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KCDA Argues Against Early Release for Convicted Life Inmate Mario Gutierrez
CDCR# G30088; Kern County Court Case #SF013823A and #BF115213A

Kern County District Attorney Cynthia Zimmer announced that the California Board of Parole Hearings (BPH) denied release to convicted life offender Mario Gutierrez, age 48. On August 13, 2024, BPH found that Gutierrez continued to pose a current and unreasonable risk to public safety. Representing the District Attorney's Office was Supervising Deputy District Attorney David McKillop.

On June 27, 2006, Gutierrez entered a music store on Niles Street in Bakersfield wearing only his boxer shorts attempting to assault employees with a metal object. Gutierrez yelled "Call the police, I'm gonna kill everybody". He was holding a metal pipe, and his hands were covered in blood. After striking the victim with a pipe, destroying items inside the store, and breaking a window to escape causing over \$6,500 in total damages, he exited the store and was eventually captured by officers.

On July 27, 2007, A Kern County jury found Gutierrez guilty of Assault with a Deadly Weapon and Vandalism. The court also found true that Gutierrez was previously convicted of two prior "Strike" convictions for serious felonies. On September 7, 2007, a Kern County Judge sentenced Gutierrez to serve 25 years to life in prison.

On March 22, 2007, while in jail in Kern County, pending court proceedings for his assault with a deadly weapon and vandalism charges, Gutierrez was told by a detention officer that his time in the recreation yard was finished, and it was time to return to his cell. When Gutierrez walked back from the recreation yard, he raised his arms in the air and said no and then ran away from officers. The officer followed Gutierrez when Gutierrez turned and advanced on the officer, attempting to strike him. The officer retreated until he was backed into a corner and Gutierrez began throwing punches. The officer suffered a broken nose and required multiple sutures for a serious cut to his face.

On July 2, 2008, A Kern County jury found Gutierrez guilty of Battery on a Custodial Officer. The court also found true that Gutierrez was previously convicted of four prior "Strike" convictions for serious felonies. On August 12, 2008, a Kern County Judge sentenced Gutierrez to serve 25 years to life in prison.

On August 13, 2024, the BPH conducted Gutierrez's second parole hearing. Gutierrez was eligible for early parole due to the law classifying Assault with a Deadly Weapon and Battery on a Custodial Officer as nonviolent offenses. At the parole hearing, the commissioners focused on Gutierrez's institutional behavior because he has had multiple assaults on correctional officers while in prison. During the hearing Gutierrez was asked if he thought he was ready for parole and he said yes, because he did not think any of his prior crimes were serious.

The Kern County District Attorney's Office asked the BPH to deny parole. The BPH found that Gutierrez was not suitable for parole and posed a current unreasonable risk of danger to society. The BPH has the option of denying an inmate parole for a period of 15, 10, 7, 5 or 3 years. Gutierrez's commissioners issued a three-year denial.

District Attorney Cynthia Zimmer commented; "Weak laws are allowing individuals we consider to be violent offenders, to not be classified as such. Addressing these issues demands substantial resources to attend parole hearings and oppose premature inmate release well before their sentences are served in full."