

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life) CDC Number: K-11650
Term Parole Consideration)
Hearing of:)
)
CHUCK JOHNSON)
_____)

CHUCKAWALLA VALLEY STATE PRISON

BLYTHE, CALIFORNIA

NOVEMBER 30, 2016

8:55 A.M.

PANEL PRESENT:

BRIAN ROBERTS, Presiding Commissioner
DALE POMERANTZ, Deputy Commissioner

OTHERS PRESENT:

CHUCK JOHNSON, Inmate
PHILIP OSULA, Attorney for Inmate
CONNIE LASKY, Deputy District Attorney
MICHELLE PAMPLIN, Victim
KAITLIN LUNDY, Victim's Next-of-Kin
MACKENZIE LUNDY, Victim's Next-of-Kin
DARIN RIGGS, Victim's Next-of-Kin
JENNIFER LUNDY, Victim's Next-of-Kin
THOMAS LUNDY, Victim's Next-of-Kin
JERRY LUNDY, Victim's Representative
ROBERT KELLY, Victim's Representative
RAINA SMITH, Victim's Representative
LYNN STANTON-RIGGS, Victim's Representative
BRENT PAMPLIN, Victim's Support
DEBORAH KAMM, Victim's Support
MIKE PAMPLIN, Victim's Support
SANDRA MARZULLO, Victim's Support
PATRICIA WENSKUNAS, Victim's Support
ROBIN BOWERS, Victim's Advocate

CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

<u> </u>	No	See Review of Hearing
<u> </u>	Yes	Transcript Memorandum

JUNE R. PENNINGTON, Transcriber, NCCR

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P R O C E E D I N G S

DEPUTY COMMISSIONER POMERANTZ: All right, we're on the record.

PRESIDING COMMISSIONER ROBERTS: Good morning, everyone. This is a Subsequent Parole Suitability Hearing for Chuck Edward Johnson, II, California Department of Corrections and Rehabilitation number K-11650. Today's date is November 30, 2016. The time is approximately 8:55 a.m. We're located at the Chuckawalla Valley State Prison, and that's in Blythe California. Mr. Johnson was received by the California Department of Corrections and Rehabilitation on or about June 20, 1996. Came from the County of San Bernardino, and it was under their case number FWV02293. It was for the offense of Penal Code section 187, Murder in the First Degree. He was sentenced to a term of 25 years to life. Has a minimum eligible parole date of January 25, 2011. And his life term did start when he came to prison on June 20, 1996. The victim in this case was three-year-old Brittany Lynn Riggs, R-I-G-G-S. Now, the hearing's being recorded, so for the purposes of voice identification, we'll go around the room and identify ourselves. We'll do that by stating our full name, spelling our last. When I come to you, sir, you're gonna go third, you'll state your full name, spell your

1 last, and then give us your CDC number. After we go
2 around the table here, then we're gonna go to the folks
3 in the room, and we'll ask you step up to the mic by the
4 District Attorney, state your full name, spell your
5 last, and your relationship to the victim. I think we
6 have another victim in the room, too. And so you'll
7 just state you're the victim and you have a support
8 person or representative, if they'll state their
9 relationship to you. So, not, not unusual for us to
10 have that happen. So it's just odd in the way it flows.
11 And then we have about five people off-site, and they're
12 appearing today via video camera. And we'll go to you
13 last. My understanding is, when it comes time to talk
14 at the end and to give statements, there'll be some
15 statements here, then we're gonna go to the folks that
16 are off-site, do all of them, and then come back to
17 several people who wanna close up here when we're done.
18 So let's go ahead and get started identifying everybody.
19 Starting with myself, I am Brian Roberts, R-O-B-E-R-T-S.
20 I'm a Commissioner with the Board of Parole Hearings.

21 **DEPUTY COMMISSIONER POMERANTZ:** Dale Pomerantz,
22 P-O-M-E-R-A-N-T-Z, Deputy Commissioner.

23 **PRESIDING COMMISSIONER ROBERTS:** Mr. Johnson?

24 **INMATE JOHNSON:** Chuck Johnson, J-O-H-N-S-O-N, K-
25 11650.

1 **ATTORNEY OSULA:** Philip Osula, O-S-U-L-A,
2 attorney for Mr. Johnson.

3 **DEPUTY DISTRICT ATTORNEY LASKY:** Connie Lasky, L-
4 A-S-K-Y, Deputy District Attorney for San Bernardino
5 County.

6 **MS. KAMM:** Deborah (phonetic) Kamm, K-A-M-M,
7 support for Jennifer Lundy.

8 **MS. JENNIFER LUNDY:** Jennifer Lundy, L-U-N-D-Y,
9 victim's mother.

10 **MR. RIGGS:** Darin Riggs, R-I-G-G-S, victim's
11 father.

12 **MS. STANTON-RIGGS:** Lynn (phonetic) Stanton-
13 Riggs, S-T-A-N-T-O-N hyphen R-I-G-G-S, victim's aunt.

14 **MS. SMITH:** Raina (phonetic) Smith, S-M-I-T-H,
15 victim's godmother.

16 **MR. KELLY:** Robert Kelly, K-E-L-L-Y, support for
17 Jennifer.

18 **MS. PAMPLIN:** Michelle (phonetic) Pamplin, P-A-M-
19 P-L-I-N, victim.

20 **MR. BRENT PAMPLIN:** Brent Pamplin, P-A-M-P-L-I-N,
21 I'm representing Michelle Pamplin.

22 **MR. MIKE PAMPLIN:** Mike Pamplin, P-A-M-P-L-I-N,
23 support, ex-father-in-law.

24 **MS. BOWERS:** Robin (phonetic) Bowers, B-O-W-E-R-
25 S, victim next-of-kin advocate, Chuckawalla Valley State

1 Prison.

2 **DEPUTY DISTRICT ATTORNEY LASKY:** And
3 Commissioner, just for clarification before we,
4 Mr. Kelly who introduced himself as a support person I
5 believe is listed as a representative. I believe he
6 will be speaking.

7 **PRESIDING COMMISSIONER ROBERTS:** Right.

8 **DEPUTY DISTRICT ATTORNEY LASKY:** I just want the
9 record to be clear.

10 **PRESIDING COMMISSIONER ROBERTS:** Right. Okay.
11 For those who are off-site, if you would step up, state
12 your full name, spell your last, then give us your
13 relationship to the victim. Your microphone is muted, I
14 believe. Can you see what they're doing? Your
15 microphone is still muted. We're, we're not hearing
16 anything on this end. See what I told you about
17 technical stuff?

18 **DEPUTY DISTRICT ATTORNEY LASKY:** And
19 Commissioner, while we're clarifying that, just one
20 thing for the record, the victim's full name is Brittany
21 Lynn Rethorne-Riggs (phonetic) hyphenated.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. I, I took
23 it right from the record, so.

24 **DEPUTY DISTRICT ATTORNEY LASKY:** That was
25 important the family that the, the whole name be in

1 there.

2 **DEPUTY COMMISSIONER POMERANTZ:** Can you hear us?
3 You need to unmute your microphone.

4 **PRESIDING COMMISSIONER ROBERTS:** Ours is active,
5 right?

6 **DEPUTY COMMISSIONER POMERANTZ:** Yeah.

7 **PRESIDING COMMISSIONER ROBERTS:** All right,
8 let's, let's take, take a quick recess. You stay in
9 place. We'll move him. Let's see if we can get this
10 fixed.

11 **DEPUTY COMMISSIONER POMERANTZ:** Off the record?

12 **PRESIDING COMMISSIONER ROBERTS:** Yes.

13 (Off the record.)

14 **DEPUTY COMMISSIONER POMERANTZ:** All right, we're
15 back on the record.

16 **PRESIDING COMMISSIONER ROBERTS:** Back on the
17 record. Time is approximately 9:15. All the parties
18 previously in the room have returned to the room again.
19 We hope we resolved the technical difficulty and we're
20 ready for the folks at the remote site to identify
21 themselves. If you'd step up to wherever the microphone
22 is, identify yourselves by stating your full name,
23 spelling your last, and giving us your relationship to
24 the victim. Whoever wants to start.

25 **MS. KAITLIN LUNDY:** My name is Kaitlin Lundy, I

1 am the sister of the victim. It is spelled K-A-I-T-L-I-
2 N, L-U-N-D-Y.

3 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

4 **MS. MACKENZIE LUNDY:** I am Mackenzie Lundy, I'm
5 the sister of the victim, and my name is spelled M-A-C-
6 K-E-N-Z-I-E, L-U-N-D-Y.

7 **MR. JERRY LUNDY:** Jerry Lundy, L-U-N-D-Y is the
8 last name.

9 **MR. THOMAS LUNDY:** Thomas Lundy, T-H-O-M-A-S, L-
10 U-N-D-Y.

11 **MS. MARZULLO:** Sandra Marzullo, M as in Mary, A-
12 R-Z as in zebra, U-L-L-O.

13 **MS. WENSKUNAS:** Patricia Wenskunas, W-E-N-S-K-U-
14 N-A-S. That's all we have.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. Several
16 of you didn't indicate for the record your position
17 here, starting with Jerry Lundy. Are you a
18 representative?

19 **MR. JERRY LUNDY:** Yes.

20 **PRESIDING COMMISSIONER ROBERTS:** Sandra Marzullo,
21 you're a support person?

22 **MR. JERRY LUNDY:** Yes.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. And
24 Patricia, are you a support person?

25 **MS. WENSKUNAS:** Yes.

1 **PRESIDING COMMISSIONER ROBERTS:** And Thomas?
2 Your relationship to the victim?

3 **MR. THOMAS LUNDY:** I'm the uncle.

4 **PRESIDING COMMISSIONER ROBERTS:** Uncle, okay.
5 Very good. Okay. Hopefully, we have everybody now.
6 All right then. Let's take a look at any needs for
7 assistance you might have, sir. I've reviewed your
8 file. The Disability and Effective Communications
9 System File tells me that you are currently classified
10 as Medium-A, you have a placement score of 19, you're
11 housed in sensitive needs yard. You have normal
12 cognitive functioning, and that's the result of a test
13 in 2002. And a TABE score of 12.9. Also indicates a
14 work and vocational classification of A1-A. Looks like
15 you're working as a library clerk and have been since at
16 least August of 2015. That sound correct?

17 **INMATE JOHNSON:** Yes, sir.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. So let's
19 ask you a few other things. First of all, can you hear
20 me okay?

21 **INMATE JOHNSON:** I can hear you just fine.

22 **PRESIDING COMMISSIONER ROBERTS:** All right. And
23 were you able to walk here on your own today?

24 **INMATE JOHNSON:** Yes, sir.

25 **PRESIDING COMMISSIONER ROBERTS:** Do you need

1 glasses to read?

2 **INMATE JOHNSON:** Yes, I do. I have --

3 **PRESIDING COMMISSIONER ROBERTS:** Okay, so you
4 have some glasses with you?

5 **ATTORNEY OSULA:** Yeah, he has some.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. And with
7 those glasses, were you able to read and understand the
8 documents for today's hearing?

9 **INMATE JOHNSON:** I was.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Are you
11 now or have you ever been a participant in the CCCMS or
12 Mental Health Delivery System here in the prison?

13 **INMATE JOHNSON:** I was when I first got
14 introduced in the prison, for about a year.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. And how
16 long ago was that?

17 **INMATE JOHNSON:** Twenty-three years ago.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
19 right. And prior to that, had you ever been treated for
20 a psychiatric illness?

21 **INMATE JOHNSON:** No.

22 **PRESIDING COMMISSIONER ROBERTS:** Any medical
23 issues we need to know about so that we can accommodate
24 you today?

25 **INMATE JOHNSON:** Absolutely not.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay, very good.
2 Counsel, I did not see any ADA reasons that would
3 preclude us from proceeding. Do you concur?

4 **ATTORNEY OSULA:** I concur.

5 **PRESIDING COMMISSIONER ROBERTS:** All right. With
6 regard to your Hearings Rights Form, I see you signed
7 that on July 22, 2016 with your correctional counselor,
8 Matthews. That's not the first time you've seen that
9 document. It lists the hearing rights for today's
10 hearing. Any issue with your rights today, sir?

11 **INMATE JOHNSON:** No.

12 **PRESIDING COMMISSIONER ROBERTS:** Counsel, have
13 your client's rights been met thus far?

14 **ATTORNEY OSULA:** Yes, they have.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
16 right. Let's take a look at what we're here to do
17 today. This is a quick reminder, we're here to
18 determine your suitability for parole. We'll be
19 considering your past criminal and social history.
20 We'll be considering the life crime. We'll be
21 considering your progress and performance since you've
22 come to prison. Nothing that happens here today is
23 gonna change the findings of the Court. We hold the
24 findings of the Court to be true. We're not here today
25 to re-try that case, but we're certainly here to

1 understand it. We'll be swearing you in shortly and
2 we'll expect everything you tell us is truthful, honest,
3 and forthright. If it's not, liable to be a problem.
4 Don't anticipate it, but I always tell guys that's on,
5 occasionally there is a problem. You'll be asked
6 question today. If you don't understand the question,
7 please tell us you don't understand the question. I
8 read the transcripts of the last hearing. I saw you did
9 that a couple times. So again, on this hearing, if you
10 don't understand what we're being, what's being asked of
11 you, please let us know. We're looking for information
12 on this side, and if you don't understand the question,
13 probably not going to get to what we're looking for. So
14 it's very helpful if you do that. This Panel will reach
15 a decision today and inform you of whether or not we
16 find you suitable for parole and the reasons for our
17 determination. You're gonna leave here today with a
18 short, written proposed decision. I say proposed
19 because, by law, the Board has 120 days to review and
20 finalize the decision that Mr. Pomerantz and I make
21 today. On top of that, if the Panel finds you suitable
22 for parole today, then your case will go over to the
23 Governor's office, and the Governor gets an additional
24 30 days to review and make his own independent decision
25 as to your suitability for parole. So for all those

1 reasons, today's decision is proposed until it's
2 finalized in Sacramento. Do you have any questions?

3 **INMATE JOHNSON:** Not at this time, thank you.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay, thank you.
5 All right. Let's take a quick look at documents, first
6 of all. Everybody's had the opportunity at the table
7 here to look at your Central File, and we have. The
8 Board went into your Central File and extracted a number
9 of items that are commonly used at hearings such as
10 we're having today. And they put that all together in
11 what they call a Master Packet for you. And in your
12 case, the Master Packet was 371 pages long. And it was
13 approved on, looks like, September 7, 2016. Mr. Osula,
14 did you get those documents, sir?

15 **ATTORNEY OSULA:** Yes, I did.

16 **PRESIDING COMMISSIONER ROBERTS:** District
17 Attorney's Office get those documents, ma'am?

18 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes, they did.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. The Board
20 has gone in and created what they call a Ten-Day Packet,
21 and that's to try to bring the record up to speed since
22 that development of that Master Packet. And let me get
23 to right screen here. Okay. In your case, the Ten-Day
24 Packet has over 300 pages in it. There are a number of
25 documents including classification chronos. There are,

1 there are, a letter from the District Attorney's Office,
2 and there were also a number of police reports attached
3 thereto. Which one of, one of those I wanna talk a
4 little bit about today. And there were also an autopsy
5 report and some discussions by the, at the, I guess at
6 trial. It looks like trial transcripts from the
7 autopsy, or at least the coroner's office. There were a
8 number of support letters. There were a number of
9 places that you put in to go for transitional housing.
10 Quite a number of those. And there was a, a large
11 number of opposition letters. There is also a copy of
12 the 2016 Comprehensive Risk Assessment. Of note, there
13 was a letter of opposition by the Montclair Police
14 Department. There was a letter from the Rockdale
15 County, Georgia Sheriff's Department opposing parole.
16 And I believe there's San Bernardino District Attorney's
17 Office opposing parole. But I think that was in the
18 actual large packet. Okay. So did you get all those
19 documents, sir?

20 **ATTORNEY OSULA:** Yes, I did.

21 **PRESIDING COMMISSIONER ROBERTS:** Get all those
22 documents, ma'am?

23 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes, I did.

24 **PRESIDING COMMISSIONER ROBERTS:** All right, very
25 good. Any additional documents to be submitted here

1 today, counsel?

2 **ATTORNEY OSULA:** Yes. He has, my client
3 submitted to me a Relapse Prevention Plan.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay.

5 **ATTORNEY OSULA:** That he put together since I met
6 him last month.

7 **PRESIDING COMMISSIONER ROBERTS:** All right.
8 We'll take a look at that. And I understand you have a
9 letter you wanted to submit?

10 **DEPUTY DISTRICT ATTORNEY LASKY:** It will be read
11 during the opposition letters statements. I will, I
12 have opposition letters that I'll read in addition to
13 the, the (inaudible) statements.

14 **PRESIDING COMMISSIONER ROBERTS:** But, what? As a
15 closing statement or what?

16 **DEPUTY DISTRICT ATTORNEY LASKY:** During victim
17 opposition, during the victim impact, I have three
18 letters that I'll read at that time as well.

19 **PRESIDING COMMISSIONER ROBERTS:** Are they
20 representatives? You can submit them. Are they
21 representatives?

22 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

23 **PRESIDING COMMISSIONER ROBERTS:** They've been
24 designated as a representative by whom?

25 **DEPUTY DISTRICT ATTORNEY LASKY:** No, they --

1 **PRESIDING COMMISSIONER ROBERTS:** Okay. Then you
2 can submit those letters.

3 **DEPUTY DISTRICT ATTORNEY LASKY:** Okay. I have
4 three letters, then, that I'll submit.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay.

6 **DEPUTY COMMISSIONER POMERANTZ:** Are both of those
7 (inaudible?)

8 **DEPUTY DISTRICT ATTORNEY LASKY:** No.

9 **PRESIDING COMMISSIONER ROBERTS:** All right, so we
10 have a letter from Deputy District Attorney Karen
11 Schmauss?

12 **DEPUTY DISTRICT ATTORNEY LASKY:** Schmauss.

13 **PRESIDING COMMISSIONER ROBERTS:** Schmauss, okay.
14 that's good. We'll consider that letter. And we have a
15 letter from Rachel Heffner (phonetic)? Okay. And we
16 have a letter from Steven Lopez?

17 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

18 **PRESIDING COMMISSIONER ROBERTS:** All right, very
19 good. All right. So that's all of the documents that
20 we have?

21 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** All right.

23 **DEPUTY COMMISSIONER POMERANTZ:** This one is
24 already in the file.

25 **ATTORNEY OSULA:** Oh, is it? Oh, I didn't see,

1 okay.

2 **DEPUTY COMMISSIONER POMERANTZ:** The Relapse
3 Prevention Plan's already in the ERMS.

4 **ATTORNEY OSULA:** Okay. Actually, maybe it's
5 hidden in somewhere in my, let me, let me have the --

6 **PRESIDING COMMISSIONER ROBERTS:** We, we have the,
7 a great number, it was updated as late as yesterday.

8 **DEPUTY DISTRICT ATTORNEY LASKY:** Yeah, well, they
9 couldn't find them, and we had issues with that going
10 on. So we did print if you needed a copy of what's
11 missing.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **MR. KELLY:** Because I have, I actually have
14 another police department letter also.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you,
16 you can leave that, and we'll take a look at that.

17 **DEPUTY DISTRICT ATTORNEY LASKY:** Okay.

18 **PRESIDING COMMISSIONER ROBERTS:** So, yeah, we'll,
19 anything you submit, we'll take a look at. We've gone
20 through the large number of letters and, and so forth.
21 I just put on record when public officials are, I, I
22 tend to acknowledge them.

23 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** Even a Georgia
25 State Sheriff writes, I'll acknowledge him. (Inaudible)

1 a sheriff. Okay. All right. Okay, then, so. Is there
2 any, any initial objections, counsel?

3 **ATTORNEY OSULA:** None.

4 **PRESIDING COMMISSIONER ROBERTS:** Will your client
5 be speaking today?

6 **ATTORNEY OSULA:** Yes, he will.

7 **PRESIDING COMMISSIONER ROBERTS:** On all matters?

8 **ATTORNEY OSULA:** Yes.

9 **PRESIDING COMMISSIONER ROBERTS:** All right.
10 Let's swear you in, sir. Can you raise your right hand?
11 Sir, do you solemnly swear or affirm your testimony at
12 this hearing will be the truth, the whole truth, and
13 nothing but the truth?

14 **INMATE JOHNSON:** Yes, I do.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. With
16 regard to your case, I see it was a jury conviction.
17 There is an Appellate Court opinion as to the facts of
18 the case. Comes out of the Fourth Appellate District
19 Division Two, filed under their case number E018777. It
20 was filed on June 22, I'm sorry, June 23, 1997. It's,
21 the facts of this case are contained in a section that
22 justices call factual and procedural background, found
23 on pages two through four. Not new. It was referred to
24 at the last hearing and incorporated at the last
25 hearing. I see the last hearing also incorporated parts

1 of the 2009 Board Report. We'll do the same. And,
2 let's see here, and the discussion of the life crime is
3 contained in the last hearing transcript. With regard
4 to prior statements you've made, I see that on page four
5 of the Probation Officer's Report, you declined. There
6 is a discussion in the 2009 Lifer Prisoner Evaluation
7 Report, which is referred to at the last hearing. And
8 more recently, you've had the opportunity to talk to a
9 clinician with the Board. And that was Dr. Chan. Now
10 Dr. Chan is a clinical psychologist and a forensic
11 psychologist. And Dr. Chan came and saw you here at
12 Chuckawalla Valley State Prison on August 24, 2016. Do
13 you recall meeting with Dr. Chan?

14 **INMATE JOHNSON:** I do.

15 **PRESIDING COMMISSIONER ROBERTS:** About how long
16 did you spend with Dr. Chan?

17 **INMATE JOHNSON:** Approximately about, over an
18 hour, 15, hour and 20 minutes.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
20 right. And I see you got a copy of Dr. Chan's report.
21 Did you read it?

22 **INMATE JOHNSON:** Yes.

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. Dr. Chan
24 speaks specifically to your version of the life crime.
25 It's found on pages 13 through 15. Having read the

1 report, did Dr. Chan accurately report back what you had
2 to say about the life crime?

3 **INMATE JOHNSON:** Yes.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
5 right. With regard to your prior criminal and social
6 history, again, this is not new. It's been discussed at
7 the last hearing. With regard to your probation, to
8 your prior criminal history, the Probation Officer's
9 Report speaks to it on page one of the narrative. And
10 the Comprehensive Risk Assessment most currently speaks
11 to your criminal history. And that's discussed on pages
12 four through five. And I see that that was discussed at
13 the last hearing also. Pages 27 through 30 of the last
14 transcript. So nothing new there. Again, one thing I
15 did note that I didn't read elsewhere was that you were
16 on probation at the time of the life crime. Is that
17 correct?

18 **INMATE JOHNSON:** Yes.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. With
20 regard to your prior social history, I see it was
21 discussed at the last hearing. It's in transcripts
22 pages 30 through 32. Basically, no issues were cited.
23 There is a, again, a discussion of your prior social
24 history with the clinician currently. That's Dr. Chan.
25 She notes that, some change in the, from prior time.

1 You've indicated and you spoke more of this time about
2 violence by your stepfather. But no abuse or neglect to
3 you. You did report pretty extensive behavioral
4 problems I think starting about age 13. You had
5 unstable employment history. Married for 2-1/2 years.
6 Reported physical and verbal abuse. And alcohol
7 contributed to that, you talked about. You also
8 acknowledged a history of violence, including violence,
9 domestic violence, and battery. Having read the
10 clinician's report, did she accurately report back your
11 prior social history?

12 **INMATE JOHNSON:** Yes.

13 **PRESIDING COMMISSIONER ROBERTS:** Anything you'd
14 like to add, or change, or update that wasn't discussed
15 either at the last hearing or with the clinician, with
16 regard to that?

17 **INMATE JOHNSON:** No, just more on my mental
18 growth. All the other facts is pretty much accurate.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. When you
20 say mental growth, you're talking about mental growth
21 from the time of growing up and the life crime? Or
22 what?

23 **INMATE JOHNSON:** Well, from my life of crime
24 until the present, and my insight on it, and acceptance
25 of it.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well
2 that, we'll be talking about, that's part of your post-
3 conviction factors, we'll be talking about that. Okay?

4 **INMATE JOHNSON:** Thank you.

5 **PRESIDING COMMISSIONER ROBERTS:** All right. All
6 right, then. So I believe I'm ready to start. I've got
7 a good sense of you, having read about you. I'm ready
8 to talk about the life crime. Are you ready to talk
9 about the life crime?

10 **INMATE JOHNSON:** Yes.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Now I
12 will note that you have discussed this in the past, but
13 this Panel wants to get a sense of that crime, and your
14 understanding of that crime. And then we'll talk a
15 little bit more about it. And then we'll move into
16 post-conviction. So, tell us. What happened?

