

PAROLE SUITABILITY HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Parole CDCR Number: **K11650**
Consideration Hearing of:

CHUCK JOHNSON

CHUCKAWALLA VALLEY STATE PRISON

BLYTHE, CALIFORNIA

NOVEMBER 16, 2023

08:40 AM

PANEL PRESENT:

KATHLEEN O'MEARA, Presiding Commissioner
ROSALIO CASTRO, Deputy Commissioner

OTHERS PRESENT:

CHUCK JOHNSON, Inmate
CONNIE LASKY, District Attorney
ALMA OGAN, Attorney for Inmate
DARREN RIGGS, VNOK
JENNIFER LUNDY, VNOK
BRIAN KELLY, Victim Representative
JOY WEBB, VNOK
KAREN SCHMAUSS, Victim Representative
RENA SMITH, Victim Representative
CRAIG RETHORN, VNOK
MACKENZIE LUNDY, VNOK
RACHEL HEFLER, Victim Support
ESPERANZA MARROQUIN, VNOK
MICHELLE PAMPLIN, VNOK
VICTORIA CATHEY, VNOK

BRENT PAMPLIN, VNOK
JASON KECK, Victim Representative
JESSICA CIOLI, Victim Advocate
KAITLYN LUNDY, VNOK
LYNN STANTON-RIGGS, VNOK
UNIDENTIFIED, Correctional Officers

Transcribed by:

Mathivanan Alagurajan

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PROCEEDINGS

PRESIDING COMMISSIONER NWAJEI: All right, again.

Good morning everybody. Today is November 16th, 2023. The time is 8:40 A.M. And this is a Second Subsequent Parole Suitability Hearing for Mr. Chuck Johnson, who is present in the Board of Parole Hearing Room at Chuckawalla Valley State Prison. This hearing is being conducted by video conference via Teams. It is audio recorded and it will be transcribed as the official record of this hearing. No other recordings are permitted to identify our voices. I will call on each person to state your full name and to spell your last name. I'll go first. My name is Kathleen O'Meara. My last name is spelled O-M-E-A-R-A. And I am a Commissioner with the Board of Parole Hearings. Deputy Commissioner.

DEPUTY COMMISSIONER TAYLOR: Rosalio Castro, C-A-S-T-R-O. Deputy Commissioner.

PRESIDING COMMISSIONER NWAJEI: Alright, Mr. Johnson, please give your full name, spell your last name and then give us your CDCR number.

INMATE JOHNSON: Chuck Edward Johnson J-O-H-N-S-O-N, CDC Number is K11650.

PRESIDING COMMISSIONER NWAJEI: Thank you, sir. Mr. Ogan.

ATTORNEY OGAN: Good morning. My name is Alma Ogan, O-G-A-N Attorney for Mr. Johnson.

1 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Ms. Lasky.

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

4 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Okay. I'm
5 going to, um, what I'll do is I'm going to say people's names
6 and then I'll have you come on and spell your last name for
7 us. And I just have a list. It's not alphabetical, um, but
8 I'm just going to read it off as it came to me. So, uh, first
9 I have Darren Riggs.

10 **VNOK DARREN RIGGS:** Darren Riggs, R-I-G-G-S, father of
11 Brittany.

12 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Jennifer
13 Lundy.

14 **VNOK JENNIFER LUNDY:** J-E-N-N-I-F-E-R L-U-N-D-Y
15 Brittany's mom.

16 **PRESIDING COMMISSIONER NWAJEI:** Okay. Uh, Brian
17 Kelly.

18 **DISTRICT ATTORNEY LASKY:** Commissioner does it look like,
19 uh, officer Kelly has logged in yet? Uh, but we can go ahead
20 and begin and, and he'll log in when he's available.

21 **PRESIDING COMMISSIONER NWAJEI:** Okay. I just let
22 somebody else in and I don't know who it was? Any chance
23 that's Brian Kelly who just joined us.

24 **VICTIM REPRESENTATIVE KELLY:** That yes, it is me.

25 **PRESIDING COMMISSIONER NWAJEI:** Oh, good. Okay.

1 You're just in time. We're just asking for introductions. Can
2 you give us your full name and spell your last name, please?

3 **VICTIM REPRESENTATIVE KELLY:** My name is Brian Kelly.
4 Last name is K-E-L-L-Y, uh, retired Police Sergeant from the
5 city of Montclair.

6 **PRESIDING COMMISSIONER NWAJEI:** And you're
7 representative for Darren, is that correct?

8 **VICTIM REPRESENTATIVE KELLY:** Correct.

9 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Uh, Joy
10 Webb.

11 **VNOK WEBB:** Um, Joy Webb, W-E-B-B. And I'm here for
12 Jennifer Lundy.

13 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Karen Sch
14 Mouse.

15 **VICTIM REPRESENTATIVE SCHMAUSS:** Hello everybody. I'm
16 Karen Schmauss, that's S-C-H-M-A-U-S-S. I'm a retired
17 prosecutor from San Bernardino County and I was the trial
18 prosecutor and I'm here as a representative, I believe for
19 Jennifer, what I have in my notes here? So thank you.

20 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Uh, Rena
21 Smith.

22 **VICTIM REPRESENTATIVE SMITH:** Present. Rena Smith, last
23 name, S-M-I-T-H, Brittany's Godfather, representative for
24 Jennifer who?

25 **PRESIDING COMMISSIONER NWAJEI:** Byron Lundy.

1 **DISTRICT ATTORNEY LASKY:** Um, Byron Lundy. May, may not
2 speak. Um, he is on the video. Um, his last name is L-U-N-D-
3 Y. Um, and he is on the video and he, he may, he may speak
4 later, but, or he may not speak at all.

5 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Justin
6 Lundy.

7 **DISTRICT ATTORNEY LASKY:** Justin will not be attending.

8 **PRESIDING COMMISSIONER NWAJEI:** Okay. Uh, Craig
9 Rethorn?

10 **VNOK RETHORN:** Yeah. Craig Rethorn R-E-T-H-O-R-N.
11 Grandparent.

12 **PRESIDING COMMISSIONER NWAJEI:** Mackenzie Lundy. Do
13 it again? I had <UNINTELLIGIBLE>.

14 **VNOK MACKENZIE LUNDY:** Oh, it's okay. Mackenzie Lundy
15 L-U-N-D-Y. Uh, sister of Brittany.

16 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Uh, Lynn
17 Stanton Riggs.

18 **DEPUTY COMMISSIONER TAYLOR:** Um, I just got a check
19 from her. She got kicked out. That's a frozen screen.

20 **PRESIDING COMMISSIONER NWAJEI:** Oh, okay. But she's
21 trying to get in.

22 **DEPUTY COMMISSIONER TAYLOR:** I'm assuming she's trying
23 to get back in. Yes.

24 **PRESIDING COMMISSIONER NWAJEI:** Okay. We'll double
25 back and check. And Rachel Hefler.

1 **VICTIM SUPPORT HEFLER:** Hi, Rachel Hefler H-E-F-L-E-R.
2 I'm Darren's cousin and I'm here on his behalf.

3 **PRESIDING COMMISSIONER NWAJEI:** Alright, um,
4 Esperanza Marroquin.

5 **VNOK MARROQUIN:** Present here for Mackenzie Lundy. M-
6 A-R-R-O-Q-U-I-N.

7 **PRESIDING COMMISSIONER NWAJEI:** Michelle Pamplin.

8 **VNOK MICHELLE PAMPLIN:** Michelle Pamplin. Last spelling
9 is P-A-M-P-L-I-N and I'm here because I was the Mother-in-Law
10 of the inmate.

11 **PRESIDING COMMISSIONER NWAJEI:** Um, the next name is
12 Victoria Cathey, is that correct?

13 **VNOK CATHEY:** Correct. Um, Victoria Cathey, C-A-T-H-E-
14 Y. And I'm, I'm with Michelle.

15 **PRESIDING COMMISSIONER NWAJEI:** Brent Pamplin.

16 **VNOK BRENT PAMPLIN:** Here. Brent. Last name Pamplin P-A-
17 M-P-L-I-N. I'm here, uh, escalations <INAUDIBLE> to Lundy.
18 And uh, in supportive <INAUDIBLE>.

19 **PRESIDING COMMISSIONER NWAJEI:** Alright. Mike
20 Pamplin.

21 **DISTRICT ATTORNEY LASKY:** He was unable gladly to attend
22 today.

23 **PRESIDING COMMISSIONER NWAJEI:** I missed that. Not
24 able to attend. Is that what you said?

25 **DISTRICT ATTORNEY LASKY:** Mike Pamplin was unable to

1 attend due to medical reasons.

2 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Uh,
3 Jason Keck?

4 **VICTIM REPRESENTATIVE KECK:** Yes. Jason Keck K-E-C-K
5 Victim Advocate DA's Office San Bernardino County
6 representative for victim's father Mr. Darren Riggs.

7 **PRESIDING COMMISSIONER NWAJEI:** Okay. Uh, Jessica
8 Cioli.

9 **VICTIM ADVOCATE CIOLI:** Um, yes. Jessica Cioli, Victim
10 Advocate with the San Bernardino County District Attorney's
11 Office. Also K-9 handler for Schreiber, supporting family
12 today.

13 **PRESIDING COMMISSIONER NWAJEI:** Alright.

14 **VICTIM ADVOCATE CIOLI:** C-I-O-L-I, last name.

15 **PRESIDING COMMISSIONER NWAJEI:** Thank you. Um, I
16 have, uh, support for Kaitlyn Lundy.

17 **DISTRICT ATTORNEY LASKY:** Yes. And Kaitlyn Lundy is on
18 video.

19 **PRESIDING COMMISSIONER NWAJEI:** Okay. Okay. Well
20 thank you everybody. Nice to meet you. And, um, Mr. Johnson,
21 were you able to, I know you can't see all the people who
22 introduced themselves, but you can see myself, you can see
23 Mr. Ogan, you can see there's people in the room. Um, there's
24 a number of people that you can see in, then some you can't
25 because they're not on video, is your? Okay. Um, at any time

1 it changes that you, your audio or your visual has any
2 difficulties, just please let the officers in the room know.

3 **INMATE JOHNSON:** I will do.

4 **PRESIDING COMMISSIONER NWAJEI:** Alright. And then
5 before we go any further.

6 **DISTRICT ATTORNEY LASKY:** Alright, Commissioner Lynn
7 Stanton-Riggs is back in and also I don't believe that
8 Kaitlyn Lundy, you have an introduction.

9 **PRESIDING COMMISSIONER NWAJEI:** Oh, okay. So Kaitlyn
10 Lundy, are you there?

11 **VNOK KAITLYN LUNDY:** Yes. Hi. Kaitlyn Lundy L-U-N-D-Y.
12 Um, younger sister of Brittany.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay, thank you. And,
14 um, did we get Lynn Stanton-Riggs? Okay, you're on mute.

15 **VNOK STANTON-RIGGS:** Now can you hear me?

16 **PRESIDING COMMISSIONER NWAJEI:** Yes.

17 **VNOK STANTON-RIGGS:** Thank you. I'm sorry. Lynn Stanton-
18 Riggs, S-T-A-N-T-O-N-R-I-G-G-S and I am Brittany's aunt.

19 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Have I
20 missed anybody? Ms. Lasky?

21 **DISTRICT ATTORNEY LASKY:** I believe that you've covered
22 everyone. Thank you, Commissioner.

23 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Very
24 good. Okay, Mr. Castro, how is our recording going?

25 **DEPUTY COMMISSIONER TAYLOR:** It's recording fine. We

1 can continue.

2 **PRESIDING COMMISSIONER NWAJEI:** Alright. So, Mr.
3 Johnson, we will not be, uh, reconsidering or retrying your
4 case. We accept the findings of the previous courts to be
5 true.

6 **INMATE JOHNSON:** Yes.

7 **PRESIDING COMMISSIONER NWAJEI:** The purpose of this,
8 this, this hearing is to determine who you are today and
9 whether you would pose an unreasonable risk to public safety
10 if you were to be released. So you were convicted on charges
11 of first degree murder in San Bernardino County and this
12 resulted in a sentence of 25 years to life.

13 **INMATE JOHNSON:** Yes.

14 **PRESIDING COMMISSIONER NWAJEI:** You were, you were 24
15 years old at the time of the life crime. You were now 54
16 years old and you've been in prison for over 30 years. You do
17 qualify for great weight to be applied to youth offender
18 factors and you also qualify for special consideration to be
19 given to elderly parole factors.

20 **INMATE JOHNSON:** Mm-Hmm. I do know that.

21 **PRESIDING COMMISSIONER NWAJEI:** Yeah. Yeah. After 50,
22 if you've been in more than 20 years, you do qualify for
23 elderly parole. And then of course, uh, youth offender law,
24 uh, requires special cons --, great weight to be applied to
25 youth offender law. So we have reviewed your Central File and

1 the Comprehensive Risk Assessment, which was just completed
2 in August of 2023. We've, uh, looked at all of the documents
3 that were submitted to the board prior to this hearing and we
4 incorporate all of this information by reference into the
5 record. We will not be discussing every factor in detail.
6 Additionally, we have reviewed the confidential file and if
7 there is anything in there in the confidential file that we
8 rely upon in our decision, but we'll certainly be letting you
9 know. So, uh, the first part of the hearing will be a
10 discussion about pre-conviction factors and you and I will
11 talk about that. And then, uh, that will be, you know, your,
12 your behavior before coming to prison, your life before
13 coming to prison, and, uh, the commitment offense. And then
14 we will move into discussion of post-conviction factors and
15 that will involve discussion with you about the programming
16 that you've engaged in behavior in the institution and your
17 release plans.

18 **INMATE JOHNSON:** Okay.

19 **PRESIDING COMMISSIONER NWAJEI:** And then after our
20 discussion with you, um, you'll have, uh, the Attorneys will
21 have an opportunity to ask you clarifying questions. So, um,
22 Ms. Lasky will be able to start by asking you clarifying
23 questions through the panel. And then Mr. Ogan, your
24 representative, will be able to ask you clarifying questions
25 directly. And then both Attorneys will be invited to make

1 closing statements of no more than 10 minutes each. And then
2 you can make a closing statement if you'd like, or you can
3 rely upon your Attorney's closing statement. That'll be your
4 choice. And then the victims will be invited to make impact
5 statements. And then with the conclusion of that, uh,
6 Commissioner Castro and I will go into deliberation and that
7 time we will discuss the case and we will come to a decision.
8 And once we've reached that decision, we will resume the
9 hearing and come back into this room and announce our
10 decision as well as the reasons for it.

11 **PRESIDING COMMISSIONER NWAJEI:** So this is.

12 **INMATE JOHNSON:** Okay.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay. And so this is
14 your hearing. If there are any topics that haven't been
15 covered or anything that you want to correct or clarify, you
16 are welcome to do that and you will be giving all of your
17 responses under oath. And so with that, I would like to swear
18 you in as a witness. So can you please raise your right hand?
19 Do you solemnly swear or affirm that the testimony you give
20 at this hearing will be the truth, the whole truth, and
21 nothing but the truth?

22 **INMATE JOHNSON:** I do.

23 **PRESIDING COMMISSIONER NWAJEI:** Thank you sir.
24 Alright. I want to review the Americans with Disabilities Act
25 and make sure that you've been fully accommodated for this

1 hearing and that we have effective communication. So in
2 reviewing your file, I see that you have a TABE score of 12.9
3 and you also have some college credits, is that correct?

4 **INMATE JOHNSON:** I do, yes.

5 **PRESIDING COMMISSIONER NWAJEI:** We're not dealing
6 with any kind of intellectual, um, problems or deficiencies
7 cognitively with you today. There's, you're of sound mind and
8 capable.

9 **INMATE JOHNSON:** Yes, ma'am.

10 **PRESIDING COMMISSIONER NWAJEI:** Alright. And then in
11 terms of physical accommodations, I only saw eyeglasses. Is
12 that the only accommodation you require?

13 **INMATE JOHNSON:** I have them.

14 **PRESIDING COMMISSIONER NWAJEI:** Great. Okay. Uh, any
15 other requirements, physical requirements?

16 **INMATE JOHNSON:** No.

17 **PRESIDING COMMISSIONER NWAJEI:** Okay.

18 **INMATE JOHNSON:** No.

19 **PRESIDING COMMISSIONER NWAJEI:** I did see that you
20 had a lower bunk only chrono. Um, are you having any kind of
21 physical issues that required that chrono?

22 **INMATE JOHNSON:** Uh, no. That's been, uh, expired. I
23 had a rotator cuff surgery a year ago. I'm fine now. Thank
24 you.

25 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. And I

1 also know that you did have some recent surgery or are you
2 having any sequelae from that that would cause discomfort?

3 **INMATE JOHNSON:** No, I'm fine. Thank you.

4 **PRESIDING COMMISSIONER NWAJEI:** Alright, very good.
5 Um, so it appears you are fully accommodated and you are in
6 the general population. You're not in the mental health
7 program. Last question, just we have to make an abundance of
8 caution to make sure that there are no issues that might
9 interfere with your ability to understand or answer questions
10 rationally today. But are you taking any medications that
11 could affect your ability to process information?

12 **INMATE JOHNSON:** No, I'm fine. No, I'm good.

13 **PRESIDING COMMISSIONER NWAJEI:** Good to go. Okay.
14 Alright. It appears to me you are fully accommodated and we
15 can proceed. Mr. Ogan, do you concur?

16 **ATTORNEY OGAN:** Yes, I do. Thank you.

17 **PRESIDING COMMISSIONER NWAJEI:** Okay. Any additional
18 documents?

19 **ATTORNEY OGAN:** Uh, they're none ma'am. All uh, the
20 documents, uh, have been submitted.

21 **PRESIDING COMMISSIONER NWAJEI:** Alright. Any
22 preliminary motions or objections?

23 **ATTORNEY OGAN:** Uh, none at this time. Thank you.

24 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. And we
25 do take breaks as a matter of course, but if anybody needs a

1 break, um, without one having been offered, just uh, request
2 it. And, um, Mr. Johnson, if at any point you wanted to have
3 a private Attorney-client privileged conversation with Mr.
4 Ogan, you can do that as well. You just have to let us know.

5 **INMATE JOHNSON:** Yes ma'am.

6 **PRESIDING COMMISSIONER NWAJEI:** Alright. So it's been
7 quite a few years since your last hearing. What do you think
8 the board is looking for today?

9 **INMATE JOHNSON:** Uh, if I worked with my, uh, issues
10 and worked on myself even in person and credibility.

11 **PRESIDING COMMISSIONER NWAJEI:** That's good. Anything
12 else?

13 **INMATE JOHNSON:** Uh, addressed a little more insight
14 by myself and, uh, my history.

15 **PRESIDING COMMISSIONER NWAJEI:** Do you think you've
16 done those things?

17 **INMATE JOHNSON:** I've done my best. I've, I, I feel
18 I've done my best so far.

19 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. So the
20 Comprehensive Risk Assessment was completed a little over
21 three months ago. Have you read that report?

22 **INMATE JOHNSON:** I have.

23 **PRESIDING COMMISSIONER NWAJEI:** Any points of
24 disagreement or areas in need of correction?

25 **INMATE JOHNSON:** Um, there's a, I believe there's a

1 misunderstanding between my, my biological father and my
2 stepdad. Uh, my biological father was an alcoholic and I did
3 not grow up with him. My stepdad, who I did grow up with, did
4 not drink, but he's the one that raised me and, uh, grew up
5 with him. The risk assessment, says it is, mentions the same
6 person. I think there was a misunderstanding.

7 **PRESIDING COMMISSIONER NWAJEI:** Was your stepfather
8 an alcoholic?

9 **INMATE JOHNSON:** No, he was not. My, my biological
10 father was.

11 **PRESIDING COMMISSIONER NWAJEI:** Okay. Because I just
12 pulled up that report and in that report it does describe the
13 stepfather as, um, an alcohol abuser who was also engaging in
14 domestic violence. So was your stepfather violent?

15 **INMATE JOHNSON:** My stepfather was violent, uh, yes.

16 **PRESIDING COMMISSIONER NWAJEI:** Okay. So all the
17 other descriptors about him, other than the alcohol aspect
18 are accurate?

19 **INMATE JOHNSON:** All are accurate, except the
20 alcohol? Yes.

21 **PRESIDING COMMISSIONER NWAJEI:** Okay. Thank you for
22 bringing that up.

23 **INMATE JOHNSON:** Sure.

24 **PRESIDING COMMISSIONER NWAJEI:** So you did get a low
25 rating on your risk assessment. Do you agree with that?

1 **INMATE JOHNSON:** I agree that I'm, I like who I'm
2 today and I've, I've fixed a lot of character defects in
3 myself.

4 **PRESIDING COMMISSIONER NWAJEI:** What in particular?

5 **INMATE JOHNSON:** Uh, dealing with my emotions and my
6 anger and violent nature.

7 **PRESIDING COMMISSIONER NWAJEI:** So dealing with
8 emotions and violent nature.

