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January 17, 2018

Board of Parole Hearings
Attn: Nonviolent Parole Review Process
P.O. Box 4036
Sacramento, CA 95812-4036

**Re: Inmate Corey Lamar Johnson; CDCR V40835
Ventura County Superior Court Case 2012031111
Opposition Letter Due to Board of Parole Hearings January 17, 2018**

Dear Board Members:

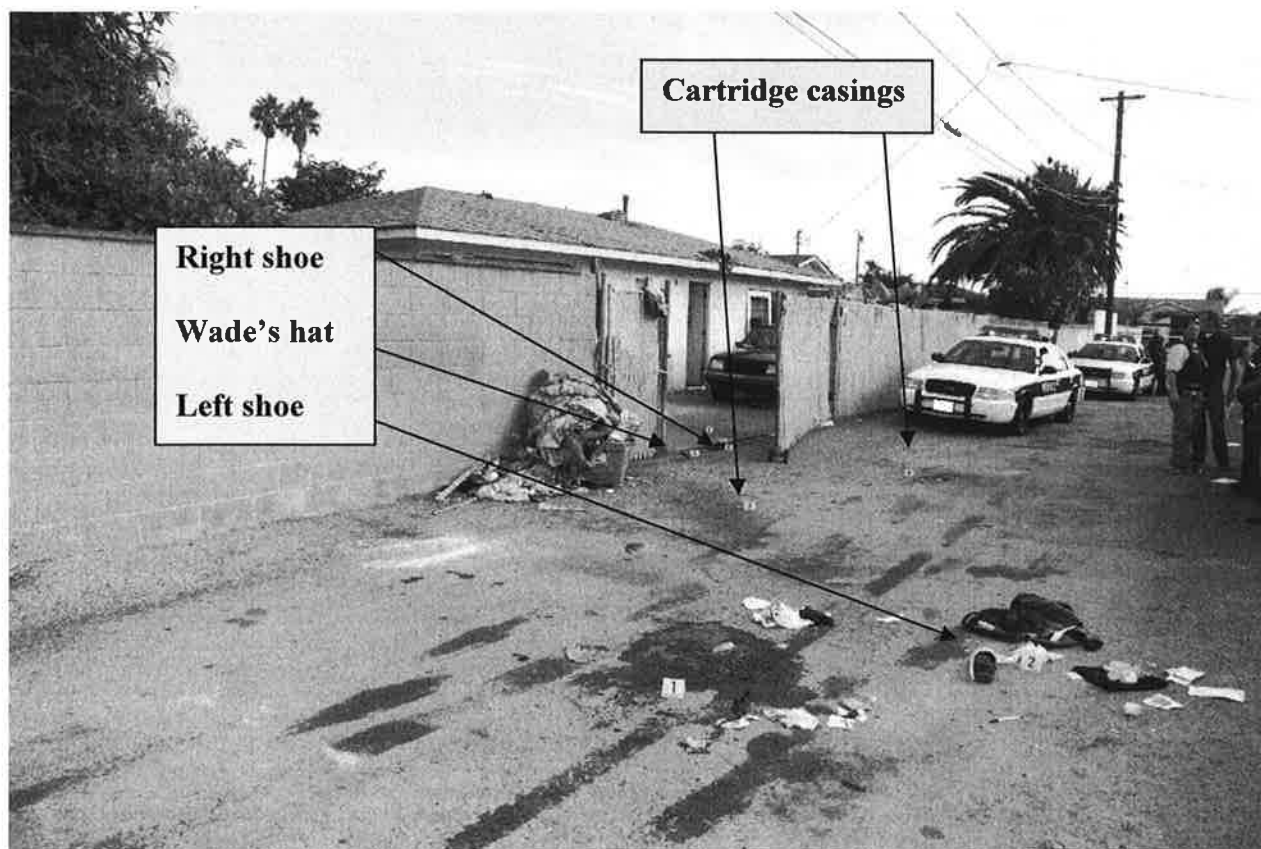
This letter is written to recommend denial of early parole for inmate Corey Johnson. In September 2012, the inmate was sentenced to 13 years prison, with just over two years of credit. Releasing the inmate now means he would serve about 60 percent of his actual sentence in this violent crime. This recommendation to deny early release is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

CIRCUMSTANCES OF THE COMMITMENT OFFENSE

On November 9, 2009, at approximately 2:28 p.m., residents near 1435 South E Street in Oxnard heard gunshots in the rear alley and called 911 to report a man was calling for help. Officers responding found Michael Wade, barely conscious, but able to state that he was shot by a black man in a red shirt who tried to rob him. Wade was transported to the hospital where he died several hours later of gunshot wounds to his back.