17 **INMATE JOHNSON:** First of all, I'm quite nervous.
18 So I'm gonna give the facts as, as honest as I can. And
19 I apologize having to go through this again. But on the
20 morning of the 10th, I was doing my own morning, I
21 guess. I was washing my car that morning. And I had
22 planned to consume some, some drugs when I'd be in my
23 room later. Little Brittany had gotten up and was doing
24 her thing, running through the house, looking, doing
25 what any other normal child would do. I had gave her

1 something to drink, and set her in front of the TV to
2 watch cartoons, and went in my room, which, I shut the
3 door, and proceed to put drugs on, on a mirror on top of
4 my television which was set by my bedroom door which
5 leads into the hallway. As I had started pouring
6 everything out and lining it up, Brittany had walked in
7 the room and caught me by surprise. And, due to my
8 selfishness, I slashed out the door, and went, slammed
9 the door, and I caught Brittany in the doorway. She
10 screamed and started crying. And due to my fear that,
11 me keeping my secrets to myself, I was more concerned
12 about myself than bringing attention to everybody what I
13 was doing. And hurting little Brittany, which didn't
14 pan over well with me then because I was kind of really
15 self-centered at that time. I had chose to keep her
16 quiet by pulling her in the room and putting my mouth,
17 putting my hand over her mouth so she'd stop crying and
18 yelling out. I proceeded to shut the door to make it
19 more quiet in the house. And she just kept crying more
20 and more. And I understood that she was panicking by my
21 actions. I was treating her like she'd never been
22 treated. She wasn't accustomed to being grabbed and
23 held silent like that against her will.

24 **PRESIDING COMMISSIONER ROBERTS:** So how were you
25 holding her silent?

1 **INMATE JOHNSON:** I had my hand over her mouth and
2 my other hand around her body holding her close to me so
3 she wouldn't move and I was trying to keep her
4 contained. Because I didn't want her to get loose. I
5 didn't want her to scream out. I was so wrapped up in
6 my own self-centeredness that I, I didn't think
7 straight. I had coping skills at that time that were
8 nonexistent. So rather than think logically and get
9 help, I chose to keep it to myself and made a bad choice
10 by keep, keeping her quiet, which resulted in her death.
11 But during that time I was keeping her quiet in my room,
12 I heard everybody in the house get up and start yelling
13 out her name. Her father, Darin Riggs, Steve Lopez, and
14 her mother, Jennifer Lundy, yelling out her name. I
15 panicked even more and was trying to think of a place to
16 put her so I could, because they were yelling for me,
17 too. What happened? Yeah, have I seen her? Pounding
18 on my door, my bedroom door. And, at the time, I was
19 just more concerned about putting her where they
20 couldn't see her. Because I had to think a way to get,
21 get by this. I had made poor choices in the past, but
22 this is way over my head. I lost total control of my
23 situation and panicked. In the process of hiding my
24 drugs and putting her in a place they couldn't see her,
25 I figured the closet was the only place they couldn't

1 see her from an open door.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. Let,
3 let's stop a little bit, because I'm, I'm lost. So I
4 get, to the point where you said you grabbed her, held
5 her close to you, put your hand, her, your hand over her
6 mouth.

7 **INMATE JOHNSON:** Yeah.

8 **PRESIDING COMMISSIONER ROBERTS:** And held her
9 close to her. And then all of a sudden we jump to, she
10 needs to get in the closet. So I'm, I'm lost at what,
11 it seems to me there's a big chunk of something that
12 happened there in the midst that you, you left out.

13 **INMATE JOHNSON:** I understand.

14 **PRESIDING COMMISSIONER ROBERTS:** So can you fill
15 that in for me?

16 **INMATE JOHNSON:** Yes. Like I said, her, her
17 parents and Steve Lopez are running through the house
18 asking for her. And at that time, I was still holding
19 her quiet, and --

20 **PRESIDING COMMISSIONER ROBERTS:** Were you
21 standing?

22 **INMATE JOHNSON:** I was standing at that time. I
23 was standing at the time. And then her dad came to the
24 window of my bedroom and asked if I'd seen her. I said,
25 I set her in front of the TV, watching cartoons. And

1 then I pushed her down on top of the bed that was right
2 there by the window. And she started struggling more,
3 hearing her dad's voice. And I pushed her harder with
4 my body weight with my hand over her mouth to keep her
5 under control so she wouldn't yelp out so nobody would
6 hear her. And Jennifer, her mother, come knocking at
7 the door constantly, wondering what, you know, in
8 hysteria. I then, she started to fight even less at
9 that time. She started to weaken. And I'm thinking,
10 she's going to sleep. She's stopping. Okay, now I can
11 control my environment, my, the situation I made myself
12 in, and attempt to get out there. Hide her body. That
13 was my first thought, was to hide her body from there.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay, well, when
15 you said she, she was going to sleep, you thought?

16 **INMATE JOHNSON:** Well, in hindsight, in
17 reflecting on that, that day in the past seven years
18 since my last hearing, I've reflected that, as, for lack
19 of a better understanding, that's how I was picturing
20 it. I was just concerned about her keeping quiet and
21 stop moving. And I wanted her to do that by all, beyond
22 all cost. Because I put myself as more valuable ahead
23 of her wellbeing.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Did she
25 stop moving? Is that what you said?

1 **INMATE JOHNSON:** As soon as she stopped moving,
2 after I talked to her mother through the door, she had
3 stopped moving. Timeframe is scattered. It's been a
4 long time. It was all happening so fast. She
5 eventually did stop moving. So I picked her up and I
6 still, with my hand over her mouth to make sure, I
7 looked around and I thought, where can I put her until,
8 you know, so they can't, nobody will see her from the
9 door? So from that point, I opened my closet door wider
10 and laid her down. And I checked to see if, if she was
11 gonna make any more noise. So --

12 **PRESIDING COMMISSIONER ROBERTS:** So what were you
13 thinking at that point?

14 **INMATE JOHNSON:** Just keep, just --

15 **PRESIDING COMMISSIONER ROBERTS:** What, of, of her
16 condition? What were you thinking of her condition at
17 that point?

18 **INMATE JOHNSON:** I have, I, I, I really don't
19 think it was good. I thought I maybe went too far.

20 **PRESIDING COMMISSIONER ROBERTS:** So by that
21 point --

22 **INMATE JOHNSON:** She was beyond sleep.

23 **PRESIDING COMMISSIONER ROBERTS:** So you thought
24 at that point that she was beyond sleep?

25 **INMATE JOHNSON:** She, it was, I didn't check her

1 breathing. She felt, I didn't think at all. I, I was
2 thinking more for myself. And I think at that time I
3 was more grateful that she wasn't moving. And to make
4 sure she wouldn't move anymore, I put a toolbox in front
5 of her and grabbed a bag of clothes that were right
6 there, and laid it on top of her.

7 **PRESIDING COMMISSIONER ROBERTS:** So were the
8 clothes in the bag?

9 **INMATE JOHNSON:** Yes, some.

10 **PRESIDING COMMISSIONER ROBERTS:** So this bag was
11 filled with clothes, or what?

12 **INMATE JOHNSON:** Yes.

13 **PRESIDING COMMISSIONER ROBERTS:** But, can you
14 describe this bag for me?

15 **INMATE JOHNSON:** Normal dark brown, black trash
16 bag that you have in the kitchen in your house.

17 **PRESIDING COMMISSIONER ROBERTS:** A large one, or
18 what?

19 **INMATE JOHNSON:** A large.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. And so
21 it, describe for me how she got in relationship with
22 that, because I, again, I'm referring to Officer Kelly's
23 report. Because it was of concern for me when I was
24 reading it, this, this trash bag was of concern to me.

25 **INMATE JOHNSON:** Well, with the clothes and

1 everything on, inside the bag, I placed it on top of her
2 upper body and her face.

3 **PRESIDING COMMISSIONER ROBERTS:** Why?

4 **INMATE JOHNSON:** To keep her quiet. To make sure
5 she didn't wake up, catch her breath, and start
6 screaming.

7 **PRESIDING COMMISSIONER ROBERTS:** So was this to
8 smother her?

9 **INMATE JOHNSON:** Yes.

10 **PRESIDING COMMISSIONER ROBERTS:** Intentionally to
11 smother her?

12 **INMATE JOHNSON:** Yes.

13 **PRESIDING COMMISSIONER ROBERTS:** That's the first
14 time you've ever said that.

15 **INMATE JOHNSON:** It's --

16 **PRESIDING COMMISSIONER ROBERTS:** Even when you
17 discussed it with the clinician, because I was, I was,
18 it was important for me that the clinician caught that
19 also, this trash bag issue. Because the trash bag has
20 been, I'm just going to share, I'm sharing with you, the
21 trash bag's an issue for me. Because of the way you've
22 portrayed this thing in the past as, like, being an
23 accident. And, and here and now we're talking about,
24 clearly that's well beyond accident.

25 **INMATE JOHNSON:** There's a lot of shame that I've

1 held.

2 **PRESIDING COMMISSIONER ROBERTS:** All right. All
3 right.

4 **INMATE JOHNSON:** And it's hard to speak about.

5 **PRESIDING COMMISSIONER ROBERTS:** All right. Have
6 you read the police reports?

7 **INMATE JOHNSON:** Partially. Not completely.

8 **PRESIDING COMMISSIONER ROBERTS:** All right. All
9 right. So when you put her in the closet, when you put
10 little Brittany in the closet, what, did you think she
11 was alive or dead? Because you've talked about thinking
12 it went beyond sleep. So what were you thinking?

13 **INMATE JOHNSON:** I was thinking she was dying.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. And this
15 was, what the, putting the clothes and stuff on top of
16 her to smother her was to finish the act? Is that what
17 you're saying?

18 **INMATE JOHNSON:** That's, that's what I'm saying.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay.

20 **INMATE JOHNSON:** I wanted to make sure beyond all
21 costs.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
23 right. All right, so then what happened?

24 **INMATE JOHNSON:** Then I, I think I got her, I got
25 everything, all my drugs hidden. I threw them under,

1 under the, under my bed, and, under my, in between my
2 mattress. And I think I put a shirt on and some shoes
3 and ran out of the room. First person I encountered was
4 Jennifer, her mother. And I remember her being totally
5 upset, scared. I thought, this is way out of control.
6 She said, we have to call 911, or call the police.
7 What, I don't remember exactly the words that she said.
8 So I grabbed the phone and dialed 1-1. And she took it
9 from me. And I ran outside. Which, at that time, I ran
10 into her father. And he's stopping cars as they're
11 driving by and going door to door, asking if they've
12 seen little Brittany. And he was describing her. And I
13 mimicked his actions in a guise to look innocent and
14 concerned. And ran, went back in the house. The other
15 roommate, Steve Lopez, he was looking in the garage,
16 coming out of the backyard, calling her name. Everyone
17 was calling her name. Quickly, and in the act to just
18 moving around, the guise of, every, of looking for her.
19 And everybody else is at the wit's end, they really
20 don't know what to do. They don't know where to look.
21 They've looked everywhere they can possibly think. The
22 police show up. And I think it was two officers. One
23 officer was asking questions from Jennifer, her mother.
24 And the other officer followed me down in the hallway,
25 where I proceeded to go down there to make sure that

1 nothing was visual, that nobody, that she couldn't be
2 seen. And I noticed from the side of my eye, he was
3 standing in the hallway, coming out of Steve Lopez's
4 room and looking straight at me. I walked out of there
5 with my shoes and went into a portion of the house
6 that's like a dining area and put my shoes on. And as I
7 was doing that, I saw that officer, I believe his name
8 was Officer Kelly, run out of the house with her in his
9 arms. From that point on, I stopped doing anything and
10 just sat there. And I started feeling sorry for myself
11 at that time. And the, one of the officers had said,
12 they're at the hospital. It's probably best if we get
13 some, leave, because it's probably not gonna be a good
14 idea to stay, you know, with the situation with her
15 parents. So we both, Steve went his direction. I got
16 in my car and went mine. I chose to keep silent about
17 the whole thing. Feign innocence. I didn't know what
18 else to do. I was, I was, I knew I was guilty. And
19 it's, I couldn't face up to it. I, I, I lied to my
20 mother, I lied to my sister, I lied to my wife at that
21 time. I lied to everybody. I didn't know what else to
22 do.

23 **PRESIDING COMMISSIONER ROBERTS:** When did you
24 start telling the truth about this?

25 **INMATE JOHNSON:** I first told the truth at my

1 first Parole Hearing.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay.

3 **INMATE JOHNSON:** It's hard to speak about this
4 kind of crime in a prison setting, because it could
5 initially get, bring me a lot of problems. So it was
6 hard to open up to it. I talked to a psych about it.
7 And she insisted that my best, in my best interest is be
8 honest. Face it.

9 **PRESIDING COMMISSIONER ROBERTS:** So during the
10 court proceedings, you continued to, to lie?

11 **INMATE JOHNSON:** I, yes.

12 **PRESIDING COMMISSIONER ROBERTS:** Okay.

13 **INMATE JOHNSON:** I chose to lie and keep my mouth
14 shut.

15 **PRESIDING COMMISSIONER ROBERTS:** All right.
16 Going back to this whole incident. I, I'm kind of, I
17 guess I kind of wanna proceed with that. And I see you
18 were married for, what? Two-and-a-half years?

19 **INMATE JOHNSON:** Yes.

20 **PRESIDING COMMISSIONER ROBERTS:** Had children?

21 **INMATE JOHNSON:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** Two, are they
23 two boys?

24 **INMATE JOHNSON:** Two sons, yes.

25 **PRESIDING COMMISSIONER ROBERTS:** And, and how old

1 were they at this time?

2 **INMATE JOHNSON:** Thirteen months, and five weeks.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, so
4 a little over a year is the, was the, the one that's
5 just a little over a year, was he walking yet?

6 **INMATE JOHNSON:** He was learning.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. Had you
8 had any prior violence with those children?

9 **INMATE JOHNSON:** No.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay.

11 **INMATE JOHNSON:** With their mother, I was
12 physically and verbally abusive.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay. And I did
14 see that. There's also in the record, complaints filed
15 about domestic violence, so forth. There's a discussion
16 with that a little bit at the last hearing, but more so
17 during the clinician's report that we saw today. Have
18 you taken domestic violence classes?

19 **INMATE JOHNSON:** I did for about two months on
20 the street. And I took self-help while I was in,
21 incarcerated.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. What,
23 what kind of class did you take with the --

24 **INMATE JOHNSON:** Anger management, family.
25 Correspondence courses.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **INMATE JOHNSON:** Domestic understanding.

3 Victims' awareness.

4 **PRESIDING COMMISSIONER ROBERTS:** All right. Have
5 you explored, perhaps, issues that you have with
6 females?

7 **INMATE JOHNSON:** I'm not, I don't understand.

8 **PRESIDING COMMISSIONER ROBERTS:** Problems with
9 females. That you have problems with females. Now, I
10 say that, because when I look at, you had this domestic
11 violence with your prior wife. I, I read in the crime
12 reports, her mother was a victim of some of the violence
13 by you. I can't help but notice Brittany's a little
14 girl, a female. Violence. I don't see any violence to
15 males, other than the one 115 with your, your cellie,
16 who was also named Johnson, I think. I, I see the focus
17 of your violence to be on, on women. What do you think
18 about that?

19 **INMATE JOHNSON:** I think that's quite accurate.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. And why
21 is that?

22 **INMATE JOHNSON:** My insecurities. I have, I
23 fought a lot in, in, in school. I was brought up from
24 my dad. I saw him, I'm, I'm not blaming him. My
25 parents taught me right from wrong. But I grew up with

1 my dad and violence. And I, I grew up with lack of
2 confidence, insecurities, and low self-esteem. And when
3 I don't feel, I felt that I deserved something, I, I was
4 searching for something I felt I deserved that was
5 better, I guess I found that I found acceptance in
6 people and I looked at a lot of people as a means to my
7 happiness. And when I didn't get that from women that I
8 thought I deserved, I hid my self, lack of self-
9 confidence with anger and lashed out.

10 **PRESIDING COMMISSIONER ROBERTS:** All right. How
11 does that relate to Brittany in any way?

12 **INMATE JOHNSON:** It's a defense mechanism. I
13 believe it's --

14 **PRESIDING COMMISSIONER ROBERTS:** How many --

15 **INMATE JOHNSON:** Brittany didn't do nothing
16 wrong. She was --

17 **PRESIDING COMMISSIONER ROBERTS:** Okay, I'm, well
18 how did Brittany pose a threat, that you needed to
19 engage a defense mechanism? I don't get that.

20 **INMATE JOHNSON:** I wanted to protect all my
21 secrets. My, the reason I was, I, I had a room in
22 Riggs's and Lundy's home, because I was drinking and I
23 had a secret drug habit. And they saw I was in trouble.
24 Steve Lopez saw I was in trouble, so he invited me and
25 talked to them, and they invited me to rent a room in

1 there. And I put so much value in my drug, drug
2 addiction, and my drinking, and lies that I thought I
3 could, that I had everybody bluffed on, that I put so
4 much value in it, it was more important. And when
5 somebody interrupted me with that, I, I lashed out in
6 anger. I would, it, the fact it was little Brittany
7 doesn't make it trivial, but --

8 **PRESIDING COMMISSIONER ROBERTS:** Well, I'm trying
9 to see how Brittany poses a threat to you that would
10 engage this violent reaction.

11 **INMATE JOHNSON:** I didn't know who was at the
12 door, I just wanted to shut the door.

13 **PRESIDING COMMISSIONER ROBERTS:** So, so --

14 **INMATE JOHNSON:** And she wasn't a threat to me at
15 all.

16 **PRESIDING COMMISSIONER ROBERTS:** So you shut the
17 door, and, and if --

18 **INMATE JOHNSON:** I slammed the door and --

19 **PRESIDING COMMISSIONER ROBERTS:** Well hold on,
20 hold on, let me talk. You shut the door, and she gets
21 caught in the door. That happens to youngsters all the
22 time. I have, I've raised kids myself. I've got
23 grandchildren this age. And they're into everything.
24 And that's not uncommon for youngsters like that to be
25 pushing their way into, and still learning, no. You had

1 been through that. You had your own children. You
2 were, you know, the 13-month, of course, you were
3 probably were at that point with it. Not the other one.
4 I'm struggling with how Brittany in any way posed a
5 threat to you to engage a mechanism of, of such violence
6 to her. I'm thinking, I, if, if I'm to believe the
7 story as you put forward, catches the, the youngster in
8 the door. Just shoves her out, shuts the door and gets
9 rid of his drugs and then, you know, says I'm sorry.
10 I'm, I'm still having difficulty understanding how you
11 go down this path of violence towards this, this little
12 youngster.

13 **INMATE JOHNSON:** I really don't know how to --

14 **PRESIDING COMMISSIONER ROBERTS:** Okay.

15 **INMATE JOHNSON:** I don't know what you're --

16 **PRESIDING COMMISSIONER ROBERTS:** I'm looking for
17 something more than you were scared.

18 **INMATE JOHNSON:** More of a motive?

19 **PRESIDING COMMISSIONER ROBERTS:** Yeah. I'm
20 trying to, I'm trying to understand what a true motive
21 would be --

22 **INMATE JOHNSON:** Well, I just hurt a little girl
23 to some people that helped me.

24 **PRESIDING COMMISSIONER ROBERTS:** If it was an
25 accident that you caught her in the door, if this wasn't

1 a violent shove and a, and a purposeful act, it was,
2 that would have been an accident. And that, and every
3 parent would understand that had, they'd want you to be
4 careful, but not to the degree that, see, I'm having
5 trouble with that whole how this thing kicks off. And
6 the second thing I wanna share with you, having read
7 Officer Kelly's report, I, I couldn't help but note that
8 the plastic bag was, he says he, he describes this way
9 back then, and that was, kind of like sucked in over the
10 contour of her face and outlined as if she inhaled it.
11 And so I wanna make sure, that bag, did you put that bag
12 on her before she was in the closet? Or was that put on
13 her while she was in the closet?

14 **INMATE JOHNSON:** When she was on the closet,
15 laying down.

16 **PRESIDING COMMISSIONER ROBERTS:** Right. Was that
17 bag also a mechanism to keep her quiet?

18 **INMATE JOHNSON:** Yes.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. So it was
20 to smother?

21 **INMATE JOHNSON:** Yes.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
23 right. Okay. Do you have any questions?

24 **DEPUTY COMMISSIONER POMERANTZ:** Following up on
25 what Commissioner Roberts said, it just doesn't make a

1 whole lot of sense. All right? Because this child
2 wasn't a threat. She saw your drugs. She wouldn't have
3 known what the drugs were. You could have said, hey,
4 you know, get out of here, or whatever. Or, you know,
5 you react, say you overreacted, you slammed the door,
6 you hit her in the door. She starts crying. You go,
7 oh, sorry. Hide the drugs, like he was saying, and then
8 you take her and say, oh, you know, I accidentally
9 slammed the door on her. What was the trigger to
10 escalate to murdering the kid? Because it, it doesn't
11 make sense. It's such an overreaction to the situation.

12 **INMATE JOHNSON:** Yes. Well, I was, that's what
13 makes it kind of trivial for, in my perspective.
14 Because I was bringing in drugs behind everyone's back,
15 and I was lying. And they've invited, they were
16 inviting me to sit and watch TV with them. I just, I
17 was too high-strung, I was too going. And I felt people
18 were suspicious. I helped my suspicion by, by a habit
19 of being angry. The fact that somebody opened the door
20 and it just happened to be her, I would have done it
21 anyway. I would have slammed the door. But when I hurt
22 her, my thinking, my thought process then and my coping
23 skills just weren't, they weren't developed. I was
24 socially inadequate. I chose to keep her quiet because
25 I felt, like I said, I had drugs out, and I just hurt

1 their daughter.

2 **PRESIDING COMMISSIONER ROBERTS:** I'm unclear.
3 Did you, when you closed the door on her, did you pull
4 her back into the bedroom after that?

5 **INMATE JOHNSON:** Yes.

6 **PRESIDING COMMISSIONER ROBERTS:** And, and why?

7 **INMATE JOHNSON:** Because I had hurt her and she
8 was crying. I didn't want --

9 **PRESIDING COMMISSIONER ROBERTS:** Okay.

10 **INMATE JOHNSON:** Anybody to know that --

11 **PRESIDING COMMISSIONER ROBERTS:** Okay.

12 **DEPUTY COMMISSIONER POMERANTZ:** No more questions
13 on that subject.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. Let's go
15 to post-conviction then.

16 **DEPUTY COMMISSIONER POMERANTZ:** All right. So,
17 Mr. Johnson, let's talk about what you've been doing
18 since you've been in prison, okay? We call these post-
19 conviction factors. Some of this was covered in your
20 last hearing, so I'll just kind of go over it real quick
21 as far as what's to, you know, kind of a recap. And
22 then, some things that have changed since then. We
23 already know you had your GED back in '93. You've got
24 an associate's degree. You still in, taking college
25 courses now, is that correct?

1 **INMATE JOHNSON:** Yes.

2 **DEPUTY COMMISSIONER POMERANTZ:** All right. And
3 as far as work assignments, I looked at assignment
4 history. I saw that you've worked in the library as a
5 clerk, as a porter in the yard, yard crew, kitchen.
6 Accurate?

7 **INMATE JOHNSON:** Yes.

8 **DEPUTY COMMISSIONER POMERANTZ:** Did I leave
9 anything out? Miss anything?

10 **INMATE JOHNSON:** At plant ops, I was a painter.
11 I program. I play a lot of sports, and --

12 **DEPUTY COMMISSIONER POMERANTZ:** Okay. All right,
13 so let's talk about vocational training. You were in
14 the machine shop, and also taking office services. But
15 it looks like you, you didn't finish the office services
16 because of the transfer, because of the points?

17 **INMATE JOHNSON:** Yes.

18 **DEPUTY COMMISSIONER POMERANTZ:** All right. But
19 you finished the machine shop?

20 **INMATE JOHNSON:** I did.

21 **DEPUTY COMMISSIONER POMERANTZ:** Okay. All right,
22 so let's talk a little bit about your self-help.
23 Commissioner Roberts asked you about whether you took
24 any domestic violence courses, and you were talking
25 about correspondence courses and, and anger management

1 and such, but did you ever take anything that was
2 specifically a domestic violence class?

3 **INMATE JOHNSON:** Other than pre-being
4 incarcerated, no, I did not. I just took, like, anger
5 management classes.

6 **DEPUTY COMMISSIONER POMERANTZ:** Okay. So after
7 the conviction for the domestic violence against your
8 wife, you were, one of the conditions of your parole was
9 to take domestic violence classes. And I seem to recall
10 you started, but you kind of just gave up on it?

11 **INMATE JOHNSON:** Yes.

12 **DEPUTY COMMISSIONER POMERANTZ:** Okay. And you
13 haven't taken any other specific domestic violence
14 courses here in the prison system or on your own since
15 then, is that accurate?

16 **INMATE JOHNSON:** That's accurate.

17 **DEPUTY COMMISSIONER POMERANTZ:** Okay. So what
18 you have taken, from what I saw, is, well, let me back
19 up. Why didn't you take any domestic violence classes,
20 because clearly that is something that you did. And,
21 and one can certainly say that what you did that got you
22 in here is the ultimate act of a domestic violence,
23 right? So why didn't you take something specifically on
24 that subject?

25 **INMATE JOHNSON:** I don't recall domestic violence

1 specifically being offered at, I mean, I could be wrong.
2 I, I'm deep up in the AVP, I'm a facilitator in it. I
3 do take anger management classes. I do correspondence
4 courses with anger management and other managements of
5 self-help and learning. I dived a lot in, in, when I
6 was going to school. I'm not, like, a really quick
7 learner, so I focused all my effort there. I'm not
8 gonna say that, if there was a domestic violence class
9 that was here that I would not take it. I would. From
10 this point on, I'm gonna seek it out because obviously I
11 didn't touch on that issue.

12 **DEPUTY COMMISSIONER POMERANTZ:** All right. Well,
13 that's why I was asking. Because I, I mean, it wasn't
14 clear as to whether you had or had not taken a DV class
15 relative to your correspondence courses. All right. So
16 looking at the stuff that I saw in there as far as
17 certificates and assignments, I saw that you had took
18 AA, NA, the AVP, Alternatives to Violence program, both
19 the basic and advanced, and you are a facilitator, as
20 you indicated, Anger Management, Toastmasters, victims
21 workshop, and Criminal Thinking. Anything else that I
22 didn't see that you've taken as far as self-help?