9 **INMATE JOHNSON:** Uh, basically, uh, addressing issues
10 that, that, that develop my anger issue and violent behavior.
11 Uh, I've addressed quite a few denials that I've been living
12 with.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. So
14 when you first answered that question, you said, dealing with
15 your emotions and a violent nature. So that's a pretty broad
16 topic.

17 **INMATE JOHNSON:** Okay.

18 **PRESIDING COMMISSIONER NWAJEI:** So when you say that
19 that, and that's fine, that's fine. When you said your
20 emotions, what are you talking about? Which ones in
21 particular?

22 **INMATE JOHNSON:** Uh, not being aware of them and
23 letting them take control of my thinking, being impetuous.
24 Uh, let my fears dictate my, uh, my actions of impulsive hit
25 being impulsive and, um, being in denial that, um, I'm

1 scared. And, uh, with, with the fact of controlling, uh, how
2 I feel, which has ultimately led to complicating my life.

3 **PRESIDING COMMISSIONER NWAJEI:** Mm-Hmm. And how did
4 all that contribute to a violent nature?

5 **INMATE JOHNSON:** Well, it affected everybody around
6 me. My, my ex-wife, her family, my family, uh, my victim, uh,
7 and my victim's family. Uh, it would've made a difference in
8 everyone's life if I would've addressed this sooner. Uh, it,
9 even in here is made life complicated at a certain point
10 until I've become, until I admitted I had a problem and, uh,
11 addressed those issues. Uh, certain things have come to pass
12 for me to wake up.

13 **PRESIDING COMMISSIONER NWAJEI:** So what did it take
14 for you to admit that you had a problem?

15 **INMATE JOHNSON:** Uh, my last board hearing things
16 were said that were profound, that I didn't take a clinical
17 view of, of things. And I, they hit me profoundly. And I was
18 like wondering what that all meant? You know, it was new and,
19 uh, the news that, uh, through family that my own, my own
20 sons that said that, uh, if I would've put them first, I, I
21 would've been gone to prison. And that, that stung and, um,
22 ultimately just really addressing and thinking about Brittany
23 Lynn and, and what I took from her and her family and being
24 honest with myself, uh, I, it just hit me all over time.

25 **PRESIDING COMMISSIONER NWAJEI:** Okay. So when you

1 talked about your violent nature and I asked you about that
2 and you said it affected everyone around you, the question
3 is, why did you have such a violent nature? Why were you so
4 violent?

5 **INMATE JOHNSON:** Oh, because, um, growing up in
6 insecure and, uh, I was always told that, you know, if don't,
7 don't be a bully, you know, but don't let people beat you up.
8 But when I did get in a fight, I was praised that, uh, as a
9 kid. And when I was punished? I was punished, but with
10 violence. So I internalized that as, uh, as, uh, the right
11 thing to do. And, uh, being in control using anger as a tool
12 was pay value. And I found security in that. And it became a
13 habit.

14 **PRESIDING COMMISSIONER NWAJEI:** What, what was the
15 last thing you said? It was what value?

16 **INMATE JOHNSON:** Um, <UNINTELLIGIBLE> when I, when I,
17 when I was, uh, angry and, and, and using violence to control
18 people, it became security. Uh, it, uh, it became a habit and
19 it made me feel comfortable by controlling things with
20 violence.

21 **PRESIDING COMMISSIONER NWAJEI:** And so where do you
22 think that came from to be like that?

23 **INMATE JOHNSON:** I learned it at home. I learned it
24 in school by bullies. Uh, sometimes I, I would get smacked or
25 something someone else did. And, uh, and I, sometimes I

1 didn't understand it, but I recognized it as, uh, as an
2 answer, uh, to get what they want? You know? And when I did
3 it, I did it to, in, in, in a sense of, uh, getting results
4 when I didn't get what I wanted, or I had unmet needs, I used
5 violence and anger. I felt people would pay attention to me,
6 and that lifted up my self-esteem.

7 **PRESIDING COMMISSIONER NWAJEI:** So in reading the
8 report on your background, it sounded like your father, your
9 stepfather, so he didn't abuse alcohol, but he did a lot of
10 domestic violence to the point where your mother left him
11 multiple times. And your mother I read was she was only 19
12 when she gave birth to you. So she was a very young mother.

13 **INMATE JOHNSON:** She was.

14 **PRESIDING COMMISSIONER NWAJEI:** And.

15 **INMATE JOHNSON:** She had her.

16 **PRESIDING COMMISSIONER NWAJEI:** Go ahead.

17 **INMATE JOHNSON:** She had her character defects too.
18 And she was young and she was learning, I'm the oldest
19 grandchild in that family.

20 **PRESIDING COMMISSIONER NWAJEI:** Okay. But she kept
21 going back to this man who was very abusive towards her. And
22 he was abusive to you too? He'd beat you up?

23 **INMATE JOHNSON:** Yes. There'd be, there'd be times
24 where I would hide from him. I'd wake up in the morning and
25 hide because, uh, I was afraid that I would catch him on a

1 bad morning. He used to compare me to my, uh, my, my, my
2 biological father and tell me I wasn't worth nothing. That I
3 was, uh, just a nuisance and usually with, uh, a shove to go
4 to my room and shut the door. So a lot of times I'd hide from
5 him.

6 **PRESIDING COMMISSIONER NWAJEI:** A lot of times what?

7 **INMATE JOHNSON:** I would hide from him because, uh,
8 when I got nervous around him, I would stutter and he would,
9 uh, it would frustrate me for some reason.

10 **PRESIDING COMMISSIONER NWAJEI:** And you stuttered
11 because he made you nervous?

12 **INMATE JOHNSON:** I stuttered when I was nervous as a
13 child.

14 **PRESIDING COMMISSIONER NWAJEI:** I also, it also
15 looked like you guys didn't have much money and, um, you were
16 quite poor at certain points. My, uh, my parents worked odd
17 jobs their whole life. We moved around a lot. We moved from,
18 uh, the East Coast to California a couple times. We lived in
19 Chicago. Uh, so there was a lot of jobs. Yes.

20 **PRESIDING COMMISSIONER NWAJEI:** So in, in that
21 environment, were you exposed to substance abuse?

22 **INMATE JOHNSON:** I was exposed to substance abuse
23 through basic, my friends, when we first settled down, I was
24 in the seventh grade. And, uh, in finding acceptance in other
25 people, it started with smoking cigarettes.

1 **PRESIDING COMMISSIONER NWAJEI:** Mm-Hmm.

2 **INMATE JOHNSON:** And there was, there was pay value
3 in that. It was like, okay, I'm, I, I, I'm, I'm not nervous
4 now I'm, I'm, I'm cool, I'm with my friends. And then it grew
5 to marijuana and then other drugs and I, I basically did it
6 because the substance abuse, because, um, it numb, it numbed
7 me. And alcohol, alcohol, I used to believe it just gave me
8 energy, like, like a cup of coffee or a red bull. But
9 actually it just numbed my emotions and made me feel more
10 confident and, uh, motivated me to be more active and po --
11 and, uh, posit --, uh, happier.

12 **PRESIDING COMMISSIONER NWAJEI:** Mm-Hmm. So were you,
13 did you develop a substance addictions through your friends?
14 Is that how it started for you?

15 **INMATE JOHNSON:** Yes.

16 **PRESIDING COMMISSIONER NWAJEI:** So how old were you
17 when you started using drugs and alcohol?

18 **INMATE JOHNSON:** I believe I was 13 or 14 when I
19 started smoking marijuana. Uh, methamphetamine wasn't
20 introduced to me till I was like 18 from a coworker work.
21 Alcohol was brought to my attention like at nine or 10,
22 because everybody in my, my family was always had a beer.

23 **PRESIDING COMMISSIONER NWAJEI:** But your stepdad
24 didn't drink.

25 **INMATE JOHNSON:** If he had a beer, it would last him

1 all night. And I don't even think he finished it.

2 **PRESIDING COMMISSIONER NWAJEI:** Okay. So the alcohol
3 abuse that you saw was from other extended family members?

4 **INMATE JOHNSON:** Um, yeah, basically. And, uh, my
5 grandparents, they, they, uh, they drank beer every night.
6 Uh, in a social event, uh, um, I was always told that, you
7 know, I'd be an alcoholic. Uh, when I was left with a, an
8 uncle in, uh, Indiana, I noticed that he had a refrigerator
9 set aside in his little garage full of nothing but beer. And,
10 uh, there was another refrigerator in the house for food. And
11 I used me and some friends used to sneak in there and get a
12 beer. And, uh, and that's when I was like 11 years old.

13 **PRESIDING COMMISSIONER NWAJEI:** Wow. Okay. So what
14 are your drugs of choice?

15 **INMATE JOHNSON:** In the past.

16 **PRESIDING COMMISSIONER NWAJEI:** Well, um, yeah, but I
17 mean.

18 **INMATE JOHNSON:** I.

19 **PRESIDING COMMISSIONER NWAJEI:** Well, let me ask you
20 this. Do you consider yourself as having any addictions?

21 **INMATE JOHNSON:** I'm, I have a very addictive
22 behavior. I have, I am addicted to, uh, methamphetamine and,
23 uh, marijuana and alcohol. Uh, a lot of people don't think
24 alcohol's a drug, but it is. But, um, I have the same from,
25 from any desire to use that. Uh, a lot of people think in

1 prison you can't get it. But it's in here and I just refuse
2 to use it, um, because it's ruined my life.

3 **PRESIDING COMMISSIONER NWAJEI:** Do you consider
4 yourself an addict alcoholic?

5 **INMATE JOHNSON:** Yes.

6 **PRESIDING COMMISSIONER NWAJEI:** Do you think that the
7 commitment offense would've occurred had you not been using
8 drugs?

9 **INMATE JOHNSON:** I believe that that Brittany would
10 still be alive today if I didn't, if I wasn't addicted to
11 drugs and alcohol. Um, and I was more honest with myself.
12 Yes.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Well,
14 tell us what happened with Brittany and tell us how all of
15 that was able to transpire in the first place.

16 **INMATE JOHNSON:** Um, I, I was up running my, for a
17 couple days. I was up all night the night before. I was, uh,
18 trying to get my hands on a, uh, some methamphetamine so I
19 could, uh, bag it up, sell it to, and get some personal for
20 myself. So I called a friend who met me in, uh, a pool hall
21 in Riverside on, uh, market street. And from there, I, I was
22 fronted so, and, uh, he asked me to give him a ride to, uh,
23 mission near the Montclair, the drive-through or drive-in. I
24 dropped him off and, uh, he said he would contact me so I
25 could reimburse him for the, the front of, uh,

1 methamphetamine. From there, I went, uh, back to, uh, Exeter
2 where I was staying. And when I got there, it was Dawn. It
3 was morning, early morning. Uh, Brittany Lynn was, uh,
4 walking around the house, uh, being curious. I, I said, uh, I
5 asked what she was doing and just to be conversive. And she
6 said she was hungry and her, her mom and dad were still in
7 bed. I asked her if she wanted some orange juice and she
8 confirmed it. And I gave her a glass of orange juice. And I
9 said, well, you want to watch cartoons? And she said, yes. So
10 I put her in front of the TV in the front room and watch
11 cartoons. And, uh, I had plans to, I had hopeful plans to
12 talk to my ex-wife because I was borderline beyond
13 reconciliation with her. And I wanted to, I didn't want to
14 let her go. Uh, so I thought, you know, I straightened,
15 cleaned up my car a little bit and asked her if she wanted to
16 go do something one night or that, or that evening. So I did
17 that and Brittany would follow me around and I really was in
18 the mood to be dealing with, with her. So I would constantly
19 take her back in the house. And I said, you know what? I just
20 need a wake up. I need a, a fix. So I put her back in front
21 of the TV and, uh, walked in the back of my, in the back of
22 the house where my bedroom's at and behind my door was where
23 I had kept the TV stand. I went and grabbed a mirror, uh, put
24 up there, and I poured everything out and I started to, uh,
25 slid it up and, uh, make sure I had enough to cover what I

1 was fronted before I do mine. Uh, and she came in, uh, said
2 she was hungry, or I don't really remember exactly, it was a
3 question like that. I don't remember the question. I said,
4 well, go out there and watch TV. Uh, you appear me up soon.
5 And I shut the door and I went back to know what I was doing?
6 I don't know how long it took, but she came back and I was
7 frustrated, uh, uh, even more because I felt, uh, at that
8 time that, uh, she's not her responsibility. Why am I? This
9 is getting interrupted. I, I need to get this done before
10 people get up. I need to get this put away. And when she came
11 in the next time, uh, with my left hand, uh, went to slam the
12 door, I caught her head in between the door and the
13 doorframe, and she yelled out and impulsively, um, I pulled
14 her in and said, are you okay? And she started crying and get
15 loud, but, but I said, look, it's okay. And I put my hand, I
16 turned around and put my hand over her mouth. I said, don't
17 wake anybody up. I tried to keep her quiet. She started to
18 struggle. And the whole time I'm thinking, things are not
19 what I want right now? This is really annoying. This is
20 really pissing me off. So I, I smothered her and I just
21 wanted her to pass out. I, I wanted her to protect my
22 secrets. I didn't want people in the house to know what I was
23 doing. I didn't want my, my wife to know what I was doing. I
24 don't want my nobody, my nobody to know. It was a secret. And
25 that was more important to a point where, um, I felt I didn't

1 care about her safety. And if I had to keep her quiet at all
2 costs, that's what I'm going to do? She died because I chose
3 to, uh, strangle it and smother her because, uh, my drugs
4 were more valuable to me. And my addiction stole in the
5 process of doing that. Um, I don't recall if she was still
6 struggling or not. When I started hearing, uh, her parents
7 and Steve yelled through the house for her, but the phone
8 rang in my room and, uh, Mr. Riggs, Darren Riggs was on the
9 phone and had asked me, uh, if I've seen her or if I know
10 where she was at. I lied. And I said, no. And I'm thinking,
11 everything's getting out of control. They're, uh, they're in
12 the backyard yelling. They're in the front yard. They're in
13 the house yelling, they're pounding on my door. I, uh, I
14 said, I need, I'm thinking in my head, I got to hide my
15 drugs. I got to get out there because I have to show that,
16 you know, why, why isn't I out there? So by that time, she
17 was limp in my hands. I laid her down in my closet and I put
18 every stuff on top of her to hide her and grabbed what I
19 could, up the mirror back into a bag, put that in my wallet,
20 and took the mirror, put it upside down on the, on the carpet
21 and moved it around to wipe it clean, put it between the
22 mattress. I, she had a blanket with her. I kind of kicked out
23 or pushed it underneath my bed. And I went out with the guys
24 of, uh, looking just as distraught and confused as they were.
25 I showed, uh, an effort to go out and go to the neighbor's

1 house and, uh, ask questions. And, uh, the whole time I'm
2 thinking, uh, this is not what I want? This is out of
3 control. This is over my head. Uh, I thought I'd be clever by
4 picking up the phone and dial 911. Uh, her mother grabbed the
5 phone and I walked around the house not knowing what to do?
6 I'm worried now the police are involved and now I'm scared. I
7 don't know what to do? The police showed up, uh, and they
8 start walking through the house and asking questions of her
9 parents. And one officer, I believe it was Officer Kelly, uh,
10 walked to the back of the house. And, uh, I just follow him
11 back there, uh, with the, the, the look of <UNINTELLIGIBLE>
12 being helpful, just to get a visual in my room to see if
13 everything was covered, uh, to see if he could see where I
14 laid Brittany at. He told me to go. Sorry.

15 **PRESIDING COMMISSIONER NWAJEI:** I, let me interrupt,
16 but I'm going to interrupt you just for a minute here. Let
17 me, let me back you up a bit.

18 **INMATE JOHNSON:** Okay.

19 **PRESIDING COMMISSIONER NWAJEI:** When you, when
20 Brittany started crying, you, you basically didn't want
21 anybody to know what you were doing and you were trying to
22 keep her quiet because you didn't want anybody to wake up.
23 You were trying to get your, your dope all figured out when
24 you put your hand over her mouth to keep her from crying. At,
25 at any point during that, were you consciously trying to kill

1 her?

2 **INMATE JOHNSON:** I, I didn't care if she died. I'd
3 rather she died than my, uh, my secrets got found out. Uh,
4 and when she went, when she went limp and stopped struggling,
5 I proceeded to kill her. Yes.

6 **PRESIDING COMMISSIONER NWAJEI:** So when she went limp
7 and stopped struggling, you, you made the conscious decision
8 to.

9 **INMATE JOHNSON:** <UNINTELLIGIBLE>.

10 **PRESIDING COMMISSIONER NWAJEI:** To end her, to end
11 her life.

12 **INMATE JOHNSON:** Yes.

13 **PRESIDING COMMISSIONER NWAJEI:** And.

14 **INMATE JOHNSON:** Uh.

15 **PRESIDING COMMISSIONER NWAJEI:** Go ahead.

16 **INMATE JOHNSON:** To my thinking. It would be to my
17 thinking at that time, it would be one less, uh, complication
18 and to control what I wanted to control? Because I had lost
19 control of everything.

20 **PRESIDING COMMISSIONER NWAJEI:** It, it, it sounds
21 quite obvious that you clearly had no consequential thinking
22 at that point in terms of, um, I mean, aside from that being
23 outrageously callous and, and unempathic and irresponsible
24 at, at the very least, um, you had no, no sense that what you
25 were doing there was ultimately quite, um, obstructive to

1 your, to your own goals?

2 **INMATE JOHNSON:** I, I really wasn't even any thought
3 to five minutes ahead of, of myself. I, no, I, I, I, I
4 didn't, I didn't, I wasn't thinking I was on, on autopilot. I
5 was just doing something that made sense at that second,
6 which ultimately cost Brittany her life and the life of her
7 family.

8 **PRESIDING COMMISSIONER NWAJEI:** Right. And then, like
9 you said, you went out under the guise of being helpful by
10 trying to call her name and find her along with everybody
11 else who was in a panic looking for her.

12 **INMATE JOHNSON:** Yeah. Another form of my deceptions.
13 Yes.

14 **PRESIDING COMMISSIONER NWAJEI:** And it went on for
15 quite a while. Right, because your interview, I read the
16 interview of the, when the, when the police were questioning
17 you, um, and, uh, you were quite steadfast in your denial for
18 quite some time. Uh, yeah, there was a lot of, the timeframe
19 is just kind of a blur right now. I wasn't, I was, I was
20 coming down. I didn't have eight, I didn't get my fixed to
21 get to get high again. So everything was just impulsive and I
22 felt comfortable, uh, just denying everything and pushing it
23 away.

24 **PRESIDING COMMISSIONER NWAJEI:** Did you, did you ever
25 think about her parents and the other people who loved her

1 and what the impact of that was on them for you to, um,
2 maintain that? Why?

3 **INMATE JOHNSON:** I, I did think about the impact, but
4 the impact I was thinking was selfish. They're going to be
5 mad. They're going to, they're going to, I'm going to tell
6 they're going to call the police. They're going to, they're
7 going to hurt me. They're going to, I just did something
8 ultimately unforgivable, uh, to their feelings, to their, uh,
9 their consideration. Did I choose to do the right thing and
10 save her life, uh, Brittany's life? No, I didn't. I was
11 totally, at that time, totally a one hundred percent reckless
12 and selfish.

13 **PRESIDING COMMISSIONER NWAJEI:** Given that state of
14 mind, the attitude and the priorities you had at that time,
15 is there anything that could have prevented you from doing
16 what you did?

17 **INMATE JOHNSON:** Um, dealing with my character
18 defects and not getting, doing drugs, doing the right thing,
19 uh, honoring life, uh, being more patient, sat, talked, what
20 I was doing with the drugs? And sat there and watched
21 cartoons with her and went to her parents, got up being more
22 patient. And there's a lot of different scenarios I could
23 have done.

24 **PRESIDING COMMISSIONER NWAJEI:** Okay.

25 **INMATE JOHNSON:** But I chose not to at that time.

1 **PRESIDING COMMISSIONER NWAJEI:** When the officers
2 were interviewing you, how, how long did that interview last?
3 And it, it looked like it might've lasted over a period of
4 more than one day.

5 **INMATE JOHNSON:** The, the interview I, I got from,
6 uh, the detectives were at the police station in Montclair,
7 uh, at the time, uh, when I believe it was Officer Kelly that
8 ran out after finding Brittany's body. Uh, they ran to the
9 hospital and another officer, uh, when her family found out,
10 when Brittany's family found out that that they got her there
11 at the hospital, they all left. The officers at the house
12 told, uh, Steve and I, that, uh, we should leave because this
13 is now probably going to be a crime scene. And, uh, we may
14 not want to be there when things start to set up. Which,
15 which I was surprised and a little relieved. I said, I need
16 to get my car keys and my wallet and everything out of my
17 bedroom. And officer took me in there. I was able to get all
18 that. Um, and I left. Uh, I was contacted later at, uh, my
19 in-laws house that detective wanted to talk to me, so I
20 voluntarily went with him to the police station in Montclair.
21 And that's where the interview happened. I don't really
22 remember how long the interview was? But I know I was
23 exhausted and it seemed like it was forever.

