



GREGORY D. TOTTEN
District Attorney

NEWS RELEASE

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Approved: MDS *mhs*
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Murderer's Life Without Parole Sentence Commuted

VENTURA, California – District Attorney Gregory D. Totten announced today that Governor Brown has commuted (reduced) the sentence of convicted murderer Jahn Vann. In 1980, Vann was convicted of the special circumstances robbery-murder of Daniel Nack. The commutation means that Vann's sentence of life without the possibility of parole is commuted to a term of 40 years to life, allowing the parole board to return Vann to society if it finds him suitable.

In 1979, Vann and a co-defendant robbed three victims inside a residence. Vann wore a mask he made for himself as he held the men at gunpoint in the home. When victim Daniel Nack lunged for Vann's gun, a struggle ensued, and Vann's co-defendant fled out a window. During the struggle, two shots were fired, one of which struck Nack in the face, killing him. Victim Marcelino Cumplido tried to overtake Vann, breaking two bowls over his head and attempting to stab him with a steak knife while Vann struggled with Nack. Vann let go of Nack and fired at Cumplido, narrowly missing him, then fled the residence.

Although Governor Brown lauds Vann's conduct behind bars and characterizes the killing as accidental, he omits any reference to the gunshot Vann fired at the additional victim or to the anguish Vann caused to Nack's family and friends. The Governor's decision was made over the objections of the District Attorney and the victim's family.

The commutation of Vann's sentence was among 95 convicted murderers whose sentences the Governor commuted on December 24.

A copy of the District Attorney's letter of opposition regarding the commutation and the Governor's statement are provided with this news release.

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The Ventura County District Attorney's Office is the public prosecutor for the county's 850,000 residents. The office employs approximately 280 employees including attorneys, investigators, victim advocates, and other professional support staff who strive to seek justice, ensure public safety, and protect the rights of crime victims.

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MICHAEL BARAY
Chief Investigator
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October 23, 2018

The Honorable Edmund G. Brown, Jr.
Governor
State Capitol, First Floor
Sacramento, CA 95814

**Re: Opposition to Executive Clemency/Commutation of Sentence
for Jahn Vann; Ventura County Superior Case Number: CR 14658
Governor's Case Number: COM-6769-18**

Dear Governor Brown:

I have received notice that you have asked for an investigation into Jahn Vann's request for Executive Clemency in the form of commutation of his sentence. I object and ask you to deny the request.

Vann is currently serving a term of Life Without the Possibility of Parole for his 1980 conviction of first-degree felony murder, use of a firearm, felony murder special circumstance, and robbery. I have no information regarding the reasons Vann asserts he is worthy of the extraordinary act of Executive Clemency, nor am I aware of any reason to believe his request should be granted. Vann was the actual shooter in a home invasion robbery that went awry, and to my knowledge he has never accepted responsibility for his crime.

Vann and co-defendant Randall Keith Cowans, determined on January 12, 1979, to rob victim Daniel Nack, a marijuana dealer, of money and marijuana. Vann used a blanket to cut a mask, and Cowans originally carried a handgun into the residence where Nack and two others, Marcelino Cumplido and Joe Olivares, were gathered.

After entering the residence, Cowans ordered the three men to the ground. Vann then took the gun from Cowans and Cowans proceeded to take money from the

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victims and off a table top. During this time, Nack lunged at Vann to grab the gun. A struggle ensued. Seeing the struggle, Cowans fled through a window.

During the struggle, two shots were fired. Witnesses described that at the time of the two shots, Nack was facing Vann, upright, holding Vann around the midsection area with Vann's arms and the gun between the two men's chest area. Another shot may have been fired after the first two. Cumplido tried to overtake Vann, breaking two bowls and possibly a skillet over Vann's head and trying to stab Vann with a steak knife as Vann and Nack struggled. Eventually Vann let go of Nack and fired at Cumplido, barely missing. Vann then fled the residence.

Nack had been shot through the right eye and was pronounced dead two days later.

The deceased is never the only victim of a homicide. Attached to this letter is a statement from [REDACTED]. The statement highlights the pain and anger which, even now, is still felt by the surviving victims of Vann's selfish crimes.

For the reasons I have stated, I ask you to deny Jahn Vann's request for commutation. If your staff has any questions or requires further information, they may contact me at (805) 654-2501 or Deputy District Attorney Michelle Contois at (805) 654-3078.

Very truly yours,


GREGOR D. TOTTEN
District Attorney

GDT:elb

Enclosures

cc: Barbara Adams, Senior Investigator Board Parole Hearings
Via Email Barbara.Adams@CDCR.ca.gov

Executive Department

State of California

COMMUTATION OF SENTENCE

Jahn Vann

On January 12, 1979, Jahn Vann and his crime partner entered Daniel Nack's home intending to rob Mr. Nack. The robbers threatened the occupants at gunpoint, took money, and then tried to take Mr. Nack's wallet. During a struggle, Mr. Vann shot Mr. Nack in the face, killing him. The jury that heard the facts of Mr. Vann's crime concluded that he did not intentionally inflict great bodily injury on Mr. Nack during the attempted robbery. Subsequently, at sentencing the judge also referred to this crime as an "accidental killing." On February 25, 1980, the Ventura County Superior Court sentenced Mr. Vann to life without the possibility of parole for murder.

Mr. Vann has been incarcerated for nearly 40 years and is now 68 years old. In his application for clemency, Mr. Vann states, "The depth of my remorse from the night I thought I heard Mr. Nack take his last breath continues to eat away at my soul. It was the all-consuming guilt that forced me to turn myself into the authorities." During an interview with an investigator from the Board of Parole Hearings, Mr. Vann again expressed his regret and vowed that he would never engage in violence again.

During nearly four decades in prison and with no possibility of parole, Mr. Vann has demonstrated his commitment to being free of violence. He has never been disciplined for violent behavior and has avoided gangs. Mr. Vann earned his GED, completed a seminar in personal development, and took college courses. He finished vocational training in laundry, and for several years instructed other inmates on machine operations. Mr. Vann has primarily worked as a clerk for prison officials, and routinely received high work ratings. He has earned the respect of prison staff who see him on a regular basis. A supervisor wrote, "Vann has shown that he is willing to fill in wherever needed, is hard-working, diligent, a self-starter, and a competent clerk. He has always shown respect for and gotten along well with all staff and inmate workers alike." Another supervisor lauded his "exemplary attitude" and "good rapport with staff, custody, and his peers." Still another supervisor noted Mr. Vann's "amicable attitude towards staff and fellow inmates." Over the years, numerous other prison staff, including a correctional counselor, a college instructor, and a program administrator, have taken the time to document Mr. Vann's positive behavior, dependability, and work ethic.

Mr. Vann made a very serious decision to commit a home invasion robbery, but he has demonstrated through his conduct that he has turned away from criminal thinking and violence. I believe that Mr. Vann has earned the opportunity to present his case to the Board of Parole Hearings so it can determine whether he is suitable for parole.

THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby commute the sentence of Jahn Vann to a total of 40 years to life.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th Day of December, 2018.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State