A photograph of the scene of the shooting is below. The location of the victim's shoes in conjunction with the location of the victim's wounds gave the strong indication that the victim had been running away from the rear yard of 1435 South E Street when he was shot.



In the meantime, several blocks from the scene where Michael Wade was murdered, Oxnard Police located a second victim, Kenneth Pecaro, who was suffering from a gunshot wound to the hand. Initially, Pecaro was uncooperative, but eventually related the full story of the violent attempted robbery which ended in the death of Michael Wade.

Michael Wade and Darryl Babagay were finishing up a road trip which began in northern California and brought them to Harrah's Rincon Casino in Poway, California. On November 8, while on the return trip north, Babagay, an admitted gambler and sometime drug dealer, asked Wade if Wade could obtain drugs for purchase. Wade had an acquaintance in San Bernardino by the name of Matt Dunigan. Wade contacted Dunigan and then he and Babagay went to Dunigan's house in the Rancho Cucamonga area. Dunigan was a drug dealer and did not have a connection for the large amount of drugs Babagay was interested in. Dunigan then inquired of his friend, Kenneth Pecaro, whether Pecaro had a connection who could provide multiple kilos of cocaine. Pecaro then reached out to an ex-prison acquaintance of his, Brian Starks, who lived in Oxnard.

Starks told Pecaro that he did have access to the quantity of cocaine being sought by Babagay. Starks told Pecaro that he could provide four kilos of cocaine for \$17,500 per kilo. Starks and Pecaro called and messaged each other multiple times on November 8 and November 9, and decided they would meet in Oxnard on the afternoon of November 9 for the exchange.

Starks; however, never had any cocaine. The investigation revealed that Starks enlisted his two friends, inmate Corey Johnson and co-defendant Terrance Morrow, to assist him in robbing Pecaro and the buyers of the \$70,000 they would be bringing to Oxnard.

This scheme was evidenced by a series of phone calls and messages between Starks and Morrow, Morrow and inmate Johnson, and Starks and inmate Johnson. The calls went back and forth between the three of them until just minutes before the shooting, then resumed several minutes after the shooting.

Starks arranged to meet with the buyers at a convenience store several blocks from the South E Street residence. Darryl Babagay and Michael Wade drove from Rancho Cucamonga to Oxnard in Babagay's car, and Kenneth Pecaro followed with Dunigan. Starks arrived and told Pecaro, Wade, and Babagay that he would drive them to where the cocaine was located. Babagay was put off by the circumstances. He disliked Pecaro, who appeared to be high on methamphetamine, and he did not trust Starks. Babagay elected to stay behind while Pecaro and Wade went to examine the product.

Starks drove Pecaro and Babagay to the alley behind 1435 South E Street. Starks herded Pecaro and Wade ahead of him into the shallow rear yard where inmate Johnson lay in wait, out of sight, armed with a rifle. When Pecaro opened the rear door, Terrance Morrow shoved a pistol in Pecaro's face. Pecaro grabbed the barrel of the gun and he and Morrow wrestled. Morrow fired, striking Pecaro in the hand.

When Wade saw what was happening he immediately turned and tried to flee, literally running out of his shoes. But Starks, armed with a handgun, struck Wade in the head with the butt of the gun and then, as Wade ran, he mercilessly shot Wade in the back.

Inmate Johnson, knowing Wade had been shot, ran away from the scene and retreated to the apartment where Morrow's family lived. Witness Victor Lee observed inmate Johnson and Morrow running into the house out of breath. Inmate Johnson was holding a rifle. Inmate Johnson wrapped the rifle in a shirt and gave it to Lee and told him to get rid of it. Lee took the rifle to a nearby dumpster and threw it away.

The inmate ultimately pleaded guilty to conspiracy to sell controlled substances. He admitted a special allegation that he was personally armed with a firearm during the

commission of the crime. He also admitted a strike prior and prison prior. He was sentenced to 13 years in prison.

INMATE'S CRIMINAL HISTORY

According to a probation report dated April 12, 1991, the inmate (aged 13) stated he and two friends were walking by a house and he stood watch while his friends went inside the house and burglarized it. A sustained allegation for residential burglary was handled informally with six months of probation.

On May 16, 1992, the inmate (aged 14) and four companions climbed through a hole in a fence at Hueneme High School and went into the school pool. A trespass charge was handled informally by youth services.

On May 29, 1992, the inmate (aged 14) and two companions were involved in a fight in a parking lot. The inmate and his friends staged a fight in public. Police were called, and investigation revealed all three were "playing a game." All resisted arrest. Charges for fighting in public and resisting arrest were handled informally by youth services.