24 **PRESIDING COMMISSIONER NWAJEI:** How were you able to
25 hold onto that lie for such a long time?

1 **INMATE JOHNSON:** Growing up lies became natural. Uh,
2 my mother always told me, you know, you, you tell one lie,
3 you've got to cut to another lie to overlap that one. And it
4 just, it's a snowball effect. But, um, I lied a lot as a kid
5 to avoid people's anger and, and being punished or getting in
6 trouble or finding acceptance. So lying bec -- became
7 natural, uh, attribute for me, well, not attribute's the
8 wrong word, but it became a, a, a natural instinct for me.
9 So, and with the fact that acknowledging that now Brittany
10 Lynn is dead and it was my fault and that I, I knew that
11 there was a lot of shame there and I was afraid to admit that
12 what I did was this ultimate sin. There's no way that I would
13 fess up to that in my mentality then.

14 **PRESIDING COMMISSIONER NWAJEI:** Do you still use any
15 drugs?

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

17 **PRESIDING COMMISSIONER NWAJEI:** How long has it been
18 since you've used any kind of illicit substance?

19 **INMATE JOHNSON:** Um, the last beer I drank was, uh,
20 October of 1993. Uh, any drugs I've done or be even before
21 that or further back than that.

22 **PRESIDING COMMISSIONER NWAJEI:** And you identify your
23 drugs of choice as, um.

24 **INMATE JOHNSON:** Methamphetamine.

25 **PRESIDING COMMISSIONER NWAJEI:** Methamphetamine,

1 marijuana and alcohol.

2 **INMATE JOHNSON:** Marijuana and alcohol.

3 **PRESIDING COMMISSIONER NWAJEI:** Okay. So you, do you
4 consider yourself an addict in recovery?

5 **INMATE JOHNSON:** Every day.

6 **PRESIDING COMMISSIONER NWAJEI:** Okay. Are you
7 involved in a program of recovery?

8 **INMATE JOHNSON:** I'm in, uh, Narcotics Anonymous.

9 **PRESIDING COMMISSIONER NWAJEI:** Did you say NA?

10 **INMATE JOHNSON:** Yes. NA, yeah.

11 **PRESIDING COMMISSIONER NWAJEI:** AA as well?

12 **INMATE JOHNSON:** No, the classes are full here.

13 **PRESIDING COMMISSIONER NWAJEI:** Oh.

14 **INMATE JOHNSON:** Uh, I, I've been trying to get into
15 the groups for a couple of years, uh, and I just recently got
16 a NA, they found a spot for me because the, the hours of the
17 classes here, uh, cannot cope. They can't conflict with your,
18 uh, job assignment hours. But I finally got into one and I'm
19 grateful.

20 **PRESIDING COMMISSIONER NWAJEI:** When did you get in
21 other than?

22 **INMATE JOHNSON:** Uh, couple, uh, a couple of months
23 ago. Uh, other than that, I sit with, uh, a few, uh, the
24 other addi -- addicts in my building and we discuss and talk
25 and we share our thoughts, feelings, and our, and what we've

1 been through, through the week, uh, and related it to what we
2 would, how we would react if we were high? And sometimes we
3 pull each other over and, you know, tell stories or they're
4 watching TV and it's about a drug movie or something. And it
5 is like, they, they remember these thoughts and how it used
6 to be humorous, but it is not no more. So we have little
7 groups in the building unofficially, but that's it.

8 **PRESIDING COMMISSIONER NWAJEI:** Okay. Uh, so when you
9 say unofficially, it's, it doesn't follow the standard 12
10 step format of?

11 **INMATE JOHNSON:** No, it's, it is the 12 steps. It
12 make me have a problem. There's a power myself. Uh, no, we
13 just don't, it's not sponsored by anybody. It's just us
14 getting together after dinner in, in our, in, in the
15 building.

16 **PRESIDING COMMISSIONER NWAJEI:** How many of you are
17 there?

18 **INMATE JOHNSON:** Six.

19 **PRESIDING COMMISSIONER NWAJEI:** Oh.

20 **INMATE JOHNSON:** Five and me.

21 **PRESIDING COMMISSIONER NWAJEI:** Okay. So you're a
22 pretty steady group then, of six people? The same six people.

23 **INMATE JOHNSON:** Yes.

24 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. Do you
25 have a clean and sober date?

1 **INMATE JOHNSON:** Uh, October 10th, 1993.

2 **PRESIDING COMMISSIONER NWAJEI:** Do you have a
3 sponsor?

4 **INMATE JOHNSON:** Uh, my cousin Gary on the streets,
5 uh, and, uh, my friend here, uh, he, we sponsor each other,
6 so to speak.

7 **PRESIDING COMMISSIONER NWAJEI:** Okay. So you're more
8 like accountability partners?

9 **INMATE JOHNSON:** Yes, ma'am.

10 **PRESIDING COMMISSIONER NWAJEI:** Okay. Alright. How
11 far have you gone in the steps?

12 **INMATE JOHNSON:** Uh, nine. Uh, yeah.

13 **PRESIDING COMMISSIONER NWAJEI:** The step two. You've
14 gone to step nine?

15 **INMATE JOHNSON:** Yes.

16 **PRESIDING COMMISSIONER NWAJEI:** Okay. Have you?

17 **INMATE JOHNSON:** I went to.

18 **PRESIDING COMMISSIONER NWAJEI:** Go ahead.

19 **INMATE JOHNSON:** Well, that's, that's part of what
20 we're doing now. Uh, making amends to people when it doesn't
21 cau -- cause an harm, you know, making amends to or victims.

22 **PRESIDING COMMISSIONER NWAJEI:** How do you do that?

23 **INMATE JOHNSON:** I do that by, uh, by following step
24 one, step four and step five, meaning to God, myself, and
25 another, something, another human being exactly to my wrongs.

1 Uh, it keeps me honest. That's one of my values. And I is
2 honesty and, uh, having trust. If you can't apologize to
3 somebody, you can't trust them or you can't be trusted. And
4 it, it helps to apologize and, and, and type and straighten
5 it up right away.

6 **PRESIDING COMMISSIONER NWAJEI:** Okay. Have you had
7 any temptations to use or drink?

8 **INMATE JOHNSON:** Nothing really strong. Uh, other
9 than more than a thought, which can be enough sometimes, but
10 nothing driving, no. You know, I would pain, you know, this
11 would be a time that to relax, but then I correct it and said
12 that's that negative thinking. Other than that, no.

13 **PRESIDING COMMISSIONER NWAJEI:** So what kind of? So
14 you, you practice, you work on some of the steps, you're at
15 step nine. What kind of daily practices do you have to
16 maintain sob -- sobriety?

17 **INMATE JOHNSON:** Uh, every morning I, I wake up and
18 I, uh, take account how I feel, you know? Uh, I live in an
19 environment where there's a lot of different personalities.
20 Sometimes we get woke up, uh, ahead of time, which is rude,
21 but I wake up and I think, how do I feel? I, I check how I
22 feel and, uh, remind myself of everything I need to get done
23 and, uh, what I hope to accomplish?

24 **PRESIDING COMMISSIONER NWAJEI:** So when was the last
25 time you felt close to, or maybe not necessarily close to,

1 but somehow that your sobriety was threatened?

2 **INMATE JOHNSON:** Uh, um, about 16 years ago at
3 another prison, there was, uh, there was a marij --, there
4 was weed present and they asked me if I wanted to go walk the
5 yard, and I declined. And they asked me, he goes, are you
6 sick? I go, no, I'd just go rather play softball, you know?
7 But if there wasn't a softball game, I'm an addict. I
8 might've done it if I didn't have a good enough reason, if I
9 wasn't, uh, vigilant one of the triggers and, and, and, uh,
10 uh, and recovery is, uh, complacent. I'm not going to, I
11 don't want let my guard down and let your guard down. I, I
12 ruined people's lives. It ruined my life.

13 **PRESIDING COMMISSIONER NWAJEL:** So did you do a
14 fourth step? I know you said you're at step nine, but I just
15 want to ask about some specific ones. Did you do a, a fourth
16 step?

17 **INMATE JOHNSON:** That was a fourth step? Yeah. Uh,
18 basically, uh, foremost, uh, Brittany Lynn, uh, I'm, when I
19 spend meditation times, I think of her, uh, I've written
20 apology letters. I've called who I could? My ex-wife, I've,
21 um, made amends to her, uh, after.

22 **PRESIDING COMMISSIONER NWAJEL:** Hold on, hold on,
23 hold on a second. Hold on. What, what is the fourth step?

24 **INMATE JOHNSON:** Make a list of people we harmed.

25 **PRESIDING COMMISSIONER NWAJEL:** No, the fourth step

1 is the searching on fearless moral inventory.

2 **INMATE JOHNSON:** Yes, you're right. Um, yeah, excuse
3 me, I'm, I got no excuse for that. You're right.

4 **PRESIDING COMMISSIONER NWAJEI:** Okay. So with that in
5 mind, have you done the fourth step, which is the searching
6 and fearless mor --, moral inventory?

7 **INMATE JOHNSON:** Yes, I've, um, I've addressed the
8 fact that, um, my ethics in the past were wrong. I am, do
9 worry. I am afraid. I, um, have, at the end of the day, do I
10 feel comfortable with all the conversation and interactions
11 I've had throughout the day. Uh, am I holding onto to any
12 grudges, any resentments, uh.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay.

14 **INMATE JOHNSON:** And address those when it can? Yes.

15 **PRESIDING COMMISSIONER NWAJEI:** I think probably the
16 simplest way to think about the fourth step is, is it's the
17 un -- well, not, what am I trying to say here? Um, it's when
18 you really look at your character defects, right? The
19 searching and fearless moral inventory is what are my issues?
20 What?

21 **INMATE JOHNSON:** Right.

22 **PRESIDING COMMISSIONER NWAJEI:** Where are things not
23 right? So, with that kind of more basic explanation, can you
24 address what your moral inventory came up with for you?

25 **INMATE JOHNSON:** Well, a lot of my fears, um, I feel

1 that we're responsible for ourselves. So, um, I try to
2 maintain an integrity of, uh, uh, to make sure my thinking
3 and my behavior is right. Uh, am I, am I getting lazy in, uh,
4 my relationships and my being unaccountable for, uh,
5 impulsive choices? Um, sometimes it's hard to address
6 certain, certain things, but, um, I like to believe that I
7 can be trusted to make that call and, and maintain a longer
8 and stronger relationship.

9 **PRESIDING COMMISSIONER NWAJEI:** Okay. Thank you for
10 your answers, sir.

11 **INMATE JOHNSON:** I.

12 **PRESIDING COMMISSIONER NWAJEI:** Go ahead.

13 **INMATE JOHNSON:** I just have values today and I just
14 focus on the values. Uh, it's easy to, uh, uh, lose my train
15 of thought because I'm a little nervous. But.

16 **PRESIDING COMMISSIONER NWAJEI:** Understand, um, let
17 me ask a different question. Um, is relapse a possibility for
18 you?

19 **INMATE JOHNSON:** Absolutely. Absolutely. If I can
20 complacent or the situation gets too strong or I, um, I, I
21 forget to check myself. It's, it is a, it's a serious,
22 dangerous threat. Yes.

23 **PRESIDING COMMISSIONER NWAJEI:** Okay. Thank you. I'm,
24 I'm sure I'm going to have some more questions for you later,
25 but I'm going to turn over the inquiry to my colleague Mr.

1 Castro, so I'll have you put your attention to him. Thank you
2 for your answers so far, Mr. Johnson.

3 **INMATE JOHNSON:** Thank you.

4 **DEPUTY COMMISSIONER TAYLOR:** Thank you. Good morning,
5 Mr. Johnson.

6 **INMATE JOHNSON:** Good morning. Mr. Castro.

7 **DEPUTY COMMISSIONER TAYLOR:** Uh, help me understand
8 this. You told the, uh, Commissioner that you, uh, wanted,
9 um, Brittany to pass out, but you also told the Commissioner
10 that you strangled her and you decided to kill her. And you
11 explain that passing out versus intent to kill.

12 **INMATE JOHNSON:** Uh, at that moment, um, I was
13 keeping her held down in control and keeping her from yelling
14 or, or, or screaming. Uh, it was an impulsive thing. I wasn't
15 planning to do it structurally. I just did it in any way,
16 shape or form I could to a point where I felt I went too far.
17 Now I felt I needed to control it by making sure that she
18 didn't make a, another sound by killing her. Uh, the autopsy
19 said that there was some strangling and there was some
20 smothering, which, uh, being accountable, I, I remember
21 grabbing around her throat and I remember smothering her,
22 mainly smothering her, but if the autopsy, say strangled her
23 and I remember having to r around the neck with my, with,
24 with my forearm. Um, I'm being accountable for that and I did
25 that. And my, me when she was, uh, helpless and I'm not

1 struggling, I want her to maintain that.

2 **DEPUTY COMMISSIONER TAYLOR:** Alright. Um, I don't want
3 this to get too confusing. So you wanted her to pass out, you
4 told the Commissioner right?

5 **INMATE JOHNSON:** After a point. Yes.

6 **DEPUTY COMMISSIONER TAYLOR:** Alright. Well first you
7 wanted her just to be quiet.

8 **INMATE JOHNSON:** I didn't want her to scream out
9 again. When I hit her with the door, when I pulled her in,
10 that was primary. I want, I didn't want her to, I want her to
11 stop crying. She wouldn't stop crying, so I put my hand over
12 her mouth so she would, wouldn't scream out because she was
13 getting louder. So I moved her around the room too because I
14 had to get her away from the door. And, uh, in moving her,
15 she was struggling. There was a point where I made the
16 conscious decision to make sure she had, she died. That I
17 killed her.

18 **DEPUTY COMMISSIONER TAYLOR:** Yeah. You told the
19 Commissioner when she stopped struggling, you decided to kill
20 her. So.

21 **INMATE JOHNSON:** I didn't want her too.

22 **DEPUTY COMMISSIONER TAYLOR:** So I'm trying to
23 understand that. So you're smothering, strangling her, she
24 goes limp and you continued to strangle her after that.

25 **INMATE JOHNSON:** I wanted to make sure she didn't

1 wake up when I left the room.

2 **DEPUTY COMMISSIONER TAYLOR:** Now answer the question.
3 You continued to struggle her to strangle her after she went
4 in there?

5 **INMATE JOHNSON:** Yes.

6 **DEPUTY COMMISSIONER TAYLOR:** With intent of killing
7 her?

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

9 **DEPUTY COMMISSIONER TAYLOR:** Is this the first time
10 that you've admitted that you strangled her?

11 **INMATE JOHNSON:** Yes, I believe it is, yes.

12 **DEPUTY COMMISSIONER TAYLOR:** Because I read paperwork
13 where you said you don't remember strangling her.

14 **INMATE JOHNSON:** Yeah. That, that was a pretty
15 deceptive person back then. I let my own.

16 **DEPUTY COMMISSIONER TAYLOR:** Alright, so, but then,
17 right now you were saying you were doing it with your
18 forearm, not with your hands, but if the report says you
19 strangled her, then you strangled her. So do you remember
20 strangling her or not?

21 **INMATE JOHNSON:** I remember my hand going across her
22 throat, yes, when I was moving her across the room, yes. But
23 I wasn't focused on any motive to kill. I just wanted her to
24 die by stop breathing. That was my thinking. I wanted her to
25 stop breathing.

1 **DEPUTY COMMISSIONER TAYLOR:** Then. Alright, another
2 thing I want to clear up is, you said you were coming down,
3 you had been up all night. Were you under the influence or
4 not?

5 **INMATE JOHNSON:** I was, I've been, been on, uh,
6 methamphetamine for a full, complete day minimum.

7 **DEPUTY COMMISSIONER TAYLOR:** All right. That's all the
8 questions I have about pre-conviction factors. Can I proceed
9 to post-conviction, Commissioner. Okay. Alright. So, Mr.
10 Johnson, we've uh, reviewed all the paperwork in your case,
11 everything you submitted, everything that's been submitted in
12 this case, the whole file, including transcripts of, of prior
13 hearings. So when we may not discuss everything, but you were
14 denied parole back in 2016. Since that time I see that you've
15 participated in, in several, uh, work programs like dining
16 room, recyclery, worked as a porter and yard worker. You have
17 satisfactory, uh, supervisory reports from your work. You
18 didn't do any vocational activities since 26, 2016. You have
19 participated in, in NA I saw 10 hours of participation from
20 September to November of this year. Does that sound right?

21 **INMATE JOHNSON:** That's yes, that's right.

22 **DEPUTY COMMISSIONER TAYLOR:** Are you also in the, uh,
23 CBI or outpatient program saw 253 hours of participation
24 there. Do you remember the various subjects that recovered
25 there?

1 **INMATE JOHNSON:** Uh, family, emotions, uh, defects of
2 character, life skills.

3 **DEPUTY COMMISSIONER TAYLOR:** Alright. Restorative
4 justice in 2021. Alternatives to violence program in 2018.
5 Emotional awareness in 2018. The correspondence, domestic
6 violence through the PREP program and breaking barriers in
7 2017. Anything else that you've done as far as Self-help
8 since 2016?

9 **INMATE JOHNSON:** Uh, domestic violence. Other than
10 that, no, that's, that sums it up.

11 **DEPUTY COMMISSIONER TAYLOR:** Alright, so you've
12 discussed substance abuse with the Commissioner. The only
13 other question on substance abuse I have is, well, I have
14 two. First one is, what is the difference between recovery
15 and abstinence?

16 **INMATE JOHNSON:** Recovery is a dated and everyday
17 thing. Um, abstinence would go would be, that's a, that's a
18 good question. I don't know the definition of abstinence. I
19 know recovery, which I focused on is a day to day everyday
20 thing and ongoing progress.

21 **DISTRICT ATTORNEY LASKY:** Commissioner, I'm sorry to
22 interrupt very quickly. Um, I just want to let you know, uh,
23 Brian Lundy, um.

24 **PRESIDING COMMISSIONER NWAJEI:** Brian Kelly.

25 **DISTRICT ATTORNEY LASKY:** Oh, but Brian Kelly, um, logged

1 off. It was not an accident. He had a personal emergency come
2 up. He will try to log back, back on later, but wants us to
3 continue, continue with the hearing. I just didn't want you
4 to see him disappear and think there was a problem. So, I'm
5 sorry to interrupt.

6 **PRESIDING COMMISSIONER NWAJEI:** No, no problems.
7 Thank you Ms. Lasky.

8 **DEPUTY COMMISSIONER TAYLOR:** Alright, so Mr. Uh,
9 Johnson recovery, everyday thing. Ongoing, but what, what
10 thing? It's ongoing, but what is it?

11 **INMATE JOHNSON:** Ongoing by being aware of my, how
12 I'm feeling, what I'm doing, the temptations, my behavior,
13 uh, being aware of my surroundings, uh, my moods. Uh, I got,
14 uh, internal and external triggers, uh, that I'm, uh, fully
15 aware with, uh, components of, uh, uh, uh, um, what's the
16 word? I'm, I'm losing sight on a word. Relapse, components of
17 relapse and just being familiar with, uh, what I'm feeling?
18 And, uh, interact and put in, uh, uh.

19 **DEPUTY COMMISSIONER TAYLOR:** Alright.

20 **INMATE JOHNSON:** Uh, my triggers.

21 **DEPUTY COMMISSIONER TAYLOR:** So.

22 **INMATE JOHNSON:** Yeah, I'm.

23 **DEPUTY COMMISSIONER TAYLOR:** Yeah. You're referring to
24 your relapse prevention plan.

25 **INMATE JOHNSON:** Yes.

1 **DEPUTY COMMISSIONER TAYLOR:** Which you submitted and
2 I've read and I don't have questions about that. One thing
3 that I usually ask folks is, do you recognize any differences
4 in, in maintaining your sobriety in the community versus
5 maintaining your sobriety in prison? Do you think there's any
6 differences?

7 **INMATE JOHNSON:** Oh, I think there'd be a big
8 difference. Uh, the more temptations will be present on the
9 free world. Uh, less temptation in here. Uh, a lot more, uh,
10 uh, stimulant out there, uh, distractions, uh, on the, in the
11 street. So I'm fully aware that the challenges would be
12 greater. One of the key points that I was maintaining is the
13 complacent. I just can't get complacent. And the fact that I,
14 I beat it because I could slip and re -- relapse and start my
15 whole misery all over again. And misery of other people in my
16 life, because they're all going to suffer too.

17 **DEPUTY COMMISSIONER TAYLOR:** Is there anything that
18 you'll be doing differently in the community to maintain your
19 sobriety than what you're doing now?

20 **INMATE JOHNSON:** Actually, uh, working hard to make
21 amends and, and reconnect with, uh, family members, uh, going
22 to meetings. No, I'll still go to meetings. I, I, I kind of
23 look forward to meetings because, uh, I, I, there's people
24 there that I understand my problems and I understand their
25 problems, that we give each other words to some of the things

1 that, you know, we can't put words to, uh, going to work. Uh,
2 I don't mind working. I've always been good at working. Um,
3 so I think the only difference is I won't be playing. Uh,
4 I'll be more embracing hobbies out there in the world, uh,
5 rather than sports.

