroom.

One of the officers entered the bedroom and observed the victim seated on a mattress on the floor next to the window. The victim immediately stated, "He raped me?" She pointed to the defendant who was standing in the hallway. The victim was still hysterical and breathing rapidly. She had no clothing on. The victim had bruising on her right arm. Her face was red and tear-streaked.

The officer observed a used condom on the mattress next to where the victim was seated. A second used condom was on the floor between the mattress and the door. Both condoms appeared to have blood on them.

The officer obtained the victim's clothes so she could get dressed. The officer observed blood on the crotch area of the victim's jeans. The victim's hair was in disarray and uneven as though pieces of it had been pulled out in clumps. She had mascara smeared down her cheeks. She provided officers with a statement.

The victim stated she was from Colorado and was a student in training to become a paramedic. She stated she had been stressed out lately and was having some issues with work, family and school. The victim told officers that approximately two months prior, she met the defendant through her friends in Denver. She stated she had been talking to him on the phone since meeting him. The defendant offered to fly her out to visit him so she could have time to clear her head and get away from things at home. The defendant told the victim he would buy her a round trip ticket. The victim clarified that she and the defendant were just friends and she thought he understood that. She stated they had never had a sexual relationship.

The victim arrived in Sacramento on June 16, 2005. She got a cab to the defendant's house and hung out with him and had dinner. The victim stated the defendant lived at his residence with a roommate and, sometimes, the roommate's girlfriend. She said during her visit, the defendant had made a couple of references about her not "showing him any love." A couple of times, the defendant asked her to kiss him on the cheek. The victim stated she always told the defendant no and told him that's not the way she showed appreciation for her friends. The victim stated she fell asleep on the couch downstairs and then went upstairs to the defendant's

bedroom where he was sleeping. The victim stated she lay down on the mattress next to him and faced the other direction. That night, the defendant did not try to touch her or do anything to her.

The next morning, the victim talked to the roommate's girlfriend who stated she was wondering why the defendant would fly her to California because he did not make a lot of money. The victim looked at her plane ticket and realized it was a one-way ticket. The victim became upset and confronted the defendant, but the defendant brushed it off and said he was going to get her the other ticket later. Around 2:00 that day, the defendant left for work. The victim was left at the house alone.

The victim decided to take a nap. When the defendant returned home from work, she woke up. The victim was sitting on the mattress in the defendant's bedroom putting on makeup when the defendant walked into the room and turned off the light. The victim got up and turned the light back on and told the defendant to stop because she was trying to put on her makeup. At that point, the defendant told the victim to give him a private dance. The victim told him no and reminded him they were just friends. The victim told the defendant she was trying to get ready to go out but the defendant told her to get ready later. The defendant told the victim that if she wasn't going to strip for him then she could just get her property and go. The defendant was trying to hug the victim and she said, "we are not like that" and pushed him away. At that point, the defendant stated, "Right now it's my way." The defendant grabbed the victim by her sweatshirt and pulled her toward him. The victim tried to walk to the bedroom door to get away from him but the defendant yanked her back by her clothing. The defendant ripped the victim's shirt. The victim said, "Don't do this, why are you doing this?" The victim struggled to get away from the defendant. The victim ran to the bathroom next to the bedroom and tried to close the door. The defendant pushed it open and put both of his hands around the victim's neck and began strangling her. The defendant pushed his thumbs deep into her neck. The victim was afraid the defendant would kill her. She couldn't breathe for a few seconds and thought she was going to pass out. As the defendant was choking the victim, he lifted her up off the ground and up against the sink. The victim's pants got wet from the faucet and the defendant let her down.

The victim began screaming and crying and the defendant told her to "Shut up!" The victim said, "Fine, fine, back up." And took her sweatshirt off like she was going to go along with what he wanted to do. The victim thought if she could get him off her for a second, she could get away or she could scream loud enough for someone to hear her calling for help. The defendant yanked the victim's head around by the hair. He told her if she didn't do what he wanted that he would tie her up if he had to. The victim continued to fight the defendant off. The defendant put one hand over her mouth and told her to shut up. He pushed her to the ground and unbuttoned her jeans. The victim punched the defendant in the stomach one time. When she was on the ground, she tried to escape from the bathroom. The victim ran halfway down the stairwell when he grabbed her by the hair and pulled out her ponytail holder. He told her, "you will strip for me right now no matter what." The victim said, "I don't want to." The defendant said, "Fine, I will have to do it the hard way."