On June 9, 1993, a witness reported to police that one of the suspects to a burglary was in the area. When police arrived, they found the inmate (aged 15), in possession of alcohol. A charge of minor in possession of alcohol was later dismissed with a Harvey waiver. On June 18, 1993, while at a roller-skating facility, the inmate (aged 15) and his brother, Daniel, became unruly and tried to start fights with other juveniles. A security officer intervened and attempted to escort the two out of the building. Both Daniel and the inmate struck security officers. The inmate had been drinking. A battery charge was later dismissed with a Harvey waiver.

On September 9, 1992, a judge issued a restraining order preventing the inmate (aged 15), from entering the common areas of a condominium complex. On July 15, 1993, the inmate violated the restraining order, and police were called. They found the inmate hiding by some bushes. He admitted to police he was aware of the restraining order. A petition for violating the court order was sustained.

On April 9, 1994 at 1:10 a.m., the inmate (aged 16) was a passenger in a vehicle. He was in possession of a 9 mm semi-automatic handgun. The driver, Denny Fields, a Black Mafia Family gang member, told police he believed that the inmate had the gun. The inmate admitted violating gang terms previously ordered by the court. A petition was sustained for possessing the gun.

On May 28, 1994, the inmate (aged 16) was accused of shoplifting a bag of potato chips from the Oxnard Ranch Market. The inmate tried to run away, but he was detained by store employees who had to physically subdue him. The charge of petty theft was considered with the above-mentioned gun case.

On August 16, 1994, the inmate (aged 16) wrote "crackhead" on the victim's garage door with a marker.

On October 21, 1994, police contacted the inmate (aged 16) who displayed symptoms of being under the influence of a stimulant. The inmate refused to give a urine sample and was arrested, but later provided one which tested positive for illegal drugs.

On October 25, 1994, the 16-year-old inmate's moniker, "Slim," was found carved into the wall of his room at the Clifton Tatum Juvenile Center. Additional gang graffiti, his name, and moniker were found on a notebook. The next day, staff discovered that two books in inmate's housing unit had been vandalized with Black Mafia Gang graffiti and the inmate's moniker. One week later, on November 5, 1994, a book was located in the common area of the inmate's housing unit with Black Mafia Gang graffiti and the inmate's moniker scratched on the front and back covers. A petition for vandalism was sustained.

On November 3, 1995, the inmate (aged 17) was at the victim's daughter's apartment and refused to leave. The victim had to physically escort the inmate out of the residence. Once inmate was outside, he retaliated by firing several shots through the apartment door, hitting the victim in the leg. There were two children, ages two and three, in the residence. The inmate was convicted of shooting into an inhabited dwelling. He was sentenced to five years prison. On April 27, 1998, while serving time in prison, a search of inmate's person was conducted. A correction officer alleged that inmate bumped him (the officer) in the buttocks. When released, he suffered 11 violations of parole.

On October 4, 2002, the inmate was shot in the leg while in a prison yard because an officer believed he had razor blades in his possession. After being shot, he went to his cell and lit his personal property on fire. The inmate was convicted of vandalism.

On April 24, 2003, the inmate had an outstanding parole warrant and was determined to be staying at a motel in Oxnard. Officers went to inmate's motel room. He answered the door and was arrested. A search of the inmate revealed 14.6 grams of cocaine, packaging, two cell phones, and \$345. While officers were searching the motel room, the inmate fled on foot and was apprehended a short time later. The inmate was convicted of possession of cocaine base for sale and resisting arrest. He admitted a strike prior and prison prior and was sentenced to eight years CDCR.

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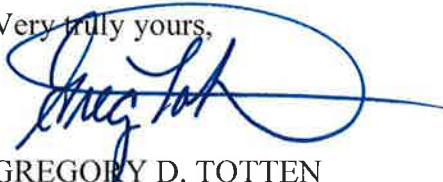
CONCLUSION

The tragic result of inmate's sordid criminal enterprise with two co-defendants is that a man was shot to death in cold blood. The inmate substantially contributed to the crime, first by agreeing to the engage in a dangerous and violent robbery attempt, second by arming himself with a firearm and supporting the endeavor, and third, after the events collapsed upon themselves resulting in Michael Wade's shooting, failing to stay and render aid to a defenseless human being. His wretched and anti-social behavior, while ironically deemed "non-violent" is certainly not deserving of reward or leniency. The conduct in his commitment offense was extremely violent.

Based on his commitment offenses and criminal history, the inmate does not deserve early release. There is no reason to believe the inmate will reform if he receives a shortened sentence. His criminal record is alarmingly long, and increasingly violent, while in custody or out.

I request that you deny the inmate an early release because he poses an unreasonable risk to the public when released from custody.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

GDT:mf

By e-mail bph.correspondenceunit@cdcr.ca.gov