6 **DEPUTY COMMISSIONER TAYLOR:** Alright. How do you, uh,
7 deal with anger today?

8 **INMATE JOHNSON:** Honestly, I, uh, I use, uh, humor.
9 Um, I tell myself, you know, I'm not going to let my emotions
10 control me. I'm, uh, what we call a boss of our brain? Um,
11 that's what thinking is for? Um, if I let it go too far and
12 check, then I owe somebody a, an apology. I do it and direct
13 directly and let them understand why I think this, and I use
14 humor and common ground.

15 **DEPUTY COMMISSIONER TAYLOR:** What kind of emotion is
16 anger?

17 **INMATE JOHNSON:** How many emotions are there? I'm
18 sorry.

19 **DEPUTY COMMISSIONER TAYLOR:** What kind of emotion is
20 anger?

21 **INMATE JOHNSON:** Fear. It, it's a secondary motion.
22 Anxiety, fear, worry, rejection, uh, is the, is the creator
23 of fear or creator of anger.

24 **DEPUTY COMMISSIONER TAYLOR:** What does it mean to be a
25 secondary emotion? What's the difference between, uh, primary

1 and a secondary emotion?

2 **INMATE JOHNSON:** Second, a primary emotion would be
3 worries. Uh, fear, uh, anxieties. Uh, people turn to fear as
4 a tool, well, that's the wrong word. They turn to fear, to,
5 uh, to motivate them to defend themselves or, uh, find
6 comfort in a comfort zone. Um, and it motivates them to do
7 good and it motivates them to do justice and sometimes
8 motivates them to do evil. But the secondary motion, it is a
9 reaction to find comfort, to feel safe.

10 **DEPUTY COMMISSIONER TAYLOR:** When was the last time you
11 got angry?

12 **INMATE JOHNSON:** A couple of days ago. And my job
13 assignment, I work in the kitchen and lazy people that want
14 to feel entitled and, uh, they want to steal and get us all
15 yelled at by the supervisor and the officer. Uh, it's
16 frustrated, but I, you can't control everything. So I accept
17 it. And that's part of a recovery is accepting.

18 **DEPUTY COMMISSIONER TAYLOR:** How would you avoid or
19 deal with conflict with another person, like another inmate?

20 **INMATE JOHNSON:** Well, depending on the conflict, if
21 it was just an argument, I would fear that person out in
22 their side. I'd ask them to hear my side and they'd say, oh,
23 okay, well, I agree, disagree. Uh, if it was just growing
24 conflict get worse, I would go do something constructive. Uh,
25 and say that, you know, I, I don't like this and I don't want

1 to do this. And I'm sure you don't want to do it either. But
2 I would do something positive, like, uh, go clean something
3 or go to Bobby.

4 **DEPUTY COMMISSIONER TAYLOR:** Alright. What is the cycle
5 of domestic violence?

6 **INMATE JOHNSON:** Uh, cycle of violence is, uh, what I
7 talked about earlier? For me, it's, it's, it's, it's negative
8 self-talk, it's put down.

9 **DEPUTY COMMISSIONER TAYLOR:** Uh.

10 **INMATE JOHNSON:** Like I put my.

11 **DEPUTY COMMISSIONER TAYLOR:** Let me repeat the question
12 to make sure we're understanding each other. What is the
13 cycle of domestic violence?

14 **INMATE JOHNSON:** Oh, uh, aggression, explosion and
15 honeymoon phase.

16 **DEPUTY COMMISSIONER TAYLOR:** And what are the types of
17 domestic violence?

18 **INMATE JOHNSON:** I'm sorry I don't hear nothing now.

19 **DEPUTY COMMISSIONER TAYLOR:** Sorry. What are the types
20 of domestic violence?

21 **INMATE JOHNSON:** Um, types of domestic violence are,
22 uh oh, it's physical, it's emotional, it's verbal, it's
23 money, it's sex, it's threats of family, family violence.
24 It's controlling their friends. It's a combination of them,
25 it's power and control.

1 **DEPUTY COMMISSIONER TAYLOR:** How do you stop the cycle?

2 **INMATE JOHNSON:** Address my issues. Uh, uh, use the
3 components that I, that uh, I practice for my causative
4 factors. I honestly myself, uh, my thinking and about my
5 emotions control, I use honesty. Um, uh, AVP taught me to
6 use, uh, transforming components and I use, uh, common ground
7 and honesty and sometimes humor.

8 **DEPUTY COMMISSIONER TAYLOR:** Alright. Your discipline
9 history's been discussed in the past. There's no new rule
10 violation reports since your last hearing. Matter of fact,
11 last series rule violation was in 2003. Your last violence,
12 uh, write-up was a mutual combat in 1999. I'm getting a lot
13 of background noise, like echo or something. Is that in the
14 room, Mr. Johnson?

15 **INMATE JOHNSON:** It's not like they're vacuuming in
16 the next room over, they're cleaning or something.

17 **DEPUTY COMMISSIONER TAYLOR:** Alright, well, we'll do
18 something when we can. Um, have you violated any, any rules
19 since, uh, 2016?

20 **INMATE JOHNSON:** No, I've been disciplinary free. Uh,
21 um, my behavior sometimes slips. So in my mind I got, um, a
22 little verbally disrespectful to staff. I, a, but I quickly
23 amend that. And other than that, no. I got, I feel I'm in
24 good standing with the staff here at this prison.

25 **DEPUTY COMMISSIONER TAYLOR:** Have you had to use your

1 coping skills to, uh, remain discipline free?

2 **INMATE JOHNSON:** Yeah. Oh yeah.

3 **DEPUTY COMMISSIONER TAYLOR:** Can you give me an example
4 of a recent one if you can?

5 **INMATE JOHNSON:** Um, uh, in my job I'm a position
6 called the linebacker. It is my responsibility to make sure
7 that all the food stays hot and gets and, and works to be to
8 feed the population. And sometimes you get people in here who
9 want to control things and demand and, uh, take upon
10 themselves to, uh, overstep my area of responsibility. And I,
11 I tell them like, this is my job. And sometimes they get
12 entitled and they get aggressive and they get mouthy. And I
13 just use my coping skills and say, okay, it's, it's really
14 not that important whether I'm in this job or somebody else,
15 it's going to get done. But just, you know, I understand that
16 there's more ways to get a cat. You have your reviews, I have
17 mine. And he said, well, what doesn't matter then? Uh, well,
18 well just make sure you get the job done. So I use my coping
19 skills and acceptance and, uh, communication and honesty.

20 **DEPUTY COMMISSIONER TAYLOR:** Have you been involved in
21 any fights in prison other than the mutual com --? Have you
22 been involved in any fights in prison other than the mutual
23 combat for which you were written up in May of 1999?

24 **INMATE JOHNSON:** Yes.

25 **DEPUTY COMMISSIONER TAYLOR:** When is the.

1 **INMATE JOHNSON:** Yeah, undocumented.

2 **DEPUTY COMMISSIONER TAYLOR:** When is the last time?

3 **INMATE JOHNSON:** About 15, 16 years ago at wa -- at,
4 uh, Avenal State Prison.

5 **DEPUTY COMMISSIONER TAYLOR:** How many fights total?

6 **INMATE JOHNSON:** I'm sorry.

7 **DEPUTY COMMISSIONER TAYLOR:** How many fights total?

8 **INMATE JOHNSON:** Just one. One.

9 **DEPUTY COMMISSIONER TAYLOR:** Just one other one.

10 **INMATE JOHNSON:** Just that one. Yeah. And, uh, there
11 was a little pushing match before that one, but it wasn't
12 really a fight, but it was, it was resolved real quick.

13 **DEPUTY COMMISSIONER TAYLOR:** How many times have you
14 used, uh, an illicit cell phone in, in prison?

15 **INMATE JOHNSON:** Um, here at this prison on another
16 yard. Uh, I was in a position of maintenance and a trust
17 position. There was, uh.

18 **DEPUTY COMMISSIONER TAYLOR:** How many times have you
19 used?

20 **INMATE JOHNSON:** Well, I'm getting this.

21 **DEPUTY COMMISSIONER TAYLOR:** Contraband cell phone in
22 prison.

23 **INMATE JOHNSON:** Twice. Twice. Twice.

24 **DEPUTY COMMISSIONER TAYLOR:** When?

25 **INMATE JOHNSON:** 2010.

1 **DEPUTY COMMISSIONER TAYLOR:** Where are you going to
2 live if we parole you?

3 **INMATE JOHNSON:** I've written, uh, a number of, uh,
4 transitional places, which tell me that I need to, uh, deal
5 with my CC one or CC two, but transitional housing is, uh, my
6 primary.

7 **DEPUTY COMMISSIONER TAYLOR:** Have you?

8 **INMATE JOHNSON:** I got number of.

9 **DEPUTY COMMISSIONER TAYLOR:** Have you gotten any
10 acceptance letters from transitional houses?

11 **INMATE JOHNSON:** Uh, uh no, other than, uh,
12 Franciscan house on my last hearing.

13 **DEPUTY COMMISSIONER TAYLOR:** 2016.

14 **INMATE JOHNSON:** 2016, that's I've written.

15 **DEPUTY COMMISSIONER TAYLOR:** And after 2016, you, you
16 wrote to them for, to try to get letters for this hearing?

17 **INMATE JOHNSON:** For this year, I, I wrote about 12
18 transitional houses, Henry from Lighthouse in San and to, uh,
19 west Care. I've written in Fresno, San Bernardino, uh, San
20 Diego. I've written, because my last hearing, they said they
21 refrain. I was to refrain from moving to Los Angeles. I've
22 written other places and I've, I've gotten a reports back and
23 they said I need to get with my CC one or CC two or my parole
24 caseworker. I have all the copies of the answers. Some were
25 return to cinder.

1 **DEPUTY COMMISSIONER TAYLOR:** Where would you live after
2 transitional housing?

3 **INMATE JOHNSON:** Um, a small apartment. Uh, I would
4 like eventually go. I can, if, if I got a parole, I'd like to
5 move back East, uh, to Florida. My sister, uh, where most of
6 my, uh, support will be increased.

7 **DEPUTY COMMISSIONER TAYLOR:** What's your support in
8 California?

9 **INMATE JOHNSON:** Uh, my cousin Gary, he's, he's the
10 only family member I have here in the State of California,
11 uh, which I, uh, had plans to, uh, make the best of.

12 **DEPUTY COMMISSIONER TAYLOR:** Where does he live? Where
13 does the cousin live?

14 **INMATE JOHNSON:** Uh, he lives in, I want to say Eagle
15 Rock or someplace. I only talked to him on the phone and our
16 tablets and, and messaging. I don't know exactly his address
17 yet.

18 **DEPUTY COMMISSIONER TAYLOR:** Alright.

19 **INMATE JOHNSON:** It was never brought up in
20 conversation.

21 **DEPUTY COMMISSIONER TAYLOR:** How are you going to
22 support yourself in the community?

23 **INMATE JOHNSON:** Um, utilize the transitional houses
24 that, that what they have to offer, uh, work. Uh, I think my
25 biggest expense after a transitional house would be rent,

1 food.

2 **DEPUTY COMMISSIONER TAYLOR:** Do you have any marketable
3 skills?

4 **INMATE JOHNSON:** Uh, I can drive a forklift. Uh, I
5 paint, uh, machine shop. I'm good with, uh, uh, making parts
6 for motors and I moving parts and, uh, I can, uh, office of
7 office supply. Uh, I'm familiar with office supplies for
8 shipping and for like, uh, home depot places.

9 **DEPUTY COMMISSIONER TAYLOR:** How are you going to stay
10 out of trouble?

11 **INMATE JOHNSON:** By following my, my, uh, relapse
12 prevention plan. Uh, being aware of my emotions, my causative
13 factors, practicing coping skills, uh, get, I like to get
14 into a hobby. I like to make things with my hands. Uh,
15 because I feel if I have my, if I stay busy, I won't be idle
16 to relapse. I like to study, uh, uh, sea life. So that would
17 probably be a hobby I'll look into as well as, uh.

18 **DEPUTY COMMISSIONER TAYLOR:** Are you going to, are you
19 going to be involved in any Self-help groups?

20 **INMATE JOHNSON:** Oh, yeah.

21 **DEPUTY COMMISSIONER TAYLOR:** Awareness groups and
22 anything like that.

23 **INMATE JOHNSON:** I, I do look forward to getting in
24 an NA or AA, or both group at least three times a week
25 because I feel I can connect there and I think it'd be a

1 good, uh, area to start for social interactions. And I feel
2 safe there. I feel, I feel like I, I I'm with where I should
3 be at. I owe it to my victims to go.

4 **DEPUTY COMMISSIONER TAYLOR:** You have letters of
5 support from, uh, sister and niece and there are any others?

6 **INMATE JOHNSON:** My niece, um, I have a nephew. I
7 have other cousins and everything, but they can only offer
8 me, uh, moral support and, uh, a sounding board. Sometimes
9 they're tough out there for them. They can't offer me any
10 financial aid other than my sister and my, my niece.

11 **DEPUTY COMMISSIONER TAYLOR:** Right. There were a lot of
12 opposition letters received in this case. They're on the
13 file. Um, that's all I have. Thank you.

14 **INMATE JOHNSON:** Thank you.

15 **DISTRICT ATTORNEY LASKY:** Commissioner, can we take a
16 short break, uh, for people to be at the restroom?

17 **PRESIDING COMMISSIONER NWAJEI:** Uh, absolutely. Let's
18 take, uh, I was going to say, let's take 10 minutes, um, have
19 everybody come back. Be, be back and in your seats and ready
20 to go at 10:15. Okay.

21 **DISTRICT ATTORNEY LASKY:** Thank you, Commissioner.

22 **DEPUTY COMMISSIONER TAYLOR:** Okay.

23
24 **[RECESS]**
25

PRESIDING COMMISSIONER NWAJEL: Okay, Mr. Johnson.

Um, I had a, just a, a few more questions if that. Um, one second. Alright. I, I'm, um, pulling up the Comprehensive Risk Assessment on my screen and, uh, forgive these delays here, but I'm, um, going to open up my document and kind of scroll through it. So, so it's going to be a little bit, uh, uh, a little choppy here. By choppy, I mean, there'll be some pauses along the way if I wanted to ask some questions. Let's see. Maybe I had fewer than I thought. Oh, here's one thing that was in your report that I wanted to ask you about. The clinician apparently asked you a question or two about violence and children and you indicated prior to the commitment offense, you'd never had any violence towards a child and you couldn't anticipate any situation in the future of risk for harming a child. And then you were asked when you, when was the last time you felt like hurting somebody? And you said that you use sarcasm to cope with frustration with others and don't think about hurting anybody. What did you mean that you use sarcasm to cope with frustration?

INMATE JOHNSON: Um, it is going through the stages of recovery. I started with being real aggressive to a point of, uh, being sarcastic to acceptance sarcasm. Um, that, that was kind of a strong word. Uh, when I said car -- sarcasm, I, uh, basically then, um, uh, saying bluntly a true thing with a humor. Um, not in a, in a form of aggression, just the form

1 of clowning. I understand that sarcasm is a form of anger.
2 Uh, uh, somebody else has, had, had mentioned it too, uh,
3 after my hearing, after my, uh, psych, well, and I go, well,
4 I never looked at it like that. And, uh, because a lot of
5 people use sarcasms, and I just thought maybe, you know what?
6 Maybe I've been harming people and didn't realize it. Uh, but
7 I use humor to alleviate any aggression, any
8 misunderstanding. Uh, it's the last thing I want to do is
9 offend people, especially in here. Because it can get me more
10 trouble, uh, offend a family member. Because I'm tired of
11 making victims. I, I just, sarcasm is just a form of, uh,
12 addressing truth in a humorous way.

13 **PRESIDING COMMISSIONER NWAJEI:** Okay. Thank you for
14 the clarification.

15 **INMATE JOHNSON:** Thank you.

16 **PRESIDING COMMISSIONER NWAJEI:** Alright. I actually
17 don't have any further questions. Confirming, uh, Mr. Castro,
18 that you have no questions either.

19 **DEPUTY COMMISSIONER TAYLOR:** I don't have any other
20 questions. Thank you.

21 **PRESIDING COMMISSIONER NWAJEI:** Okay. Uh, Ms. Lasky,
22 would you like to ask some clarifying questions?

23 **DISTRICT ATTORNEY LASKY:** Yes. Thank you. Sorry. I have
24 two, uh, computers that I'm managing here. So I was pushing
25 mute on the wrong one. Um.

1 **PRESIDING COMMISSIONER NWAJEI:** Not a, not a worry.
2 Before, before you go on, I just want to remind Mr. Johnson
3 that he's, uh, Ms. Lasky is going to be asking you questions
4 through the panel. So that means if you just pause before you
5 answer. Okay? Alright. Okay, go ahead.

6 **DISTRICT ATTORNEY LASKY:** Thank you. The inmate said that
7 today that his sister is his primary support. The inmate's
8 sister has continued to attack, attack, both Michelle Pamplin
9 and Brittany's mom for years, accused of Brittany's mother of
10 the committing the murder as he told his sister that he
11 actually intentionally murdered Brittany.

12 **PRESIDING COMMISSIONER NWAJEI:** I think I didn't hear
13 that last part. What was the question?

14 **DISTRICT ATTORNEY LASKY:** Has he told his sister the
15 facts of the case and that he intentionally committed the
16 murder of Brittany?

17 **PRESIDING COMMISSIONER NWAJEI:** Okay. You can answer
18 that, sir.

19 **INMATE JOHNSON:** I have discussed it with her and I
20 told her, uh, and I told her the reason I did it. I held it
21 from her, was the same reason I kept her from knowing I was
22 doing drugs. Uh, but yes, I have addressed it with her and,
23 uh, I understand that she's hurt. Because you know, she's my
24 sister.

25 **DISTRICT ATTORNEY LASKY:** The inmate said in the

1 Comprehensive Risk Assessment that he had, quote, bought a
2 bunch of drugs and wanted to bag them up and do something.
3 Where did he put the extra bag?

4 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

5 **INMATE JOHNSON:** Uh, everything went in my wallet. I
6 had a Velcro wallet and there was a pocket I, I stored that
7 stuff in. Because I never went anywhere without my wallet.

8 **DISTRICT ATTORNEY LASKY:** Brittany's baby blanket was
9 stored on a top shelf in the linen closet in the hallway by
10 his room. How did it end up in his bedroom?

11 **PRESIDING COMMISSIONER NWAJEI:** You can answer that.

12 **INMATE JOHNSON:** She had the blanket in her hand. She
13 was dragging around when I put her on the couch in front of
14 the TV. That's what she had? I didn't go up in any shelves.

15 **DISTRICT ATTORNEY LASKY:** How did Brittany's blood and
16 saliva get on her blanket?

17 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

18 **INMATE JOHNSON:** Uh, in the autopsy, there was
19 tearing in her mouth. I, I assume the blood came from there.
20 Uh, I don't recall ever using the blanket to smother. I just
21 remember the blanket being on, being in her hands and on the
22 floor.

23 **DISTRICT ATTORNEY LASKY:** How did the inmate's DNA get on
24 the baby blanket if all he did was kick it under the bed?

25 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

1 **INMATE JOHNSON:** I didn't know my DNA was on the
2 blanket other than hair. I didn't know. I never thought about
3 that.

4 **DISTRICT ATTORNEY LASKY:** When Brittany's body was found.
5 She was wearing shorts and a T-shirt and no panties. When she
6 was put to bed, she was wearing panties and a nightgown. Her
7 clothes were in a dresser drawer that she could not reach.
8 How did her clothes get changed?

9 **INMATE JOHNSON:** When I got home, she was walking
10 around with a blanket and nothing. So I asked her where her
11 shorts were at. I wasn't there the night before when she went
12 to sleep. Uh, she said the, her, her shorts and clothes were
13 in her front room closet by the back door. And, uh, I got her
14 shorts and she put them on and a shirt. That's all I had in,
15 that's all I gave her.

16 **DISTRICT ATTORNEY LASKY:** Why was Brittany's favorite
17 cartoon tape in the inmate's VCR in his room?

18 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

19 **INMATE JOHNSON:** I didn't know. I had her VCR tape
20 and the VCR in my room.

21 **DISTRICT ATTORNEY LASKY:** The neighbor told police that
22 he, she saw Brittany in the passenger seat.

23 **PRESIDING COMMISSIONER NWAJEI:** Oh. Um, you're going
24 to have to do that question again. It didn't come through.
25 Looks like everybody in the room might be frozen. Okay. Ms.

1 Lasky, if you can hear us, we've lost, uh, connection. We can
2 see the room, but it's frozen.

3 **DEPUTY COMMISSIONER TAYLOR:** Yeah, we lost her.

4 **VNOK KAITLYN LUNDY:** Hi. Um, my name is Kaitlyn. Uh, I've
5 been on video call. My sister just texted me who's in the
6 room? She said the computer died.