23 **ATTORNEY OSULA:** I believe he took parenting.

24 **DEPUTY COMMISSIONER POMERANTZ:** Oh, yes, thank
25 you. You did mention that. I forgot to write that

1 down. Anything else?

2 **INMATE JOHNSON:** I'm, I was, a lot of
3 correspondence courses and Aspects of Anger, Triggers
4 and Relapse and Diffusion, Relapse Warning Signs,
5 Substance.

6 **DEPUTY COMMISSIONER POMERANTZ:** All right. And
7 as far as you're concerned, which of these did you think
8 was the most helpful for you?

9 **INMATE JOHNSON:** Alternatives to Violence.

10 **DEPUTY COMMISSIONER POMERANTZ:** And why is that?

11 **INMATE JOHNSON:** They, they run intense workshops
12 for three days, for eight hours a day. And it was,
13 this, the program they set up is very enlightening. And
14 their, their transforming powers and working together
15 with other people, realizing that I got the same
16 problems other people do. And I got the same issues
17 other people do. And I just enjoyed it, and I found
18 that it brought me a little closer back to humanity,
19 because I was, due to my delusional state of narcissism,
20 I discovered that I'm way off-track with life. I was a
21 callous person. And, like I said, I saw people as a
22 means to my happiness. And I was, I was clearly lying
23 to myself. But AVP was, touched all bases of problems,
24 and problem-solving solutions.

25 **DEPUTY COMMISSIONER POMERANTZ:** All right. Are

1 you currently enrolled in any self-help at, at, at this
2 time?

3 **INMATE JOHNSON:** I am not at this moment, no.

4 **DEPUTY COMMISSIONER POMERANTZ:** And when was the
5 last one that you were in?

6 **INMATE JOHNSON:** An Encore program in April. It
7 covers everything from problem-solving skills, job
8 searching, money managing.

9 **DEPUTY COMMISSIONER POMERANTZ:** All right. And,
10 are you currently signed up for anything that's gonna be
11 starting up any time soon?

12 **INMATE JOHNSON:** Other than maybe another, more
13 college classes. When they re-up on Narcotics Anonymous
14 classes, I, I was gonna jump into that. And stay hard
15 in that.

16 **DEPUTY COMMISSIONER POMERANTZ:** Okay. And at the
17 current time, are you reading any books or doing any
18 correspondence courses on any type of self-help?

19 **INMATE JOHNSON:** I've been doing correspondence
20 courses with PREP. I just started PREP. And I noticed
21 that the, on one of the other yards, there's an HVAC, a
22 vocational program I wanted to get into. As far as
23 recreational reading, I'm reading a book on narcissism.
24 That's a non-fiction self-help book.

25 **DEPUTY COMMISSIONER POMERANTZ:** How far have you

1 gone in that?

2 **INMATE JOHNSON:** Five or six chapters.

3 **DEPUTY COMMISSIONER POMERANTZ:** And as far as, is
4 that half-way, one-third, one-quarter?

5 **INMATE JOHNSON:** That's a tenth.

6 **DEPUTY COMMISSIONER POMERANTZ:** Okay.

7 **INMATE JOHNSON:** It's 300 pages.

8 **DEPUTY COMMISSIONER POMERANTZ:** And you've found
9 it helpful so far?

10 **INMATE JOHNSON:** Enlightening, yes.

11 **DEPUTY COMMISSIONER POMERANTZ:** Applicable to
12 your situation?

13 **INMATE JOHNSON:** Getting there, yes. Just
14 touching on a lot of points.

15 **DEPUTY COMMISSIONER POMERANTZ:** All right. When
16 did you realize that you had a narcissistic personality?

17 **INMATE JOHNSON:** Probably since, after my mother
18 died.

19 **DEPUTY COMMISSIONER POMERANTZ:** No, no, not how
20 long have you had it. When did you come to the
21 realization or the acceptance that that was your
22 personality makeup?

23 **INMATE JOHNSON:**, Well, somebody made a comment to
24 me once and they said, you know, you're just
25 narcissistic and self-centered. And I, I looked up the

1 dictionary, the word, term, narcissism. And I was like,
2 I'm not narcissistic. That's, could it be? So, it's,
3 every time I hear the word or a see the word, I pick up,
4 I read on it, that's why I have this book specifically.
5 So I'd say about three or four months ago I got
6 interested in finally coming to terms that I'm a little,
7 self-gratitude, self-centered, and self-motivated to
8 please only myself and think I'm all that, and I'm, I'm
9 really not.

10 **DEPUTY COMMISSIONER POMERANTZ:** All right. All
11 right, so let's talk about your discipline record. It
12 was covered last time. There's not a whole lot there.
13 There were three 115's. 2003, getting a tattoo. 1999,
14 a fight with another, with your cellmate who also was
15 named Johnson. I assume no relation?

16 **INMATE JOHNSON:** No.

17 **DEPUTY COMMISSIONER POMERANTZ:** All right. And a
18 strike or a sit-down in 1997. And there were also four
19 128's. One of them was the same date as the tattoo.
20 You were out of bounds, and that's when the officer saw
21 this, the tattoo. And then we have work performance.
22 And then delaying a meal or the food. So you've been,
23 you've been able to stay out of getting 115's for 13
24 years now. How have you been able to avoid getting into
25 trouble?

1 **INMATE JOHNSON:** Just, my thinking has changed.

2 I've grown up. I've had time to reflect on, on myself.

3 Maturity. You know, that was one of my biggest, that

4 made everything else successful and, with me, is my

5 thinking. Because I discovered, you know, what, what,

6 what I'm thinking is what, basically, what I start

7 feeling, and then my feelings dictate my behavior. And

8 I feel that there's other people seeing problems in me

9 and I gotta live, you know, philosophically. You know?

10 I, I don't know where this person came from. I don't

11 know where that person came from. And at the same time,

12 he's probably having the same issues I am. So it's

13 really not gonna do him any good if I continue with a

14 negative attitude. And it's definitely not gonna help

15 me. So given time, I've learned time heals a lot. You

16 know? Positive, and I'm tired of living with regrets.

17 I've got enough of them. So I look at the next man, and

18 say, you know, this is isn't a good time. Or, I'll tell

19 the officer, and say, you know, I'm having a bad day.

20 Or I'll tell my bosses, like, I just choose to be quiet

21 today. I'm just, woke up on the wrong side of the bed.

22 I'm just gonna do my best today. And communication has

23 been quite successful in my rehabilitation.

24 **DEPUTY COMMISSIONER POMERANTZ:** All right. All

25 right, so let's talk about your parole plans. I saw

1 acceptance letters from multiple transitional housing
2 programs. Phoenix House. Delancey Street. Crossroads.
3 Amity. Francisco Homes. From the looks of it, it looks
4 like the Phoenix House is your first choice. Is that
5 correct?

6 **INMATE JOHNSON:** Yes, sir.

7 **DEPUTY COMMISSIONER POMERANTZ:** All right. And
8 as far as the second choice, what one would that be?

9 **INMATE JOHNSON:** Delancey Street.

10 **DEPUTY COMMISSIONER POMERANTZ:** All right. And
11 there's a written Relapse Prevention Plan in the file
12 materials. You also have a reintegration plan, where
13 you talk about what you're gonna do, and as far as how
14 you're going to reintegrate into society, and how you're
15 gonna stay sober. As far as support letters are
16 concerned, I saw you had support letters from two aunts,
17 your niece, a friend, and your sister. And then, as far
18 as opposition letters, as the Commissioner indicated
19 earlier, there were multiple letters from the victim.
20 Also multiple letters from others, including the ones
21 that were specifically mentioned by Commissioner
22 Roberts. All right. Commissioner?

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. Just a
24 couple of follow-up and then I'll go to the clinician's
25 report and kind of close that out. Let's see here.

1 Some of the follow-up questions I have. You, you
2 mentioned that you're currently not involved in
3 programming, but you did mention that you're a mentor or
4 a facilitator in AVP?

5 **INMATE JOHNSON:** Yes, sir.

6 **PRESIDING COMMISSIONER ROBERTS:** And when was the
7 last time that you facilitated an AVP class?

8 **INMATE JOHNSON:** Well, it's been four months.
9 But there's two sets of facilitators.

10 **PRESIDING COMMISSIONER ROBERTS:** Uh-huh.

11 **INMATE JOHNSON:** There's apprentices, which
12 there's, like, 15 of them on our yard. And apprentices,
13 or, I mean, and facilitators that are full-fledged, like
14 myself. And there's four of us. And they run them at
15 different cycles.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay.

17 **INMATE JOHNSON:** For every time a class happens
18 for AVP, it's one facilitator and two to three
19 apprentice facilitators. You have to facilitate two
20 times.

21 **PRESIDING COMMISSIONER ROBERTS:** So you're,
22 you're in a cycle?

23 **INMATE JOHNSON:** Yes, sir.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. So you,
25 currently it's not up?

1 **INMATE JOHNSON:** Yes.

2 **PRESIDING COMMISSIONER ROBERTS:** All right.

3 Makes sense. Okay, then. And, just so I get a good
4 sense of this domestic violence stuff that you either
5 have or have not participated in, I get the sense you
6 were supposed to go to domestic violence, you started,
7 but didn't complete it out in the streets. The life
8 crime occurs. And in here you've taken general
9 violence. But I didn't see, again, specific violence.
10 But you talked about some readings. In your readings,
11 can you, do you have any understanding of the cycle of,
12 of violence for domestic violence?

13 **INMATE JOHNSON:** Domestic violence?

14 **PRESIDING COMMISSIONER ROBERTS:** Domestic
15 violence. The cycle of violence there.

16 **INMATE JOHNSON:** I, I can only speak about the
17 aspects of violence. Where they come from. I, I don't
18 wanna say that I know something about spousal abuse,
19 because I haven't studied it.

20 **PRESIDING COMMISSIONER ROBERTS:** All right. My
21 point is, there, there is, it's a difference. And
22 domestic violence is not a very simplistic thing. It's
23 a very complicated thing. And that's why this whole
24 cycle of violence is one of the issues that they're,
25 people are learning about and, and getting an

1 understanding of. Not only what's happening with them,
2 but what's happening with the other party. And how
3 sometimes they switch roles and so forth. So, so unlike
4 normal, well, I'll say average violence, like, you know,
5 two guys fighting or something, domestic violence is
6 much more insidious. And, and it's much more
7 complicated than that kind of an anger, okay? And,
8 again, I just wanted to explore where you'd been at.
9 Because, some guys would haven't gone to course, haven't
10 gone through a course here have done reading on it and
11 have a good understanding of it. And I'm trying to get
12 a sense of you and where you're at with that, what I
13 think is a fairly major issue, and may have some
14 relationship with regard to the life crime and, and that
15 kind of violence. Again, as I pointed out, it seems
16 like a large majority of your victims in your adulthood
17 have been females. And that raises a red flag with me.
18 So, so just sharing that with you. And I wanted to see
19 where you were at with that, okay?

20 **INMATE JOHNSON:** If you'll allow me to say --

21 **PRESIDING COMMISSIONER ROBERTS:** Sure.

22 **INMATE JOHNSON:** I agree with you, and I have
23 thought that, too.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
25 right, good.

1 **INMATE JOHNSON:** It's just --

2 **PRESIDING COMMISSIONER ROBERTS:** You haven't had
3 the opportunity to work on that yet? Okay. Well, I
4 would encourage you, no matter what happens today to do
5 that for yourself and others futuristically, okay?

6 **INMATE JOHNSON:** Absolutely.

7 **PRESIDING COMMISSIONER ROBERTS:** All right. One
8 thing you and I haven't talked about, and I wanted to
9 kind of get a sense of where you were at with your, your
10 work, is, is remorse. Okay? And remorse is one of the
11 things that we're to consider. And so, first of all, so
12 that I understand that you and I are talking about the
13 same thing when we talk about remorse, because I've
14 learned over the course of doing literally, probably
15 thousands of these, that some guys don't really
16 understand what remorse is. And so, I wanna make sure
17 you and I are on the same sheet of music. So I would
18 like to hear from you what your definition of remorse
19 is. And, and I'm looking for something, like if I open
20 Webster's, Webster's says remorse is, and it lists the
21 key elements of remorse. I'd like to hear your
22 definition of remorse, listing the key elements. Not
23 how it applies to you, because once we agree on what
24 remorse is, then we're gonna talk about how it applies
25 to you, okay? So what would be your definition of

1 remorse? What are the key elements of remorse?

2 **INMATE JOHNSON:** Feelings of, I would say, guilt.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay.

4 **INMATE JOHNSON:** Being remorseful and sorry is
5 empty without positive reinforcement.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. So, we're
7 just talking about what guilt is, I mean, what remorse
8 is. So you said, guilt. And I heard sorrow. And I
9 would agree with you. Sorrow. Okay. And, and what
10 other key elements are there to remorse?

11 **INMATE JOHNSON:** I'm really nervous right now.
12 I'm trying to think.

13 **PRESIDING COMMISSIONER ROBERTS:** I understand,
14 that's why we're gonna go through this.

15 **INMATE JOHNSON:** It's being apologetic. Being
16 penitent. Being remorseful. I mean --

17 **PRESIDING COMMISSIONER ROBERTS:** Okay. You know,
18 we can't use remorse to define remorse.

19 **INMATE JOHNSON:** I know, I know.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay.

21 **INMATE JOHNSON:** Excuse me.

22 **PRESIDING COMMISSIONER ROBERTS:** I know you're,
23 you know what, let me, let me take you somewhere that
24 might help you, all right? You've been involved in 12-
25 Step programming. Am I right?

1 **INMATE JOHNSON:** Yes, I am.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. Can,
3 thinking back to your 12-Step programming, are there
4 parts or steps in there that speak to, you know, things
5 that are really relevant to remorse?

6 **INMATE JOHNSON:** Take a moral inventory of, a
7 personal fearless inventory of --

8 **PRESIDING COMMISSIONER ROBERTS:** What step is
9 that?

10 **INMATE JOHNSON:** Four?

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. And, and
12 how does that relate to remorse?

13 **INMATE JOHNSON:** Make, make, well, because if I
14 have, if I've done something wrong, and if I'm really
15 remorseful, I'm gonna look at, you know, like, what am I
16 doing wrong? What's wrong with me? I need to identify
17 that before I continue to stay and make it worse.

18 **PRESIDING COMMISSIONER ROBERTS:** Well, would that
19 kind of relate to this guilt and the sorrow thing you
20 talked about? Is that what the fearless moral inventory
21 would be?

22 **INMATE JOHNSON:** I --

23 **PRESIDING COMMISSIONER ROBERTS:** I, I gotta
24 connect the dots back to remorse.

25 **INMATE JOHNSON:** I believe so, yes.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay, all right.
2 Are there other steps that speak to things that would be
3 key to remorse?

4 **INMATE JOHNSON:** Make a list of those I've done
5 wrong and attempt to apologize when it's --

6 **PRESIDING COMMISSIONER ROBERTS:** All right, have
7 you done that?

8 **INMATE JOHNSON:** I've wrote a couple letters.
9 I've talked to personal people on the phone and letters
10 to them. They're not victims, but --

11 **PRESIDING COMMISSIONER ROBERTS:** Okay, well --

12 **INMATE JOHNSON:** I have written letters to, for
13 the parents, but I sent them to a Sacramento address.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. And, and
15 when was the last time you wrote those letters?

16 **INMATE JOHNSON:** Two, three years ago. Two years
17 ago.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay. Again,
19 I'm kind of getting into how it applies to you, and I
20 wanna get back to making sure I understand what
21 remorse --

22 **INMATE JOHNSON:** I understand.

23 **PRESIDING COMMISSIONER ROBERTS:** All right,
24 beyond, so, what, what step would be making a list of
25 those that you've harmed?

1 **INMATE JOHNSON:** Eight?

2 **PRESIDING COMMISSIONER ROBERTS:** Okay. And then,
3 is there something else you're supposed to do with
4 regard to that?

5 **INMATE JOHNSON:** Make amends?

6 **PRESIDING COMMISSIONER ROBERTS:** Okay, amends.
7 And, if you did 12-Step programming, there's actually
8 three kinds of amends. You remember that? Can you tell
9 me what the three kinds of amends you're supposed to be
10 participating in?

11 **INMATE JOHNSON:** Amends. Make a moral amends, I
12 can't think of it right now.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, I'm
14 gonna tell you, but I'm kind of surprised if you've done
15 12-Step that you, you don't know the, the general
16 concept. I, I don't need to have the steps absolutely
17 word for word spelled back at me. Because people can
18 memorize and not actually incorporate. There are three
19 types of amends, if you'll recall. There's direct. And
20 that's what you talked about making letters and so
21 forth. Do you, if, does that prod you, or is, make you
22 remember what the other two steps are? The other two
23 kinds of amends are?

24 **INMATE JOHNSON:** I'm afraid not, no.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. Just for

1 the record, there's indirect. And then there's living
2 amends, okay? And if we're talking about remorse, all
3 those I think are key elements of remorse. And
4 particularly, I think living amends, because it speaks
5 to, like, giving back and so forth, okay? So are there
6 any other things, I'm giving you that one as, I think
7 has to be a part of it, so amends has to be part of it.
8 And --

9 **INMATE JOHNSON:** Well, I, I believe I said, you
10 know, being sorry is empty without, you know, positive
11 reinforcement.

12 **PRESIDING COMMISSIONER ROBERTS:** Uh-huh.

13 **INMATE JOHNSON:** So, I've, I do good for the
14 greater kind of my community.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay.

16 **INMATE JOHNSON:** I thought that would imply that,
17 with all due respect.

18 **PRESIDING COMMISSIONER ROBERTS:** Okay, well, I, I
19 need to make, connect the dots. Because people
20 participate in things that may be part of their remorse,
21 or may not. And so I'm trying to connect things back to
22 remorse. So, so far, we've got guilt, sorrow, amends.
23 Can you think of anything else that might be?

24 **INMATE JOHNSON:** No, sir.

25 **PRESIDING COMMISSIONER ROBERTS:** Okay. I, I

1 think you've spoke of it, but you didn't say it directly
2 here when we're talking about it. And that's a deep
3 sense of shame. Because we don't want Webster's to talk
4 about deep sense of shame. And early on, you mentioned
5 that when I asked why you were doing some of the things
6 or didn't some of the things, you talked about the
7 shame. Okay. All right, I think we have a good sense
8 of what remorse is. I think we can agree on that. So,
9 do you have remorse for this crime?

10 **INMATE JOHNSON:** It's the most shameful thing
11 I've ever done in my life.

12 **PRESIDING COMMISSIONER ROBERTS:** That's not an
13 answer. The answer is, do you have remorse for this
14 crime?

15 **INMATE JOHNSON:** Yes, I have remorse.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. And how
17 would I know that beyond the words? Because every guy
18 that walks through the door tells me they've got
19 remorse. Most do, I'll tell you, I think. However,
20 there are some that don't. And so, beyond just speaking
21 words, I look to, are there things that document,
22 illustrate, or are suggestive of your remorse beyond
23 just the words you told me. Now, you talked about
24 writing a letter. I'm talking about those kinds of
25 things. You said you wrote some letters some time ago.

1 Are there other things in your record I can find that
2 would suggest to me that you've got remorse?

3 **INMATE JOHNSON:** In my file should be two
4 letters. My account of how much self-help I can dive
5 myself into.

6 **PRESIDING COMMISSIONER ROBERTS:** Okay. What,
7 what's that got to do with remorse? Because it could or
8 it might not.

9 **INMATE JOHNSON:** It's, I'm trying to improve
10 myself so I don't make, let that, my actions and my
11 choices in the future, and my feelings hurt and harm
12 other people. I don't want it to happen again.

13 **PRESIDING COMMISSIONER ROBERTS:** I would put that
14 in the category of living amends, which is something you
15 left out. But I'm just telling you where I'd put it.
16 And that's how I would connect it the way you're
17 speaking to it. All right. And the reason I wanted to
18 go down that with you, because I have a lot of guys that
19 go to classes, and it's for the Board. That ultimately,
20 sometimes they'll come in and say, you know, the first
21 four years of my doing stuff, it was for the Board. I
22 really wasn't paying attention, I didn't incorporate it.
23 So how can you demonstrate that these classes that
24 you've taken, that you've actually incorporated them
25 into your lifestyle? And, and, and have made it a part

1 of your life? What would like to point to the key areas
2 of your change that would suggest that?

3 **INMATE JOHNSON:** Well, as far as the community
4 I'm in, I've changed my thinking. And I volunteer and
5 facilitate to help people make the connections that I
6 did with them. Because I needed help and I know they
7 need help. And, I, this is harder than I thought it was
8 gonna be. I, I, I live right. I don't lie no more. I,
9 I've lost so much and I've caused so much that --

10 **PRESIDING COMMISSIONER ROBERTS:** Do you need a
11 break?

12 **INMATE JOHNSON:** Yeah.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay, well,
14 well, let me finish this up.

15 **ATTORNEY OSULA:** He meant, when you --

16 **PRESIDING COMMISSIONER ROBERTS:** Yeah. But, so,
17 before we go to clarifying questions, we'll take a
18 break.

19 **ATTORNEY OSULA:** Okay.

20 **PRESIDING COMMISSIONER ROBERTS:** All right.
21 Again, I'm just trying to get a sense of, of that. And
22 it is hard. It is very hard. These are the hard
23 questions. All right then. Let's finish up the
24 clinician's report, and then we'll take a, a recess for
25 everybody, okay? All right, so the clinician's report,

1 we're talking about Dr. Chan's report, and you and I
2 have basically gone over and talked about the first part
3 of it. I wanna pick up where kind of we left off, and
4 that is under Clinical Assessment, that's the section.
5 And we'll go from there on and finish the report off.
6 And when we're done, I'm gonna give you an opportunity
7 to weigh in on the doctor's report. Always do. If you
8 want. Doctor starts off in this area talking about this
9 prior evaluation. Doctor says, Dr. Campbell saw you in
10 2009. Found you to be a low-moderate risk. And doctor,
11 that doctor said that you would increase your risk if
12 you began using substances and associating with
13 antisocial peers, possessed a weapon, and had no
14 permanent residence, did not have sufficient income, and
15 lacked social support. So what that doctor's saying,
16 those are key issues with you and having those tied down
17 is very important. Then the doctor talks about
18 currently when she saw you, your condition. She speaks
19 of your age and, and she speaks of this mental status.
20 And everything we can see in there seems to be fairly,
21 fairly sound. Then she talks about substance abuse, and
22 we've talked about that. You talked about that at the
23 last hearing, too. And so, I, I've not spent a lot of
24 time on substance abuse, other than to kind of touch
25 base. You saw me do that when I asked about the steps,

1 about, you know, how you're incorporating that and
2 understanding of that. Then the doctor said, with
3 regard to that, that using their manual, which is the
4 DSM-V, you meet the criteria for alcohol use disorder,
5 severe in sustained remission in a controlled
6 environment, and stimulant use disorder, severe in
7 sustained remission in a controlled environment. And
8 there the doctor's talking about methamphetamine. I
9 know when LaBahn was started, you started talking about
10 cocaine, and you corrected him and said, no, it was
11 meth. That you were using speed. And so that's what
12 the doctor's talking about here. The doctor talked
13 about major mental disorder and personality disorder.
14 And the doctor says, based on review of your available
15 records and clinic observations during the interview,
16 you did not qualify for a DSM-V diagnosis beyond
17 substance abuse disorders. So the doctor doesn't see
18 something such as antisocial personality disorder or
19 something of that nature, which the doctor would have
20 pointed out. Again, according to the definition by
21 their, their Bible as, or the DSM-V. The doctor then
22 speaks to institutional programming, which we discussed
23 here, and speaks to, you know, your, your GED in '93,
24 and your work since then. Also your vocational work.
25 Doctor talks about parole plans, which we discussed

1 here. Then the doctor talks about HCR-20 Version Three,
2 which is a tool they use. And it starts out with the
3 historical factors. The doctor said you displayed eight
4 of the ten predictive factors for violent recidivism in
5 the historical domain. And the doctor says that you
6 presented with antisocial, anti-sociality, characterized
7 by poor impulse control, entitlement, deceitfulness,
8 recklessness, and irresponsibility. And you do not
9 present with, you do not present with callousness or
10 coldness, interpersonal dominance, hostility or
11 meanness, and antagonism. Doctor used another tool, as
12 a side note, the PCL-R, which talks about psychopathy.
13 And the doctor says you scored below the mean and below
14 the cutoff threshold commonly used to identify dissocial
15 or pathologic personality. So the doctor's telling us
16 you're not a pathological liar. Okay? Basically,
17 that's how (inaudible.) The doctor then spoke of those
18 eight out of ten areas of concern. And violence was one
19 of them. And doctor says this risk factor remains at
20 least moderately relevant, despite the fact that there's
21 been no documented violence prior to 1999. Doctor says
22 with regard to antisocial behavior, about your current
23 incarceration, you displayed antisocial tendencies and
24 rules violations, and speaks of them. But to your
25 credit, you've decreased the types of behaviors for the

1 past 13 years. Doctor speaks of relationships. And the
2 doctor says that relationships are a relevant factor in
3 determining risk for violence for you. Doctor speaks of
4 employment, and says although you've done some positive
5 work in order to make yourself more employable, your
6 history of employment instability and lack of plans for
7 future employment make this factor relevantly, relevant
8 to your overall risk. Doctor speaks of substance abuse
9 and says there that the fact appears to be less
10 relevant, but with a caveat that it's of great
11 significance if you were to return to using substances.
12 I think you know that. The doctor speaks of traumatic
13 experiences, then violent attitudes. And the doctor
14 does note to your credit, you've not engaged in violent
15 attitudes since, no known violence since 1999.
16 Treatment and supervision, it says, although it appears
17 that you may not have benefitted from all of the
18 programming, as your insight remains quite limited. In
19 the clinical domain, which is the current dynamic
20 domain, so those other things were historical, and the
21 doctor's relaying them back to how currently they
22 weighed in on this final decision by her about your
23 current risk of danger, but then she talks about what's
24 current with you. And she says, there's one area
25 predictive of recidivism which is of concern is highly

1 relevant to formulating your future risk for violence,
2 and that's with regard to insight. She talks about
3 that. Then she talks about the life crime. And I think
4 we've addressed all my questions there, because I right
5 away started asking, just to let you know how I work a
6 case up, I do the clinician's report last. So by, when
7 the time we get to the clinician's, I've already got
8 those questions, like with the plastic bag and those
9 kinds of things, so, you're, I've got all kinds of notes
10 in here that I've already answered. So, even she noted,
11 which I was impressed that this clinician picked up on
12 this garbage bag issue, because of, the last one didn't.
13 And it was minorly touched on in the past. Okay. The
14 doctor then goes to Analysis of Risk Management Factors
15 and says there in this tool, that two of the five
16 predictive factors are present, at least moderate and
17 relevant. And, personal support, stress and coping, are
18 the two that she addressed there. And she talks about
19 those and has a discussion with you about those, about
20 your anger and your strategies and so forth. Doctor
21 says that your violence risk factors appear to be
22 attributed the following key risk factors. Substance
23 abuse issues, negative violent attitudes, and limited
24 insight into those issues. And finds you to be a
25 moderate risk. And the doctor wants to point out that

1 she recognizes the last clinician in 2009 said you were
2 a low-moderate, and she wants to clarify why she speaks
3 to you being a moderate. And she says, in considering
4 this risk, slight Risk Assessment discrepancy, it is
5 known that Mr. Johnson continues to display several
6 historical and, and current factors that are at least
7 moderately relevant to his risk of future violence,
8 despite the benefit of long-term incarceration and many
9 years to reflect on his offense conduct. Mr. Johnson's
10 discussion of the life crime revealed some degree of a
11 failure to fully, accept full responsibility for the
12 consequences of his behavior. While he has gained some
13 understanding of the underlying causes of his violence,
14 his insight remains limited in many regards, such as
15 personal characteristics and relationship contexts, that
16 would make him vulnerable to engage in antisocial and
17 violent behavior in the future. Also, there are
18 significant concerns about Mr. Johnson's sister
19 providing the majority of his personal support in the
20 community. Okay. So you've read the doctor's report?
21 Anything you'd like to say to the doctor's report, or
22 other doctor's report, or correct?

