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PRESS RELEASE

For Immediate Release

Date: January 27, 2023
Re: Nicolas Martinez
Convicted Rapist and Three Strike Inmate
Denied Parole

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Modesto, California - Stanislaus County District Attorney Jeff Laugero announced today that Nicolas Martinez, age 52, formerly of Modesto was found unsuitable for parole during a January 5, 2023 hearing of the State Board of Parole Hearings held at the Richard J. Donovan Correctional Facility in San Diego. Deputy District Attorney Victoria Vasquez appeared at the hearing on behalf of the People.

On August 27, 2012 Martinez forced his way through the back door of a residence in Turlock shortly after a house-sitter for the owner had set the alarm and left through the front door. As the alarm sounded, the house-sitter hid outside by a vehicle and called law enforcement. While she waited for police to respond, Martinez ransacked the inside of the home, finding firearms and a loaded shotgun. When police entered the home and confronted him, Martinez dropped the shotgun and attempted to flee but was immediately tackled and apprehended. When searched, police found shotgun shells in his pocket. Martinez told them he had blacked out and did not know how he got into the home. Martinez was on parole from state prison at the time.

On October 8, 2015 a Stanislaus County Superior Court Jury convicted Martinez of first degree residential burglary, grand theft, possession of a firearm by an ex-felon convicted of a violent crime, and possession of ammunition by a prohibited person and possession of stolen property. He was also found to have been previously convicted in 1995 of forcible rape, forcible oral copulation and first degree residential burglary, all "strike" offenses under California's "Three Strikes" law that were used to enhance his sentence. On January 29, 2016, Martinez was sentenced to serve 60 years to life in state prison. An appellate court upheld the convictions and sentence in 2017.

Prior to the parole hearing, Martinez was evaluated by a prison psychologist. During that interview, he admitted that he had previously raped an 18 and 12-year-old female prior to his commitment crimes and did so by threatening them with force or harm. The psychologist noted that Martinez performed poorly when on probation or parole over his lifetime of crime and was violated on numerous occasions. Since going to prison he has been found to possess alcohol in

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2016 and fighting with another inmate in 2021. Although the psychologist found Martinez was recently abstaining from drugs and alcohol while in custody, his last use was as recently as May of 2021. The psychologist gave the opinion that Martinez posed a moderate risk of future violence to the community if he were to be released on parole.

During the hearing, Prosecutor Vasquez argued against release on parole and for continued confinement based on Martinez's extensive criminal history, his failure to follow the law when previously on parole, his rules violations while in prison, his lack of insight, and his lack of substantial programming until 2022.

After deliberations, the Board found that while Martinez had made "nice" changes to his lifestyle while in custody, the Board was still concerned about his lack of impulse control as demonstrated by his fighting with another inmate in February of 2021. The Board then denied parole for a period of three years.

Martinez will be eligible for another eligibility hearing in 2026. Although eligible to advance that hearing if his circumstances changed, one Commissioner recommended that Martinez not do so, recommending Martinez use those three years to "internalize his issues."

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