The defendant had the victim's hair in his hand as she was falling down the stairs. The victim was slipping on the hardwood floor because of the struggle and because she had socks on. The defendant slammed the victim's face three times on the corner of the hardwood floor. The victim was crying and telling the defendant to stop. The defendant told her to shut her mouth. The defendant repeatedly hit the victim's head on the wall. He elbowed her in the stomach and then pulled her bra off while dragging her upstairs to the bedroom.

Once inside the bedroom, the victim ran around the room trying to keep away from the defendant. The defendant grabbed the victim by her hair when she was standing near the closet doorway and then grabbed her neck with both hands and pushed his thumbs into her throat again. The victim was dizzy and lightheaded. The victim was crying and the defendant told her to shut her mouth. He grabbed her pants, pulled them off, and threw them across the room. The victim's underwear came off with her pants. The victim repeatedly told the defendant she did not want to do it but he told her that it was tough and to quit asking him why he was doing this to her.

The victim kicked the defendant in his ankle one time and said, "Please don't do this to me." The defendant told the victim to stop struggling. The defendant kicked the victim in her right thigh a couple of times. The victim fell to the ground and was crying and asking why he was doing that to her. The defendant went to the closet and got a condom out from the dresser drawer. He took his clothes off and put on the condom. The victim was lying on the mattress and the defendant forcibly got on top of her and started having sex with her as he covered her mouth with one hand. The victim tried several times to roll over and get the defendant off her but the defendant yelled at her to stop moving. The defendant said, "You know you like it, tell me you like it." The victim repeatedly stated, "Please don't."

At one point, the condom came off so he got up and went and got another one from the dresser drawer. The defendant got back on top of the victim and put his penis back inside her vagina. The victim told officers the defendant penetrated her six to seven times. The defendant tried to push the victim's legs over her head. The victim stated she was in pain and was bleeding. The defendant rolled over and made the victim get on top of him. The defendant had his hand around the victim's throat and said, "I got places to be." The victim stated the defendant held on to her legs while she was on top of him.

During part of the assault, the defendant asked the victim if she was on the pill or the shot. The victim stated she continued to try to get up but the defendant kept yanking her back by her arms or by her hair. At some point the second condom came off and the defendant put his penis back inside her vagina without any protection. The defendant pushed the victim off of him and then pulled her entire body towards him and kissed her neck and lips. The stated she kept her mouth shut. The defendant pulled her hair towards him and told her to kiss his neck. He then put his fingers inside her vagina twice.

Eventually the defendant got up and was trying to get cell phone reception. He was unsuccessful so he went downstairs to use the house phone. The victim opened the bedroom window and saw somebody walking by. It was at that point she told the witness to call 911.

The victim's head hurt all over from her hair being pulled and her head being banged on the floor and wall. She had several knots on her head and her nose hurt from her face being slammed into the floor. Her upper lip was cut inside and both her arms and legs were bruised and scratched. The victim's neck hurt from the strangulation and she had pain to her stomach. Finally, her vagina was hurt and bleeding.

Victim #2 (██████████)

The 15 year old female victim met the defendant at his workplace. The defendant offered to DJ the victim's birthday party, then offered to assist her in obtaining a work permit.

On May 1, 2006, when the victim went to the defendant's house to get work permit paperwork, the defendant pinned her on the couch and began kissing her. The defendant held the

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[REDACTED]

Conclusion:

The gravity of the commitment offense, as well as inmate Arciniega’s failure to fully understand and accept his responsibility as he attempts to manipulate the process poses a current danger to the public. This danger is supported by assessment and testing. Therefore, the grant of parole to Inmate Arciniega was thus improvidently granted. As such, I ask that you grant extraordinary relief to allow for the grant of parole to Inmate Arciniega to be reversed.

Respectfully submitted,

Anne Marie Schubert
District Attorney
Sacramento County District Attorney’s Office

⁶ See July 2, 2020 Parole Hearing at page 26
⁷ See July 2, 2020 Parole Hearing at page 29
⁸ See July 2, 2020 Parole Hearing at page 77