7 **PRESIDING COMMISSIONER NWAJEI:** Uh, okay. Alright,
8 well, let's go off record for a few minutes and let them get
9 back on.

10 **VNOK KAITLYN LUNDY:** Right. Thank you.

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

12 **DEPUTY COMMISSIONER TAYLOR:** Off the record.

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1 **PRESIDING COMMISSIONER NWAJEI:** Okay, Ms. Lasky, do
2 you remember where you left off? There was a.

3 **DISTRICT ATTORNEY LASKY:** I, I, I.

4 **PRESIDING COMMISSIONER NWAJEI:** A neighbor said
5 something.

6 **DISTRICT ATTORNEY LASKY:** I do. Thank you Commissioner.
7 The neighbor told police that she saw Brittany in the
8 passenger seat of the inmate's car at the end of the driveway
9 that morning before she died. Where was the inmate taking
10 Brittany?

11 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

12 **INMATE JOHNSON:** I wasn't taking her anywhere. I was
13 cleaning up my car and she sat in the passenger seat, watched
14 what I was doing and asking questions? She was just sitting
15 there. I wasn't taking her anywhere.

16 **DISTRICT ATTORNEY LASKY:** The inmate appears to have a
17 new tattoo since the last hearing on his arm. When did he get
18 that tattoo on his arm and what does it signify?

19 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

20 **INMATE JOHNSON:** Uh, actually I've got three tattoos
21 on my arm. I got the first one in 1997 and the last one in
22 was, uh, in the lip, 2000 something I got a, a write-up for
23 it.

24 **DISTRICT ATTORNEY LASKY:** And the inmate, the inmate
25 indicated in his writings that he moved around a lot, um,

1 including, uh, Colorado, I think Illinois. Um, at what, when
2 did he live in Colorado?

3 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

4 **INMATE JOHNSON:** Uh, shortly before I met my ex-wife,
5 I moved out here for my grandparents so my grandfather can go
6 see a specialist for his eczema. They decided to move back to
7 Colorado. I stayed.

8 **DISTRICT ATTORNEY LASKY:** One moment Commissioner.

9 **PRESIDING COMMISSIONER NWAJEI:** Okay.

10 **DISTRICT ATTORNEY LASKY:** Um, so one more question based
11 on information, um, from Jennifer Lundy the night before, uh,
12 Brittany's murder, the inmate was upset when Brittany got out
13 of the bathtub, uh, naked. Why?

14 **PRESIDING COMMISSIONER NWAJEI:** You can answer.

15 **INMATE JOHNSON:** Um, I don't recall being upset about
16 that. I remember, uh, asking something that she's got no
17 clothes on. Maybe she's going to get cold, but I don't
18 remember being upset about it.

19 **DISTRICT ATTORNEY LASKY:** Thank you. Thank you,
20 Commissioner. I do not have, have any more clarifying
21 questions at this time.

22 **PRESIDING COMMISSIONER NWAJEI:** Alright. Thank you
23 Ms. Lasky. Mr. Ogan.

24 **ATTORNEY OGAN:** I have no questions. Thank you.

25 **PRESIDING COMMISSIONER NWAJEI:** Okay, Ms. Lasky, do

1 you have a closing statement?

2 **DISTRICT ATTORNEY LASKY:** I do. Thank you Commissioner.
3 The inmate has concocted a story about why he killed baby
4 Brittany? He's concocted a story that lets him blame drugs
5 for the crime because then all he has to do is take some AA
6 or NA and he can claim that he is all better. Even with this
7 new story, the inmate does not even know the steps for his
8 preferred Self-help. The inmate is an intelligent man, but
9 has not even been able to learn the proper buzzwords of his
10 minimal Self-help. Inmate claimed that he was trying to
11 prevent Brittany from seeing him using drugs. Why? A three-
12 year-old wouldn't even know what that was? There were no
13 drugs nor drug paraphernalia found in his room when it was
14 searched by the police. What was found Brittany's baby
15 blanket hidden under his bed with Brittany's blood and
16 saliva, as well as his DNA on it. Brittany's favorite cartoon
17 video in the VCR in his room, a jar of Vaseline and the body
18 of a three-year-old child in his closet with blood force
19 trauma to the head evidence of suffocation strangulation and
20 suspicious redness around her vagina. That doesn't sound like
21 he was trying to hide drug use. It sounds like something far
22 worse. The story of Brittany's injuries do not make sense.
23 The people submitted diagrams and photos of the house, but
24 the injuries to Brittany's head or on the wrong side of her
25 head to have happened if he shut the door on her today when

1 expressing the murder. He never mentioned strangulation until
2 confronted with it. After pro -- prompting, he mentioned a
3 bent arm toe cold, which is not even used by police because
4 it is so deadly. Inmate had Brittany while she was still
5 alive in the front seat of his car headed down the driveway.
6 The inmate's closet was right next to the closet of
7 Brittany's parents. If Brittany has been as loud as the
8 inmate claimed, they would've hurt her. The inmate qualifies
9 for consideration under both youthful offender parole and
10 elder parole at the time that he murdered Brittany. The
11 inmate was married with two children, so he was not your
12 typical youthful offender. He claims that his stepfather was
13 abusive, which is where he learned his violent tendencies,
14 yet he changed his name to that of his stepfather after he
15 turned 18. As far as elder parole, the inmate seems
16 physically fit clear of mine and is still clearly physically
17 capable of choking and beating and strangling a tiny three-
18 year-old child. Due to his continuing minimization, his
19 continued lack of Self-help internalization and his obvious
20 lack of credibility. The inmate continues to pose an un-
21 credible, unreasonable danger to public safety. The inmate is
22 no more prepared to be safely released into society than he
23 was at his last hearing. For that reason, the inmate's parole
24 should be denied for another seven years. Thank you,
25 Commissioner.

1 **PRESIDING COMMISSIONER NWAJEI:** Thank you, Mr. Ogan.

2 **ATTORNEY OGAN:** Yeah. Um, the, um, issue before the board
3 today is, um, whether, if I could just wait a minute for my,
4 okay. Uh, the issue before the board today is whether Mr.
5 Johnson, um, current equals an unreasonable risk to society
6 if he's released. In essence, this is the evidence of
7 current, um, dangerousness. Um, first of all, I'd like to
8 request that the, um, uh, the decision of the board be based
9 on what is in the official record? Um, uh, uh, allegations of
10 speculation that are not part of the, uh, original record are
11 not evidence, uh, for the board's, uh, consideration. Um, I
12 also think it's important to note that, um, Mr. Johnson was
13 convicted of a murder. Um, after, um, uh, the crime was
14 committed, the, uh, treating physician did, um, examine the
15 victim and, uh, indicated in the report that there was no
16 evidence of any sexual, um, uh, crime. Uh, this also was
17 repeated in the autopsy report. And so any other thing, um,
18 any speculation as to, or whatever motives, uh, that would be
19 pure speculation. There is no evidence in the official record
20 that supports that. Having said that, in support of, um, uh,
21 he's being found, um, suitable, we have the risk assessment,
22 which rates him a low risk. I'd also like to point to, um,
23 the fact that in the risk assessment, uh, he's not diagnosed
24 with, uh, any personality disorder, which would indicate
25 that, um, uh, the antisocial issues were ingrained in him is

1 also not diagnosed with any mental health issues, uh, which
2 would indicate that, uh, that is not a risk factor. Um,
3 regarding, uh, his vision of what happened, uh, I'd like to,
4 uh, refer to, uh, page 267 of the 10-day packet itself, I
5 believe, um, uh, in, um, the documentation that was submitted
6 by the DA's, uh, office, which actually corroborates his, uh,
7 version, um, on page 267, uh, one of the witnesses, I believe
8 it's Johnson, uh, the Johnson told Cross, uh, I think this is
9 a, uh, Mr. Cross, uh, testifying, uh, a statement he gave to
10 the police, uh, that, uh, Mr. Johnson couldn't handle
11 children's crime and, uh, loses his temper when they do? And,
12 um, he went farther, uh, lower down on the page to indicate,
13 uh, that there was an incident where, um, Mr. Johnson's baby
14 was crying. And, uh, Mr. Johnson forcefully showed, uh, the
15 feeding bottle into the baby's mouth to stop the baby from
16 crying. Uh, this would corroborate, um, the testimony we
17 heard from, uh, Mr. Johnson today about being angry, uh,
18 that, um, uh, the victim, uh, had interrupted, um, his, uh,
19 attempt to, uh.

20 **DISTRICT ATTORNEY LASKY:** If you can <UNINTELLIGIBLE>,
21 I'm sorry, Commissioner. Somehow we lost power again. I
22 switched my, my personal laptop, which has power. I don't
23 know what the problem is? I think it's a problem with the
24 connections on the, uh, loaner laptop I was given. So, we're
25 reconnecting. I do apologize. We don't usually have this many

1 problems. Um.

2 **PRESIDING COMMISSIONER NWAJEI:** Okay, Mr. ga -- Ogan,
3 um, I'm sorry about this interruption.

4 **ATTORNEY OGAN:** Okay. Um, do I continue?

5 **PRESIDING COMMISSIONER NWAJEI:** No, let's wait for
6 them to.

7 **ATTORNEY OGAN:** Okay.

8 **PRESIDING COMMISSIONER NWAJEI:** Come back on.

9 **ATTORNEY OGAN:** Okay.

10 **PRESIDING COMMISSIONER NWAJEI:** Let's, let's, uh, go
11 off record for just a minute until they're settled back in.

12 **ATTORNEY OGAN:** No problem.

13 **DEPUTY COMMISSIONER TAYLOR:** Off the record.

14 **PRESIDING COMMISSIONER NWAJEI:** Thank you, sir.

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1 **PRESIDING COMMISSIONER NWAJEI:** Okay. Mr. Ogan, uh,
2 where I heard you leaving off was, you mentioned page 267 of
3 the 10-day packet, and the DA office submittals corroborating
4 the version. So, um, and you're able to get your place and
5 continue.

6 **ATTORNEY OGAN:** Okay. Thank you. Um, regarding the, uh,
7 larger issue of, um, suitability, I'd also like the board to
8 take into consideration his current age. He's 54. He does
9 qualify for elderly parole consideration. Although the
10 report, the risk assessment indicates that it doesn't have
11 any physical disabilities, I'd like the board to take into
12 consideration, um, gives special consideration to the
13 natural, um, uh, maturity that comes with the age and, um,
14 long term, um, confinement. Uh, more importantly, uh, the
15 youth offender factors. Um, uh, Mr. Um, Johnson's crime rigs
16 of, um, all the Hallmarks of Youth and just the immaturity of
17 youth, the recklessness of a youth, the, excuse me, inability
18 to weigh risk and consequence, um, the, um, in vitreous of,
19 uh, our youth, um, Mr. Um, Johnson also talks about some of,
20 um, the negative influences that, um, uh, played a role in
21 his life. Uh, a father who was, um, uh, an alcoholic and
22 abusive, a stepfather who wasn't an alcoholic, but was
23 abusive and, um, encouraged violence and, um, the
24 insecurities he had, and, uh, violence being a coping
25 mechanism that, um, he, um, acquired as a very young person.

1 And he didn't have, um, uh, the, uh, ability to control his
2 im -- impulsiveness, which is also another, um, um, hallmark
3 of youth. So we, we do have the diminish culpability of youth
4 compared to adults just because of, uh, the science and his
5 brain not being fully developed at 24. Um, so the issue
6 really is, uh, whether there's, uh, growth and maturity, and
7 we see a lot of, uh, growth and maturity, first of all, in
8 the level of insight. And the fact that he was able to tie
9 the knots today in talking about his childhood and how that
10 played a role, um, in, um, whether it was his violence,
11 whether it was his anger, whether it was his substance abuse
12 from him, which he, uh, learned from him, the peer pressure
13 at the time, um, um, he, uh, identified his character
14 defects, um, uh, even though, uh, he might not have, um, uh,
15 this is a, uh, hearing where there's a lot of nervousness.
16 And even though there, there was a problem with him, uh, of
17 being able to define step number four throughout the hearing,
18 uh, uh, it was clear that, um, uh, he'd done, it's been
19 introspective about knowing his character defects and he was
20 able to, um, identify them. Uh, but when we now look at, uh,
21 his growth and maturity for someone who was very violent, uh,
22 who had a drug habit, um, who didn't really have any purpose
23 in life, um, uh, he's done very well in terms of, um, first
24 of all, he's improved himself educationally, um, up until
25 getting an associate's degree. Um, he's improved himself job

1 wise. We have lots of Laudatory chronos, chronos saying that
2 he's a reliable worker, um, with integrity at his, um, uh,
3 workplace. Um, uh, he's, uh, improved, um, his skill level
4 also with, um, uh, a couple of, um, uh, vocational skills
5 that, uh, uh, he's acquired while he's been in prison. Uh,
6 but I, I argue that the biggest change, uh, was in, is in its
7 impulse control when it comes to, uh, uh, criminal behavior.
8 And it wasn't, uh, uh, change doesn't happen immediately. It
9 was gradual in his very early years in prison. Uh, he did,
10 um, uh, have, uh, I think one incident of violence and some
11 violations, but, um, he hasn't had, uh, any, uh, uh,
12 violations in more than 20 years. Um, his last, um, violence,
13 um, was, um, he hasn't had any violence, uh, since he's been
14 in there, uh, since I don't recollect the exact period. Uh,
15 but, um, uh, his last, um, violation was in 2003 for the
16 tattoo, which he did acknowledge, um, uh, a moment ago. Now,
17 another sign of, um, the absence of criminal thinking that
18 has plagued him is his honesty. Um, even though he didn't
19 have any formal violations, he was honest about, um,
20 undetected fights. Uh, so, uh, he hasn't had a fighting since
21 2009. Um, he was also, um, uh, honest about some of the, um,
22 criminal behavior until he went SNY in 2011. And that really
23 is when, um, all the, uh, negative behavior ended in 2011
24 when he went and, um, SNY. Um, he's taken programs that
25 address the risk factors. Um, CBI covers a whole range of,

1 um, uh, programs from sub -- substance abuse to, uh, domestic
2 violence to things like parenting classes or emotional
3 control, which, uh, have a direct Nexus to, uh, uh, his, um,
4 life crime. Um, he's also taking things like denial
5 management that deal with, uh, the issues with honesty and,
6 uh, deceits that he said, uh, came natural to him. And things
7 like, um, uh, AVP's that deal with vi -- violence. Um, he was
8 asked questions about triggers in the programming. Um, asked
9 questions about things like, uh, whether anger was a
10 secondary or, or primary emotion. And the answers that he
11 gave today, uh, indicated of the fact that he's internalized,
12 uh, uh, what he learned in the groups? And it's also more
13 reflective in his behavior, the fact that there hasn't been
14 any, um, disciplinary issues, which shows that the program is
15 working. Um, I, the vocational certificates, he has, uh, the
16 machin -- shop, machine shop and also, um, a painting with
17 the skills that would help him get a job in, um, the
18 community. And, uh, he's had several jobs, whether it's in
19 the dining room or as a porter as a cook. Um, he talked about
20 the, uh, uh, lead position as a linebacker, uh, which he
21 takes very seriously, uh, just from his testimony. Um, he's
22 provided, um, relapse prevention plans that address, um, his,
23 uh, risk factors, whether it's a domestic violence or
24 criminal behavior, or violence and anger. Um, he has, uh, the
25 support of, um, his family and, um, he's made, uh, efforts

1 to, uh, get transitional housing. And, um, uh, I'd like to
2 point out that normally it's not the, um, habit of the board
3 to deny parole because, uh, parole plans, um, maybe are
4 lacking in something like transitional housing. And those are
5 things that could be provided. And, uh, by the, uh, by parole
6 itself, uh, most importantly, um, uh, he's, uh, been
7 remorseful. He showed, he expresses remorse, uh, vote
8 verbally today. And in a lot of the, uh, remorse letters that
9 he sup --, uh, uh, he supplied in his, um, uh, parole packet.
10 Um, so the standard for the board, really, uh, and I, I, I,
11 I'd have to say this was a horrible crime for the, uh, most
12 innocent of victims. Uh, but the standard before the board
13 is, uh, whether he would pose an unreasonable risk to society
14 if he's released, whether as it sits today before the board,
15 there is evidence of current dangerousness. And I'll argue
16 that if we take into consideration the low risk rating, the
17 fact that, uh, he's not diagnosed with a personality
18 disorder, his disciplinary history, his improvement
19 educationally, the youth offender factors, the elderly parole
20 considerations, that the, uh, positives by far outweigh the
21 negatives and, uh, that there's no evidence of current
22 dangerousness. And for those reasons, I'll ask that the board
23 find him suitable. I'll submit.

24 **PRESIDING COMMISSIONER NWAJEI:** Thank you, Mr. Ogan.
25 Alright, at this point, Mr. Johnson, you are invited to make

1 the closing statement if you wish. You also have the option
2 of relying upon your Attorney's closing statement. It's your
3 choice.

4 **INMATE JOHNSON:** Yeah, yeah, I'm going to rely on,
5 uh, my Attorney's closing statement. But I'd like to add, uh,
6 sincerely, uh, each year we come to the board, my victims
7 grill, and, um, I regret and I resent what I've done? I've
8 ruined you guys' life and I'm sorry, and I can't say it to me
9 as much as I'd like, but I am really, truly, you know,
10 forever. Sorry. Thank you.

11 **PRESIDING COMMISSIONER NWAJEI:** Alright, thank you
12 Mr. Johnson. Okay. At this point, um, the Victim's Next of
13 Kin are invited to make statements, and I'm wondering, Ms.
14 Lasky, are you able to help facilitate that?

15 **DISTRICT ATTORNEY LASKY:** I was going to ask, I, I, I'll
16 call on, uh, people who are on the recording first, and I'll,
17 I'll identify that by name of the person and then I believe
18 some of them have other people present with them who are also
19 speaking. So then I'll have the people at, at that, at that,
20 uh, call in speak first. And then after everyone who's call,
21 who's on the video or audio, then we'll leave the people in
22 the room with me.

23 **PRESIDING COMMISSIONER NWAJEI:** Okay. So just to
24 clarify, we do have, we are limited to people who are
25 registered to be here. Correct. And that's, you're

1 referencing that?

2 **DISTRICT ATTORNEY LASKY:** Yes. I think everyone on the
3 list, everyone that we're talking about is registered to be
4 here. Yes.

5 **PRESIDING COMMISSIONER NWAJEI:** Okay. Perfect.
6 Alright. Um, go ahead then, ma'am. Thank you so much.

7 **DISTRICT ATTORNEY LASKY:** Oh, you're welcome. Um, I would
8 start with, uh, Craig Rethorn.

9 **VNOK RETHORN:** Yeah. I don't find him credible at all.
10 And why he keeps trying to find a place to get close to the
11 family every time he wants a release? That's all I've got to
12 say.

13 **PRESIDING COMMISSIONER NWAJEI:** Thank you, sir.

14 **DISTRICT ATTORNEY LASKY:** Uh, Craig, is there anyone else
15 there with you who's registered to speak? No. Okay.

16 **VNOK RETHORN:** Um, no.

17 **DISTRICT ATTORNEY LASKY:** So we'll go to, uh, Kaitlyn and
18 whoever's with her registered to speak.

19 **VNOK KAITLYN LUNDY:** Well, um, I've written some things
20 down. I've grown up a lot since the last, last parole
21 hearing.

22 **DEPUTY COMMISSIONER TAYLOR:** Who's this?

23 **VNOK KAITLYN LUNDY:** Even from the first one.

24 **DEPUTY COMMISSIONER TAYLOR:** Can we have her identify
25 herself for the record?

1 **VNOK KAITLYN LUNDY:** At the last one. I was 16.

2 **PRESIDING COMMISSIONER NWAJEI:** Hold, hold on.

3 **VNOK KAITLYN LUNDY:** Yes.

4 **DEPUTY COMMISSIONER TAYLOR:** Yeah, you need to identify
5 who it is for the record.

6 **VNOK KAITLYN LUNDY:** Okay. I'm sorry. Um, my name is
7 Kaitlyn Lundy.

8 **PRESIDING COMMISSIONER NWAJEI:** Okay, thank you
9 Kaitlyn.

10 **VNOK KAITLYN LUNDY:** Yes. Um, I've grown up a lot since
11 the last parole hearing, even from the first one. Um, and the
12 last one I was 16 or 17 years old, just a scare teenager
13 speaking for the first time for the opposition of Chuck
14 Johnson's parole. And here we are again, once more with the
15 same questions being asked. I'm now 25 years old. Um, since
16 then I've graduated high school. I've gone to prom, I've
17 started, I've been studying at college. I've even found the
18 first love. All of these things Brittany should have had, she
19 should still be here. My 33 year old elder sister. I
20 sometimes wonder what she would be like, what kind of life
21 she would've had. Would she have a career? What kind? If she
22 would be married, kids even and most of all, what kind of
23 sister would, would she be? I suppose it's easy to imagine,
24 but for me, it's not. That boy has stayed in my mind as well
25 as my heart for a very long time. Now, I've lived with this

1 my entire 25 years of life. And there isn't a day goes by
2 that Brittany's murder doesn't affect me in some way, shape,
3 or form. I've had to grieve a sister that I've never known.
4 And I've lived with fear of the outside world because of her
5 murder. Chuck Johnson has been my real life boogeyman since I
6 was a little girl, because at 11 years old, I had be told of
7 what he had done because of the first parole hearing. It's
8 hard to trust new people to walk down the street without
9 being in fear of being attacked.

