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April 16, 2015

The Honorable Edmund Gerald "Jerry" Brown Jr.  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

Board of Parole Hearings, California Corrections and Rehabilitation.  
Richard J. Donovan Correctional Facility  
480 Alta Road  
San Diego, CA 92179

RE: Parole Consideration Hearing and Opposition for Brett Paul Thomas, CDC #B87334

Dear Governor Brown and Board of Parole Hearings (Panel):

We, the undersigned members of Orange County law enforcement, elected officials and victims' rights leaders, are writing to oppose the parole of a mass murderer who went on a 9-day killing spree in 1977. We are requesting a 15-year-denial at his parole hearing scheduled on April 17, 2015, before the Board of Parole Hearings (Panel), California Department of Corrections and Rehabilitation. Brett Matthew Paul Thomas, 56, pleaded guilty to three felony counts of murder and admitted to being involved in a kidnapping and attempted robberies. Had Thomas committed the murders seven months later, in August 1977, under California Law he would have been charged with capital murder, making Thomas eligible only for the death penalty or life in state prison without the possibility of parole. Thomas was sentenced Oct. 17, 1977, to life in state prison with the possibility of parole running concurrently, which makes him eligible for a parole hearing every three to 15 years after serving seven years of his sentence. He is presently being held at the Richard J. Donovan Correctional Facility, San Diego. This case was originally prosecuted by former Deputy District Attorney Robert Chatterton.

Thomas' co-defendant, Mark Wayne Titch, was found guilty of two felony counts of murder, one felony count each of kidnapping, assault with a deadly weapon on a police officer, five felony counts of robbery, and three felony counts of burglary and was sentenced in 1977 to life in state prison with the possibility of parole. Last year, on April 22, 2014, Titch died from "natural causes," per prison records.

The Orange County District Attorney's Office (OCDA) will appear at the hearing to oppose parole and advocate for a 15-year denial. Lynette Duncan, daughter and sister of two of Thomas' victims, will also be present to oppose the inmate's parole.

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

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### **Murder of Laura Stoughton**

In January 1977, then-18-year-old Thomas and Titch, then-17, were neighbors in Stanton and were committing home robberies and burglaries together. On the night of Jan. 21, 1977, they attempted to break into 20-year-old Laura Stoughton's home. She had arrived home late from dinner after work to find two men trying to break into the house. Thomas and Titch, to avoid being identified by the victim, took her and put her in the trunk of their car and drove her to an abandoned field in the City of Orange. Thomas was present and aided and abetted Titch as he tried to sexually assault Stoughton and as she lay in the fetal position, clinging to her Rosary and praying for her life. Thomas attempted to fire his stolen gun but it misfired. Titch then repeatedly shot her at close range with a stolen .22-caliber rifle and murdered her.

In a victim impact statement at Thomas' last parole hearing in October 2012, Laura Stoughton's younger sister, Karen Stoughton Cox, told the Panel, "As you would expect, my family was never the same after Laura was murdered. My mother and father coped as best they could, but our surviving family of seven started to fall apart that year. When I think of a time line of my life there are two main periods – before January 1977 and after... Being a child at the time, I was shielded from the details of my sister's abduction and murder, and of the trial and incarceration of Brett Thomas and Mark Titch. Much later it was told to me that my dear sister had already been raped by those two thugs as she pleaded for her life. What an absolutely terrifying last few hours she must have had on this earth. To this day it makes my heart pound from pity and rage when I think of what she endured that night. She was then shot multiple times at point blank range while kneeling and praying."

She further told the Panel, "I request that Brett Thomas not be allowed parole; not now, not ever ... There is no punishment strong enough or long enough for criminals who commit the ultimate crime of murder. We, as a society, cannot be assured that he will not commit more crimes against innocent people unless he stays in jail until he dies."

### **Murder of Ephraim Jacob Christian**

On Jan. 24, 1977, Thomas and Titch went to Rockview Dairy in Garden Grove. Thomas shot and murdered 35-year-old Ephraim Christian with a stolen .22-caliber rifle. Titch entered the dairy outlet to open the cash register, but they couldn't get it open and fled the scene.

Christian's mother was just recently located in India by the OCDA Bureau of Investigation. She, along with other relatives and business associates, are expected to submit written statements to the Panel for the first time, opposing parole and describing the impacts they have suffered.