23 **INMATE JOHNSON:** I, I agree with most of it, but
24 not, not all of it. Like, parts where I touch on eight
25 out of ten --

1 **PRESIDING COMMISSIONER ROBERTS:** The historical
2 factors in the HCR-20, you're talking about?

3 **INMATE JOHNSON:** Yes, sir.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
5 right, well she's using those tools, and that's her
6 interpretation of the data.

7 **INMATE JOHNSON:** Because, at that time, I did
8 give her a bad interview. And I tried to rectify that
9 in this meeting.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, I'd
11 like to explore this briefly. What do you mean you gave
12 her a bad interview? What do you mean by that?

13 **INMATE JOHNSON:** Well, I didn't realize that I
14 would be meeting with her, and I was ill-prepared. I
15 didn't bring any documentation with me. And, I was
16 highly nervous.

17 **PRESIDING COMMISSIONER ROBERTS:** Well, so far
18 I'll tell you, every guy that goes down there is highly
19 nervous. And if he's not, I'm concerned. If you
20 weren't nervous, I'd be real concerned. And, not having
21 documents or knowing, there's really no way to prepare
22 for a clinical psychology report. You just do it.

23 **INMATE JOHNSON:** Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** So, okay. And,
25 and, that's why I'm giving you the opportunity. If

1 there's things that, materials that you should have
2 provided, what would you have provided her that you
3 didn't? If you'd have known, if you thought or knew you
4 were meeting with her, what would you have brought?

5 **INMATE JOHNSON:** Well, my Relapse Prevention
6 Plan.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay. When did
8 you write that plan?

9 **INMATE JOHNSON:** Over a year ago.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
11 right.

12 **INMATE JOHNSON:** I was, I, I remember going to my
13 first Psych Eval, but I really didn't, this one was kind
14 of different in a sense that more answers were expected
15 of me. And I was ill-prepared.

16 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
17 that makes sense on the second one more answers would be
18 expected of you.

19 **INMATE JOHNSON:** But it was my whole intent to
20 be, to be honest.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **INMATE JOHNSON:** That was my focus.

23 **PRESIDING COMMISSIONER ROBERTS:** All right.

24 Okay. With that, we'll take a quick recess here. I
25 think some people need to use the restroom and so forth.

1 Time is approximately 10:30.

2 **DEPUTY COMMISSIONER POMERANTZ:** Off the record.

3 (Off the record.)

4 **DEPUTY COMMISSIONER POMERANTZ:** We're back on the
5 record.

6 **PRESIDING COMMISSIONER ROBERTS:** Time is
7 approximately 11:30. All the parties previous in the
8 room have returned to the room again. We've been able
9 to finally re-establish video and sound link to the
10 remote parties. And I believe we're ready to start
11 clarifying questions. So we'll start with clarifying
12 questions from the District Attorney's Office. Now,
13 this is a reminder that the District Attorney will be
14 asking the Panel clarifying questions, and it may result
15 in a direct relay to you of that question or it may not.
16 It, so just hold tight until I signal you if I wanna
17 ask, ask a question. All right. So, let's start.

18 **DEPUTY DISTRICT ATTORNEY LASKY:** Okay. The
19 inmate told the police that he had a lock on his bedroom
20 door because Brittany had a habit of walking in. The
21 question is, why didn't he lock the door before getting
22 out his mirror and drugs?

23 **PRESIDING COMMISSIONER ROBERTS:** Okay. I guess
24 that's fair. I don't recall reading that question in
25 the text of the last transcript. Any thought on that,

1 sir?

2 **INMATE JOHNSON:** Everybody was asleep. I didn't
3 think that it would take me that long to do what I
4 wanted to do.

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
6 right.

7 **DEPUTY DISTRICT ATTORNEY LASKY:** Prior to his
8 arrest, did the inmate dispose of the drugs that he said
9 he had hid under his mattress?

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. That's a
11 fair question. There was some discussion about not
12 consuming them with LaBahn last time. Did you dispose
13 of the drugs, or what happened with the drugs?

14 **INMATE JOHNSON:** I disposed of them. I did not
15 do them. I disposed of them.

16 **PRESIDING COMMISSIONER ROBERTS:** How, how did you
17 do that?

18 **INMATE JOHNSON:** Well, they were already on the
19 mirror. I just dumped the mirror over.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay. Into what
21 or onto what?

22 **INMATE JOHNSON:** On the, on the carpet, on the
23 floor.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Is that
25 prior to the police finding Brittany or after?

1 **INMATE JOHNSON:** That was prior of me coming out
2 of the room.

3 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
4 right.

5 **DEPUTY DISTRICT ATTORNEY LASKY:** Did the inmate
6 hide Brittany's bloody baby blanket under his mattress
7 at the same time that he supposedly put the mirror
8 there?

9 **PRESIDING COMMISSIONER ROBERTS:** Okay, I don't
10 recall seeing a list of, of a bloody baby blanket.

11 **DEPUTY DISTRICT ATTORNEY LASKY:** It was mentioned
12 in the police report that it was found underneath the
13 mattress.

14 **PRESIDING COMMISSIONER ROBERTS:** Do, do you
15 recall a, a, a, a baby blanket?

16 **INMATE JOHNSON:** In the trial, it was brought up.

17 **PRESIDING COMMISSIONER ROBERTS:** What, what do
18 you, I'm asking, do you recall a baby blanket at the
19 scene?

20 **INMATE JOHNSON:** No.

21 **PRESIDING COMMISSIONER ROBERTS:** So you don't
22 recall hiding --

23 **INMATE JOHNSON:** Yes, I do. Yes, I do. I meant
24 to, yes, I do remember. And I did, I kicked it under
25 the bed.

1 **PRESIDING COMMISSIONER ROBERTS:** Okay.

2 **DEPUTY DISTRICT ATTORNEY LASKY:** The inmate told
3 the police that he gave Brittany juice and cereal, but
4 he did not mention the cereal to the clinician or to the
5 Board. Did he give her both juice and cereal?

6 **PRESIDING COMMISSIONER ROBERTS:** What's the
7 importance, counsel?

8 **DEPUTY DISTRICT ATTORNEY LASKY:** The relevance is
9 because the autopsy protocol says that her stomach was
10 empty.

11 **PRESIDING COMMISSIONER ROBERTS:** Where?

12 **DEPUTY DISTRICT ATTORNEY LASKY:** It goes to his
13 credibility.

14 **PRESIDING COMMISSIONER ROBERTS:** Oh. Well, but
15 that, that's, what he said today, he just gave her --

16 **DEPUTY DISTRICT ATTORNEY LASKY:** A drink. Right.

17 **PRESIDING COMMISSIONER ROBERTS:** Drink. Right.
18 So I don't think we need to ask that, with what he said
19 today.

20 **DEPUTY DISTRICT ATTORNEY LASKY:** When Brittany
21 was found, she had a fake leather tie around her neck.
22 When did the inmate put that around her neck?

23 **PRESIDING COMMISSIONER ROBERTS:** Okay, I don't
24 recall that. But do you recall a fake leather tie
25 around her neck?

1 **INMATE JOHNSON:** I do not.

2 **PRESIDING COMMISSIONER ROBERTS:** Okay.

3 **DEPUTY DISTRICT ATTORNEY LASKY:** Okay. The

4 inmate said today that he had lied to his family. The
5 question is, has he finally admitted to his family,
6 especially to his sister, that he did in fact murder
7 Brittany?

8 **PRESIDING COMMISSIONER ROBERTS:** Okay. Have you
9 done that?

10 **DEPUTY DISTRICT ATTORNEY LASKY:** I have opened up
11 to my sister, and she said when she comes to visit we'll
12 talk more in person. She doesn't want to talk about it
13 over the phone or through a letter. My parents have
14 passed away since then. I have not got --

15 **PRESIDING COMMISSIONER ROBERTS:** So when did you
16 disclose the truth of the matter to your sister?

17 **INMATE JOHNSON:** About a year-and-a-half ago,
18 year or two years ago.

19 **PRESIDING COMMISSIONER ROBERTS:** Why so long?

20 **INMATE JOHNSON:** Just coming to terms with
21 myself. A lot of shame.

22 **PRESIDING COMMISSIONER ROBERTS:** All right.
23 Counsel?

24 **DEPUTY DISTRICT ATTORNEY LASKY:** The inmate's
25 family, based on the support letters, was under the

1 impression that the inmate has completed two college
2 degrees while in prison. But there were no diplomas in
3 the record and the inmate did not mention college
4 degrees today. Has the inmate actually completed two
5 college degrees?

6 **PRESIDING COMMISSIONER ROBERTS:** Do you have, do
7 you have an A.A.?

8 **INMATE JOHNSON:** I have two A.A.'s.

9 **ATTORNEY OSULA:** He has two A.A.'s.

10 **DEPUTY DISTRICT ATTORNEY LASKY:** And what are
11 those A.A.'s in?

12 **PRESIDING COMMISSIONER ROBERTS:** Relevance,
13 counsel?

14 **DEPUTY DISTRICT ATTORNEY LASKY:** Just --

15 **PRESIDING COMMISSIONER ROBERTS:** No.

16 **DEPUTY DISTRICT ATTORNEY LASKY:** Okay.

17 **PRESIDING COMMISSIONER ROBERTS:** I'm not gonna
18 ask.

19 **DEPUTY DISTRICT ATTORNEY LASKY:** What was the
20 inmate's name as a child?

21 **PRESIDING COMMISSIONER ROBERTS:** What, what was
22 his name as a child?

23 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

24 **PRESIDING COMMISSIONER ROBERTS:** The relevance of
25 that now?

1 **DEPUTY DISTRICT ATTORNEY LASKY:** The inmate
2 changed his name around the age of 16, and he did not
3 discuss that with the clinician. I'm wondering. I
4 wanna know why.

5 **PRESIDING COMMISSIONER ROBERTS:** What's the
6 relevance of that?

7 **DEPUTY DISTRICT ATTORNEY LASKY:** He changed his
8 name to the, has had the same name as the stepfather
9 that he says was, was abusive. So I wanna know why he
10 changed his name to match his stepfather, abusive
11 stepfather?

12 **PRESIDING COMMISSIONER ROBERTS:** Okay. From that
13 perspective, I think there is cause to ask that, that
14 part of the question.

15 **DEPUTY DISTRICT ATTORNEY LASKY:** Yeah, okay.

16 **PRESIDING COMMISSIONER ROBERTS:** Did you change
17 your name, and, and was it to the stepfather, and why?

18 **INMATE JOHNSON:** Yes. I had, my, we had a family
19 reunion. And my mom left me with my father, and I met
20 him for the first time when I was 17 or 18 years old.

21 **PRESIDING COMMISSIONER ROBERTS:** This is your
22 biological father?

23 **INMATE JOHNSON:** My biological father.

24 **PRESIDING COMMISSIONER ROBERTS:** Okay.

25 **INMATE JOHNSON:** And, I think she did it as a

1 personal lesson in what she took me away from. Because
2 he was a serious alcoholic, and, to a term where he lost
3 his legs because of his drinking. I left him. I told
4 him I couldn't stay with him. You know, I went down to
5 Alabama with my, with my aunt. And then, from there, I
6 went to Colorado. And I moved around a lot. In that
7 process, I was getting close with my mother and my
8 stepdad, taking his advice. Because I went with my
9 grandparents to take care of them, his parents, my step-
10 grandparents. And for a birthday gift for my dad, my
11 mom said it, I went, we should do this and make a
12 plaque.

13 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well, so
14 I've got the right context, for a birthday gift for your
15 stepdad?

16 **INMATE JOHNSON:** Yes.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay, all right.
18 Okay.

19 **INMATE JOHNSON:** My mom had been wanting to do it
20 my whole life.

21 **PRESIDING COMMISSIONER ROBERTS:** Okay.

22 **DEPUTY DISTRICT ATTORNEY LASKY:** And, does the
23 inmate know why his wife finally divorced him last year?

24 **PRESIDING COMMISSIONER ROBERTS:** Okay. Do you
25 know the grounds of the divorce or why? Was it --

1 **INMATE JOHNSON:** Oh. Yeah, I was, I treated her
2 bad when we were together, and we'd been separated a
3 long time. And she's found somebody else and moved on
4 with her life, and --

5 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
6 right. Counsel?

7 **DEPUTY DISTRICT ATTORNEY LASKY:** And when did the
8 inmate remove the victim's panties?

9 **ATTORNEY OSULA:** Excuse me?

10 **PRESIDING COMMISSIONER ROBERTS:** I, I don't
11 recall reading that.

12 **DEPUTY DISTRICT ATTORNEY LASKY:** She was found,
13 she was not wearing panties when she was found.

14 **PRESIDING COMMISSIONER ROBERTS:** Do you recall,
15 remember --

16 **INMATE JOHNSON:** I do not.

17 **PRESIDING COMMISSIONER ROBERTS:** Okay.

18 **DEPUTY DISTRICT ATTORNEY LASKY:** That was my last
19 question.

20 **PRESIDING COMMISSIONER ROBERTS:** Okay.
21 Clarifying questions?

22 **ATTORNEY OSULA:** Yes. I'm gonna, it's not a
23 question yet. When the Deputy Commissioner was trying
24 to get, I think, getting to your insight regarding this
25 crime, he talked about the age of the child being three

1 years old. And you talked about you wanting to hide
2 your drugs, right? You've had time to reflect on that,
3 on that question, right? I wanna ask you again. Given
4 the age of the child, who would not even know, doesn't
5 even know what drug looks like and all of that, why
6 didn't, have you now, what do you think about the crime
7 today? What, what you could have done to just tell the
8 child to, you know, maybe take him out of, take her out
9 of the room and, knowing that she doesn't know anything
10 about, three years old, what --

11 **PRESIDING COMMISSIONER ROBERTS:** Counsel, that's
12 been asked and answered, so I'm trying to get to where
13 you're, what you're getting to. You're asking him to
14 give us a different answer, or what, what?

15 **ATTORNEY OSULA:** Yes, I want him to explain. If
16 he has had time to think about it again --

17 **PRESIDING COMMISSIONER ROBERTS:** Since being
18 asked the question --

19 **ATTORNEY OSULA:** As to why, excuse me, as a
20 question. If you've had to think about, why didn't you
21 handle it differently? I mean, how was it necessary for
22 you to treat the child the way you did?

23 **INMATE JOHNSON:** I would have treated it much
24 differently. It would have been more positive
25 reflection. I would have put myself in between the

1 drugs and the door and just pushed her back out. Told
2 her to go back and watch TV.

3 **PRESIDING COMMISSIONER ROBERTS:** Well, that's an
4 answer of what you would, should have done. But not,
5 the question was more of why, as I recall, why you chose
6 the acts you did --

7 **ATTORNEY OSULA:** Yeah, that's exactly, that's
8 what I'm trying to make him, you know, maybe think again
9 and maybe answer.

10 **PRESIDING COMMISSIONER ROBERTS:** Okay. Well,
11 perhaps in a closing statement, if you think about some
12 things.

13 **ATTORNEY OSULA:** Okay. All right.

14 **PRESIDING COMMISSIONER ROBERTS:** I, I think, all
15 right.

16 **ATTORNEY OSULA:** Okay. How do you feel about the
17 victim today?

18 **PRESIDING COMMISSIONER ROBERTS:** Well, that's
19 been asked and answered.

20 **ATTORNEY OSULA:** Okay. All right. No more.

21 **PRESIDING COMMISSIONER ROBERTS:** Asked him about
22 the crime. And he has a closing statement, so he can
23 address that there.

24 **ATTORNEY OSULA:** All right. I just wanted him to
25 explain.

1 **PRESIDING COMMISSIONER ROBERTS:** I, I appreciate
2 your, your thoughts. But don't wanna be duplicative of
3 things that have already been asked. If I'm gonna do
4 that with the D.A., then I'm gonna do that with you,
5 too.

6 **ATTORNEY OSULA:** Okay, all right.

7 **PRESIDING COMMISSIONER ROBERTS:** All right.
8 Okay. All right, then.

9 **ATTORNEY OSULA:** No more questions.

10 **PRESIDING COMMISSIONER ROBERTS:** Closing
11 statements. Let's start with closing statements from
12 the District Attorney's Office.

13 **DEPUTY DISTRICT ATTORNEY LASKY:** Thank you. The
14 inmate is not an acceptable candidate for parole. The
15 inmate currently poses too great a risk to public safety
16 to be released. Jenny Finnigan of Jarrow, United
17 Kingdom explained that risk when she became one of the
18 almost 800 signators to the petition opposing the
19 inmate's parole. She said, quote, my daughter would be
20 with me today if her killer hadn't been let out to kill
21 again. Because the inmate has not developed or
22 acknowledged sufficient insight into the murder of
23 Brittany Lynn Rethorn-Riggs, the inmate continues to
24 pose too great a risk that he will kill another innocent
25 child if released. The murder of Brittany Lynn was

1 horrific and unexplainable. The inmate denied murdering
2 Brittany Lynn for over 15 years. He only started
3 admitting to the murder, or to the accident, as he has
4 described the murder, in time for his first Parole
5 Hearing. The inmate did not simply deny the murder. He
6 actively allowed and encouraged his attorney and his
7 family to blame Brittany Lynn's mother, Jennifer, for
8 the murder of her own daughter. This is a diagram of
9 the house where the murder occurred. The inmate's claim
10 does not make sense. If he truly slammed his bedroom
11 door on the toddler hard enough to cause the injury, the
12 multiple head injuries described by the coroner, there
13 is no way the parents would not have heard it. The
14 coroner testified that the brain injuries were from
15 multiple blows. The inmate's description today that he
16 held the toddler against his body does not even begin to
17 explain the multiple head injuries. The inmate told the
18 police that he had a lock on his bedroom door because
19 Brittany Lynn had a habit of walking into his room. Yet
20 he did not lock his door before he supposedly starting
21 putting meth, his meth onto his mirror. Meth which was
22 never found in his room. Meth which he denied using to
23 the police. His explanation today was everyone was
24 asleep. But he also said he had already given Brittany
25 some juice and put her in front of the TV, so everyone

1 wasn't asleep. The reason for the locked door, the
2 three-year-old child who walked in, was awake. Even if
3 this Board somehow believes that the head injuries to
4 Brittany Lynn were caused by the inmate slamming the
5 door on her because this three-year-old child had seen
6 his drugs, his reaction was unexplainable. This was a
7 man who had a toddler of his own at the time. He knew
8 that children sometimes get injured. By all accounts,
9 Brittany Lynn was an active, energetic child who had
10 normal childhood bruises. The autopsy protocol
11 describes additional bruises on her knees. If she truly
12 screamed and was crying because he had slammed the door
13 on her, which is again unlikely the parents would not
14 have heard the scream of their child. All he had to do
15 was let her go to her mommy, which he claimed she was
16 crying to do, and explain that it was an accident. That
17 he hadn't seen her at the door. Or he hadn't meant to
18 shut the door so hard. He did not have to strangle and
19 suffocate her, then hide her under clothes in a trash
20 bag and place a toolbox in front of her lifeless body in
21 his closet. The inmate's explanation of the murder of
22 little Brittany does not make sense. His claimed motive
23 is trivial and the murder is inexplicable. At the 2009
24 hearing, the inmate was specifically told that he needed
25 to come to a better understanding of his motivations for

1 the murder. The inmate has not developed any better
2 insight. Today the inmate repeatedly described his
3 brutal murder of an innocent, helpless, three-year-old
4 child as a bad choice. Today while discussing remorse,
5 the inmate said that he wrote remorse letters to
6 Brittany Lynn's family a few years ago. The inmate was
7 told to write those letters at his 2009 hearing. The
8 family received those letters in 2011. Reading those
9 letters, they're perfect examples of the inmate's
10 narcissism. The letters describe how it was all about
11 him. The inmate has an extensive history of resorting
12 to violence prior to the life crime. He engaged in
13 fights as a youth and was abusive in all of his domestic
14 relationships. Yet the inmate has not engaged in self-
15 help for domestic violence during his incarceration.
16 His former mother-in-law is here today to describe her
17 own abuse at the hands of the inmate, abuse for which he
18 was on probation when he murdered Brittany Lynn. The
19 inmate has not been involved in substantial acts of
20 violence in prison, however, he has not had access to
21 any battered women to prey upon, nor has he had any
22 access to toddlers while incarcerated. At his 2009
23 Parole Hearing, the inmate was told to seek out
24 transitional housing that was not near the home of
25 Brittany Lynn's mother and family. Again, the inmate

1 wants to parole within mere miles of Jennifer Lundy's
2 home. And the inmate has no ties to that area other
3 than further intimidation of Jennifer and her family.
4 The 2009 clinician, the 2009 Board, and the 2016
5 clinician all addressed the fact that the inmate needed
6 to create a Relapse Prevention Plan. He finally took
7 that advice. The inmate said that he wrote his Relapse
8 Prevention Plan over a year ago, and he continues to
9 list his sister as his primary source of support in the
10 community. But in a year, he could not even find out
11 her telephone number to include it on the plan. The
12 inmate's Risk Assessment increased since his last Parole
13 Hearing. He presented with numerous predictive factors
14 for violent recidivism. The clinician expressed great
15 concern that the inmate's primary support system on the
16 outside is his sister, which he acknowledged today does
17 not even know the true facts of this crime, or at least
18 the inmate's version of those facts. The clinician
19 opined that his sister's support, quote, would
20 potentially lessen his accountability for his actions in
21 the community and increase his risk for violence.
22 Additionally the inmate provided support letters from
23 other members of his family, some of which stated that
24 he has the support of, quote, his whole family. However
25 reviewing the online petition signators, several members

1 of the inmate's family expressed their opposition to his
2 parole. The inmate's former mother-in-law is present in
3 opposition and will also read an additional statement in
4 opposition from the inmate's own stepdaughter.

5 Therefore it is not accurate to say that he has the
6 support of his entire family. Interestingly the
7 clinician opined that the inmate's, quote, history of
8 violence and anti-sociality began in adolescence. But
9 amazingly she did not diagnose him with Antisocial
10 Personality Disorder, even though he appears to meet all
11 the criteria for such a diagnosis. The inmate's
12 moderate Risk Assessment, his continued minimization of
13 his murder of Brittany Lynn, and his continued lies to
14 this Panel show that the inmate continues to pose an
15 unreasonable risk of danger to public safety to be
16 released on parole. The inmate's parole should be
17 denied for a period of seven years. The inmate's lack
18 of serious prison discipline and prison programming do
19 constitute clear and convincing evidence that a ten- or
20 15-year denial is probably not necessary for public
21 safety. However the inmate was given a seven-year
22 denial in 2009 and failed to use that time to remedy the
23 concerns of that Board. It is unlikely the denial
24 length of less than seven years would be adequate for
25 the inmate to address the current concerns. Thank you.