10 **INMATE JOHNSON:** That's not a good answer.

11 **VNOK KAITLYN LUNDY:** And I live with a fear of Chuck
12 Johnson getting out. And it's the world, this man who has
13 never shown again and again, who has shown again and again,
14 his rage and violence against women and children. This is a
15 person who I fully believe cannot be allowed into society
16 again. I do not see a man before me with remorse nor any true
17 understanding of what his actions meant? Not only did he
18 destroy a life, an innocent life of a three-year-old little
19 girl, but he destroyed my mother's life, our mother's life,
20 Darren's life. It subsequently altered my life forever. There
21 is no regret, nor any humanity in this person. He gets keeps
22 saying that he has worked on himself, been through therapy,
23 been through AA, but now, but how can a person change from
24 that but taken the life of another? I mean, it's great. You
25 have admitted to yourself that you are violent. We all know

1 that. You have shown that to us by killing a little girl, by
2 abusing your wife, by abusing your family. Chuck Johnson has
3 been, has blamed everyone around him for his actions,
4 bullies, his stepfather, the people who raised him. We are
5 here because of you, your actions. You murdered my sister.
6 You've done terrible things to her that you still have to
7 answer for. Whether that be more prison time for when you
8 finally face judgment after this life, where is the
9 responsibility? When will you say? I killed Brittany. I did
10 these things. I'm sorry. I take full responsibility for my
11 actions. I haven't seen that today because I feel, I feel
12 these words are empty. I don't believe you ever will. You can
13 blame drugs or your or your abusive stepfather. By the end of
14 the day, Brittany's is dead that is on you and you alone.
15 Until then, I don't think you deserve to be a part of
16 society. And even if you do, I believe that your 30 years of
17 refusing to take that responsibility fully is caused for you
18 enough to spend the rest of your life in prison. I don't fear
19 Chuck Johnson anymore because he doesn't deserve that power
20 over me. I'm a grown woman now 25 years and I could never
21 imagine doing what he did, whether or not I deal with an
22 addiction, whether or not I make a bad judgment call because
23 you had multiple chances to do something, whether if you
24 really slammed the door on her head, and I really doubt that.
25 And she started to cry. Or when you decided to keep shut her

1 up, you had multiple choices at that time to do something. To
2 call my mom, to call Darren, say, hey, I messed up. You had a
3 chance. I don't know. You had the chance like anybody else to
4 get help before that, before you hurt somebody. You could
5 have done that. You could have gone to AA then you could have
6 done something to take responsibility for your actions
7 before. No, it had to take you to murder my sister, my
8 innocent sister, she and to spend 30 years in prison to do
9 all of these things. And I don't think you've done
10 everything, um, fully to the extent. I mean, you haven't even
11 made it to the 12 steps. And it's been 30 years. Most of all
12 I don't understand how you can say that I deserve to go back
13 into society after killing a person. I don't think anybody
14 can reh -- rehabilitated from that. It changes you
15 fundamentally as a per -- person. And I think that should
16 live with you forever. And I think it should live with you
17 forever behind bars because you can't come back from that.
18 You can't cross that threshold again. Today I asked parole
19 board to deny his parole and, um, deny him for another seven
20 years. If I could, I would ask for forever, but I can't.
21 Thank you.

22 **PRESIDING COMMISSIONER NWAJEI:** Thank you, Kaitlyn.

23 **DISTRICT ATTORNEY LASKY:** Thank you. And the next, uh,
24 group, next person we'll be going to is Rachel and I'm just
25 going to remind all the speakers on video that they need to

1 address their comments to the board and not to the inmate.

2 **VICTIM SUPPORT HEFLER:** Hi, good morning. I'm Rachel
3 Hefler and I am, uh, Darren's, um, first cousin. Uh, at the
4 time that Brittany was murdered, I was 16 years old and I was
5 the weekend babysitter that used to come and stay with her.
6 And well, you know, on those evenings that they would have
7 date night, often I would sleep over because, you know, I
8 just wouldn't want to drive home at 10:30, 11 o'clock at
9 night. And so I'd wake up the next morning on the couch with
10 Brittany sitting up next to me, having turned on the
11 television on her own, not needing any help. Um, but I would
12 wake up with Brittany there sitting on the sofa, cuddling
13 with me and waiting until her parents got up. Oftentimes
14 Brittany would even go into the kitchen and get herself
15 something to drink. Didn't seem to have any problems there
16 either? Um, so I was 16 when that happened. And then, uh,
17 after a short amount of time, it was time to clean out the
18 house. And, um, I was there the day that we were cleaning out
19 the house and being the smallest person. Well, first we
20 didn't want Darren and Jennifer to have to go into Chuck's
21 room to, to take on that responsibility and pain. So myself
22 and another person, uh, Pete did, uh, went in the room. I
23 was, again, a tiny 16 year old. So I was the one kind of
24 rolling around on the ground picking stuff up, and I was the
25 one who found the blanket. And the blanket, I would say was

1 not just kicked under a bed, it was shoved up against the
2 opposite wall because I had to completely get under the sofa
3 while Pete lifted it. I mean the sofa, excuse me, the bed
4 while Pete lifted it to pull it out. So I, you know,
5 obviously you heard these stories and it's been a long time
6 and whatnot. Um, I just, after hearing everything today, um,
7 and hearing the wrote script that he has put together, uh,
8 after the therapy classes and the NA classes and, and the,
9 uh, you know, all, all the coached words that, you know, he
10 has formulated and put together. Um, and the first, the, the
11 major, the biggest thing I think of which is strange is, um,
12 well there's a couple things. There's a lot of people who
13 grew up the way Chuck did and his demographic being abused or
14 living with alcoholic family members, or not living with
15 alcoholic family members. And at 24 years old being quote
16 unquote youthful, they were able to make other choices. They
17 didn't make the choice that he made, which he said
18 specifically earlier, he made a choice. So lots of 21, 24
19 year olds out there who are doing drugs, doing really stupid
20 things, but they seem to make other choices. Um, finally, I
21 leave you with, it's, it's an incredibly stressful and
22 intense world out there. And I have, I don't have any kind of
23 criminal background or criminal history and I come across
24 entitled and frustrating people every day. And you know what?
25 There are times when I have a really hard time keeping my

1 temper. There's times when I have a really hard time, you
2 know, holding it in and being able to walk away from some
3 person who just had to get the last word in or had to say
4 something snappy or criticize me in some way, I'm able to do
5 that. But I've also, you know, been doing, doing this for a
6 long time. I, I don't know how he's going to handle that in,
7 in prison. He's saying people on the, on the food line are
8 entitled or stealing or this or that, and he's, he's getting
9 angry. That's, that's nothing compared to what he will
10 experience when he comes out. And I honestly don't think that
11 this person has done enough work and has matured and grown
12 enough as a human being to be able to handle that kind of
13 responsibility. And so I ask you at this time to please, uh,
14 for the sake of everyone's safety, to, uh, deny his parole.
15 Thank you.

16 **PRESIDING COMMISSIONER NWAJEI:** Great. Thank you,
17 Rachel.

18 **DISTRICT ATTORNEY LASKY:** Thank you, Commissioner. Our
19 next speaker will be Byron Lundy. Okay, Byron, I'm sorry.
20 Byron will not be speaking. So our next speaker will be Lynn
21 Stanton-Riggs.

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

23 **VNOK STANTON-RIGGS:** Thank you, uh, to the honorable
24 members of the parole board. I'm writing as the godmother and
25 aunt of Brittany Lynn, Ren -- Rethorn Riggs, who was murdered

1 on October 10th, 1993 by Chuck Edward Johnson. Brittany was
2 my namesake and I was present at the time of her birth. I
3 have been very close to Brittany's father, Darren Riggs since
4 my husband's, uh, since my husband and I met in 1988. At the
5 time of Brittany's murder, Darren and Jennifer asked me to
6 assist them with making arrangements for Brittany's funeral
7 and burial. I helped them choose a casket and burial site and
8 supported them throughout an unthinkable period in their
9 lives. I attended every day of Chuck Johnson's trial. I have
10 written and read aloud statements at both parole hearings.
11 The entire Riggs family has been part of the overwhelming
12 grieving process for Brittany and the ongoing legal process
13 to keep Chuck Johnson in prison for the last 30 years. This
14 has resulted in bringing many symptoms, including feelings
15 of, uh, not being safe, haunted by images, flashbacks, being
16 distrustful of others and feeling at times powerless and at
17 times having physical symptoms. I am going to read two quotes
18 from the recidivism among federal violent offenders. United
19 States Senten -- Sentencing Commission written in January,
20 2019. Violent offenders rec -- recidivated at twice the rate
21 of nonviolent offenders. Among those released after age 40,
22 the rearrests rates for all violent instant offenders was
23 60.2%. The second quote, over one third, 36.4% of violent
24 offenders released after the age of 50 recidivated. This
25 remains more than twice as high as the rate for nonviolent

1 offenders released after age 50. We can deduct from this that
2 it is not a risk for Chuck Johnson to be paroled. It is a
3 high risk he should not be considered for release based on
4 his youthful offender status, nor his elderly parole status.
5 I was, uh, did not have access to the current risk
6 assessment. So I'm going to leave out several parts of my
7 letter that refer to that, uh, assessment. I think that's the
8 fair thing to do today. But I do want to say that the
9 National Institute on Drug Abuse in 2020 said substance use
10 disorders are chronic relapsing conditions. Even those who
11 stop substance abuse during incarceration may resume post-
12 release. And approximately half of American inmates are
13 symptomatic of substance abuse or dependents. Almost all of
14 whom will return to the community. Both relapse and re-
15 offending are very common post-release. I personally did not
16 believe the statements today that might indicate, as Mr.
17 Johnson's Attorney stated, his growth and maturity,
18 particularly regarding his recovery process. His NA meetings
19 were started just a few months ago, and he has no official
20 sponsor that tells me that he is not as committed as he might
21 want to tell us to his recovery. I ask you as the
22 Commissioners of the parole board to deny parole to Chuck
23 Johnson. Based on my extensive review of his criminal record
24 transcripts and my research into violent crime recidivism, I
25 have no doubt that denying parole is the only responsible

1 action at the conclusion at this hearing. Thank you.

2 **PRESIDING COMMISSIONER NWAJEI:** Thank you.

3 **DISTRICT ATTORNEY LASKY:** Thank you Commissioner. The
4 next speaker will be Brian Kelly.

5 **VICTIM REPRESENTATIVE KELLY:** Hello, board. Uh, my name
6 is Brian Kelly. I am the, uh, police officer that found
7 Brittany. The name Brittany Lynn is a name I wished I never
8 heard, but I did the little child. Brittany Lynn is a person
9 I wished I never touched, but I did the one that Brittany
10 Lynn is a feeling I wished I never felt, but I did. All this
11 is possible because of one person, Chuck Johnson. I was
12 called to Brittany's house because she was reported missing.
13 I stood feet away from her for several minutes as I talked to
14 family and to Chuck. Vanessa could have made a difference
15 between life and death. However, the coward of a human being
16 Chuck Johnson, chose not to point me where he put her. After
17 looking throughout the house and yard, I returned to Chuck
18 Johnson's bedroom and began to search some more. Where would
19 a small child hide like we've all been playing, hide and
20 seek? Sadly, Brittany was not hiding nor she playing a game.
21 Brittany was in a closet with bags of clothes and a tool
22 chest full of tools placed on top of her. I saw her leg and
23 knew I found her. I had called my sergeant that I believed I
24 had found her, and I began removing the tool chest and the
25 bags of clothes. I saw her face, I saw her lifeless body. I

1 picked her up and held her close. She was warm. I cannot find
2 a pulse. At that time, I ran with Brittany in my arms, held
3 close to my chest and ran out of the house. My sergeant and I
4 got into his police car where I got in the backseat. I began
5 CPR on Brittany in hopes that a breath of mine would bring
6 her back to life. As a race of the hospital, I felt I was not
7 going to win and bring Brittany back into this world. We
8 arrived and I was exhausted with my heart pounding in my
9 chest, sweat done running down my face. Along with tears, I
10 continued CPR's. Hospital staff took Brittany from my arms.
11 My job was done. I left at the hospital staff, but I knew, I
12 knew it was too late. But I'd hoped and prayed after I'd
13 heard the doctor pronounce Brittany deceased. I cried and I
14 cried a lot. Because there's nothing on earth that should
15 have taken Brittany at such a sweet young age and full of
16 life. I pulled her hair from my badge in the feeling of
17 Brittany in my arms as I held her close and gave her breasts
18 and encouraged her back to life as an image and feeling that
19 I have not forgotten and never will. Chuck Johnson deserves
20 death, but he will never get that. The best we can do is
21 leave him behind bars locked up. So no one ever asked to fear
22 him ever again. Thank you.

23 **PRESIDING COMMISSIONER NWAJEI:** Thank you, sir.

24 **DISTRICT ATTORNEY LASKY:** Thank you Commissioner. The
25 next and final speaker on the video will be Karen Schmauss.

1 Karen, you're muted.

2 **VICTIM REPRESENTATIVE SCHMAUSS:** Hi. All of a sudden,
3 everybody vanish. Can you guys see me?

4 **DISTRICT ATTORNEY LASKY:** Yes, Karen, that happened to us
5 a few minutes ago, but we can still see and hear you.

6 **VICTIM REPRESENTATIVE SCHMAUSS:** Okay. So you can see
7 me, right?

8 **DISTRICT ATTORNEY LASKY:** Can see you.

9 **VICTIM REPRESENTATIVE SCHMAUSS:** Can you hear me?

10 **DISTRICT ATTORNEY LASKY:** Yes.

11 **VICTIM REPRESENTATIVE SCHMAUSS:** Okay. Hello. Um, I'm
12 happy to be here. Not happy, but I'm thankful to be here and
13 I am thankful to the Commissioners who're conducting this
14 hearing. I was the original prosecutor on this case. I've
15 lived with this case for 33 years ever since it was assigned
16 to me. And I have remained in touch with Jennifer and Darren
17 through all these years. So I've gone through the pain and
18 the torture and the horror that they've lived ever since this
19 terrible crime. This was my first childhood prosecution. I've
20 been in the office for 11 years and it's as vivid today as it
21 was 30, 30 years ago. Brittany was only one month older than
22 my own child. My, my firstborn, my daughter, who's now 33
23 years old, the age that Brittany should be today. And I tried
24 this case in 1995. I was the mother of a then five year old
25 and a one year old. And it was my little girl. This little

1 girl was only a month younger than Brittany, her baby doll
2 that I used during my final argument to show the jury that
3 Chuck was guilty of first degree murder when he murdered
4 Brittany. And that was the thing that makes no sense, along
5 with lots of things that made no sense, including what he
6 said today. And in the closing argument, I demonstrated to
7 the jury using the baby doll and my daughter's time, a timer.
8 And we sat for two and a half minutes of what the Warner said
9 it took for Brittany's life end. It wasn't an a
10 <UNINTELLIGIBLE> by Chuck Johnson. It wasn't a, well, I need
11 to make sure this kid stays quiet so she doesn't wake people
12 up and get me in trouble. This was a whole blooded
13 premeditated murder that makes no sense. And today we have
14 him. And I agree with Rachel that he's taken the playbook of
15 what I need to say to get out? And then the last hearings,
16 last parole hearings, he wouldn't take responsibility. He
17 didn't admit some of the strangling. He says it was just an
18 impulsive act and he just wanted to keep her quiet. But now
19 he has to step up to the plate and say, well, gosh, I really
20 did want to kill her. And if I heard him correctly today, he
21 said something along the lines of she went limp. She was
22 quiet. He could have happily done his drugs, but no, for
23 reasons it makes sense. He had to finish the job and make
24 sure she didn't wake up again. And so he murdered her. And
25 that's when we know two and a half minutes he systematically

1 took the life of a helpless three year old. And that is the
2 chilling and terrifying part of this entire process is that
3 we, we are thinking about letting out a man who would take
4 the life of a little helpless, vulnerable child like that for
5 zero reason. If he was bothered so much by her bugging him
6 and interrupting his drug use, he could have just woken up
7 the parents and said, take your child and not be her
8 babysitter. So we are thinking of unleashing him back into
9 the world. And as Rachel said, it's a whole cool world out
10 there full of stressors that are far more stressful than a
11 three year old bothering you. And this is an individual who
12 doesn't have insight. This is an individual who will say what
13 he needs to say to try to placate the board. And his
14 dangerousness is just as scary today as it was 33 years, this
15 terrible 30 years ago. Thank you.

16 **PRESIDING COMMISSIONER NWAJEI:** Thank you, ma'am.

17 **DISTRICT ATTORNEY LASKY:** Thank you Commissioner. That
18 concludes all of the people who are speaking on video. We'll
19 now go around the room, um, here in the room and the people
20 will introduce themselves as they go.

21 **PRESIDING COMMISSIONER NWAJEI:** Okay.

22 **VICTIM REPRESENTATIVE SMITH:** Um, good morning
23 everybody. My name is Rena Smith. I am the godmother of
24 Brittany Lynn <UNINTELLIGIBLE>. Um, unlike Chuck, I don't
25 know if you could still hear me. I think we're frozen on the

1 screen. Can you guys still hear me?

2 **PRESIDING COMMISSIONER NWAJEI:** Yes.

3 **VICTIM REPRESENTATIVE SMITH:** Okay. Um, unlike Mr.
4 Johnson, um, the still remember some of the details
5 surrounding that fateful night 30 years ago. All of us in
6 this room, including myself, will never forget all the boring
7 details and all the gruesome things that happened that day.
8 At the beginning of this hearing, Mr. Johnson was asked what
9 he thought the board was looking for and what he thought the
10 board wanted to hear. His answer was credibility. They were
11 looking for credibility. Unfortunately, I have not seen
12 credibility. I have not seen Mr. Johnson take any
13 accountability for what he's done. He's talked about moving
14 around as a child. He's talked about alcohol use and drug use
15 in the home. And as others have pointed out that have spoken,
16 this is not uncommon to any of us. We are the same age. We
17 grew up in a very similar environment with similar, um, what
18 he would call character defects and fears. We all had similar
19 fears growing up. It's a, it's a tumultuous time, and yet at
20 24 years old, this man has already had a child, two children
21 and a wife, um, that he was estranged from. And because it's
22 still considered a youth offender, it, it just doesn't make
23 sense to consider him a youth offender. He was mature enough
24 to have a family at that time and deliberately committed this
25 time. Mr. Johnson talked about lying a lot as a kid and

1 talking about being a defen -- deceptive person. Then I find
2 him to be a deceptive person now. He continues to lie about
3 the day the murder took place. He continues to lie about the
4 events of that day, and he has absolutely not learned
5 anything from the steps that he says he's completed. Which
6 again, in 30 years, nine steps does not show any kind of
7 dedication to a program of self-rehabilitation. Mr. Johnson
8 talked about his fears and how he tried to control his fears
9 and alleviate the fears with violence. As Rachel had pointed
10 out in her testimony earlier, the world is a very scary
11 place. How will you deal with your fears today if he's let
12 out into the society? I firmly believe in second chances. I
13 firmly believe in giving people a chance to make life better
14 for themselves, to pay their debt, the community. But that
15 all starts with being honest and he's still not being honest.
16 Again we're the same age at 54 years old. I don't see how
17 this person is going to be getting out and, and being, um,
18 considered an elderly offender at 54 years old, you're just
19 as capable of committing the same kind of crime as you did at
20 the, the age of 24. Uh, what you're not able to do is still
21 deal with the feelings and the demons death to this day. Mr.
22 Johnson continues to terrorize Brittany's family, my best
23 friend Jennifer. We have to go through this nightmare
24 constantly. Constantly we this nightmare and we're committed
25 to reliving this nightmare to keep this man in jail so that

1 he's not <UNINTELLIGIBLE>.

2 **DISTRICT ATTORNEY LASKY:** I don't hear you.

3 **DEPUTY COMMISSIONER TAYLOR:** Yeah. It's not coming
4 through. And they.

5 **DISTRICT ATTORNEY LASKY:** They are frozen again.

6 **DEPUTY COMMISSIONER TAYLOR:** And they look frozen again
7 there.

8 **PRESIDING COMMISSIONER NWAJEI:** Yeah. Ms. Lasky,
9 we're not hearing.

10 **DEPUTY COMMISSIONER TAYLOR:** I want to go off record
11 till they come back.

12 **DISTRICT ATTORNEY LASKY:** Sure.

13 **PRESIDING COMMISSIONER NWAJEI:** Yeah.

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1 **DEPUTY COMMISSIONER TAYLOR:** All right, we're back on
2 the record. Go ahead.

