



Sacramento County District Attorney's Office

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

RE: Montez, Victor; CDCR # AP6696

July 29, 2015

In 1977, when our Legislature created the Career Criminal Prosecution program and defined a "career criminal" (*see* Penal Code §§ 999b-999g), the type of offender they envisioned was Victor "Chunky" Montez. Beginning in the early 1980s, inmate Montez engaged in criminal activity continuously, with adult convictions for voluntary manslaughter, narcotics possession, [REDACTED], theft, resisting arrest, and transportation of narcotics. While it may be legally correct for the Board's purposes, to call inmate Montez a "non-violent" second striker is a laughable absurdity – there is no rational person who would seriously consider this inmate, an individual convicted of *willfully killing another human being* – a non-violent individual. Rather, the opposite is true: this inmate is someone who poses an immediate danger to the community.

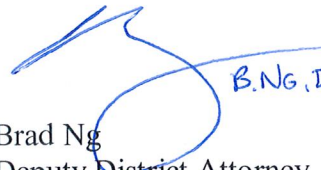
Not only is inmate Montez a known member of Varrio Northgate / North Sacramento Nortenos who has repeatedly demonstrated a willingness to engage in extremely violent conduct, he is also an individual who has repeatedly been returned to prison custody for numerous violations of his parole in 1988, 1989, 1995, 1996, 1997, 2005, and 2006. When coupled with his numerous convictions for resisting arrest, driving under the influence, possessing ammunition, and theft, inmate Montez had shown that he has no interest in complying with the rules and regulations of CDCR as a parolee or in becoming a productive, law-abiding member of society. Having demonstrated an inability to maintain a crime-free lifestyle for any appreciable period of time, it is only when inmate Montez is forcibly removed from free society and incarcerated that the public is free of his criminal activity. If the Board is interested in increasing the amount of crime in California, then releasing inmate Montez is one of the quickest ways to guarantee that result: his repeated violations of the law and CDCR's regulations provides certain proof that inmate Montez will re-offend and endanger the citizens of California once he is released from prison custody.

Additionally, it should be noted that the basis of inmate Montez's committing offense were narcotics that were discovered in his possession while the Sacramento Police Department ("SPD") was investigating inmate Montez for kidnapping – an offense that was dismissed only as part of the negotiated plea deal that committed him to CDCR for his current term of incarceration. Significantly, during their investigation, SPD officers found inmate Montez and his co-defendant, Ray Montez, in possession of a large cache of firearms (five rifles, two

shotguns, and a semi-automatic handgun) and ammunition. Moreover, at the time inmate Montez was found in possession of an arsenal of weaponry, over 12 grams of heroin, and 40 hydrocodone pills, he was on probation for an earlier violation of Penal Code § 12020(a). Clearly, this conduct indicates that inmate Montez remains an individual capable of committing significant acts of violence that endanger others, regardless of whether he is supervised by probation or parole officers.

In short, permitting inmate Montez to obtain early release will place the citizens of California in immediate danger. Having demonstrated a past willingness to participate in extremely dangerous and violent crime, inmate Montez is not an appropriate candidate for early release at this time. Inmate Montez is an individual who has repeatedly shown that he will violate the laws of the State of California and endanger the citizens of this state. In the interest of justice and public protection, the Sacramento County District Attorney's Office strongly opposes inmate Montez's early release from prison custody.

Respectfully,

A handwritten signature in blue ink, appearing to be "B. Ng", with a stylized flourish extending to the right.

Brad Ng
Deputy District Attorney
Career Criminal Prosecution