



Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings
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Re: David **Mendoza** – CDCR # AX8046

The numbers – always - tell the story. We rely on numbers, and what they indicate to us, in almost every aspect of daily life. Numbers drive our decisions on *everything* from finances to building safety to probabilities of particular outcomes: how much money is in the bank – what is the *number* of dollars there ? Not enough ? Then we'll have to forego that purchase or cancel that project. What is the amount of weight a stress-bearing support in a building can carry – what are the *numbers* on that ? If the weight is a *number* above a certain level, then that load-bearing support will, by itself, be unsafe. What is the likelihood of a particular outcome – be it a sports event, an election, a cancer treatment ? The numbers involved with each of those events dictate the decisions we make.

As to Inmate Mendoza, the numbers tell us his story – and it's ugly:

- **53**: years of age
- **34**: number of years involved in criminal activity
- **25**: number of arrests (at least)
- **19**: age at first criminal conviction
- **1981**: year of first criminal conviction
- **8**: number of misdemeanor convictions
- **17**: number of felony convictions
- **1**: number of "strike" convictions (at least)
- **9**: number of parole violations
- **6**: number of prison commitments [Source for all arrest/conviction information:

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inmate Mendoza's RAP]

- **7:** Number of convictions involving violence and/or use of some type of force or "breaking" to execute the crime

1982: Penal Code section 4532 – Escape from jail
1985: Penal Code section 459 2nd – Burglary
1989: Penal Code section 4530 – Escape from jail
1994: Penal Code section 211 - Robbery
2007: Penal Code section 245(a)(1) – Assault likely to cause GBI
2007: Penal Code section 459 2nd - Burglary
2015: Penal Code section 459 2nd - Burglary

- **6:** number of driver-occupied vehicles inmate Mendoza intentionally rammed, crashed into or damaged while fleeing - in a stolen car (while a parolee) - from the scene of a theft/burglary; these actions, along with other crimes, led to inmate Mendoza's 2007 convictions for Penal Code section 245(a)(1) (assault likely to cause GBI), Penal Code section 459 2nd (burglary), Vehicle Code section 10851 (auto theft) and Vehicle Code section 23152(a) (DUI) [Source: CHP report by CHP Officer M. Banuelos]

- **50:** number of dollars – "and some dope" – that inmate Mendoza told officers (in his statement after his arrest for the above-listed offenses) was what he was paid by the "boss man" to commit burglaries [Source: CHP report by CHP Officer M. Banuelos]

- **4:** number of dollars (approximate) inmate Mendoza stole from a co-worker when inmate Mendoza grabbed the co-worker and held a screwdriver to the victim/co-worker's throat during the course of events that led to the inmate Mendoza's 1994 robbery ("strike) conviction [Source: Stockton Police Department Detective Ballard's report]

- **1200:** value in dollars (approximate) of items stolen from Home Depot by inmate Mendoza and (and accomplices) during the course of events that led to the convictions (Penal Code section 487 – Grand Theft and Penal Code section 459 – Burglary) that are the basis for inmate Mendoza's current prison commitment [Source: Elk Grove Police Department Officer Olague's report]

- **2015:** year of most recent criminal conviction

Looking at inmate Mendoza's numbers, it's obvious that he doesn't have the "big numbers" in terms of amounts of money stolen per crime; he's a small-time player in that sense. But what inmate Mendoza lacks in amount of cash or goods stolen per crime, he makes up in sheer

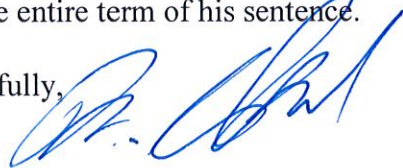
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number of crimes – and, of course, number of victims affected by those crimes: looking at the years - the decades - of inmate Mendoza's criminal career, there is hardly a year in the span between his first conviction in 1982 and his most recent conviction in 2015 that inmate Mendoza did not sustain an arrest, a new conviction, a violation of parole or was already serving time for some previous crime.

What else do inmate Mendoza's numbers tell us? If we were to take them all and add them together or multiply the number of crimes by the number of victims we might come up with a rough "Victim Misery Index" – how much loss, damage, pain and fear the inmate had caused his various victims - or a perhaps a "Threat Index" that would measure the danger a non-incarcerated inmate Mendoza poses to the community. If the average law-abiding citizen has "zero" convictions or victims (or perhaps one misdemeanor conviction for some wayward youthful error), that would be a "Victim Misery Index" or "Threat Index" with a range of 0 to 1. In comparison, what is inmate Mendoza's "Victim Misery Index" or "Threat Index"? Some number that would be simply astronomical. Of course, the "Victim Misery Index" or "Threat Index" are just rough, artificial concepts – but the numbers associated with inmate Mendoza, as discussed above, **DO** tell us something of critical importance. Just as numbers drive our decisions as to what we can do financially, or what falls within an accepted range of safety or the likelihood of a particular outcome for a particular event or course of action, so inmate Mendoza's numbers tell us that an early release of inmate Mendoza will only result in new thefts, new losses, **new harm** to law-abiding members of the community. Inmate Mendoza's numbers drive us to a single inescapable conclusion: that if he is released from custody pursuant to the NVSS program he WILL offend again, he will harm another innocent citizen – which means that he simply **cannot be released** until he has served his maximum lawful sentence. The numbers don't lie.

Inmate Mendoza's early release should be denied and he should be kept in the custody of the state until he serves the entire term of his sentence.

Respectfully,



Dean Archibald
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