1 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

2 Counsel?

3 **ATTORNEY OSULA:** Yes. Before I start, I would
4 like to express my sincere condolences to the parents of
5 the victim, her friends and family members, and all the
6 people affected by this crime. I'm a parent and I can
7 feel your pain. And I've lost loved ones. However, the
8 law does allow somebody in Mr. Johnson's situation to be
9 found suitable and granted parole if they meet some
10 stringent requirements for parole. I agree, I will
11 first, I agree, a few of the points raised by the People
12 as to regards to Mr. Johnson and the nature of the
13 crime, I fully agree a hundred percent. There is no
14 adjective strong enough to describe the nature of this
15 crime. Again, you know, he, it happened, and it
16 shouldn't have happened, but it happened. And that
17 cannot be changed. And I'm not trying to trivialize it
18 or anything like that. And he acknowledges it, that
19 it's a serious and heinous crime. And here is something
20 that if, were he to be granted parole today, it is
21 something he has to live with for the rest of his life,
22 even if he's released from prison, he would be in
23 another prison. That would be his conscience as to what
24 he did. The People, the D.A. pointed out that he denied
25 the crime for a while. He did. And he acknowledged it.

1 He denied it for a while. He said he lied about it for
2 a while. And he has come to terms, he has come clean,
3 and he has acknowledged that. And he, if he continues
4 to deny it, that would have disturbed me, but he has
5 acknowledged that he denied it, he lied about it, and he
6 had come clean. During the Parole Hearings, he
7 acknowledged to the Board as to his denial, as to his
8 lies. And it's not unusual for people who have
9 committed this kind of heinous crime to be in denial for
10 a while. And I think he has come to terms with that.
11 He has wrote remorse letters which he submitted, you
12 know, in his effort to try to make amends. And I also
13 agree with the People that it, regarding his previous
14 crimes, he acknowledged it, he is ashamed of it, and he
15 has not attempted to hide anything like that. The, the
16 issue now is whether or not Mr. Chuck Johnson deserves
17 to be, to be found suitable and granted parole. Has he
18 done enough? I would argue the following for
19 suitability, which, for the Board to consider. His
20 placement score to date is 19, which is a possible,
21 which is the lowest possible score he can get while
22 incarcerated. Those are the points he gets for
23 violations, so that shows he's been compliant for a
24 while now with prison rules and responsibilities. I
25 disagree on the record, there is no, he has acquired

1 some, three 115s. For somebody who's been in prison for
2 three years, I'm not trying to minimize his getting
3 115s, but he's had only three in 23 years. And he has
4 not had any more 115s since 2013. That is 13 years to
5 date. He's been, as far as self-help is concerned, he's
6 been programming. I know there is concern that he
7 hasn't taken enough classes regarding domestic violence.
8 But there's, a lot of the classes that he's been taking
9 also address those issues. He has taken parenting
10 classes, anger management, alternatives to violence.
11 Even though they might not mention domestic violence,
12 but I think they do address those character traits,
13 traits that are related to domestic violence. He's
14 taken, he was a heavy drug user. He's been taking AA
15 and NA. He's been taking anger management, criminal
16 thinking. I don't need to mention everything he has
17 taken. As far as, the Board does not have be worried
18 about him not having marketable skills, because he does
19 have marketable skills. He has a vocation list,
20 completed vocational machine shop. And he's being doing
21 office services, which relates to computer uses. And
22 with that, what I think he, I believe he would be able
23 to get employment in those, in those areas. He has
24 feasible parole plans. He has been, he has, he knows
25 the prison, those are just not going to be open to him

1 were he to be found suitable to just go home. He needs
2 to be retrained, so to speak, in my own words, to be
3 able to function in the free society. So he's been
4 accepted into Francisco Homes. He's been accepted into
5 Delancey Street and the (Inaudible) House. And he has,
6 he has a three-page Relapse Prevention Plan which, I
7 believe, he has thoroughly put together. It's thorough
8 enough to show that he's serious about not, about
9 recidivism were he to be released. As far as opposition
10 to, to his release is concerned, the People mentioned
11 his mother-in-law and his stepchildren being of opposed,
12 I don't, that doesn't surprise me at all given the, I
13 don't expect them to, to support his release when you
14 look at his history of domestic violence with his ex-
15 wife and those close to, those close to him. So that
16 didn't surprise me at all. And whatever the outcome is
17 today, he deserves to be punished for what he did, but
18 the Board also has to take into consideration whether he
19 has, he, he has earned his release, done enough to earn
20 his release. He has been reading, he's been improving
21 himself. He's reading self-help books relating to
22 narcissism and all the other character traits that he's
23 been become aware of as he grows. Again, he has family
24 support, strong family support. He has laudatory
25 chronos. And he, he has upgraded educationally. He has

1 two AA degrees to his credit. And he's, he's going to
2 computer tech classes to, to earn a Bachelor's degree.
3 And as far as his moderate rating is concerned by the,
4 by the psychologist, I do understand the, the issues
5 that were raised there regarding his insight and his
6 acceptance of responsibility. I believe he fully
7 accepts responsibility. He acknowledges the seriousness
8 of the crime. He's sought to, the Board has had the
9 time, has had the opportunity to observe his, his
10 demeanor today and the statement that he has made to the
11 Board. And I'm sure, personally I believe he has
12 demonstrated a lot of insight into his, into the life
13 crime, why he committed it. And he's not the same 24-
14 year-old that committed this heinous crime 23 years ago.
15 He's 47 now. And he has had time to mature. If the
16 Board finds that my argument for, for suitability
17 outweighs the People's argument for unsuitability,
18 please find him suitable, and, and if, and please grant
19 him parole because I believe, at this date, he does not
20 pose an unreasonable risk of harm to this society.
21 Submitted.

22 **PRESIDING COMMISSIONER ROBERTS:** Okay. Sir, do
23 you have a closing statement you'd to make?

24 **INMATE JOHNSON:** Yes. Thank you. First, I wanna
25 apologize for having to go, keep going through this. I

1 feel like I keep opening up new wounds. And I know
2 there's a lot of people that are in prayer for me to
3 fail. If it was me, and it was my child that was took
4 away from me so heinously, abruptly, without saying
5 goodbye, I'd want that person punished, too. I've
6 learned through my community and my environment, people
7 can change. I, I believe the person I used to be, I
8 learned quickly to lie and how, what a good tool fear
9 and violence can be. And it was easy to learn. But
10 what I didn't see in the larger spectrum was the
11 repercussions of it. And that is that, they're
12 effective tools to get what you want immediately, but
13 you don't gain no serious relationships, no good
14 grounding, standing in your community. And I've focused
15 on that. I've focused on doing what's right. And I do
16 it always with, with the memory of Brittany, Brittany.
17 And I regret today, it's, it's, it's caused me harm
18 every day every time I think about it. There's
19 sometimes, a movie will come on or a, a song will come
20 on and I'll remember. So I'm reminded every day my,
21 what my actions had caused. And I understand, too, the
22 harm and the, and the ripple effect it has caused the
23 community, starting with Brittany's parents. I've took
24 away all hopes, all dreams and, and joys that they had
25 planned and things they looked forward to. The one, one

1 of the strongest bonds in the, in our, in our society,
2 in our world, is this bond between mother and daughter,
3 and I severed that callously. It's, it's something I,
4 I've walked through life with regret and a challenge to
5 overcome and forgive myself and that's not easily done.
6 It's not fully done. Brittany didn't deserve what she
7 deserved. I've lost my train of thought for a second.
8 I've bettered myself, I've changed my thinking, and, and
9 I, I've moved forward to ensure that I don't any more
10 mistakes in life and hurt more people. I've heard, in
11 my last hearing and this hearing that I, that just
12 because it hasn't been, things haven't been accessible
13 to me, that that's the only reason I'm, haven't broken
14 any laws or harmed anybody. But I can assure you,
15 there's drugs and alcohol in prison and it's more
16 accessible in here than it is on the street. And I
17 choose not to partake in that because I always remember
18 the person I was and the scar it left on society and,
19 and my victim's parents and her, and Brittany's family
20 and their heart. And I'm sure that forgiveness is
21 beyond request. But I'd like to ensure on all those
22 people that wish me to stay the rest of my life in
23 prison, that I have changed. And I wish there was
24 things I could do that, without sounding too cliché,
25 that I am truly sorry. And I'm suffering for it every

1 day, if that's any consolation to them. I hate my life
2 in here. And I hate what I did to little Brittany. I
3 hate what I did to her family. And I, what I did, I did
4 to my family, I did to everybody. And I like who I am
5 today. I like myself better. And, and again, I'm sorry
6 that we have to go through this again. And I understand
7 there's dates in October 10th, birth, her birth,
8 Brittany's birthday, which I don't know, and others,
9 dates on the calendar that reminded of these, that their
10 family's reminded of this horrible act that I did. And,
11 I, I, my sympathies, I'm, I'm, I'm sorry. I wish, I
12 wish I could harm myself in a way to burn some of the,
13 the guilt out. But I'll always carry that guilt. You
14 know, now I'm, thank you for letting me speak.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
16 right. I understood that there was a plan on who would
17 speak and what order, or some order.

18 **DEPUTY DISTRICT ATTORNEY LASKY:** The
19 Commissioner's permission offstands where the person
20 speaking can see --

21 **PRESIDING COMMISSIONER ROBERTS:** Okay. So my
22 understanding is, especially for those people who are in
23 Anaheim, that a couple people are gonna speak here, then
24 we're gonna, gonna default to Anaheim to do all of
25 theirs, and then come back to some closing here. Did I

1 get that right?

2 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes, that's
3 right.

4 **PRESIDING COMMISSIONER ROBERTS:** Okay. So who
5 are gonna be the first to speak here? If you would come
6 up, have a seat, state your full name, spell your last,
7 in your case, victim --

8 **MS. PAMPLIN:** Yes, victim, Michelle Pamplin, P-A-
9 M-P-L-I-N. This is actually, I have three letters if I
10 may read today. One is from is stepdaughter. One is
11 from my sister and brother-in-law. They witnessed
12 actual violence as well to my daughter. But I wanna
13 read my impact statement, if I may, first.

14 **PRESIDING COMMISSIONER ROBERTS:** Whichever order
15 you wanna take those. Because I think they all qualify
16 for, for reading.

17 **MS. PAMPLIN:** Thank you, sir. I wanna touch base
18 that, obviously, I'm here to oppose parole for my ex-
19 son-in-law, the inmate Johnson. But before I start my
20 statement, I wanna apologize to Jennifer and Darin and
21 all of the family should anything I say possibly be
22 misconstrued to sound like any of our losses are any
23 greater, or can compare to theirs. It's a sad state of
24 affairs, though, when a single person singled-handedly
25 can do so much damage to so many people. I have

1 unfortunately known the inmate since February '91. He
2 has been abusive emotionally, verbally, and physically
3 to my daughter, myself, and several members of my
4 family. He is a liar to such degree, and I've looked up
5 sociopath, I've looked up compulsive, and I've looked up
6 pathological. I'm not sure there can be a combination
7 of that. The Rethorn-Riggs family were not the only
8 family to lose a daughter that day. But due to this
9 person, we lost ours as well. Not as tragically,
10 violently, or as suddenly, but we lost her all the same.
11 You see, we lost our daughter Angela inch-by-inch, day-
12 by-day. And I know we'll never get her back. It took
13 her 20 years to be able to say his name long enough and
14 deal with it long enough to simply get a divorce. We'll
15 never get her back the way she was before he entered her
16 life. We're all victims of his in one way or another.
17 And since he was a teenager, he's left a trail of tears,
18 heartache, and misery. We had a happy, close family.
19 Angela had gotten her GED at 16. She had self-taught
20 herself to work in the technology in the dairy equipment
21 testing biologically by herself at 17. She had gotten
22 accredited by the State of California. And then she
23 thought she found a dream come true. He turned out to
24 be our biggest nightmare as well as hers. Even though,
25 before his arrest and the conviction by the timeline

1 through the life crime it looks like they were married
2 quite a while, when all actuality time cohabitating
3 together as man and wife was probably max three months.
4 She'd go home, he'd hit her, she'd come back to our
5 house. Something else would happen a few weeks, she
6 would go back, he would apologize. The same abusive
7 system. It started with an argument or two, to a slap
8 in the face, to two black and eyes and split lips.
9 Several of these injuries to her were incurred while she
10 was expecting both of their sons. Not like that
11 mattered. Because he'd say sorry and she'd make a,
12 another promise and believe him. And typical of abused
13 women, she'd believe and take him back, or return back
14 to their home. But between meeting my daughter
15 February, 1991, and the life crime October of '93, there
16 were at least 14 separate cases of violence and abuse.
17 It seemed each one increased in velocity. But the part
18 I'm most ashamed of, due to that fact there were very
19 few that were ever reported, because of his manipulative
20 powers over her and his threats. And those threats
21 included telling her and I both, all I have to do is
22 make a phone call and I'll have you done in. I'll
23 kidnap my sons and you'll never see them again. That's
24 hard to deal with. He had gotten her to use some drugs
25 the very beginning of their relationship. And after

1 they first dated, all this stress, the guilt with the
2 trial, when she finally came to realize what he had
3 done, she being 19 years old and having two young sons
4 under the age of two, it took its toll. She fell apart.
5 She started using again. But once he was finally
6 sentenced, she couldn't hold onto reality any longer to
7 the point that we ended up taking guardianship of our
8 two grandsons, the inmate's sons. We raised them for
9 almost ten years. We decided not to tell them for quite
10 a while why he was in jail. They knew he was because
11 his mom and stepdad and sister had always told them
12 that, well, your daddy's in jail, but he hasn't done
13 anything. They're gonna let him out soon. And I would
14 just say, when you get older and you'll understand,
15 we'll explain. The two boys are his. My oldest
16 granddaughter, who I have a letter from, is his only by
17 name, not biological because she was born at a later
18 time, but she still has the Johnson name. The kids were
19 not supervised properly. Like I said, we finally took
20 hold of them and took guardianship. But she went from
21 almost a straight-A student, bright, talented, loving
22 mother and woman, to a dysfunctional, homeless druggie.
23 We wouldn't know if she was alive or dead sometimes for
24 three or four months at a time. We took the boys and
25 the little girl, she hadn't even started kindergarten

1 yet when we got them, and the boys were probably six and
2 seven. We had the boys in therapy and psychological
3 studies for almost seven years. They still have mental
4 and emotional problems. My oldest son, my oldest
5 grandson, 24, he was just in at a hospital in Riverside
6 on a 5150 just a few months ago for a brief stay to try
7 and get help. And then he goes back into denial again.
8 My youngest grandson is living in Wisconsin at the
9 moment. He has been charged with domestic violence not
10 too long ago and he has a court date coming up. I see a
11 bad cycle here. She has not made a statement since
12 before the court when she was a witness. She can't deal
13 with it. She has not made a statement for the 2009
14 hearing. She has not made a statement for today's
15 hearing. She can't. I've made a plea with her. Other
16 people have made a plea with her to try and get her to
17 say something. She says, I can't. I can't. I almost
18 didn't make it out alive. I can't open that door again.
19 I know it's not the right thing to do. But she says she
20 can't do it. So that is why we don't have a statement.
21 As I stated earlier, I know how firsthand abusive he can
22 be. Because with no regard to a child's safety at all,
23 not even speaking of the life crime, three separate
24 occasions. When he busted my head open with a phone,
25 February, or, February, December 4, 1992. He held his

1 youngest, or, his oldest son, he was three weeks old,
2 under his arm like a football when he swung the phone
3 over and split my head open. That child could have
4 gotten hurt at any given moment. But he didn't pay any
5 attention to that. The second time it threatened a
6 child was she was pregnant driving down the street. He
7 tried to get the wheel out of her arms, out of her
8 hands, and almost wrecked the car. She finally got it
9 pulled over. Then he in turn took his toolbox, probably
10 the same one that was there later, and hit her in the
11 stomach with it. When she finally went into labor with
12 their first son, she delivered with two black eyes and a
13 split lip. And she explained to everyone, oh, I fell
14 over the cable from the television and I hit the coffee
15 table. They even questioned her at the hospital,
16 because they had to induce labor the next day. Again,
17 there's been problems. He didn't pull the phone off the
18 wall by accident, he pulled it out of my daughter's
19 hands. He was charged that time with assault with a
20 deadly weapon. But then at court, pled down to assault,
21 or just battery. But while he struck me in the phone,
22 or, with the phone, he didn't take into consideration
23 what could have done. But what I'm trying to make
24 visible for everybody today, is this is a trail, visible
25 for all to see, if you look. He had no concern

1 whatsoever if harm was to come to anyone, whether it was
2 a fetus while my daughter was pregnant, a baby the day
3 before he was born, his three-week-old son, and
4 certainly took no recognition of an innocent three-year-
5 old child like Brittany. He also, almost, the only male
6 that has been damaged by him, other than emotionally and
7 verbally, was my elderly father. He was over 70 years
8 old. And he struck him several times and knocked him to
9 his knees. He entered our, injured, I apologize, our
10 daughter many times, as well as myself. He knew no
11 bounds. Fetus, baby, child, adult, or the elderly. I
12 know the only reason his violence has not continued
13 since his incarceration is because he doesn't have to
14 deal with the stress of everyday life. Normal stress as
15 it would be outside of these walls. He still has no
16 sincere remorse. It's still an accident. If he
17 returned to a normal way of life, I think no doubt he
18 would return to the violence that he's wrought all of
19 his life. The fear after knowing this hearing was
20 approaching again and we were gonna have to live through
21 this again, the fear's taken over. The fear for the
22 Rethorn-Riggs family if he's released. The fear for my
23 loved ones, my daughter's sanity, my grandsons,
24 granddaughter's safety. As I stated before, countless
25 lives have been changed forever. Lives of mothers,

1 fathers, daughters, brothers, sisters, not to menace,
2 mention the innocent children. But upon closing, I
3 implore you to help his children, Jenny's children, as
4 well as just the rest of us put our world and our lives
5 back to peace as best we can. So please, Brittany paid
6 dearly with her life, she can't earn a degree, she can't
7 go to school, go to a prom, get to Disneyland. She
8 didn't have a life. Why should he have one outside of
9 these walls? And that's my statement.

10 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

11 **MS. PAMPLIN:** Thank you. The next one I have is
12 from my brother and sister-in-law. It says, dear
13 Commissioners in regard to the above matter and on
14 behalf of the family of Brittany Lynn Rethorn-Riggs, who
15 was murdered by Chuck Johnson, as well as the Pamplin
16 family, who has been damaged through this as well, I am
17 objecting in the strongest possible terms to the parole
18 which has been put before you today. Chuck Johnson was
19 found guilty of first degree by a jury. He received a
20 fair trial. The California Appellate Court affirmed the
21 judgement. And according to records, he has had a past
22 criminal history of increasingly serious criminal
23 conduct, including Assault with a Deadly Weapon,
24 Domestic Violence, and Child Endangerment. The inmate
25 Johnson was our nephew by marriage. But during their

1 relatively short time together cohabitating as a couple,
2 my husband and myself have seen multiple bruises off-
3 and-on, which my niece Angela at the time, of course,
4 always had assorted excuses for how they had occurred.
5 One occasion, we were at a charity dance my brother's
6 band paid, was playing for, and the inmate Johnson had
7 started a loud argument with another patron, a
8 gentleman. He was ordered to leave, ordered out of the
9 building, and told to leave the premises. My daughter,
10 their niece, walked out to try and calm him down. My
11 husband a moment later, who is my brother-in-law, she
12 said, stepped out and thought it best to check to make
13 sure if Angela was okay. When he stepped outside, that
14 was when he first witnessed firsthand his violent
15 outrage. He was choking her in the alley and my husband
16 was able to get them separated. Of course, my niece
17 cried and begged not to do anything. It's okay. I'll
18 get him home and everything will be all right. But due
19 to these circumstances, our family has, especially his
20 children, have been deeply scarred. My brother and his
21 wife took on roles as parents to give these children as
22 normal a life as they could possibly have. The
23 Probation Department concluded that Brittany's murder
24 illustrated a high degree of cruelty, viciousness, and
25 callousness, and that Johnson is an exceedingly

1 dangerous individual. He has given several different
2 accounts of what has happened that is not conducive with
3 the injuries. In addition, he chose to intimidate
4 Brittany's family by providing a parole plan within
5 their home-range. Reviewing those details, parole is
6 neither warranted nor deserved. Please deny any relief
7 to Chuck Johnson. Last but not least, and I appreciate
8 your time, is from my granddaughter, my oldest. Here we
9 are again seven years later, still fighting for justice
10 for little Brittany Lynn. I'm writing this letter to
11 not only keep a psycho and unstable individual in
12 prison, but to keep a murderer off of our streets. A
13 murderer indeed, but also a violent child killer, a
14 taker of an innocent life. Many years later now knowing
15 and seeing how tragic this accident and this incident
16 has taken a toll on Brittany's family as well as my own
17 is just outright cruel. Chuck Johnson should never get
18 to roam the streets again so he can never put another
19 person in danger, especially another child. I thank God
20 he is not my father, but it has impaired my mother and
21 my older brothers' lives immeasurably. He not only
22 abused my mother when she was pregnant with my oldest
23 brother and she delivered him with black eyes and split
24 lips, later he was also charged with Child Endangerment
25 while my mother was pregnant with my second brother. My

1 mother, as many in domestic violence cases, didn't press
2 formal charges. He also had another Domestic Violence
3 case on my mother and one with Assault with a Deadly
4 Weapon on my grandmother. His actions have impacted our
5 lives tremendously. Even though I hadn't been born when
6 these things were happening, they still have affected me
7 all my life. My family was never a normal family. My
8 grandparents tried, but a lot of damage was done at that
9 point. I wasn't even born yet, and I have seen the
10 suffering and irreparable damage. Both of my brothers
11 suffer from mental problems from childhood experiences
12 and will never fully recover from them. My mother will
13 never be able to love another man without any fear. As
14 for Brittany's family, I can't even begin to find the
15 words to define how this tragic and horrific incident
16 has taken a toll on them and their lives. Unbeknownst
17 of the previous crimes and arrests Johnson was charged
18 with and are guilty of for example, they allowed him
19 into a life of an innocent, helpless child. We as well
20 don't have all the information on it, seeing how he
21 changed his name, changed the story. But lastly, in the
22 major conviction of all, First Degree Murder of little
23 Brittany Lynn. She will never get to have her first
24 kiss, her first prom, her first job or a car, all
25 because it was taken from her before she could even

1 begin to live her life. As a new mother myself, it
2 scares me to even think of such a horrible person being
3 released. Little Brittany doesn't ever get to play with
4 her dolls, or run up and down the streets, or ever jump
5 for joy. Why should he ever get to do so? Individuals
6 like Chuck will never change, even with incarceration.
7 They will, however, return to their violent selves the
8 moment they, God forbid, are released. Then we as a
9 public are at risk again. And goodness knows how many
10 more innocent children are put in danger. With over a
11 minimum of 1500 supporters and signatures, as well as
12 many letters that have been collected to try and keep
13 this violent man, non-remorseful person from being
14 released, all we can do is pray to God watching down on
15 us so that he will continue to serve a life sentence,
16 which is the right amount of time that he deserved for
17 one that has taken a life. Thank you ever so greatly
18 for your time. Alora (phonetic) Johnson.

19 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

20 **MS. PAMPLIN:** Thank you very much, sir.

21 **PRESIDING COMMISSIONER ROBERTS:** There was, I
22 think, one other going to speak? There, okay. We're
23 gonna move off to the off-site folks. All right.
24 Again, full name, spell your last, and your relationship
25 to whichever victim you're related to.

1 **MR. BRENT PAMPLIN:** Yes, sir. My name is Brent
2 Pamplin. I'm a, I'm Chuck Johnson's ex-brother-in-law.
3 I'm a previous retail investigator. For 9-1/2 years I
4 worked for private investigations, for private
5 investigation firms and retail investigation firms that
6 primarily focused on large retail crime groups. Today
7 we're all here standing together in support of a little
8 three-year-old girl who fell victim to the hands of
9 inmate Johnson. In 1991, I was only five years old when
10 I was introduced to my sister's boyfriend, Chuck
11 Johnson. Through the eyes of an innocent child, I
12 thought he and I grew close before he, he and my sister
13 were married in May of 1992. Unknowingly, unknowingly
14 at the time, I began to witness my sister's downward
15 spiral. She had been introduced to illegal substances
16 and quickly went from a straight-A student to nearly a
17 homeless addict. In the short time I spent around
18 Johnson, by the time I was seven years old, I had
19 witnessed multiple violent incidents. These incidents
20 reflected different types of assault, physical assault
21 and verbal abuse towards my sister, my mother, my
22 father, and elderly grandfather. I recall the night
23 that my mother was hit in the head with a telephone.
24 She had suffered a laceration. I remember sitting
25 outside the apartment crying while watching police

1 officers take Johnson away in handcuffs. (Inaudible)
2 officer came up to me, lifted me up, and took me over to
3 see my mom while she was being attended by the
4 paramedics. He told me that good people don't do these
5 kind of things. Johnson and my sister had two sons
6 together. During my sister's second pregnancy, Johnson
7 attempted to wreck their vehicle while traveling at a
8 high rate of speed on the highway. My sister gave birth
9 to their oldest son in November of 1992 and the youngest
10 in, in September of 1993. Both sons being only 11
11 months apart, during each pregnancy, my sister delivered
12 each son while attempting to cover black eyes and a, and
13 a split lip. During the time between their marriage and
14 the life crime, they spent very little time together,
15 due to his violent personality. He controlled my sister
16 in threatening ways by telling her that he would kidnap
17 the kids and have both her and my mother done in.
18 Living with that fear on a daily basis is why many
19 incidents went unreported. The mental trauma that
20 Johnson had left on my sister and my family lasted for
21 years. My sister attempted suicide due to the severe
22 depression and eventually lost custody of her children
23 due to her situation. It's only been until recent times
24 she has begun to get her life back on track, somewhat of
25 a sense of normal life. Both sons have grown up without

1 a father and have ongoing mental health issues that
2 challenge them every day. This is only one family's
3 experience with this individual. Unfortunately,
4 everything I've stated has no comparison to the loss of
5 little Brittany. Commissioners, you have one of the
6 absolute hardest decision-making jobs in the state.
7 Your voices decide if Johnson is safe to release back
8 into the public. With nearly 2000 signatures now on our
9 petition, signed by the public, we hope the voices of
10 the people can be heard. Thank you.