### **Murder of Aubrey and Denise Duncan**

In the early hours of Jan. 29, 1977, Aubrey Duncan, a billiards hall and laundromat owner, husband, and father of four daughters, closed his billiards hall for the night and drove to his laundromat before heading home. Thomas, having been there previously, assumed there was a large amount of money in a safe and planned to commit robbery of the business with Titch. They were staked-out across the street from the Cue and Cushion, the billiards establishment, watching Aubrey Duncan through binoculars. They followed Aubrey Duncan that night, and as the victim arrived home and walked to the front porch, Thomas shot and murdered Aubrey Duncan with the stolen .22-caliber rifle. Titch ran up and ripped the keys that were clipped on Aubrey Duncan's belt, as he lay mortally wounded from Thomas' repeated shots. When Aubrey Duncan's wife, Nadine Duncan, opened the door with her 18-year-old daughter, Denise Duncan, right behind her, Thomas opened fire again and hit both victims. Denise Duncan was shot three times, once in the heart, and died shortly thereafter. Lynette Duncan, then-17, and her youngest sister were also home but were not physically harmed. Thomas then grabbed a shotgun from the front seat of their stolen car, and shot at the area of the front porch as they drove off. When Titch asked why he did that, he responded, "I was just making sure I was finishing up the job." Thomas later told police that he opened fire as they drove away "from instinct."

The two men later returned to Cue and Cushion in an attempt to burglarize the business but were unsuccessful and fled the scene when an unknown car pulled up and a person got out.

In a victim impact statement at Thomas' 2012 parole hearing, Aubrey Duncan's widow, Nadine Duncan Ballard, wrote to the Panel, "I first saw Aubrey lying dead. I thought to myself, 'someone killed Aubrey for money.' Then I heard a blast, I fell back. I called to Denise to stay back, but she was already shot. More blasts came. I was shot three times with a 22. One barely missed my heart, spine, and lungs; another pierced my diaphragm in two places and my spleen. Then there were shotgun blasts, I had 187 birdshot pellets in my legs...I knew Aubrey was dead because when the police arrived, they walked past him and began checking on Denise ... My husband and daughter will never get a second chance at life, neither should Brett Thomas."

At that same parole hearing, Aubrey Duncan's daughter and Denise Duncan's sister, Lynette Duncan, was present and explained to the Panel how on the night of the murder, she was the one who had to tell her 11-year-old sister, who was at a neighbor's house the night of the murder. Lynette Duncan told the Panel "I walked down the hallway to her friend's bedroom. I didn't see Donna. I asked her friends where she was. They just pointed to their bedroom closet. She was lying in a fetal position in the furthest corner of their closet. You see that was the day she learned that the boogie man was real, and evil really did exist. We both learned it that night. I scooped her up off of the closet floor and held her while I delivered the death notification. She began to scream, we both did. To this day, telling her has been the hardest thing I have ever done. And I have done some very hard things – but that was the hardest. I know that on the day I die, I will look back and that will still be the hardest thing. I was only 17, just a kid myself." She also said, "I'm doing really well now, but I know I will return to that same fear if he were to be paroled ... I know that my life and that of my family would be very different if the homicide never happened."

In early February 1977, they were apprehended in San Bernardino in a stolen car with the murder weapons in the vehicle.

### **Threat to Public Safety and Lack of Insight**

Since his incarceration, Thomas has accumulated more than 56 prison rules violations including violations for force and violence, disobeying orders, marijuana, multiple drug paraphernalia possessions, numerous possessions of inmate manufactured alcohol, refusing to work, many disrespecting staff, many disruptive behavior, leaving work without permission, possession of inmate manufactured tattoo gun, smoking in unauthorized area, many obscenity/disrespect of staff, manufacturing alcohol, destruction of state property, contraband, possession of unissued property, dangerous contraband, key. He spent two decades participating in a well-known white supremacist gang. Thomas clearly lacks self-control and has anger management and drug abuse issues. In 2014, he received another prison rules violation when he failed to obey a correctional officer, got angry and was visibly aggravated, and threw his food at a trash can using violent force. That 2014 prison rules violation also goes against direct edicts from the Panels in 2008 and 2012, when they strongly admonished the inmate not to accrue any more violations. Thomas' disobedient behavior even in a controlled environment shows he poses an unreasonable danger to society.

