



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

**GREGORY D. TOTTEN**  
District Attorney

**JANICE L. MAURIZI**  
Chief Assistant District Attorney

**MICHAEL K. FRAWLEY**  
Chief Deputy District Attorney  
Administrative Services

**W. CHARLES HUGHES**  
Chief Deputy District Attorney  
Special Prosecutions

**MICHAEL R. JUMP**  
Chief Deputy District Attorney  
Victim & Community Services

**MICHAEL D. SCHWARTZ**  
Special Assistant District Attorney  
Justice Services

**R. MILES WEISS**  
Chief Deputy District Attorney  
Criminal Prosecutions

**MICHAEL BARAY**  
Chief Investigator  
Bureau of Investigation

August 29, 2018

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

**Re: Inmate Johnny Curthus Murray; CDCR BD4172  
Ventura County Superior Court Case 2016006409  
Opposition Letter Due to Board of Parole Hearings September 4, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Johnny Murray.<sup>1</sup> In June 2017, the inmate faced a maximum sentence of 35 years to life in prison after a jury convicted him of criminal threats. However, the court struck both strike priors and imposed only one of two Penal Code section 667(a) serious felony enhancements.<sup>2</sup> The inmate was then sentenced to 6 years 4 months in prison. Releasing the inmate now means he only would serve approximately 40 percent of the actual sentenced imposed. The inmate should not be granted parole for the following reasons:

- 1) The dangerous nature of the commitment offense.
- 2) The inmate's recent involvement in violent criminal conduct.
- 3) The unreasonable public safety risk if the inmate is released early.

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSE**

On February 21, 2016, victim Greg Hensley was disturbed by loud music from his neighbor's home. Mr. Hensley walked across the street to address the issue with his neighbor. After knocking several times, the inmate confronted Mr. Hensley saying that he would not turn down the music. Mr. Hensley told the inmate he would have to call the police if the music did not subside.

<sup>1</sup> This letter is very similar to the opposition letter sent last year.

<sup>2</sup> The People filed an appeal alleging the court erred by striking the second five-year Penal Code section 667(a) enhancement. We expect the Court of Appeal to issue its ruling soon.

Board of Parole Hearings  
Re: Johnny Murray, CDCR BD4172  
August 29, 2018  
Page 2

Police officers were summoned and the inmate lowered the music. After the officers left, Mr. Hensley observed the inmate coming onto his property. Mr. Hensley believed the inmate was intending to apologize for his earlier actions. The inmate motioned for Mr. Hensley to exit his house. Mr. Hensley did so, with his disabled son behind him.

The inmate then stated, "I'm going to burn this motherfucker down with all of you in it." Mr. Hensley said, "What?" The inmate then repeated the threat. Mr. Hensley immediately told the inmate to get off his property and called the police.

At trial, the victim testified regarding security measures he and his family took due to his fear of the inmate. The victim spent over \$10,000 on home security and weapons. Ultimately, the victims moved out of the neighborhood due to this crime. The jury found the inmate guilty of criminal threats in violation of Penal Code section 422(a).

## **CRIMINAL HISTORY**

The inmate's documented criminal history spans more than 30 years. In total, the inmate has nine prior convictions. His first conviction was in 1987 when he was caught in Nevada possessing a stolen car. One year later, the inmate was convicted of grand theft in California. While on probation in 1989, he suffered his first felony conviction, selling methamphetamine in the city of Santa Barbara. He failed on felony probation when he traveled to Pennsylvania and was subsequently convicted of assault and terrorist threats. When the inmate returned to California in late 1989, he was sent to prison for three years after being found in violation of his probation.

In 1992, soon after his release from prison, the inmate broke into an apartment, while the resident of the apartment was at work, and stole several stereos, a television, and a bike. The inmate was convicted and sentenced to four years prison for first-degree residential burglary. Less than two years after he was paroled, on April 19, 1995, the inmate stole checks and attempted to cash them. He was convicted of felony forgery and sentenced to three years in prison.

When discharged from prison, on May 20, 1997, the inmate was convicted of felony robbery with the use of a firearm. He was sentenced to 12 years in prison. Details of this violent prior offense are unknown.

The inmate was paroled on January 24, 2008, and subsequently violated parole three times, suffering two misdemeanor convictions. One conviction was for passing a bad check, and the other for attempted extortion. The inmate was discharged from parole on December 12, 2011. Less than five years later, he committed the instant offense.

Board of Parole Hearings  
Re: Johnny Murray, CDCR BD4172  
August 29, 2018  
Page 3

## **DISCUSSION**

Despite numerous opportunities to rehabilitate himself, the inmate continues to disregard the law and harm others. The inmate's pattern of criminality, history of violence and threats raises serious public safety concerns. The inmate's conviction related to threats in 1989, and again in the instant case is troubling, particularly considering his conviction for armed robbery. Releasing the inmate early poses an unreasonable safety risk to the community. Moreover, it is expected after the appeal is concluded, the inmate will be re-sentenced to 11 years 8 months since the court cannot lawfully strike a serious felony prior per Penal Code section 1385(b).

## **CONCLUSION**

The inmate poses an unreasonable public safety risk to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



GREGORY D. TOTTEN  
District Attorney

GDT:kd

E-mail: [BPH.CorrespondenceUnit@cdcr.ca.gov](mailto:BPH.CorrespondenceUnit@cdcr.ca.gov)