11 **PRESIDING COMMISSIONER ROBERTS:** Thank you. All
12 right, now we're taking the break to --

13 **DEPUTY DISTRICT ATTORNEY LASKY:** To Anaheim.

14 **PRESIDING COMMISSIONER ROBERTS:** The remote site,
15 right?

16 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

17 **PRESIDING COMMISSIONER ROBERTS:** To Anaheim. If,
18 I think there's three people or four people going to
19 speak there. If each one of you, one at a time would
20 step up, state your full name, spell your last, and your
21 relationship to the victim, and then give us your victim
22 impact statement, I'd appreciate it. And your
23 microphone might be muted.

24 **MS. MARZULLO:** Go ahead. You can hear us?

25 **MS. KAITLYN LUNDY:** Can you hear us?

1 **PRESIDING COMMISSIONER ROBERTS:** Barely.

2 **MS. MARZULLO:** Speak up.

3 **MS. KAITLIN LUNDY:** My name is Kaitlyn Lundy. I
4 am the sister of the victim. It's Kaitlyn, K-A-I-T-L-I-
5 N, Lundy, L-U-N-D-Y. From the time I was 11 years old,
6 when my mother first told me about the, about this man,
7 I have lived with an anxiety that I could just never
8 shake. I knew back when I was 11 years old, when the
9 first Parole Hearing happened, I just remember thinking
10 of the worst. That if this man got out, that he would
11 come to me or some other family and hurt someone. It
12 was, it's part of my worst nightmare, and now I face
13 that anxiety again today, knowing that this could happen
14 again, and knowing the horrors that has happened to my
15 family. My mother has PTSD because of this. We live in
16 fear. Sometimes when I'm out with my friends, I get
17 calls from my mother after she sees something on TV and
18 says, stay with your friends, don't ever be alone. I've
19 lived with that attitude my whole life. It's difficult
20 for me to say this today, but I know that I have to
21 speak to let my voice be heard. I, I am grateful for
22 the life I have. I love my mom. She's done so much for
23 me to allow, to get me to go to school and be where I am
24 today. And I'm graduating from high school in June.
25 And, but I've always lived with the idea in my head, I

1 keep asking myself, what would have happened if Brittany
2 was here? She would be 26. I would have had a big
3 sister. I always wondered what a, that would have been
4 like. But instead of really voicing it, I turned that
5 into being a big sister, a good big sister to my
6 siblings. Knowing that I could have had a different
7 life if Brittany never died, I've learned that you can't
8 change the past. But I have learned that you can change
9 the future. I believe this man is a danger to my
10 society, to our society. Because, knowing that he is,
11 had a, a path that has led up to my sister's death, an
12 innocent life, I can't help but think that he may do it
13 again if he is ever let out. It shocked me to my core
14 when I learned that, in his first parole plan, that he
15 would be within miles from my home. I didn't think that
16 would be possible. While learning of this story and
17 learning about this person and my sister, it made me
18 really question the government and question a lot about
19 my life and what could have happened. I shouldn't be
20 going through this at 18 years old. I'm getting ready
21 to go out on my own. I'm getting ready to go graduate
22 high school. I'm living the life my sister would have
23 never had. I go through this almost every time I think
24 about this Parole Hearing or anything in the future. I
25 shouldn't have to go through this. I don't want anyone

1 else to go through this if this man or anyone else takes
2 an innocent life away and leaves destruction. Because
3 my family life even though I have a good, a good life,
4 it would, it's not the same, it wouldn't be the same if
5 she was still alive. I don't want that happening to any
6 other family. I've heard too many stories and seen too
7 much on TV about families just being destroyed after a
8 life is gone. I honestly think if this man is let out
9 into society again he wouldn't function properly and he
10 may take another life, or worse. So when I'm speaking
11 about this, I'm coming from my heart. And just please
12 know that I understand what could happen in this Parole
13 Hearing. And that the bottom line is, I do not wish for
14 this man to come back into our society, because I do not
15 believe he will be able to function in it. And please
16 take that into heart when making this decision. Thank
17 you.

18 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

19 **MS. MACKENZIE LUNDY:** My name is Mackenzie Lundy.
20 I am the sister of Brittany Lynn and the daughter of
21 Jennifer Lundy. My name's spelled M-A-C-K-E-N-Z-I-E, L-
22 U-N-D-Y. I wanted to come here and speak on behalf of
23 my mom and my sister, to know that I love them, to just
24 hope that this man doesn't get out so he can hurt no one
25 else. I don't want someone to go through what my mom

1 went through. And, yes, I never go to meet my sister.
2 But I don't want anyone else to lose a family member or
3 lose someone that they never get to meet. Brittany,
4 yes, she's my half-sister, but she's more than my half-
5 sister. She's hope that we can get through things that
6 are terrible for people. And, yes, she didn't get to go
7 to school, and to meet her best friend, or get to go to
8 dances or go even to Disney, and it's just, it. If
9 something else happened to another family by another
10 person or the same person, it would never be anything
11 that no one can handle. And it shouldn't happen. And,
12 yes, it happens, but it shouldn't. And I strongly
13 oppose of him being released out to the public. And, I
14 just hope you consider that my sister, my mom, they
15 never got to do daughter things like go to the mall, go
16 shopping, go do things that my mom's been able to do
17 with me and hasn't been able to do with her. So please,
18 please take that into consideration. Thank you.

19 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

20 **DEPUTY COMMISSIONER POMERANTZ:** Thank you.

21 **MR. THOMAS LUNDY:** My name is Thomas Lundy, T-H-
22 O-M-A-S, L-U-N-D-Y, brother of the victim. I have two
23 letters to read from you from her brothers. The first
24 one is from Byron (phonetic). Dear Parole Board. My
25 name is Byron Lundy and I'm afraid that if Johnson is

1 paroled that he will hurt me or my family. Over the
2 years, I've missed out on my Brittany growing up. I
3 missed the birthdays, the Christmases that we would have
4 had together. She's always in my thoughts, and I wonder
5 what she'd be like. I wonder if she'd be like me. If
6 Johnson is paroled, I would want to move far away,
7 because he may do the same thing to me that he did to
8 Brittany. I worry for my mom, and what he might do to
9 her. Please help my mom keep Johnson in jail. Byron
10 Lundy. The second one is from Justin (phonetic) Lundy.
11 Dear Parole Board, my name is Justin Lundy, and I would
12 like to tell you why I'm opposed to the parole of inmate
13 Johnson. I'm afraid that if inmate Johnson is paroled,
14 that he may hurt me or my family. This has me worried
15 for my mom, my brother, and my sisters. I have felt
16 this way for a long time, and now I cannot study at
17 school because I'm worried for my mom. Please make sure
18 that inmate Johnson does not hurt my family. Justin
19 Lundy. Thank you.

20 **PRESIDING COMMISSIONER ROBERTS:** Do you have a
21 statement to make Mr. Thomas, or, Mr. Lundy?

22 **MR. THOMAS LUNDY:** Yes, sir. I've been going
23 through this for this last seven years with this family.
24 And I have seen what it has caused since the last
25 parole. The way these children have changed. With the

1 fear that Mr. Johnson may do. His domestic violence is
2 very extreme. And I feel that if he does get out on
3 parole, that the domestic violence will continue. He
4 has not done anything to improve that. He's not even
5 done anything to show that he understands the domestic
6 violence. I think he's just checking the blocks to be
7 able to get out on parole. This man would be a
8 hindrance to society and would also be extremely
9 dangerous in my opinion. Thank you.

10 **PRESIDING COMMISSIONER ROBERTS:** Thank you, sir.
11 Okay, I think --

12 **MR. JERRY LUNDY:** We got one more.

13 **PRESIDING COMMISSIONER ROBERTS:** Is that, all
14 right, Jerry?

15 **MR. JERRY LUNDY:** Yes, speaking.

16 **PRESIDING COMMISSIONER ROBERTS:** All right,
17 Jerry.

18 **MR. JERRY LUNDY:** Jerry Lundy. My wife and I
19 just yesterday celebrated our 19th wedding anniversary.

20 **PRESIDING COMMISSIONER ROBERTS:** Jerry?

21 **MR. JERRY LUNDY:** Yes?

22 **PRESIDING COMMISSIONER ROBERTS:** Can you state
23 your full name and spell your last for the
24 transcriptionist?

25 **MR. JERRY LUNDY:** Oh, sure. Sure. Jerry, J-E-R-

1 R-Y, Lundy, L-U-N-D-Y.

2 **PRESIDING COMMISSIONER ROBERTS:** Thank you, sir.

3 **MR. JERRY LUNDY:** My wife and I just celebrated
4 our 19th wedding anniversary yesterday. And, of course,
5 we could not be together because we're dealing with this
6 Parole Hearing. But we've dealt with this now for over
7 20 years being together. And the toll that it has taken
8 on my family over these years is unmeasurable. The
9 trips to the, to the cemetery. The trips to the mall,
10 the trips to anywhere and have to not have the memory of
11 Brittany be involved. Two times a year, her birthday
12 and the day of the death, it's like opening up a new can
13 of worms every year. It kind of subsides for a while,
14 but it comes back up. We never have peaceful moments.
15 My wife has nightmares constantly dealing with this.
16 Constantly having Chuck at her, in her mind because of
17 what he has done to the family, to Brittany. Today he
18 finally admitted some facts about he killed her after
19 all these years. And up to recently, my wife was
20 getting threats from his sister, accusing my wife of
21 killing Brittany and blaming it on Chuck. This man
22 doesn't deserve to be let out of jail. He's a clear and
23 present danger to our society at this moment. Hasn't
24 taken the classes he should take. He hasn't listened to
25 the judges from seven years ago that told him to do

1 things. You would think, seven years, you would get a
2 little more prepared to walk out in society than you
3 are. Your parole plan of being nine miles away from my
4 front door is not acceptable. Your parole plan to be 19
5 miles away from my front door is unacceptable. On a
6 daily basis, he threatens my family, mentally,
7 physically. It's not gonna happen. It's not fair to
8 us. It's not fair to society what he's done to our, our
9 family and to Brittany. Thank you.

10 **PRESIDING COMMISSIONER ROBERTS:** Thank you. All
11 right. We're back to the room here. State your full
12 name, spell your last.

13 **MR. KELLY:** Robert Kelly, K-E-L-L-Y. First off,
14 I wanna --

15 **PRESIDING COMMISSIONER ROBERTS:** You're, you're a
16 representative for --

17 **MR. KELLY:** Darin.

18 **DEPUTY DISTRICT ATTORNEY LASKY:** Yes.

19 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
20 right. I just wanna get that on that the record.

21 **DEPUTY DISTRICT ATTORNEY LASKY:** Thank you.

22 **PRESIDING COMMISSIONER ROBERTS:** So who anybody
23 reads this transcript knows why you're here, officer.

24 **MR. KELLY:** First off, I wanna apologize to the
25 family and, and that's here and listening on the other

1 end. It's one thing to read the report, and even some
2 of the things that were said in trial. But it's another
3 thing to actually hear what it is that I experienced
4 that day. First off, I wanna start off, I was in the
5 Marine Corps, then I became a police officer for the
6 city of Montclair. And I'm currently a sergeant. And
7 the one thing that Brittany and I had in common was, she
8 was three years old, and I had been on the department
9 for three years, still learning everything.

10 Unfortunately, she was not the first child death I had
11 to deal with, and she has not been the last. But I can
12 tell you that she is the one that is forever engrained
13 in my memory. Going there as a young officer to a
14 missing child, the first thing we do is we always search
15 the house, because there's so many times where the kid's
16 hiding somewhere, fell asleep under a bed, in a closet,
17 something like that. It's very typical. When I got
18 there, I started the search of the house. I know I
19 searched Mr. Lopez's bedroom. Saw Mr. Johnson in his
20 room. Looked nervous. I did go in there to search and
21 I recall looking in the closet and saw a red toolbox,
22 bunch of clothes. There was a large black trash bag
23 that appeared to be full of clothes as well. I moved
24 the toolbox, and that's when I saw a leg. And at that
25 time, my sergeant was also down at the end of the hall.

1 And I remember saying, hey, Sarge, I think I found her.
2 And his response was, yeah, we normally do. And I
3 replied, I think she's dead. And he said, get her,
4 let's go. Or, I just, I'm sorry, I said, she's still
5 warm. He said, get her, let's go. So I moved the large
6 bag off of her that felt like it had clothes inside.
7 And impressioned upon her face, which was outlined in
8 the report, was another bag. And, like I said, it
9 appeared that she had been breathing, sucking it closer
10 as it was contoured to her face, not from being
11 impressed by a weight, but being sucked onto her face.
12 I removed that. Picked her up. And we both ran out of
13 the house. I got in the backseat of his car. He drove
14 to the hospital. And I can remember holding her,
15 cradling her, with her head up on my chest on my badge
16 side, and was trying to give her mouth-to-mouth as we
17 were going to the hospital. They were waiting for us.
18 Took her inside. Obviously, the doctors tried to do
19 their best. It was unsuccessful. And I started off by
20 saying that I was in the Marine Corps and became a cop.
21 I had, I bawled my head off when they pronounced her.
22 And I remember the time that I spent at the hospital,
23 picking her hair out of my badge, because I was holding
24 her. It was a traumatic effect on me. It's something
25 that I think about to this day. The picture that I

1 always have of Brittany, because of how I wanna remember
2 her, is the picture that we were shown of her when we
3 first got there, and that's in the boots and the cowboy
4 hat. I, I can't picture her in the closet. I don't
5 wanna picture her in my arms as we're running past the
6 family. And I don't wanna picture her when she was
7 laying in the hospital bed. But that's the Brittany
8 that I wanna remember. And, like I said, in the past 23
9 years, I think about her often. I've had my own
10 children that have gone through that age. And I
11 couldn't imagine nor comprehend one of them being taken
12 at the hands of somebody else. Most of the child deaths
13 I've dealt with have been accidents, drownings,
14 vehicular, pedestrian accidents. There have been a few
15 homicides. But to think that the suffering she went
16 through as she was being suffocated, there's no measure
17 that can even be described of how it felt picking her up
18 and wishing that, I wish I would have gone in his room
19 first. Why didn't he say, hey, she's in here, let's see
20 if we can get her some help? Those things go in my mind
21 often, you know? Hey, you know what, she's in here.
22 Something happened. Let's get her some help. I mean,
23 would those 15 minutes that I was there searching before
24 I went into his room, would that have made a difference?
25 I don't know. But unfortunately, she will never have

1 the freedom or life that her parents would have liked to
2 her to have. Thank you.

3 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

4 **MS. SMITH:** Hi, good afternoon. My name's Raina
5 Smith, S-M-I-T-H, and I'm Brittany's godmother.

6 **PRESIDING COMMISSIONER ROBERTS:** And you're here
7 as a representative for Jennifer?

8 **MS. SMITH:** Yes.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay.

10 **MS. SMITH:** Yes. Chuck Johnson killed our Boo
11 over 23 years ago, and I'm here to strongly oppose his
12 release from prison. Chuck Johnson has exhibited a
13 pattern of increasingly more violent abuse against women
14 and children since he was a teen, and committed murder
15 at the age of 24. How do you rehabilitate someone for
16 murder? He knew what he was doing when he murdered an
17 innocent child. He held her down against fierce struggle
18 that resulted in multiple head trauma for over three
19 minutes until her body went limp and motionless. He
20 knew what he was doing when he took that little body and
21 shoved it under a pile of clothes and a toolbox and hid
22 it in his closet. Being involved in a church doesn't
23 make him a good person. He was brought up as a
24 Christian. Did that prevent him from killing a three-
25 year-old? It's all a means to an end. He has two

1 degrees. So what? What has he learned? English,
2 algebra, social studies. How does this change the
3 mindset of a man without a conscience? His family says
4 they're more than ready and willing to support him
5 emotionally and financially. Where was his family 23
6 years ago? Where was that emotional and financial
7 support then? They're all long-distance and finances
8 are limited, so I don't know how they can even support
9 him now. This man is a narcissist and a coward. He
10 hides behind religion and so-called education to
11 convince your Board that he's changed. That he made
12 some bad decisions because of his youth, or alcohol, or
13 drugs, or whatever the story of the day may be. Every
14 time he was interviewed, the story was different. He
15 initially stated that he didn't have a substance abuse
16 problem. He then said he was an alcoholic and again
17 changed his statement to say that he's a meth user. He
18 has never fully admitted to the horrific act of murder
19 that he committed against a defenseless little girl,
20 just six weeks after he was so graciously taken into a
21 warm and loving home until just today. Why does he
22 deserve a second chance? Brittany wasn't given a second
23 chance. She wasn't given a chance at all. Her family
24 didn't get a second chance. Her mother never got to
25 help Brittany get ready for prom. Her father will never

1 have the opportunity to walk her down the aisle. I will
2 never have a second chance to spoil and love our little
3 girl. Our kids were supposed to grow up together.
4 Chuck Johnson is the same sick individual who will do
5 and say anything to get himself released from prison.
6 He's unsafe and unstable and will continue to commit
7 violent acts against those who are weaker, as he has
8 done so many times in the past. Statements have been
9 made that he's been clean and sober for many years he's
10 been in prison. He's been married for 18 years in name
11 only. Let's look at the facts. He viciously and
12 maliciously murdered my Brittany, my baby, and my Boo.
13 And he should never be released back into mainstream
14 society to devastate another family again. Thank you.

15 **PRESIDING COMMISSIONER ROBERTS:** Okay. All
16 right.

17 **MS. STANTON-RIGGS:** Lynn, excuse me, Lynn
18 Stanton-Riggs, S --

19 **PRESIDING COMMISSIONER ROBERTS:** Okay, there's a
20 problem. You're a support person. Listed as a support
21 person. Support persons can't speak. So, hold on.
22 Let's figure this out. You have two reps. Who --

23 **MS. JENNIFER LUNDY:** And Darin has two reps.

24 **PRESIDING COMMISSIONER ROBERTS:** Darin has two
25 reps. Yours are identified. Let's see what we got for

1 Darin. Darin, she's listed as a support person for
2 Darin. So let's take a look at what Darin has here.
3 Darin has, Kelly was a rep. And, hold on, I gotta make
4 sure. If that's the case, do you wish to declare her as
5 a rep?

6 **MR. RIGGS:** Yes, please.

7 **PRESIDING COMMISSIONER ROBERTS:** Okay.

8 **MR. RIGGS:** That was the intention.

9 **PRESIDING COMMISSIONER ROBERTS:** Okay. All, I go
10 through this, because if I don't, there's trouble in
11 Sacramento. Okay?

12 **DEPUTY DISTRICT ATTORNEY LASKY:** And her form
13 came in twice.

14 **PRESIDING COMMISSIONER ROBERTS:** Okay.

15 **DEPUTY DISTRICT ATTORNEY LASKY:** So we have a
16 second form for Lynn, because one did have to get
17 corrected.

18 **PRESIDING COMMISSIONER ROBERTS:** All right. So
19 let's, spell your name, and who you're a representative
20 for. Okay?

21 **MS. STANTON-RIGGS:** Okay. Thank you.

22 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

23 **MS. STANTON-RIGGS:** Lynn Stanton-Riggs, S-T-A-N-
24 T-O-N hyphen R-I-G-G-S. And I'm a representative for
25 Darin Riggs. I'm also the aunt of Brittany and she is

1 my namesake. I was with Jenny in labor and delivery
2 when Brittany was born and was a big part of her life,
3 her very short life. Kaitlin Lundy talked about future
4 in her statement today. And I would like to start by
5 doing the same. Future can be defined as time regarded
6 as still to come. Brittany's future was taken from her
7 at the hands of inmate Johnson. All the joy that she
8 would bring in her future was taken from her family at
9 the hands of inmate Johnson. Presumably, 70 years or
10 more of Brittany's future was taken at the hands of
11 inmate Johnson. But what of his future from this day
12 forward? What evidence is there to support or deny his
13 parole? I am not in a position to answer that question,
14 but I can reflect on the impact that the murder of
15 Brittany had on the future of her family. Jennifer and
16 Darin's future from the day that inmate Johnson took
17 Brittany's life was immeasurably altered. Their future
18 held shock, rage, unbelievable emotional pain,
19 uncertainty, and years of living without their beloved
20 child, though inextricably connected for the most
21 horrific of reasons, the violent murder of their child
22 and the daily suffering that accompanies this reality.
23 During the years that I was earning my doctorate in
24 human development, I focused on the connection between
25 trauma and hope. We've all heard of PTSD. We heard

1 today that Jenny still suffers from this disorder. I
2 imagine that both Jennifer and Darin have suffered many
3 of the symptoms that come after a major trauma. But
4 there's also a theoretical construct that says that some
5 people are able to find new meaning and hope post-
6 trauma, and this is called post-traumatic growth. Much
7 of my research involves interviewing trauma survivors
8 and analyzing data related to individuals who'd suffered
9 trauma but then went on to realize a future filled with
10 hope and love. I believe that Jennifer and Darin
11 exhibit the very best parts of post-traumatic growth.
12 Despite the most horrendous trauma imaginable, they
13 looked to their futures with hope and have contributed
14 to society in meaningful ways. Viktor Frankl, a
15 holocaust survivor and author of the book, Man's Search
16 for Meaning, says this about suffering. When a man,
17 when a man finds that it is his destiny to suffer, he
18 will have to accept his suffering as his task, his
19 single and unique task. He will have to acknowledge the
20 fact that even in suffering, he is unique, and no one
21 can relieve him of his suffering or suffer in his place.
22 His unique opportunity lies in the way in which he bears
23 his burden. Jennifer and Darin have suffered for 23
24 years, but their suffering has yielded meaning in their
25 lives and has led them to offer themselves to a higher

1 purpose. Darin, through hundreds of hours of volunteer
2 work with the Ronald McDonald House and the Boy Scouts
3 of America. And Jennifer with her work with children
4 with special needs and as a victim advocate. Frankl
5 also asks the question, what does the future expect of
6 us? Though he suffered for years in concentration
7 camps, Frankl focused on what his future expected of
8 him, rather than on what the future owed him. He
9 believed that his suffering allowed him a measure of
10 hope for his future, a future where he could still
11 contribute to society in a meaningful way, in a
12 meaningful way. We heard about this today when we spoke
13 of living amends. And I don't believe that inmate
14 Johnson has demonstrated living amends. My question
15 today is, in what way has inmate Johnson showed that he
16 plans to contribute to his future outside of prison in a
17 meaningful way? Is remaining relatively trouble-free
18 inside of prison and earning college credits enough to
19 ensure a meaningful contribution to society? We heard
20 today that a doctor specifically noted inmate Johnson's
21 lack of insight. Shouldn't we expect him to have
22 statements in his evaluations that would indicate that
23 he will give back to society in some way as part of his
24 retribution? Jennifer and Darin, amidst all of their
25 suffering, have given back ten times over since

1 Brittany's death. It seems to me that inmate Johnson
2 needs to spend additional time thinking about his future
3 and what it expects of him. I believe in forgiveness
4 and redemption, and I believe that all people can and
5 should have a future. But in inmate Johnson's case I'm
6 advocating for not releasing him on parole, as he has
7 not shown that he has thought about his future in a
8 meaningful way. His tentative, superficial plans upon
9 release do not in any way assure that he will be a safe,
10 productive member of society. Thank you.

11 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

12 **MR. RIGGS:** (Inaudible) if we could take a
13 restroom break?

14 **PRESIDING COMMISSIONER ROBERTS:** Okay. But we're
15 not gonna put that microphone on mute.

16 **MR. RIGGS:** That's fine.

17 **PRESIDING COMMISSIONER ROBERTS:** All right.

18 **MR. RIGGS:** The mic's not going to the restroom
19 with me.

20 **PRESIDING COMMISSIONER ROBERTS:** Let, let's go on
21 a quick recess. You hold still. Time is approximately
22 12:55.

23 **DEPUTY COMMISSIONER POMERANTZ:** Off the record.

24 **PRESIDING COMMISSIONER ROBERTS:** All right.

25 (Off the record.)

1 **DEPUTY COMMISSIONER POMERANTZ:** Back on the
2 record.

3 **PRESIDING COMMISSIONER ROBERTS:** Time is
4 approximately 1:05. All the parties previously in the
5 room gave returned to the room again. We've kept the
6 video conference link to the remote parties live. And
7 so I believe we're finishing up the victim impact
8 statements.

9 **DEPUTY DISTRICT ATTORNEY LASKY:** You might just
10 double-check that they can hear us on that side.

11 **PRESIDING COMMISSIONER ROBERTS:** Okay. Can you
12 hear us on the video link?

13 **MS. WENSKUNAS:** Yes, we can hear you.