3 **VICTIM REPRESENTATIVE SMITH:** Okay. Thank you. Um, so,
4 um, as I was saying that Mr. Johnson continues to terrorize
5 Brittany's family, my back friend Jennifer, and yet we are
6 committed to dealing with this and to living with this year
7 after year just to see a <UNINTELLIGIBLE> again and not let
8 this person into general society. Um, as he's mentioned
9 himself, Mr. Johnson has reached out to 12 transitional
10 houses with no acceptance yet. Um, he talks about a sister
11 who may or may not know that he purposely murdered an
12 innocent young child. And his Attorney had talked about risk
13 factors being low and a natural maturity with age. I don't
14 see a maturity in Mr. Johnson. I don't see that he's matured
15 from seven years ago or 14 years ago, or from October 10th,
16 1993 when this crime took place. There's no evidence of
17 maturity. There's no evidence of remorse. It's almost like,
18 um, it's almost like AI wrote these letters for him. I read
19 the letters. I don't believe a word of them. I think he
20 continues to be a danger to society and I plead with this
21 board to deny parole from today. Thank you.

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

23 **VNOK MICHELLE PAMPLIN:** It's Michelle Pamplin. And
24 first I'd like to thank the Commissioners for their time and
25 consideration this afternoon.

1 **DISTRICT ATTORNEY LASKY:** Your relationship with.

2 **VNOK MICHELLE PAMPLIN:** Oh, Michelle Pamplin. And

3 unfortunately my daughter was married to Inmate Johnson at
4 the time of the life crime. We also ended up, because of the
5 problem was caused by Inmate Johnson to my daughter that are
6 still not over. We also raised his two sons. They were
7 separated at the time, at the time of Brittany's murder. And
8 her and my two grandsons was living with my husband and I.
9 Our family's turmoil and heartbreak started almost
10 immediately after they met in February of 91. It was one
11 violent act after another. They married against our veteran
12 judgment in May of 1992. He had been violent and hit her
13 numerous times, but she always made some excuse.

14 Unfortunately, finally, after having several relationships
15 with the same type of person, she is now in deep therapy for
16 Stockholm syndrome. And I know it won't be an easy therapy
17 session because it's going to take some time. She was so
18 afraid and remember the abuse so vividly, she felt in danger
19 and as a result would accept and made Johnson's phone calls
20 while incarcerated until she met her current husband. I, in
21 my 70 years on this earth, have never known any, one single
22 person that destroyed so many lives. On December 4th, 1992,
23 Angela called me, say Johnson was on another war pack and he
24 was holding their three week old son Travis under his arm,
25 like the football, while breaking things, throwing things

1 around the house. There were swinging doors. He tore those
2 off the wall. I went to their apartment in upland to bring
3 Angela and Travis to safety. He was locked in their bedroom
4 with the baby under his arm. I didn't approach as I feared
5 for Travis's safety. I said, that's child endangerment by
6 calling 911. I picked up the phone to make the call and he
7 had followed me out, ripped the phone out and it was square
8 one and he swung around to pick up speed and power and he
9 struck me in the head, the security guard on the ground to
10 their apartment, then called 911 because I wouldn't leave
11 profusely. After security called, obviously paramedics showed
12 up, treated me his stepfather, the one that sufficient took
13 me to the hospital to the emergency room for treatment. He
14 got only an <UNINTELLIGIBLE> I pressed charges. He still got
15 out with an order to attend anger management classes as well
16 as file abuse classes or eventually be warranted and issued
17 for irrevocable probation. Yeah. So while doing this, he had
18 a three week old son. So he's never caused a problem or a
19 danger or threatened or put in danger a child before, I think
20 nothing. January 16th, 1993. Again, she had kept, she kept
21 going back to him, which is typical of her Stockholm
22 syndrome. He had beaten her up again. I had taken photos of
23 the injury and I only have one left forward to them. She
24 delivered their first son Travis, with two black eyes and an
25 escort. All of the hospital staff questioned her in it. As to

1 how she got it, she told them this. She told me, oh, I
2 tripped over the TV court. That's all that she had use.
3 February of 1993, her bank member replied to her of Johnson
4 depositing empty envelopes and taking out cash. When she was
5 working time, I was told the caregiver from Travis as she was
6 expecting envelopes at the time, witness and he pinned her up
7 against the wall and choked her. Now, the last act of
8 violence against her was June, July of 93. Before their
9 second time was born, he was driving her to work steering
10 wheel. He grabbed while she's traveling down an acre highway
11 through the car and she almost lost the control and had a
12 wreck, but she managed to get it to the side of the road
13 safely. He then took the keys and threw them out in the dirt
14 or the grass, and proceeded to fight her on the arm. Then he
15 got the toolbox out of her. Now mind you, she's pregnant with
16 her second son. She hit her in the numerous times, providing
17 her violence again towards the helpless woman and an unborn
18 child, two unborn children, his own it cares. He got into an
19 argument with my 73 year old father and beat him up. He has
20 no regard or value to life, no matter the age, the stage
21 there, him <UNINTELLIGIBLE>, violent attacks, and quite a few
22 that were not mentioned. But before I get to the life crime,
23 I'd like to remark that Jennifer and Darren were not the only
24 one, is the daughter that, not that mine said, is to diminish
25 their loss by any means and we've held a close relationship

1 since then, and they understand what I'm saying. I, for the
2 first time in 31 years, this last April, saw a glimpse of the
3 daughter that's had, is bill therapy trying to break this.
4 She can never move to California, be with dad and her
5 brother, because she's too afraid of the people she knew the
6 contact she had because of the drugs he got first stolen and
7 the people that they hung with. My daughter received many
8 calls on the November, on the morning of October 10th, 1993.
9 The normal and happy and many little, uh, many lives were
10 viciously and boldly ripped away on these phone calls from
11 Inmate Johnson. First to tell her that little Brittany was
12 missing. Then he called back a few months later and said he
13 was found in his closet. Then he had been rushed to the
14 hospital by Officer <UNINTELLIGIBLE>. I personally spoke with
15 Johnson's stepfather that day, and he had told me, and he
16 also said, police interview, that he received numerous calls.
17 That bad, I don't know what I'm going to do. I they can't
18 find the girl. I, I don't know what I'm going to do. I'm in
19 trouble. Well, this was even before the timeline when Darren
20 and Jennifer woke up and realized that Brittany was missing.
21 A bit later she was told that she alive, and I went
22 <UNINTELLIGIBLE> and said, cut <UNINTELLIGIBLE>. I knew then
23 he had sent it, and I called later and left a message for
24 Detective Mike Donnelley, the Montclair PD in regard to
25 Johnson and his history of violent acts. Inmate Johnson

1 called my daughter and asked if she could, he could come over
2 because police wanted to question him later that afternoon as
3 they all had him in the house because the crime. He was not
4 allowed to go over my house for quite some time prior to
5 that. But I told her, yes, he was allowed to come over just
6 to make it convenient for a, he needed contact. And I also
7 proceeded to tell Angela, this is how well I know him, how he
8 would act. I said, now can understand. Over the last year or
9 two, I've seen him sober, clean, drunk on beer, drunk on hard
10 liquor and high, none of those. When he arrived at my house,
11 the Montclair police department, once they contacted him and
12 realized that he was there to contact, I told Angela what you
13 would do guilty. He'll come in crying and looking
14 sympathetic, and he'll try innocent. If he was innocent,
15 he'll come in mad and cussing, which she usually did if he
16 was innocent or if some, someone had gotten angry with him of
17 something he hadn't started. He was mad, did something, and
18 we knew it. Then he played soft part and the hard part, I
19 could hold the act saved the five. I told him, we're only
20 allowed her to make it easier from Montclair Police
21 Department to contact you. I said, don't leave this room. He
22 immediately her in crying to tell me, I don't know how she
23 got in my closet, Michelle, you have to believe you don't
24 have a murderer in your house. And I just looked at my
25 daughter and I said, I rest my case. I also, after the murder

1 by a few weeks, I got fake mail. Two or three pieces of fake
2 mail. One was her picture from the copy, not her letter. It
3 says, I hope you never hit me. I will never hit you. I got
4 another piece of fake mail where it was closer to Christmas
5 and it had again had a picture. And she says, I hope you were
6 having Turkey. You save me a Turkey leg. I've never forgotten
7 about you. And they've never been able to find fingerprints
8 on that. And Montclair PD ran it through. He had told my East
9 Lisa Wood and his cousin Bill Boatman that he knew the
10 perfect murder. And this also part, uh, Montclair police, um,
11 interrogation with my daughter, put a plastic bag over
12 someone's face and they suffocate slowly. He told me also
13 himself face to face that he killed a young man in Colorado.
14 He stabbed and dead over a drug deal. And after many of their
15 fights, he had told my daughter he was going to kidnap their
16 son Travis. And he would have her and me done in, my daughter
17 will leave for work. And like I said, I was the caregiver.
18 She said, well, DJ is supposed to come and pick Travis up for
19 a visit at nine o'clock. But he diaper bag was packed at 8:30
20 and at 30 seconds after time, I was gone. I didn't trust him
21 around him. I wanted my to be alive. 30 and 30 times. They
22 want no contact whatsoever. What few letters they, they've
23 received are thrown away, thrown in the trash or thrown in a
24 drawer. They've often talked about changing their name to
25 Pamplin, which is ours because we break over 10 years.

1 Violence knows no bounds. If I could change one thing on my
2 behalf after his assault, the deadly weapon against me, a
3 bench warrant was, uh, for his arrest was issued. Once I had
4 the number and the date, I called Ontario the police
5 department because at that time he was living with a cousin
6 in Ontario. I gave them information and asked if they needed
7 to pick him up. I was said, well, that's too bad, but we're
8 just going to go pick him up just on a bench warrant for
9 that. And I said, can I ask you as an honest person, she's
10 not an officer. Why are they, even if they're not
11 <UNINTELLIGIBLE>, he would've been in jail. If they did their
12 time and that <UNINTELLIGIBLE> been honored, their chances
13 are there. A three four young lady would still be alive
14 there. My grandparents. You have experienced kindergarten,
15 Disneyland wrong. She had none of those chances. I have
16 recently talked to his two cousins, Bill Boatman and Rufus
17 Boatman in the last two weeks. They say it opens up old
18 wounds and they want no part of it. The fact that we are
19 trying to get across today is that he is a compulsive liar.
20 He has no regard for any human life needs other than his
21 health. My faith and I know has been lengthy, but what we
22 need you to understand is, please, that his violence did not
23 begin with little Brittany's death long before that had
24 violent tendencies. Pregnant women, children, both, both it
25 didn't matter to him. But we want you to understand his

1 violence didn't begin. But as long as you remain
2 incarcerated, it will be the end of it. Again, thank you for
3 your time and attention. Please keep us safe and not have to
4 look over our shoulders for the rest of our lives because
5 Jennifer and I are the two key women that have ever paid and
6 tried to press charges. Brittany will be forever three years
7 old. She has no hearing with the possibility, possibility of
8 being released from her graveside to have a life. It's not
9 like that. Put her there to have the opportunity. Thank you.

10 **VNOK CATHEY:** Hi, my name is Victoria Cathey. Um, I was
11 <UNINTELLIGIBLE> Chuck Edward Johnson case. I took my
12 responsibility very, I said on that jury with a thought in my
13 head that you are innocent, guilty, absolute
14 <UNINTELLIGIBLE>. The DV was sweat on his hands or missed
15 from blood, her baby blanket, which he used to suffocate her.
16 There was no accident. You can't, you, you cannot
17 accidentally suffocate someone. He had three minutes to take
18 his hands off of her. He chose not to. She had a three year
19 old toddler, an innocent child. She would've been 33 years
20 old, if not murdered. She could have been a school teacher or
21 nurse, an active member of society, she lost her life, Chuck
22 Johnson. There's nothing left life in prison. He will commit
23 each times if he is released because of his past record that
24 he has murdered Brittany, Brittany Lynn, <UNINTELLIGIBLE>,
25 please do not emerge into society. But again, if it is, keep

1 him behind bars, then I will. My duty as a juror has been
2 fulfilled.

3 **VNOK MACKENZIE LUNDY:** Uh, my name's Mackenzie Lundy,
4 I'm Brittany Lynn's sister. Uh, my mom has been struggling
5 with this for years. She's stronger because of it, but also
6 at the same time we were, she lost a daughter that she never
7 got to see her up. She didn't get to see, she didn't get to
8 see her to have <UNINTELLIGIBLE> have a life because she was
9 taken away three years old. She raised me and my siblings to
10 hold her memory. She's my sister. She is always with me. And
11 it was my mom takes, took her away from her too soon, has to
12 live through fighting all for getting denials and being
13 living beer that he could possibly get out. And, um, and
14 <UNINTELLIGIBLE>, he deserves to be where he is because it
15 puts us in safety. I fear that he would come back and hurt my
16 mom or hurt Michelle or hurt anybody. He should take hate
17 back because he not sorry that he killed my sister. She has
18 no remorse. So please consider another seven year denial.
19 Thank you.

20 **VNOK DARREN RIGGS:** I'm Darren Riggs, Brittany's father.
21 <UNINTELLIGIBLE>.

22 **DISTRICT ATTORNEY LASKY:** Who's that?

23 **VNOK DARREN RIGGS:** That was. Um, I didn't do a written
24 statement. I'm not one for writing statements. Um, I can go
25 by the heart. So there'll be some pauses and um's and ah's to

1 deal with that. Um, there are just way too many questions
2 that haven't been answered. Um, and I, my father lived by the
3 AA 12 step program, and that's not something that you take 30
4 years and only get to step nine in. You start with step one
5 and go to step 12 in the same day and then you'd live by
6 those 12 steps every day. But you don't just build up to
7 them. That was his religion. When he would come visit us, he
8 would look for AA meetings, not Churches to go to. Um, so I
9 don't understand his thing, but he is only except whatever
10 he's saying he's at right now, that's not how the system
11 works? Um, as somebody in construction, he talks about having
12 stuff hidden behind the door. There is no room behind that
13 door, so there's more lies. Um, another question was, he was,
14 had all these drugs. He had so many that he was going to bag
15 them up and sell them. He can't fit that many drugs in his
16 wallet, like steal more lies. I just, I've gone on. Um, I had
17 a rough life. I was bullied in school also. Yes, I'm 6.6,
18 I've always been a big guy. I was also called Baby Huey, and
19 well see that went over real well when I was in middle school
20 and high school. That real building courage and then building
21 self-esteem in that aspect. But I went on with that. It
22 didn't turn me into a violent person. So you, so you can make
23 excuses, but they're just that they're excuses. You have to
24 acknowledge and move on. And he hasn't done that yet. He's
25 still making excuses. He is just answering the questions that

1 need to be answered. He's being taught by the system of how
2 to talk, how to answer the questions that want to be answered
3 by the parole board. He hasn't. And the letters that he sent
4 us are generic, generic letters written by somebody. I mean
5 physically, they were not even in his writing. It was
6 obviously a female's writing. It is not a signature that it
7 matches any other papers that we have his signature on. So
8 who wrote these for him? Are they even his words? We don't
9 know that. How do we feel that any of this means anything if
10 it's not in his writing and his words? So again, I can't
11 trust anything that he says. And back to, and Rachel, she hit
12 it on the head. Society out there is brutal. Do you think she
13 can get upset with people in the prison that are cracking
14 about the food temperatures or whatever? We all drive the
15 California freeways. Yeah, there's no road brakes there at
16 all. I want to see how I can handle that with this stress
17 situation. I just, I, we have, I have two additional children
18 now. They're living Brittany's memories. And then my son and
19 I had matching tattoos with her. Um, she had a stuff teddy or
20 a cookie monster. My son at the age of 26 still has a cookie
21 monster. He took that cookie monster with him to Texas A&M
22 and it was found in his dorm and they started to give him
23 grief about it until he explained what that cookie monster
24 meant. And everybody had a new respect for him because he
25 honors his sister that he never got to meet because of Chuck.

1 They have grown up with the situation and it moved on.
2 They're mature adults now, but still never got to beat their,
3 their younger sister. Um, I just, there's no way that he has
4 been remorseful. I mean, if you're doing the five steps or 12
5 steps, he can't even tell me what step five is. And step five
6 is admitting your, your guilt and admitting it to God and
7 yourself. So there is no way he has accepted what he has
8 done? He certainly hasn't told the truth of what he is doing
9 or has done, and there's just no reason for him to be even
10 considered for another, for parole of any aspect. So please
11 deny any chance for parole.

12 **PRESIDING COMMISSIONER NWAJEI:** Thank you, sir.

13 **VNOK JENNIFER LUNDY:** Good morning, Commissioner.
14 Good morning, Deputy Commissioner. My name's Jennifer Lundy.
15 I am the mother of Brittany and I am the glue that has held
16 all of this together for 30 years and has fought for
17 Brittany. And June 6th, 1996, the day Chuck Johnson was
18 sentenced to present after found guilty, I said to him, to
19 his back because I was not given the respect to speak openly
20 my victim's impact statement. My last statement was, I would
21 always be here to advocate and be Brittany's voice and the
22 voice for everyone else as long as you are in prison to make
23 sure you stay and protect us and society because of your
24 actions. I'm here doing that still to this day. No parent
25 should have to lug around every time she's moved a box. I

1 have every document that has ever been created and done on
2 this case. I went and got the documents on Michelle's case. I
3 carry this with me and every time I have to get ready for a
4 parole hearing, I start going through the box and I have to
5 start reliving remembering and new facts come to light. And
6 it's just because there's so much there and there's so much
7 pain. If Inmate Johnson was truly working himself, maybe he
8 should get that file. He carries around and really study what
9 he did to learn from his actions. He has not done that to
10 this day because if he would look at that file that I have,
11 that you have the same records, but it cost me a lot more to
12 get it because you're given it, you would maybe learn and
13 maybe develop and maybe, maybe earn some respect. I am tired
14 of reading the same documents, the same story this time it
15 hit me. And I know we submitted a large 10-day packet. I did
16 most of that work with Connie because I wanted you guys to
17 see in an easy way of his continual saying lies over and over
18 and over. And see what a danger this man is in his history.
19 He goes after women, he goes after children. You even can
20 read the, the statements he has written to me versus to dear
21 it. We are the same parent. We're still here together. We're
22 not physically together anymore because you destroyed that
23 too. But we're here and I have read those. You can see where
24 he has a lack of respect for me as Brittany's mom because I
25 am a woman. I am in fear of this man. There's three times

1 now. He had two times he has been told, hey, somewhere else
2 is not Southern California for a parole plan. I lost Jerry.
3 Jerry died in 2020. I moved from where I was where I had to
4 deal with a parole plan that was within miles of my house
5 twice. I've moved back to San Bernardino County. And guess
6 what, this parole plan, first thing he said, he has no family
7 here, no ties. Here again is intimidating me. And it's San
8 Bernardino County. He's been told to find there are 86
9 counties in California. He has no ties here. Like he said,
10 his sister, who I don't believe knows the truth because she
11 has harassed me, she's gone after me. I think that's how he
12 has the information to know where I'm living because it's too
13 convenient that his plans are. But let's reasonably look at
14 his plan. I saw the plan in the 10-day packet with Connie.
15 It's generic. It's completely generic. There is no, it says I
16 will get a job in my career, in my skills. Well, until today
17 when Deputy Commissioner asked him, what are your job skills?
18 He can't even write them on a paper and a parole plan that
19 was submitted to the DA's office. He doesn't have housing
20 figured out. He doesn't have a job figured out. He doesn't
21 have all of these things. And I will tell you, Michelle and I
22 are the only two women in his whole life up until six months
23 ago where he was still contacting his ex-wife. And the only
24 reason why she's not speaking to him is because she has
25 finally married a decent man that has says you cannot take

1 any more calls from him. The abuse has got to stop. I won't
2 be intimidated by him. I hate being interfere by him. I live
3 in fear. If he is released, I know we're not supposed to talk
4 about and it's not supposed to have great weight to keep him
5 in for the actions of what he did to Brittany. But he hasn't
6 told the truth. He hasn't been accountable. But he is still
7 fear. I'm a fear he is a dangerous person. He is a dangerous
8 then he's dangerous. Now he can sit there. That smug luck.
9 The same person Commissioners that I see right now today is
10 the person I saw when he said he didn't talk to me the day
11 before he killed my daughter. I was up with him all night. He
12 asked me if he could bring a gun into my house and I said,
13 no, I had my best, my other best friend come over Heather.
14 It's in all the police reports and, and everything. Even if
15 he read his interview, he would know the truth and what he
16 did the night before he killed her. One story says he slept
17 one story. He said he did it. He did sleep. He was not on
18 drugs. He wasn't even drinking that night. I was in the house
19 alone with him while Darren was at work. Brittany came out of
20 the bathtub, needed help with her nightgown. She had
21 underwear on because she was still wet from not completely
22 toweling herself off. And then this man freaked out on me. He
23 goes, she needs to be dressed. Then he asked me, how do I get
24 back together with my wife? I really love my wife, I want my
25 wife, I want my kids. But the next morning he selfishly, for

1 unknown reasons, takes her life for people that were helping
2 him. How can he be a member of society now? He can't take
3 care of himself. He can't follow the steps programs, he can't
4 come in here for prepare for parole hearing with all the same
5 information you were given. All the same information I have.
6 He has access to all the same things and still cannot come in
7 here and face the truth of what his actions did. No one else.
8 Not drugs, not alcohol. Not Angie, not Brittany, none of us
9 created that situation. I hope you give him another seven
10 years. So then maybe he'll come back the next time and really
11 work on himself because he has not done anything from the
12 first parole hearing in 2008 to the next one in 2016 to this
13 one now to work on himself without giving excuses. And if he
14 really wants to dig deep like the rest of us have had to do,
15 you gave me a life. He gave me a life sentence. I live with
16 this life sentence every day of my life. I'm a community
17 member. I don't abuse things. I have every reason to lose my
18 mind when this happened and do horrible things. Who does
19 that? But I've had to work on myself too. And I've committed
20 to that. I help other victims. I help other disabled groups.
21 I turned something in the grace of Brittany and what has
22 happened to her. What has Chuck Johnson done except for talk
23 about his own issues and his bad childhood and all of those
24 things as an excuse. What community things is he going to do
25 to give back to what the world loss when he killed Brittany,

1 all he's thinking about is himself. Oh, I want a hobby. How
2 about creating something, doing something from what you've
3 done if you're truly remorseful and show us that that's what
4 people do in society. I turn the worst thing of my life and I
5 give back. That's why we have over 1900 signatures on a
6 petition. That's why we have hundreds of letters of denial
7 for support for us. That's why I'm on podcasts, that's why I
8 do everything I do. So other victims and other people learn
9 and understand what murder does? Thank you. Thank you
10 Commissioner.