In an opposition letter to the Panel, the People state that, "He has not adequately learned how to deal with his extreme substance abuse issues, particularly important in the outside of prison world where in addition to increased stressors there is a greater access to alcohol and illicit drugs ... Inmate Thomas to this day dodges the issue of how he could come to leave such a path of death and devastation, ruining the lives of so many others? There is absolutely nothing in this prisoner's record to reveal any true insight on his part as to how he became so self-obsessed to kill? Why did he not use sane and rational coping mechanisms? As he does not really understand why he did what he did, how can he really change? His claimed change merely shows he is working at talking the right talk and is clever enough to do some right things. There are four graves that dictate the need for extreme caution in adjudging the sincerity of his claims."

The circumstances of the callous and cold-blooded murders, his lack of insight into why he committed the murders with such a disregard for human life, and Thomas' ongoing discipline issues are all examples of the inmate's inadequacy to properly function in society. Had Thomas committed the murders months later, he would have been

charged with capital murder, which would only have afforded him two possible sentences, the death penalty or life in state prison without the possibility of parole. Thomas should be sitting on death row or at least have no hopes of ever getting out, and he has already been given a break because of when he committed the crime. He is a serial murderer who was on a reign of terror in 1977. His release into society poses a significant threat to public safety and, therefore, he should be denied parole for at least 15 more years.

Respectfully,



Tony Rackauckas  
Orange County District Attorney



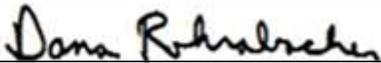
Corey Sianez, President of the Orange County  
Chiefs of Police & Sherriff's Association



Darrell Issa, Congressman, 49th District  
California State Congress



Alan Lowenthal, Congressman, 47th District  
California State Congress



Dana Rohrabacher, Congressman, 48th District  
California State Congress



Ed Royce, Congressman, 39th District  
California State Congress



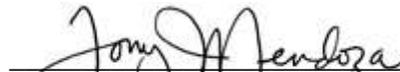
Mimi Walters, Congresswoman, 45th District  
California State Congress



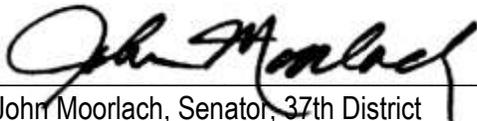
Patricia Bates, Senator, 36th District  
California State Senate



Bob Huff, Senator, 29th District  
California State Senate



Tony Mendoza, Senator, 32<sup>nd</sup> District  
California State Senate



John Moorlach, Senator, 37th District  
California State Senate



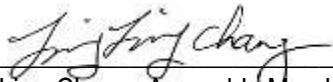
Janet Nguyen, Senator, 34th District  
California State Senate



Travis Allen, Assemblyman, 72<sup>nd</sup> District  
California State Assembly



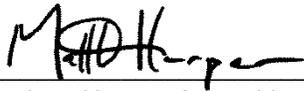
William P. Brough, Assembly Member, 73th District  
California State Assembly



Ling Ling Chang, Assembly Member, 55th District  
California State Assembly



Tom Daly, Assembly Member 69th District  
California State Assembly



Matthew Harper, Assemblyman, 74th District  
California State Assembly



Young Kim, Assembly Member, 65th District  
California State Assembly



Don Wagner, Assembly Member, 68th District  
California State Assembly



Lisa Bartlett, Supervisor, Fifth District  
Orange County Board of Supervisors



Shawn Nelson, Supervisor, Fourth District  
Orange County Board of Supervisors



Michelle Steele, Supervisor, Second District  
Orange County Board of Supervisors



Lucille Kring, Mayor Pro Tem  
City of Anaheim



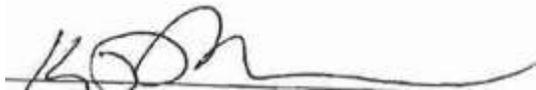
Kris Murray, Council Member  
City of Anaheim



Chris Phan, City Council Member  
City of Garden Grove



Collene Campbell, Founder  
Parents of Murdered Children



Dr. Henry T. Nicholas, III, Founder  
Marsy's Law for All



Erin Rynnion, Founder  
Joyful Child Foundation