14 **DEPUTY DISTRICT ATTORNEY LASKY:** Thank you.

15 **MS. WENSKUNAS:** Can you hear us?

16 **PRESIDING COMMISSIONER ROBERTS:** Yes, we can hear
17 you.

18 **MS. WENSKUNAS:** Great, thank you.

19 **PRESIDING COMMISSIONER ROBERTS:** All right.
20 Who's going next?

21 **MR. RIGGS:** All right. I'm going next. Darin
22 Riggs, R-I-G-G-S.

23 **PRESIDING COMMISSIONER ROBERTS:** He's good.

24 **MR. RIGGS:** I'm the father of the victim and a
25 victim myself, as being her father. Just some

1 statements and evaluations from looking over and
2 listening to all this and reading through all this over
3 23 years and dealing with it. As a child that grew up
4 with two alcoholic parents, I sort of understand
5 alcoholism. And if he's been doing the NA's and OA's,
6 or, OA is Scouts, sorry, AA, and he still doesn't
7 remember his 12-Step program after how many years now, I
8 sort of wonder how serious is he taking these 12-Step
9 programs, that that's one of his key things to getting
10 himself released. And being that I was raised by two
11 alcoholics, I, I understand and see alcoholism. I would
12 not have had somebody that was, as he stated, in
13 different stages of the alcoholism, not the type of
14 person I would have had in my house with my daughter and
15 everybody else in the house. You had stated at one
16 point that you had her out in the car, but yet that
17 story has changed and disappeared again. You say you
18 were out there cleaning your car, then you said she was
19 in the car. Again, there are just too many variances in
20 that story that we've never gotten any kind of a, and
21 we'll never get a true, an actual truth out of anything
22 that I believe is truth. We'd already talked about the
23 juice and snacks, so I won't go over that one again. We
24 had mentioned, well, the underwear circumstances was
25 brought up. The night before, I was at a little side

1 job I had doing some stuff. I wasn't home. But
2 Jennifer had informed me that, and she had just gotten
3 out of the bath, already had her panties on, and he
4 needed help getting her nightgown on. Well, her body
5 was still a little damp, and we've all put on shirts on
6 a wet body, and it's a little hard, and so she wanted
7 help. Well, she came out with, without her shirt on.
8 Well, he was freaking out and, in whatever terms that
9 she was running around half-naked. She's three years
10 old. Doesn't have any body parts that anything to
11 really show off. And her panties were on. If I'm not
12 mistaken, in the autopsy report in the clothing that was
13 found, there were no panties. In a statement somewhere,
14 let's see, Tape One, Page Three of his first interview
15 with Montclair P.D., had to get some shorts for, to get
16 dressed because she didn't have any panties on.
17 Couldn't find panties, so we put on shorts and were
18 watching the TV. Without panties, that's just one of my
19 little pet peeves I don't like. Another statement on
20 Side Two, Page Six of one of interviews with Montclair
21 P.D. it again mentioned panties. That, again, was one
22 of my pet peeves. He's emphasizing in these interviews
23 that he doesn't like girls when they're running around
24 without panties on. Let's see. That, well, talked
25 about, again, I'm just, the night before, and was upset

1 about that. In the second interview, Tape Three,
2 starting off, Donnelly (phonetic) mentions, okay, we've
3 just had an additional information from the coroner
4 about the autopsy. He goes, and it's a little more
5 information. We're, we're gonna clarify some questions
6 and answers that you have here. At the autopsy,
7 remember I told you yesterday that if we, if you lied,
8 they would come out, okay? Yeah, I understand.
9 Donnelly, again, an officer, well, okay, I think that's
10 happened, okay? And I think there are some things we
11 need to discuss and was told us about and so that you
12 can clarify these things. Do you start, do you wanna
13 start that now? What I said is that you'd, you found
14 something on her body from me? So that's his first
15 statement, that he's saying that he, that he's
16 questioning did they find something from him on her
17 body. One of the things in the coroner's report, it was
18 mentioned that there was slight redness and slight
19 tearing on the vagina. And here are the autopsy photos.
20 Actually, these are still at the hospital. There's
21 bruising right here in the hip side by the vagina.
22 There's redness in the vagina. She would, did, did not
23 have a yeast infection, did not have any other bruising.
24 We would have known that from the night before giving
25 her a bath. We all wonder what the cause was, or what

1 his reasoning was. It's been in my heart the whole
2 time, he was planning on molesting her. Or is there, is
3 there enough evidence here? At that time, no, they
4 didn't feel there was. It's still what's in my heart.
5 Why else would you go to try to the extent that he did
6 to try to hide the body? You talked about slamming her
7 head in the door. These wounds a little gruesome. I'm
8 sure you've dealt with them before. But there's three
9 different blows to the head. You got one up here in the
10 frontal lobe, or in the front, right above the eyebrow.
11 There's one on, on the lobe, over, just on the, on the
12 ear. Then on the back side of the skull here. You can
13 see there's at least three different bruising here and
14 you can see all the blood and everything that ended up
15 in the scalp after the removal of the scalp. That
16 doesn't coincide to, with, to me as a layman, of getting
17 a head stuck in a door one time. How would you end up
18 with bruises in three different spots that severe with
19 just getting your head slammed in the door once? And
20 again, as a layman, I'm thinking, your head's gonna get
21 slammed here. Not here and here and here. And three
22 times back here. Again, that doesn't coincide with his
23 stories. The suffocation and strangling. The blanket
24 that was talked about. There was found under his bed
25 where he stuck the drugs that nobody ever found

1 including the officers when they inspected his room, no
2 mirror, no evidence of any kind of drugs. If he was
3 high, first of all, meth back in '93 was not near like
4 it is today. It is not the street, it was not the drug
5 of the streets. It was not as easy to get ahold of.
6 And it wasn't cheap. He worked at a local Thrifty Drugs
7 as a clerk part-time. How could he afford that kind of
8 drug plus the drinking he's talked about doing, and
9 still be able to pay our rent and keep his car running
10 and feed himself? Again, none of it's adding up. The
11 blanket. We found it stuffed between the bed and
12 mattress where he said he stuck the mirror that was
13 never found. That bullet, that blanket had blood and
14 saliva on one little spot. Well, the coroner, that
15 little flap of skin there from the top of the lip was
16 torn. And they determined that that was most likely
17 what the, what was shoved in her mouth for the
18 suffocation and strangulation. Because it had blood and
19 saliva. That's the only way you can get those two
20 combined in one location, is through the mouth. And
21 that was brought up as evidence in the hearing. I think
22 Jenny's gonna go more into the strangulation, so I'll
23 let her deal with those photos. And let's see, the one
24 thing I'm, two other, two small things. And I say small
25 for lack, mentioned time doesn't heal all, doesn't heal,

1 or, time heals all wounds. It doesn't heal Brittany's
2 wounds. Our wounds are, will never get healed. Yeah,
3 I've gotten a little callous with it. I can talk to my
4 friends about it for the most part and not getting too
5 emotional. So yeah, I've gotten callous. But they're
6 not healed. They'll never heal. My son right now is a
7 freshman at Texas A and M. He's on pins and needles.
8 He was calling me last night at 1:00 in the morning.
9 How are you doing, dad? What can I do to help? You
10 need to get to sleep and you need to be getting ready
11 for school tomorrow. But that's not his concern. His
12 concern is me right now. And it doesn't need to be
13 that. Our daughter is a new mother. She couldn't write
14 an impact statement because she doesn't know how a
15 mother, she would not know how, she just couldn't put it
16 onto words. I had trouble putting it on, I couldn't
17 write a statement. I mean, I got bullet points. I had
18 to have my wife write them because I couldn't sit down
19 and write them. So, no, I mean, it's affected her
20 children, my children. No, my children can't be here on
21 the video. One's in college, one's in Alaska. I wasn't
22 gonna try to deal with that kind of a nightmare of
23 electronics for you.

24 **PRESIDING COMMISSIONER ROBERTS:** Thank you.

25 **MR. RIGGS:** Now, see, I can't even read what I

1 wrote here on my other notes. I had a couple other
2 things that he had talked about that I wanted to make
3 comments on. But as you can see, I'm a little shaky. I
4 can't read my own notes. So I'll, and you'll get away
5 from, out those two right now. I would probably
6 consider parole if these list of things could come to,
7 come to pass for me. If I could see my daughter
8 graduate high school. If I could see my daughter, our
9 daughter get her driver's license. Help our daughter
10 understand the insurance company after she got her first
11 ticket or accident. Get her to college. Get her to
12 graduate and go through college. Get into Girl Scouts.
13 Have her earn her Gold, or, Gold Award through Scouts.
14 Our son is an Eagle Scout, so it is something that I've,
15 I'm experienced with. The joys of being a parent. I
16 mean, I'm having, watching the joys of my other daughter
17 be a parent. I don't get to see that. Just getting the
18 23 years of life back. If those things can happen, if
19 he can grant me those things, then I would be interested
20 in, I would consider parole. Until that happens, I
21 don't see him being eligible for parole. And in my
22 closing, if for some reason you guys do feel that he is
23 suitable for parole, he'll be needing a job, so I would
24 hope that you guys would be willing, if he's so
25 rehabilitated to hire him as a nanny for your kids or

1 grandkids. If he's so eligible and you feel he's so
2 safe, then would you guys be interested or willing to
3 hire him as a nanny for your own kids? Just think about
4 that in your thoughts. Thank you.

5 **MS. JENNIFER LUNDY:** Jennifer Lundy, L-U-N-D-Y.
6 I'm Brittany's mom. I don't think that needs to be said
7 anymore. Victim, next-of-kin, whatever language they
8 wanna use. Our story today is starting from 23 years
9 ago, but I wanna take you back a few days prior to 23
10 years ago. Chuck Johnson walked in our house. He was
11 clean, presentable, articulate. He had no signs of
12 being an alcoholic. No signs of being a drug user.
13 Steve, who was Uncle Steve to Brittany, was his manager,
14 Thrifty's. Steve loved Brittany with everything in his
15 heart. He worked a job. If all of these things were so
16 apparent in his life then, we would have conversations.
17 I cooked meals for this man. We welcomed his sons in
18 our home. It's why, you know, our daughter was around
19 him. He didn't have a close relationship with Brittany.
20 I was fortunate. I was able to stay at home with her,
21 and I was home with her. She didn't bond to him. They
22 didn't have a personality relationship. A few days
23 prior to this, it was six weeks, there was another
24 murder in Montclair. It was two doors down from our
25 house. A gardener was killed by somebody living in the

1 house. It was just a weird, odd thing. And when things
2 happen like that, you think a little bit. And I talked
3 to Darin and I was talking to Steve, and I just said,
4 you know, this just isn't working with Chuck. I can't
5 tell you why. It wasn't drugs, it wasn't alcohol. My
6 mom's an alcoholic, so I know what that is, too. And we
7 saw him with the kids occasionally. His wife would come
8 by once in a while dropping off, picking up things. But
9 there was just something that just wasn't right, and I
10 said, this is not working. Brittany didn't attach to
11 him, not per se any specific reason why. I don't know
12 if he heard that conversation. That conversation
13 happened Thursday or Friday. Well, probably Thursday,
14 Wednesday or Thursday. So that Friday was a really
15 weird day, and that turned into also Saturday where he
16 was acting different. He was, took the day off of work
17 to try to deal with some government agency stuff that he
18 needed to do. They were closed, he couldn't figure it
19 out. He was just off. That Saturday was a hard day for
20 me, looking back now. Darin had to go do a job down in
21 South Orange County. I was home with Brittany.
22 Brittany was supposed to go to my mom's. We had plans
23 the next day. We were going out to Oak Glen with Raina
24 and my mom called and said, I'm not feeling good, don't
25 bring her tonight, just bring her in the morning. So my

1 plans changed. Brittany's plans changed. Chuck was
2 around. Darin was gone. Steve was at work doing his
3 thing. His grandmother just passed away so he was a
4 little off and unbalanced, too. I was very aware of
5 what was going on, and I can remember all of these
6 details. Well, one of the things was, as Darin already
7 said, Brittany came out of the bath, and she was having
8 trouble and in the, we have, as you saw in the diagram
9 of the house, the living room open area where my back
10 was turned when her body was carried out, and that's why
11 I didn't see it, I was, Brittany comes in that area.
12 And she's like, I need help. He was there because he
13 and I were talking back and forth. We had a really
14 strange conversation. He asked me, because Darin had
15 guns, well, can I bring a gun in the house? I'm like,
16 no. You know, it has to be locked up. No, with
17 Brittany, I, you know, no. And I thought that was odd.
18 And then he kept saying he had to make things up for his
19 wife. And he asked me, he goes, you know, you've gone
20 through issues with Darin. How did you work it out? I
21 sat down with this man on Saturday night for hours and
22 talked to him about a relationship with his wife. Never
23 once did I know, did he say, there was any violence.
24 You know, he, like I said, presented himself like a very
25 respectable person, respectable conversations. He was

1 strange that night. So strange that I called a friend
2 to come over to keep me company because I wasn't
3 comfortable being home alone with him. And my
4 girlfriend came over. And waited for Darin and waited
5 for Steve. And we all went to bed. Brittany was
6 asleep, regular bedtime, tucked her in. We'd just moved
7 to a big girl bed. She no longer needed her toddler
8 bed. And that blanket that we're talking about was her
9 blanket for her toddler bed. Which wasn't in her room.
10 Which wasn't in the house. It was put up in the hall
11 closet, which was right next to his bedroom door. It's
12 right here. It was put away. There's no reason for it
13 to be out. So I don't know how that came into his
14 presence of his room, except for, he had to take it out
15 of the closet because she wouldn't have been able to
16 reach up to the hall closet, nor did she have any desire
17 to get it. She was excited. At 3-1/2, when you get
18 moved into, your room gets redone and you're moved into
19 that big girl bed, you're happy. She was asleep. My
20 sweet, innocent baby went to bed. Life was good. We
21 were gonna get up the next morning. She was gonna go to
22 grandma's. Mom and dad were going to go have a nice
23 date to Oak Glen and get apples. And Brittany came in
24 our room. She came in about 7:30. And daddy was home.
25 She was daddy's little girl. And she woke us up. Woke

1 him up. He gave her a hug and kiss and told her to go
2 back to bed and go lay down. She was grumpy, she was
3 cranky. Go watch TV, Brittany and go lay down. I know
4 if my child was awake or still wanted stuff, she would
5 have been back in that bedroom. She would have been
6 harassing us, bugging you, get up, I want something to
7 eat. We fell back to sleep because we felt Brittany
8 fell back to sleep. There's many stories I've read, I
9 know more now about this case than I did then. You
10 know, when you're numb for all those years with the
11 trial, you don't read things. We dug things out. Even
12 the first Parole Hearing seven years ago, I was numb to
13 it. Shocked at 16 years we were having one. Didn't
14 know what to expect. Didn't know what to prepare.
15 Didn't know what to think. I've spent a lot of time,
16 too much time, too much time away from my family that I
17 should have been spending time with them instead of
18 having to sit here and relive this and the nightmares.
19 When 2016, the strike of midnight, I didn't celebrate
20 this year, because I knew 2016 was gonna be the year I
21 had another Parole Hearing. It's November 30th. I lost
22 the year of 2016 for this day to be here. To know that
23 what happened to my daughter is portrayed honestly and
24 effectively. Part of me is strategy. Okay. Do I not
25 say some of the things? Some of the things we said the

1 last time, if he heard us, if he listened between seven
2 years and this time, he might have thought twice to
3 think about how he was gonna say his stories. Because
4 the stories keep changing. I've gone back and read
5 things. We'd gone through as we were doing this, and
6 I'm very fortunate to have amazing support and friends.
7 We have diagrams of all the inconsistencies and all the
8 inconsistent changes. This is what I my, my personal
9 extra time outside of working and being a mom. Pages
10 and pages I have studied. I know this case inside and
11 out. Nobody's talked about motive. The motive wasn't
12 drugs. The motive wasn't the mirror. We've never
13 bought it. We've never believed it. The police never
14 bought it and never believed it. The trial didn't buy
15 it and didn't believe it. None of it makes sense. But
16 what makes sense is the trail that we have. And the
17 trail that we have is we truly believe the other issue
18 that was never discussed in this room is, she was three
19 years old, why was this man near my daughter's, aware of
20 underwear or no underwear, number one? He freaked out
21 about it Saturday night. The clothing she was found at
22 the hospital that I had to identify was not the
23 nightgown she went to bed in. She did not get her own
24 clothes out. Some stories say he got her clothes. Why
25 did he even touch her? Forget, we're not to the murder

1 part yet. I want answers about the clothing. He says
2 he gave her juice. Well, we all know that juice,
3 cereal, whatever he says he tried to do to entertain her
4 with, we all know that wasn't found in her stomach
5 contents. And then we get to the murder. We get to
6 three minutes to nine. We did hear a loud noise. That
7 loud noise was not my daughter's head being slammed in a
8 door. Because if my daughter's head was slammed in the
9 door next to my door, you better believe we would have
10 been out that door. Our bed faced this doorway right
11 here. The doorway he's saying he hit her with, five
12 feet, if that. Right there. There is no way. If
13 Brittany would have even cried. Our alarm was set to go
14 off at 9:00 a.m. You don't think we weren't in a light
15 enough sleep if we would have heard our daughter cry we
16 would have gotten up? I don't believe that. I didn't
17 understand the cause of death. I didn't understand a
18 lot of this. So I went back to the coroner's report and
19 I went back to the autopsy. And then, because I
20 couldn't understand it, I went back to San Bernardino
21 and asked the people that did it questions. My issue on
22 the autopsy that first started it to the trail that we
23 got to, was there's a statement on the autopsy report
24 that says there was no major tearing in her vaginal
25 area. Who writes no major tearing for a three-year-old?

1 She's not 16 where you could say possible tampons or
2 whatever. A three-year-old. No major tearing. What
3 kind of tearing was there? Because there shouldn't be
4 any. Went back, looked to see, I got a sex kit. I've
5 asked all the hard questions. We've looked back at the
6 photos. I was told that they just didn't, they weren't
7 focused that way with the investigation. That it just
8 got missed. Can't bring that back now. But it brings
9 back to our motive. And something I'm sure he's having
10 a hard enough time even admitting that he had some
11 responsibility of her death. That he's nowhere ready to
12 answer those questions that we all still have remaining.
13 We truly, truly believe the motive of this crime started
14 with molestation. Not drugs, not Brittany entering a
15 doorway. Because if she wanted somebody, the door she
16 would have opened would have been ours, not his. That
17 is undefinably, there was nothing in his room and
18 nothing, unless he was enticing her with something, that
19 would out-beat her dad. Because dad worked every
20 morning. Dad got up at 4:00, 5:00 and was gone. He
21 worked construction. This was a Sunday morning. That's
22 the motive that makes sense. And as a mom, I look at
23 this first picture. This is how I remember having to
24 identify my daughter's body at the hospital. She looks
25 asleep. All I wanted to do was go in that room and wake

1 her up and take her home. And that's not what I got. I
2 had to bury her. She's my first loss. I didn't lose
3 grandparents. I didn't lose anybody in my life. My
4 first lose at my young adult life of 24 had to be my
5 three-year-old child. And to be horrifically murdered?
6 I didn't understand strangulation. The report said she
7 was strangled and suffocated. Well, he's talked about
8 quietly covering her mouth. He doesn't talk about the
9 blanket he shoved in her mouth that cut her mouth that
10 we found. That I had to fight to get tested with her
11 blood and saliva with the DNA. He doesn't talk about
12 that. We know she fought. Today we finally heard that
13 he had an arm wrapped around her. Well, no, he didn't
14 have an arm wrapped around her, because she couldn't
15 have gotten head injuries on a soft bed or standing up.
16 She was on a hard surface with someone on top of her. I
17 didn't know about strangulation. I had a lovely D.A.
18 explain strangulation to me a month ago in D.A. Ramos's
19 office when I had a meeting with all of them. There's
20 three types of strangulation. The type that Brittany
21 suffered is the most suffering type of strangulation.
22 And the evidence shows it. And the reason why it was so
23 important to reread the coroner's actual testimony was
24 what I finally got because it was in basic language to
25 understand this type of strangulation. She was

1 strangled from here. She was held down here. There's
2 injuries to her chest and her neck. Then a hand over
3 her mouth. That's how we injured the back of her head.
4 Because we were fighting. She was fighting. And
5 everybody's talked about this two-minute to three-minute
6 window. That's a two to three minute window of constant
7 pressure. So she fought. He lost his grip. That two
8 to three minutes had to start over again. Well, we know
9 we heard a noise at three minutes to nine that woke us
10 up. We know that 911 was called at, sorry, around 9:11.
11 And then the officers showed up, I believe it was, 9:17,
12 around. That's 17 minutes, give or take. Then, like
13 the officer testified, Officer Kelly stated, he didn't
14 go in that room first. So that was probably another
15 five minutes. He wasn't in the room any longer when the
16 police got there. He came out before. So in that
17 window of time, what happened, if it only supposedly
18 took two to three minutes to get her to the passed out
19 stage? There's a lot of unanswered accountability that
20 he has not acknowledged. And for me, to be remorseful,
21 he needs to tell us the truth. I'm a strong enough
22 woman. I'm a strong enough mom, that if I have to sit
23 here and look at my daughter's autopsy pictures over and
24 over and to sit in this room, if he's so rehabilitated,
25 then he should be the one standing up and saying, I'm

1 remorseful, this is what I did, this is what's happened.
2 Because I've been asking for the truth for 23 years. In
3 my impact at the trial, I stood up and I said, you won't
4 gain my forgiveness, you won't gain any of that. I will
5 be here until I have the truth. I will continue to do
6 that with every ounce in me. Because you look at this,
7 if he cannot truthfully even talk about and say or
8 write, let's go to the letters. This was really nice to
9 receive. The last Parole Hearing, they asked him, and
10 he talked about wanting to write us letters. So I
11 thought, hmm, I'll accept a letter then. So in 2011, I
12 received a letter. I'm expecting, after what we heard
13 and how he presented himself at the last Parole Hearing,
14 a remorseful letter. No, I get this. And I didn't
15 answer this. And the reason why I didn't answer this,
16 part of me wanted to at the time because I was upset and
17 angry, but I didn't wanna give him that opportunity to
18 just keep changing his story and to give him my insight.
19 Because he needs to come to us. We talk about remorse,
20 redemption. It's not my job to pull it out of him.
21 It's his job, if he's learned and rehabilitated, to
22 bring it to us. And that's the day I'm waiting for.
23 That's what I'm waiting for. This one says, receiving a
24 letter like this can never be easy. If it causes you
25 too much pain or causes any additional pain I understand

1 if you don't continue. I've put your family through
2 enough. He has no clue what he's put my family through.
3 The day he murdered Brittany, he murdered two people,
4 because he took a big piece of me with her. And he's
5 never acknowledged that. He's never acknowledged that
6 he had his defense attorney say, oh, Jenny has a key to
7 my room. So Jenny must have killed her daughter. He
8 let the defense attorney come after me and blame me
9 through a trial for 2-1/2 years. Two-and-a-half years
10 he watched me go to every court date. I didn't miss
11 one. Didn't miss a single one. Knowing that his
12 defense attorney, Jeff Aaron, would walk in the room
13 days and joke with him and joke if Brittany was really
14 dead or not. I had to listen to that. I got a
15 restraining order because I didn't have victim's rights
16 back then from his public defender and his public
17 defender's investigator. I got letters sent to my house
18 from his defense attorney telling me I just need to come
19 and say the truth, that I killed her and planted her in
20 his closet. Because that's the story he fed, and that's
21 what he was doing. He has no remorse for what he put me
22 through with that either. He has no clue what that walk
23 was like. Yes, he couldn't have done it then. But he
24 sure hasn't brought that into the picture now. If he's
25 really, really, really going through self-help

1 programming, that's part of programming. Why don't we
2 talk about that? I've read what restitution classes
3 are. I'm an educated person. I'm an advocate for other
4 victims. The classes you've attended, I've gone in and
5 I've talked to with other victims. True restitution is,
6 you need to spell it all out. You won't talk about
7 amends with an AA program? Make that list to me. He
8 hasn't made a list to me. This isn't a list. This is,
9 I destroyed bonds. He doesn't have bonds. He said,
10 socially, he didn't have family bonds. So how does he
11 know what a bond is? He doesn't know what a mother
12 daughter bond is. He has no clue. He doesn't know what
13 a parent bond is. He didn't get to parent his own
14 children. And then he says, especially your bond
15 together. I know how powerful these bonds are. Not
16 from experience. He says, I took that away from
17 Brittany and your family. I'm very sorry, Jennifer. I
18 was, it was never my plan or intent to do this to you or
19 Brittany or the world around you. It was my act of
20 selfishness, irresponsibility. It wasn't selfish
21 irresponsibility. She was an innocent three-year-old
22 child who he deliberately hurt. There wasn't anything
23 being selfish and all of that in that. There is no
24 selfishness in murder. How can you think of yourself,
25 I, that just really bothers me with self-help. Yes, you

1 can, you own your responsibility, but you don't own your
2 responsibility to making excuses for that
3 responsibility. And that's all I've heard from Chuck
4 Johnson. The excuse, drugs. Excuse, alcohol to fit
5 whatever time it needs to fit. No. The day I'll be
6 ready to sit here and understand a grant of parole
7 possibility, would be the day that he actually shows
8 remorse. The day he actually makes amends. And there
9 is no amends. There is no restitution. Other crimes,
10 there's restitution. He can't bring her life back. No
11 amount of money brings anything back to this. No amount
12 of community work. I sure wouldn't want him doing
13 community work in order to go work with a child or a
14 woman. And that gets me to my next part. I truly
15 believe if he is out, we sat here seven years ago, I
16 openly said where I lived because of the first parole
17 plan. I moved out of San Bernardino County. I can't go
18 to San Bernardino County. I have PTSD going anywhere to
19 Laverne, Montclair, Ontario. It's very difficult to
20 this day to be out there. Because that was where my
21 life was the day my life changed. I moved to the border
22 of L.A. and Orange County. I work in Orange County. My
23 kids go to school in Orange County. I advocate in
24 Orange County. I'm there every day. I live on the
25 border. My kids' doctor is in downtown L.A. My son was