11 **DISTRICT ATTORNEY LASKY:** Thank you. And that concludes
12 the victim's impact statements for this case.

13 **PRESIDING COMMISSIONER NWAJEL:** Okay. Alright. Very
14 good everyone. Um, we are going to go into deliberation and
15 um, it's hard to predict how much time we need, so I just
16 kindly respect that you leave your sound on and uh, we will
17 announce ourself when we return to the room. Thank you
18 everybody.

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CALIFORNIA BOARD OF PAROLE HEARINGS**DECISION**

PRESIDING COMMISSIONER NWAJEI: Okay, it is November

16th, 2023 at 12:48 P.M. And we are at Chuckawalla Valley State Prison in the matter of Mr. Johnson. All persons present prior to the deliberations have returned. Not everybody is physically where they were, but I understand people are listening on the phone from the locations that they are currently at. Our legal standard is to determine if the inmate continues to pose an unreasonable risk to public safety in a denial of parole must be based on evidence of the record of current dangerousness. Based on the legal standards in the evidence considered we are finding, um, that Mr. Johnson is not suitable for parole today. And um, so this is a denial. I'm going to go through the reasons for the denial and um, starting with the evidence that we considered, we considered the Central File, the recent Comprehensive Risk Assessment, the documents that were submitted prior to this hearing. We will send carefully to the testimony received from the public. We listen carefully to Mr. Johnson's testimony, um, and, uh, the evidence from both, uh, testimony as well from both Lawyers. Uh, there was no reliance on any confidential information due to lack of relevancy. And at this point I'm going to go through the structured decision

CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 1

1 making tool to, um, explain how we have arrived at our
2 decision. And hopefully Mr. Johnson, this can also serve as a
3 roadmap for you to be, um, more successful in the future. Uh,
4 the first of the six domains is criminal and parole history.
5 And this domain is aggravating. Uh, you were raised amongst
6 poverty, significant instability and violence. You didn't
7 have much interest in school. And by age 13 you were getting
8 into fights, you were skipping classes, you were bullied, and
9 you were a bully.

10 **DEPUTY COMMISSIONER TAYLOR:** Uh, oh, she froze.

11 **DISTRICT ATTORNEY LASKY:** Okay, uh, at least, it's not me
12 this time.

13 **DEPUTY COMMISSIONER TAYLOR:** Yeah, off the record.

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25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 2**

1 **PRESIDING COMMISSIONER NWAJEI:** I know I went off
2 there for a minute. Alright, we're back on record.

3 **DEPUTY COMMISSIONER TAYLOR:** Yes.

4 **PRESIDING COMMISSIONER NWAJEI:** Uh, so we're talking
5 about domain number one and um, I think the last thing I
6 mentioned that there was some, um, friends with whom you did
7 some negative activities including stealing. And at one point
8 you stole a BB gun and that did result in a placement on
9 probation. As an adult, your criminal behavior escalated and
10 continued with theft and a battery. And prior to the live
11 crime, you had perpetrated domestic violence against your
12 spouse and you were a heavy drug user. You were referred for
13 anger management, but you didn't follow through. The next
14 domain that we look at is entitled Offender Self-Control. And
15 it refers to the degree of control that was had or not had at
16 the time of the commitment offense. And this domain is
17 aggravating. The crime occurred on October 10th, 1993 and
18 proceeding the offense you had separated from your wife
19 following, uh, repeated incidents of domestic violence. Your
20 friends Jennifer and Darren took you in your work colleague
21 Steve rented a room from them and then you rented the other
22 room. The victim of the crime was three year old Brittany,
23 daughter of Jennifer and Darren. The child interrupted your
24 focus on your drugs, your impatience and your rage escalated

25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 3**

1 and you strangled the child. You maintained your innocence,
2 um, for quite some time and especially during your
3 interrogation. The poor self-control that you displayed at
4 the time of the crime was influenced by your polysubstance
5 addiction. Uh, also by multiple unaddressed emotional issues,
6 inclusive of anger, resentment, low self-worth, inadequate
7 problem solving skills, impulsivity, callousness,
8 recklessness, extreme irritability, short temper and a
9 disregard for the rights and welfare of others as well as a
10 sense of entitlement. You do not have a major mental
11 disorder, nor are you diagnosed with a personality disorder.
12 You do meet the criteria for addictions to stimulants and
13 alcohol. And we do note that you, um, are identified as you
14 identify yourself rather as an addict in recovery. The next
15 four domains that I'll be talking about are considered
16 dynamic. And what that means is, unlike the first two that I
17 just addressed, if they're not static, they're not based on
18 historical fact. These are domains where you can move the
19 needle from, um, the risk ranges. So programming reflex the
20 efforts that you have made to reflect on your, on yourself
21 and address the causative factors of your crime. And, uh, we
22 find this domain to be neutral. And I'll explain shortly, uh,
23 in terms of your education, we commend you for advancing your
24 education. You got your GED in prison, you achieved your

25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 4**

1 associate of arts degree, and that's very, that's excellent.
2 You've also upgraded vocationally. You've, um, been involved
3 in machine shop and painting and your work history shows that
4 since late 2022 you've been working in the dining room and
5 you've had a number of prior jobs, including having been on
6 the recycling crew. You've been a porter, a cook, a yard
7 worker, you've worked in a scullery and you've been a clerk.
8 And notably as a clerk, you received some very Laudatory
9 chronos. Um, you have received Laudatory chronos outside of
10 just having been a clerk where you are a referenced as being
11 positive and respectful towards others. Um, the reason we're
12 neutralizing this domain has to do with the programming that
13 you've been involved in. Now, you've done a lot of
14 programming. We, we understand that you've been involved in
15 programming that is related to your risk factors, including
16 violence and specifically domestic violence, anger,
17 criminality, and addiction. So we acknowledge the programming
18 that you have done and we recognize too that you've been a
19 facilitator for AVP. The reason it's neutralized is because,
20 uh, we have some concerns of insufficient dosage with regard
21 particularly to, to domestic violence and substance abuse.
22 This isn't to imply that the other programming isn't
23 important, but we highlight some areas where we see some
24 deficits that are notable. And I'll be talking a little bit

25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 5**

1 more about those two areas more specifically here in a
2 moment. Uh, the next domain that we look at is your
3 institutional behavior. And we find this also to be neutral.
4 Um, and, and that's largely for some historical factors.
5 You've been compliant in prison, you haven't really broken
6 any rules for, for a long time. You've never been gang
7 affiliated, but you did have the SNY placement in 2011 after
8 you refused to bring in cell phones. However, that was
9 proceeded by your involvement in having them bringing cell
10 phones. So, uh, your, that's why RVR was quite a few years
11 ago. But we'd like to see you just continue, uh, the steady
12 course, getting the positive chronos and um, hopefully you
13 can move this into the mitigating realm. Your release plans
14 are neutral as well. Um, in large part because we'd like to
15 see some transitional housing acceptance and if possible, we,
16 we recognize that this is a recommendation. We're not, you
17 know, holding your feet to the fire on this. But if you can
18 have a job lined up and we realize it could be difficult from
19 the insight, but we encourage you to make the effort. We, um,
20 did see your relapse prevention plans for domestic violence,
21 anger awareness, alcohol and drugs. Um, I personally thought
22 that your statement on violent nature was quite good. And,
23 um, going forward, work a little bit more on your release and
24 reintegration plan. Offender change is our last domain and,

25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 6**

1 uh, this at this point is aggravating. The crux of our
2 decision is to determine whether your change has been enough
3 to demonstrate that you would no longer pose an unreasonable
4 risk to public safety. So we, we appreciate the fact that as
5 you've had Comprehensive Risk Assessments over the years,
6 your risk rating has steadily gone down. We see that you are
7 currently a low risk, but there are various points where
8 concerns are raised related to the solidification of your
9 tenants of recovery. And um, let me just point out some
10 places in the report where we see that. So on page six, the
11 clinician, um, makes a reference to you not having processed
12 through each of the 12 step -- steps. And there's a statement
13 that you made about not being in a rush to go through them.
14 And as the clinician states, and I'll quote from the report,
15 this is a bit concerning given the significant nexus between
16 his past use and violence slash criminal behavior.

17 **DEPUTY COMMISSIONER TAYLOR:** Alright, she froze again.
18 So we will, uh, pause a little while and hopefully she'll
19 come back.

20 **PRESIDING COMMISSIONER NWAJEI:** Did I freeze again?

21 **DEPUTY COMMISSIONER TAYLOR:** Yes, you did.

22 **PRESIDING COMMISSIONER NWAJEI:** No, I did. Okay. Um,
23 I'm going to, this has happened before. I'm going to get out
24 and come back. You want me, it helps when I do that.

25 **CHUCK JOHNSON K11650 11/16/2023 DECISION PAGE 7**

1 **DEPUTY COMMISSIONER TAYLOR:** Want me to go off record?

2 **PRESIDING COMMISSIONER NWAJEI:** So let's go off
3 record and give you a minute to get to leave and come back.

4 **DEPUTY COMMISSIONER TAYLOR:** Off the record.

5 **DEPUTY COMMISSIONER TAYLOR:** Back on the record.

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PRESIDING COMMISSIONER NWAJEI: Alright. Okay. I

think I had finished talking about, uh, the reference on page six and I'm now talking about a reference on page seven where the clinician writes, quote, he has remained sober throughout prison, yet attended limited treatment end quote, and another quote, plans to attend substance abuse groups routinely, but has not evidenced his routine attendance while in prison, which is a concern as remaining sober will be paramount to his violence risk reduction. Next, I reference page 11 where the CRA author makes mention that there are concerns with his ability to follow through with substance abuse treatment in the community as he has not evidenced consistent in treatment in prison. And then lastly, on page 12 of the report, the two identified salient risk factors related, um, back to the consistent attendance and substance abuse. So we saw those concerns today. We saw the concerns raised by the clinician. It was evident in your testimony. We think you are credible in acknowledging your addiction, but we do see these underdeveloped areas in your recovery. And since your substance abuse has a very strong and direct Nexus to the commitment offense, it's really imperative that your recovery become fortified. And we understand Mr. Johnson that you were nervous during this hearing, but at this point the critical tenets of sobriety should be so drilled into your

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1 understanding that responses are automatic. Um, at 30 some
2 years in prison, you should know the steps backwards and
3 forwards and have them internalized, learn the difference
4 between recovery and abstinence. Abstinence is just not using
5 recovery is a practice every day where you fortify this, the
6 whole idea of sobriety. And we, we appreciate that you
7 recognize that relapse is a possibility and this is where a
8 sponsor really comes in. And, and a sponsor can't be a
9 relative or a friend. It would kind of like somebody seeking
10 psychotherapy from a relative or a friend. You need somebody
11 who's very, very objective about you and can call you out on
12 things, um, that you need to be called out on. And maybe it's
13 hard to do that from the inside, but we do see people who
14 manage to achieve it. You can reach out to Alcoholics
15 Anonymous General Services or you can find somebody in local
16 Alano Clubs in the community where they may be able to find
17 somebody who could serve as a correspondence sponsor for you.
18 Um, with regard to the domestic violence concerns, uh, you
19 were asked about the cycle of violence and you gave an answer
20 that was inaccurate, again, that you could have misspoken
21 because of nervousness. But again, back to the idea that
22 certain things need to be have to be drilled into your, your
23 real core. So you did write a pretty insightful statement
24 about domestic violence in your 10-day packet, but we see

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1 that that was also a very important area that needs to be
2 addressed in in your history and, um, fortified, uh, prior to
3 your release. So those are the two big, big areas where we
4 want you to put your energy, which again, it's not to say let
5 other types of programming arc and whatever else is there for
6 you to, um, take advantage of in prison, do it all. But, um,
7 these are the areas we'd like to see you emphasize. Turning
8 to youth offender factors, you committed the life crime at
9 age 22. It is generally understood that the human brain is in
10 a state of evolving neurological maturity up until about the
11 age of 26. So you qualify for great weight to be applied to
12 youth factors. And this includes considering three distinct
13 things. One, the diminished culpability of youth as compared
14 to adults. Two, the hallmark features of youth. And three,
15 the subsequent growth and increased maturity. You grew up in
16 a household that exposed you to emotional upheaval, violence
17 and um, general, um, chaos. And consequently violence was
18 normalized and you emulated what you witnessed. You had poor
19 problem solving skills, poor communication skills, inadequate
20 interpersonal skills and low self-esteem. And compounding
21 these deficits was your substance addictions that further
22 weakened your ability to manage your life and engage in
23 healthy relationships. You were quick tempered and unable to
24 maturely reason, reason your way through stress and

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1 challenges. And you were displaying many of the Hallmark
2 Features of Youth including impulsivity, irresponsibility,
3 recklessness, self-centeredness, and an inability to
4 adequately consider consequences over the course of your
5 incarceration, you have introspective and you have learned to
6 become more responsible and accountable your many years, um,
7 without a rule violation. Demonstrate your improved impulse
8 control and your behavioral stability as well as your
9 compliance with rules. And it appears you are aligned with
10 pro-social peers and your problem solving skills are
11 evolving. However, the requisite growth and maturity while in
12 progress has not yet quite been sufficiently achieved. And
13 then lastly, we look at elderly parole factors and we gave
14 special consideration to the mitigating effect of your age of
15 54 and your over 30 years of incarceration as well as any
16 diminished physical condition when determining parole. Your
17 physical accommodations are limited to eyeglasses and we do
18 note that you recently had removal of a basal cell carcinoma,
19 carcinoma. We understand too that the procedure went without
20 complications and there are no indications of memory issues
21 or cognitive impairment that you and you are of an age where
22 statistically, um, the probability of recidivism is, is quite
23 reduced. Generally you are in good health and you are able
24 bodied, thus there does not appear to be any significant

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1 reduction in your ability to engage in violence should you
2 choose to do so. For many years you've been compliant with
3 rules and behaviorally stable and you have participated in
4 Self-help. But as I mentioned earlier, we do some, see some
5 areas that need more work. Um, you have matured over your
6 three decades of having been in prison. Um, but as has been
7 identified there are areas that need more work. And so, um,
8 before we can find the elderly parole consideration to serve
9 as a mitigating factor, we need to see that additional work
10 done. Alright, so, um, that's the reasons for this denial.
11 And, um, we have, we next look at the denial range. And what
12 we're looking to see is how much time do we think it'll take
13 you to address the issues that are still considered
14 aggravating. And we find clear and convincing evidence that
15 neither a 10 or 15 year denial is appropriate. The next range
16 of timeframes that we look at is, um, three, five, and seven
17 years. And so we have to look again at the timeframe we think
18 would be, um, possible for you to achieve what you need to
19 achieve? And we think that the minimal denial is appropriate
20 for you, sir. So this is a three year denial. And um, Deputy
21 Commissioner, do you confirm and, um, have concurrence?

22 **DEPUTY COMMISSIONER TAYLOR:** I concur. The only thing I
23 would add, uh, Mr. Johnson, is that it doesn't necessarily
24 have to be the 12 steps. We're, we're not requiring that

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1 particular program, but, uh, you need to have a plan of
2 recovery that you can, that you're clear about, that you can
3 show that you're following. And that addresses how you're
4 going to maintain sobriety in the community because sobriety
5 in prison does not equate with sobriety in the community. And
6 today you, uh, really didn't know the difference between
7 recovery and, uh, just abstinence. So you need a plan of
8 recovery. So look that up, work on it. It doesn't necessarily
9 have to be the 12 steps, but something that shows that you
10 have tools, you know, your triggers and you're going to be
11 able to handle it, uh, you know, in prison and outside in the
12 community. Good luck.

13 **PRESIDING COMMISSIONER NWAJEL:** Yeah, and I think
14 it's great that you have a, a you know, kind of an informal
15 group of six guys that get around and, and, and fortify your
16 recovery in some areas. But I would encourage you to make it
17 more formal. Get a big book, start working on the big book.
18 Um, and, and really that's where the sponsorship comes in.
19 And I'm not talking about the sponsors who sponsor the
20 functioning of a group because I know that word is used in
21 prison, but I'm talking about an AA sponsor, somebody who's
22 going to take you through the steps and, um, is going to call
23 you out when you're not being honest and who's going to push
24 you forward to get deeper into where you need to go and

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1 looking at yourself. So, um, there's also a PTA you can talk
2 to Mr. Ogan about what that means. Um, I encourage you to do
3 that, but I think you three years is probably a very
4 legitimate timeframe for you to be able to, um, have the time
5 you need to accomplish what you need to accomplish? Um,
6 obviously it goes without saying don't get any 115's. Um,
7 stick with the winners. Stay with your, the people that
8 you're working with, uh, fortify those parole plans. Uh, your
9 insight and awareness letters are good, but those can be, um,
10 made even stronger the more you get into your recovery. And,
11 um, I think that's the end of my suggestions to you. Anything
12 else? Uh, Commissioner Castro?

13 **DEPUTY COMMISSIONER TAYLOR:** Yeah, I forgot. You need
14 to put in a little more work on your parole plans. Get some
15 acceptance letters, uh, expand your, your support network.

16 **PRESIDING COMMISSIONER NWAJEI:** Yeah.

17 **INMATE JOHNSON:** Okay.

18 **PRESIDING COMMISSIONER NWAJEI:** Yeah. Okay. Alright.
19 Um, this decision is not final. It will be reviewed by the
20 board for up to 120 days. You will be notified in writing if
21 there are any changes to this decision. I want to thank
22 everybody. Um, I very, very much appreciate all of the
23 Victim's Next of Kin coming. I very much appreciate your
24 statements and I know how hard this day has been for you and,

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1 um, I appreciate your courage and all that.

2 **DEPUTY COMMISSIONER TAYLOR:** Oh, she froze again, but
3 we're pretty much done. We'll go off.

4 **DISTRICT ATTORNEY LASKY:** Commissioner.

5 **DEPUTY COMMISSIONER TAYLOR:** Go ahead.

6 **DISTRICT ATTORNEY LASKY:** Sorry.

7 **DEPUTY COMMISSIONER TAYLOR:** Off the record.

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1 **PRESIDING COMMISSIONER NWAJEI:** This is 6:11 and we
2 are okay. I'm not sure I got the last piece in there. I just
3 want to thank everybody. Um, and did I get, did I get to the
4 end?

5 **DEPUTY COMMISSIONER TAYLOR:** No, we missed it.

6 **PRESIDING COMMISSIONER NWAJEI:** Alright. Um, did I,
7 did you hear me say that the decision is not final and we'll
8 be reviewed by up to 120 days. Okay. And you'll be notified
9 in writing if there are any changes to, to this decision.
10 And, um, then I give my, um, heartfelt thanks to all of the
11 Victim's Next of Kin and coming in today. Um, the hearing is
12 now 1:11 P.M. And the hearing is adjourned.

13 **DEPUTY COMMISSIONER TAYLOR:** Off the record.

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ADJOURNMENT

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

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CERTIFICATE AND DECLARATION OF TRANSCRIBER

I, Mathivanan Alagurajan, am a disinterested party, and have no interest in the outcome of the hearing. Further, I certify this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription of proceeding for:

In the matter of the Parole CDCR Number: **K11650**
Consideration Hearing of:

CHUCK JOHNSON

CHUCKAWALLA VALLEY STATE PRISON

BLYTHE, CALIFORNIA

NOVEMBER 16, 2023

08:40 AM

Signed: *Mathivanan Alagurajan*

Transcribed by: Mathivanan Alagurajan

Dictate Express Transcription

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