1 just in Childrens' Hospital L.A. His parole plan, they
2 strongly recommended at the last hearing when he said
3 L.A., which then again, was close to my house, which I
4 live very close by the way to public transportation, and
5 said to him, you might want to consider some other
6 possibilities of where you would like to go. He has no
7 family ties. His sister lives in Florida. What is his
8 connection that he feels again that he needs to come
9 back to this area? Well, I'm there. I'm stopping this
10 break of violence. We talked about domestic violence
11 today. Thank you. Because that's an area that's never
12 been looked at before to great detail. And that is an
13 area that he needed help with. I'm the first woman to
14 stand up to him. I'm the first woman that is going to
15 be here to make him be accountable for what his actions
16 have done. I'm not afraid of him in that perspective.
17 But I am afraid that I don't wanna have to live my life
18 walking out my front door or taking my son to the
19 doctor, taking my kids to school, going and advocating
20 in Santa Ana school district or wherever else, and know
21 that I can walk into him. I had to start my life over.
22 I have four beautiful children. Our whole life is that.
23 Now my family is sitting here and parole plan number
24 two, same plan. Do I have to move away? No. He's
25 already interrupted my life enough. I think he's the

1 one, if he's truly remorseful and he doesn't wanna place
2 any more pain on me, maybe he should consider that.
3 Because he sure didn't consider it the last time we
4 talked about this. And that's why I don't feel he's
5 ready. I don't know if he'll ever be ready. I don't
6 know if I'll ever sit in this room with you guys and,
7 and tell you that, you know, he's ready. I, I can't
8 give you that. We'll have to see. We'll have to see
9 how he does, and what he does. But this one page bulk
10 little letter to say he's remorseful to me is, this is,
11 this is not. This is, this is the restitution problems
12 form letter. He got a little more personal with Darin,
13 because we all know that he has a higher regard to Darin
14 than he does me. Because, again, I'm that woman. And
15 he still has a lot to tell us. He has a lot to do for
16 himself. And I truly wish that he hears us and he
17 thinks about that if he gets a denial grant. That's he
18 not gonna get some more years, I would really hope for
19 five to seven again. And in those five to seven, I
20 would really hope he would actually take that time and
21 hear us this time if he truly is this new person with
22 all of his self-help, and he really works on those
23 angles. Because there's a lot of holes left in this
24 that he hasn't covered. Not just for me, not just for
25 our family, but for society. He's not prepared. What's

1 gonna be the first thing that happens? And why downtown
2 L.A? Of all places, downtown L.A? That's a very hard
3 place to be. Very unstable. He has a very unstable
4 pattern. He hasn't shown anything of where his
5 stability comes from, his support. And I just think
6 that I'm on the list, and my daughters talked about it,
7 that his sister, there was very early on after the
8 trial, I ran, in was in Ontario and that's one of the
9 major reasons I moved out of the area, I ran into his
10 mother and sister in a movie theater and they had to be
11 escorted out. His sister has posted things on Facebook.
12 They've always blamed me, just like he blamed me. His
13 sister, as of the last Parole Hearing, has said, you
14 killed her. My brother's innocent. And you need to pay
15 for all the years my brother has spent in prison. He's
16 so close to her, how do I know that that's not how he
17 feels too? And I am that woman. I don't want him
18 released anywhere near me. He really needs to think
19 about that. And he wants to think about the pain he's
20 caused me. And he wants to think about his future. He
21 wouldn't want a future worried that he shouldn't want
22 that future being near me. Because how is he gonna be
23 successful if I'm there, too? He wants to give me a, my
24 life, he really needs to think about these things. And
25 I hope you guys consider that and consider my safety and

1 my feelings. And I think, you know, we've touched on a
2 lot of the remorse. This man's not remorseful, because
3 this man hasn't told the truth yet. And all I want is
4 the truth. I want to know what happened to my daughter.
5 I've had to read it. There's only one person that
6 knows, that can tell us. And he's sitting here. And
7 he's given opportunities. And he hasn't successfully
8 used them yet. And I'll continue to wait. Thank you.

9 **PRESIDING COMMISSIONER ROBERTS:** All right. With
10 that, we'll recess for deliberations. Time is 1:45.

11 **DEPUTY COMMISSIONER POMERANTZ:** Off the record.

12 **R E C E S S**

13 **--o0o--**

CALIFORNIA BOARD OF PAROLE HEARINGS**D E C I S I O N**

DEPUTY COMMISSIONER POMERANTZ: Back on the record.

PRESIDING COMMISSIONER ROBERTS: And this is in the matter of Chuck Johnson, II, CDC number K-11650. Today's date is November 30, 2016. Time is approximately 2:20 p.m. All the parties previously in the room have returned to the room again. The victim's family and next-of-kin who are at a remote site are back on the video conference link. And we're here for the pronouncement of the Panel's decision. By way of a decision, the Panel did not find you suitable for parole today, sir. By way of background, we found that you were received by the California Department of Corrections and Rehabilitation on or about June 20, 1996. You came from the County of San Bernardino. The controlling offense in this case is a First Degree Murder committed on, looks like, 10/10/93. The, it was under the San Bernardino case number FWV02293. In your case, the Panel has read and considered the written record before us. That would include the Central File. That would include the Comprehensive Risk Assessment, prior Board Reports, and prior transcripts, and so

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1 forth. And I'll talk about a vast number of letters
2 that came in, in opposition. Which is information we
3 received from the public. We want to incorporate by
4 reference several documents into the record first that
5 were very helpful today. The first being the Probation
6 Officer's Report. For us, it's been a lot of years
7 passed, and we weren't there, and that helped us get a
8 sense of the environment around the time of the life
9 crime. So we got a sense of, you know, who, and what,
10 and those kind of things were happening from that
11 perspective, and, and with you up to that point. And
12 for that respect, it was helpful. We also would
13 incorporate by reference in its entirety the Appellate
14 Court opinion. There, the Justices speak to what they
15 believe the underlying, underlying facts of your case
16 were. And that was helpful. We would incorporate by
17 reference in its entirety the prior Board Reports,
18 particularly with regard to either progress or not
19 progress that you had had up to the last hearing. And
20 also any statements that you had made with regard to the
21 life crime up to the last hearing. We would also
22 incorporate the progress reports since the last hearing.
23 Those were helpful for us to gain some insight into what
24 you've been doing since the last hearing. And they're

25 **CHUCK JOHNSON K-11650 DECISION PAGE 2 11/30/16**

1 very helpful there. We would also incorporate by
2 reference in its entirety the Comprehensive Risk
3 Assessment done by Dr. Chan of an interview that
4 occurred on or about August 24, 2016, here at
5 Chuckawalla Valley State Prison. And that report was
6 very helpful. It talked about your life before the life
7 crime, it spoke of the life crime and your positions and
8 the stance and statements of it, it spoke of how you've
9 been progressing in prison, and it, ultimately the
10 doctor, Dr. Chan, gave her professional opinion as to
11 your future risk of violence. And all that was very
12 helpful for this Panel. We would incorporate by
13 reference in its entirety the transcript of the last
14 hearing, which occurred here at Chuckawalla Valley State
15 Prison on or about December 1, 2009, overseen by
16 Mr. LaBahn and Deputy Commissioner Mitchell. I know
17 both those individuals. And we used that transcript
18 kind of as a guide as to how we were gonna move forward
19 today. And many of the things that you said last time
20 were considered, and what you had to say about those
21 things today, and kind of the changes in some respects
22 that you had to say. So for that perspective, it was
23 helpful. Sometimes, there was things that we didn't
24 have to cover again, like we talked about your prior

25 **CHUCK JOHNSON K-11650 DECISION PAGE 3 11/30/16**

1 social much. We relied on your discussion there. And
2 the discussion that you had with the, with the
3 clinician, Dr. Chan. We marked two items as exhibits
4 and they were --

5 **DEPUTY COMMISSIONER POMERANTZ:** A November 28,
6 2016, opposition letter by the trial attorney at
7 Mr. Johnson's trial and an October, I'm sorry, November
8 26, 2016, opposition letter from Steve Lopez, the former
9 roommate at the house in question.

10 **PRESIDING COMMISSIONER ROBERTS:** All right. We
11 also reviewed your confidential portion of the Central
12 File. The most recent concerning, okay, all right, most
13 recent concerning document was October, 2008. But based
14 on the discussion we had today, we didn't rely upon that
15 in determining your suitability for parole. We also
16 considered the testimony that you provided today, and
17 certainly, the impact statements and information
18 provided by the victim's family. So, again, thank you
19 for coming. Now the fundamental consideration when we
20 make a parole eligibility decision is the potential
21 threat to public safety upon an inmate's release. So
22 accordingly, if there's a denial of parole, such as
23 there is today, it should be based upon evidence in the
24 record of the inmate's current dangerousness. And it's

25 **CHUCK JOHNSON K-11650 DECISION PAGE 4 11/30/16**

1 having those legal standards in mind that we find you
2 continue to pose an unreasonable risk of danger to
3 society or a threat to public safety, and are therefore
4 not suitable for parole today. The record does reflect
5 some circumstances tending to show suitability for
6 parole. We found that your parole plans, in general,
7 and in general concept, were, we thought were good.
8 Going to transitional housing, and you had a machine
9 shop marketable skill. And, and we thought you picked
10 up enough in OSART that you had employable skills.
11 Again, we have the same concern the last Panel did about
12 where, not what, but where you would be going. And we
13 were kind of concerned that, clearly went back and
14 looked and Mr. LaBahn did point that out and thought you
15 should consider it, and you didn't. So that was of a
16 concern to us. But it's not one of those things that
17 would be a showstopper for us. All these other things
18 were showstoppers for us. We felt that you lacked any
19 serious rules violations in the past 13 years, so it was
20 also supportive of parole. Those positives, however, we
21 feel are far outweighed by other circumstances that
22 would tend to show unsuitability for parole and would
23 suggest that you continue to pose a threat to the public
24 safety. With regard to the immutable factors, those

25 **CHUCK JOHNSON K-11650 DECISION PAGE 5 11/30/16**

1 things that can't be changed, such things as the life
2 crime, the life crime, we found to be especially
3 heinous. In this case, you were allowed to, to live in
4 the home of, people invited you and allowed you to live
5 in the home. And they certainly wouldn't have done that
6 if they thought you posed any threat whatsoever in any
7 way to their, their, their child, or children, or about.
8 And it's clear that, from the evidence, that during the
9 course of your living there, that you choked, strangled,
10 and suffocated this three-year-old victim who in no way
11 Brittany could have offered any kind of resistance or
12 any kind of a threat to you whatsoever. And to do that
13 to such a young child in particular makes it especially
14 heinous. She is very vulnerable. And again, posed no
15 threat to you whatsoever. Your actions did result in
16 the death of Brittany. And the only thing that we could
17 find really that would start to talk about the reasons
18 of it, it has to be selfishness. And it's beyond some
19 of the, well beyond some of the things you put forth
20 today. But it has to be in that arena, because there
21 weren't other things that would suggest anything else.
22 While you had had some substance abuse in, previously,
23 we didn't see that to be a contained element for the
24 reasons for killing the victim. And your selfishness in

25 **CHUCK JOHNSON K-11650 DECISION PAGE 6 11/30/16**

1 no way ever would justify this action and, and I think
2 you acknowledged that. No matter what it is and why you
3 were doing it, it wouldn't justify this. You possessed
4 a previous record of violence. We read in the record
5 the previous domestic violence and violence and others,
6 one of which was one of the victim's here today, a
7 mother-in-law. And, and besides the other fights that
8 you'd had previously, clearly you had a record of
9 violence. And as we noted, particularly with women were
10 of concern to us. And we talked about that today. And
11 I'm gonna talk about that more in a little bit. We felt
12 you had an unstable social history prior to
13 incarceration. You put forth substance abuse as a big
14 issue, an ongoing problem for you. Alcohol and, more
15 recent to the life crime, methamphetamine. And that,
16 and then your involvement with that, as you portrayed
17 it, would suggest an unstable social history because of
18 the types of people that you have to associate when
19 you're consuming those kind of things. And, clearly,
20 your difficulty with maintaining long-term pro-social
21 relationships. That would all suggest you had an
22 unstable social history prior to the life crime. And we
23 discussed that to some degree during the record, and it
24 certainly was clearly evident when we reviewed the

25 **CHUCK JOHNSON K-11650 DECISION PAGE 7 11/30/16**

1 transcripts of the last hearing and the discussion with
2 the clinician. Now, the California Supreme Court has
3 ruled that after a long period of time, immutable
4 factors such as the commitment offense, your prior
5 criminality, which you had, and which had violence in
6 it, your unstable social history, the court tells us
7 that these things may no longer indicate a current risk
8 of danger to society in light of a lengthy period of
9 positive rehabilitation. So accordingly in your case,
10 we had to consider were there other circumstances or
11 other items that would lead us to conclude, when coupled
12 with those immutable circumstances, that you continue to
13 pose a threat to public safety? And we find that you do
14 for the follow reasons. We considered and didn't give a
15 lot of weight to, and I would say little weight, mostly
16 because of the passage of time, is the fact that you've
17 engaged in serious misconduct while in prison. While
18 there's three 115's, most recent in 2003, and the most
19 recent violence in 1999, we had to consider that. And
20 because you haven't had issues since 2003, we gave very
21 little weight to that. But we had to consider it and
22 had to assess some weight. We, a big area for us today,
23 which we gave significant weight to, was your lack of
24 credibility. Quite frankly, the physical evidence does

25 **CHUCK JOHNSON K-11650 DECISION PAGE 8 11/30/16**

1 not support the account of the life crime as you've put
2 forth today. The injuries and conditions of Brittany
3 could not have happened as you've asserted. We find
4 your report of your actions to stretch the bounds of
5 credulity. We told you early on that when you told us
6 about the facts and the reasons, that they just didn't
7 make sense. They don't make sense. And that calls into
8 question your whole credibility. And once your
9 credibility is called into question as it is here, we
10 don't believe your story. Then all the other things
11 that cascade down from that for us. Such things as your
12 discussion of remorse and responsibility. All of those
13 things are called into question. And, quite frankly,
14 you not being believable was a big, huge concern for us
15 today. We also find that you failed to demonstrate
16 sufficient progress in other areas that tend to show you
17 are suitable for parole but demonstrate you are
18 unsuitable for parole. Specifically, and we gave
19 moderate weight to the fact that you failed to show
20 adequate signs of remorse and to take full
21 responsibility for your criminal actions. While you,
22 we, we got the sense that you may feel bad for what you
23 did to Brittany and her family, this is, feeling bad is
24 only a piece of remorse. A, a failure to take full

25 **CHUCK JOHNSON K-11650 DECISION PAGE 9 11/30/16**

1 responsibility for all those acts which you did and why
2 you did those, vis a vie telling the whole truth, the
3 unabashed truth as it, as ugly as it is, as ugly as it
4 was, that, that's just a necessity to being remorseful.
5 It's a core piece of it. And we don't feel you, you did
6 either of those things. We don't think your remorse
7 that, before was any way sincere, because we don't
8 believe that what you say happened, happened the way it
9 happened. And we know those who fail to take full
10 responsibility for their criminal actions and those who
11 fail to take full responsibility and take truly
12 heartfelt remorse and display that, those people are
13 likely to recidivate. And that makes you a current risk
14 of danger to the public safety. With regard to your
15 parole plans, as I said earlier, we liked your concept.
16 We did not like your location. And, and what was kind
17 of concerning to us is, we went back and Mr. LaBahn told
18 you that. Consider somewhere else. And we're gonna
19 strongly consider it, the same thing. We want you to
20 reconsider that. There's plenty of places that the
21 Board can parole you to, any of the 58 counties. And I
22 would strongly urge you to look to somewhere else. I
23 don't think it's good for you, and I don't think it's
24 good for them to be ultimately ever paroled in the same

25 **CHUCK JOHNSON K-11650 DECISION PAGE 10 11/30/16**

1 location. And that may very well happen someday, that
2 you're gonna be paroled. We, so we didn't give any
3 weight to that, but we're just giving you some
4 recommendation. We gave significant weight to the fact
5 that we feel you've not engaged meaningfully in
6 institutional activities that indicate enhanced ability
7 to function within the law upon your release in specific
8 areas. The first being domestic violence. Signaled
9 early on that it was obvious to us that you've had a
10 long string of violence against women and, domestically.
11 And you were unable today to demonstrate even a, a
12 modicum of evidence that you understood what that was
13 all about. It's, I told you, a very complicated
14 situation. And when I heard the family of your ex-wife
15 talk, I heard the cycle of violence again, and again,
16 and again. And until you are not only just versed in
17 that, but an expert in that, we'll, you know, we'll
18 consider, you know, a, a possible release for you.
19 Because that's a key, we think, cornerstone to what was
20 going on there. And it probably in, in all estimations
21 we have, probably relates back to your feelings and
22 issues with women in general. Which may very well
23 trickle down to Brittany. And absent those, have a, a
24 great understanding of that, we, we are, we are of great

25 **CHUCK JOHNSON K-11650 DECISION PAGE 11 11/30/16**

1 concern that, if released, you would recidivate in that
2 way. And that is one of the things that makes you a
3 risk to the public safety. And to a lesser degree, but
4 still of concern, when we spoke to you, and specifically
5 I spoke to you, about the 12 Steps, because you, you
6 asserted you had an alcohol and drug problem, I was a
7 little shocked that I had a guy that didn't really know
8 the 12 Steps truly. He had a grasp of them. I had to
9 guide you through them. And it's, it should be
10 something that, if it's such a big deal like you talked
11 about, if it was such a big item or items that messed up
12 your life or helped you mess up your life, then you
13 certainly would, should have that, you know, it, it, you
14 should be able to say it frontwards, and backwards, and
15 repeat it, and show how you've incorporated it. And I
16 didn't get the sense, or, we didn't get the sense that
17 you did that today. So we'd like you to, to get back
18 and work on your, your 12 Steps of substance abuse.
19 Because it, as you asserted, was a cornerstone, again,
20 of why you were who you were at the time of the life
21 crime. And absent those skill sets, we're convinced
22 that you would recidivate if released from prison. We
23 also considered and gave moderate weight to the
24 Comprehensive Risk Assessment done by Dr. Chan of an

25 **CHUCK JOHNSON K-11650 DECISION PAGE 12 11/30/16**

1 interview that occurred on or about August 24, 2016.
2 Dr. Chan found you to be a moderate risk for future
3 violence. The doctor acknowledged it was somewhat of an
4 increase from the last time. And we talked about that
5 on the record. A big issue for the doctor with you is
6 insight and taking full responsibility for your actions.
7 Because, clearly Dr. Chan's report is not supportive of
8 parole. Anything you'd like to add?

9 **DEPUTY COMMISSIONER POMERANTZ:** You covered
10 everything so well, I have nothing to add other than I
11 agree.

12 **PRESIDING COMMISSIONER ROBERTS:** All right, thank
13 you.

14 **DEPUTY COMMISSIONER POMERANTZ:** You're welcome.

15 **PRESIDING COMMISSIONER ROBERTS:** And now, based
16 on these findings, we conclude that you continue to pose
17 an unreasonable risk of danger or threat to public
18 safety if you're released from prison at this time. So
19 accordingly, we find you not suitable for parole. Told
20 you that, early on in the hearing, the decision we made
21 today has to be reviewed. The Board has 120 days to
22 review and finalize the decision. You'll be notified if
23 there's any changes in that decision. That brings us to
24 length of denial. We're here today to adhere to Marsy's

25 **CHUCK JOHNSON K-11650 DECISION PAGE 13 11/30/16**

1 Law, and it presumes that we would deny at 15 years
2 unless there's clear and convincing evidence why the
3 public safety would not require a 15-year denial. We
4 feel the fact that you haven't had any violent rules
5 violations or major rules violations in the last 13
6 years would be suggestive that the public safety
7 wouldn't require a 15-year denial. We looked at ten
8 years, and we felt the fact that you've developed
9 marketable skills and you have an idea of what you need
10 to be doing for parole, which is developing parole plans
11 and Relapse Prevention Plans to help you, that would all
12 suggest public safety would not require a ten-year. So
13 we looked then at seven, five, and three. And we didn't
14 see a lot of movement since the last hearing. Even the
15 clinician said there was, you know, some improvement,
16 but we, we could not, we could not find a significant
17 amount to move down in that lesser range of seven, five,
18 and three. We think you're amenable to treatment,
19 because you've demonstrated that when you talked about
20 your involvement with AVP and so forth. So that, that
21 signaled to us that you're amenable to treatment. So
22 you're not a lost cause. But you're amenable to
23 treatment. So this is a seven-year denial. Now having
24 said that, please be aware that you can request an

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1 earlier hearing than the, the denial period we have
2 issued today, provided there's been a change of
3 circumstance, or new information that suggests a
4 reasonable likelihood that you don't require additional
5 incarceration. And that's done on a Petition to Advance
6 Form. Okay. I have to do two other things. The first
7 being, we defined your term as a result of the *Butler*
8 decision. And it's totally academic to you because in
9 January of this year, Senate Bill 230 was passed and
10 became effective. And it indicates when a person
11 reaches his or her minimum eligible parole date, reaches
12 his elderly or youthful offender date, that that's the
13 date that person's eligible for parole. So what we're
14 doing now is just a calculation and agreement we have
15 with the court until we can get that settled with the
16 court. So in compliance with the *Butler* decision, we
17 defined your term as found in Title 15, section 2403(b),
18 which is a First Degree Murder committed on or after
19 November 8, 1978. We felt the most appropriate column
20 was column C, severe trauma, in that the victim was
21 strangled and, and suffocated. We felt the most
22 appropriate row was, no prior relationship. You clearly
23 had no prior personal relationship with the victim. You
24 made that clear at the last hearing when Mr. LaBahn

25 **CHUCK JOHNSON K-11650 DECISION PAGE 15 11/30/16**

1 asked you, would you have a relationship with her. You
2 said, really I have none, or, had none. So based on
3 that, and based on what we heard today, we concluded
4 that was an accurate account of your relationship to
5 her. That would suggest a term of 29 years in the mid-
6 30, I'm sorry, 29 on the mitigated, 30 on the mid, and
7 31 on the aggravated. We looked at aggravation and
8 mitigation and found that 2404 and 2405. The fact that
9 the victim was a completely vulnerable victim, and the
10 fact that you went through some pretty significant
11 actions to cover up the, the, the murder of her by, you
12 know, securing her in a closet and covering her with
13 clothes and that's, and that, and, and what the plan
14 ultimately was has never been really established, even
15 through the last hearing. But we felt that was pretty
16 elaborate. And so for those reasons, we felt compelled
17 to aggravate. So your term is 372 months. Again,
18 academic for you because of the change in the law.
19 Between now and the next hearing, the Panel recommends
20 that you stay disciplinary-free. You've been able to do
21 that since, I believe, 2003. You should continue to
22 earn positive chronos. We would encourage you to get
23 self-help in the areas specifically talked about,
24 domestic violence and with substance abuse. You need to

25 **CHUCK JOHNSON K-11650 DECISION PAGE 16 11/30/16**

1 double-up that. You'd be, you need to be an expert in
2 that. We like what you're doing and continue to do what
3 you're doing with AVP. We, that was a very positive
4 move by you. And then finally, if you think you need
5 it, we would suggest that you seek therapy, which can be
6 done in the institution here, for whatever you think
7 needs to be addressed with regard to the life crime.
8 And we'd encourage you to do that if you think that's
9 gonna help you get to where you need to be. And with
10 that, we'd like to wish you good luck, sir. We'll now
11 conclude the hearing. I'd like to thank the family and
12 everybody for spending your time with us today. Time is
13 approximately 2:40.

14 **DEPUTY COMMISSIONER POMERANTZ:** Off the record.

15 **A D J O U R N M E N T**
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25 **CHUCK JOHNSON K-11650 DECISION PAGE 17 11/30/16**

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9 THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE
10 BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR
11 RECENT BOARD HEARING AND IS PROVIDED TO YOU IN
12 COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION
13 (A) (4) , AND CALIFORNIA CODE OF REGULATIONS, TITLE 15,
14 SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL
15 WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED
16 BY PENAL CODE SECTION 3041, SUBDIVISION (B) , UNLESS THE
17 BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE
18 PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED
19 TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF
20 LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO
21 CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042.
22 THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE
23 BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT
24 PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

25 CHUCK JOHNSON K-11650 DECISION PAGE 18 11/30/16

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, June R. Pennington, as the Official
Transcriber, hereby certify that the attached
proceedings:

In the matter of the Life)	CDC Number: K-11650
Term Parole Consideration)	
Hearing of:)	
)	
CHUCK JOHNSON)	
_____)	

CHUCKAWALLA VALLEY STATE PRISON

BLYTHE, CALIFORNIA

NOVEMBER 30, 2016

8:55 A.M.

were held as herein appears. Further, this transcript
is a true, complete, and accurate record, to the best of
my ability, of the recorded material provided for
transcription.



June R. Pennington
December 10, 2016
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