



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TONY RACKAUCKAS

JIM TANIZAKI
CHIEF ASSISTANT D.A.

SCOTT ZIDBECK
SENIOR ASSISTANT D.A.
FELONY OPERATIONS IV

TRACY MILLER
SENIOR ASSISTANT D.A.
FELONY OPERATIONS III

EBRAHIM BAYTIEH
SENIOR ASSISTANT D.A.
FELONY OPERATIONS II

KEITH BOGARDUS
SENIOR ASSISTANT D.A.
FELONY OPERATIONS I

HOWARD P. GUNDY
SENIOR ASSISTANT D.A.
BRANCH COURT OPERATIONS

PAUL M. WALTERS
CHIEF
BUREAU OF INVESTIGATION

JENNY QIAN
DIRECTOR
ADMINISTRATIVE SERVICES

SUSAN KANG SCHROEDER
CHIEF OF STAFF

July 25, 2018

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol Building
Sacramento, CA 95814

ATTN: Legal Affairs Department

RE: COATES, GREGORY — CDCR# B-68775
District Attorney's Opposition to May 2, 2018 Parole Grant

Dear Governor Brown:

The Orange County District Attorney's Office would like to express our strongest opposition to the May 2, 2018 finding of suitability and grant of parole to inmate Gregory Coates, who is serving concurrent life terms for the brutal murders of his stepmother, Betty Coates, and his friend's mother, Jean Stephens. The Orange County District Attorney's Office urges you to grant a new hearing to determine the parole suitability of Gregory Coates because the rights of the victim's family members present at the hearing were violated under Marsy's Law and Penal Code section 3043. In addition, the Board's decision on May 2, 2018, granting inmate Coates parole, was improvident as he continues to pose an unreasonable threat to public safety and lacks sufficient insight. We ask you to reverse the grant of parole pursuant to Penal Code §3041.2.

On May 4, 1975, the inmate bludgeoned his stepmother, Betty Coates, raped her and suffocated her with a plastic bag. After murdering her, he wrapped his stepmother in a towel, doused her with gasoline and set her on fire. The inmate's arrest for the Orange County killing of his stepmother, led to his arrest for the January 22, 1975, murder of his friend's mother, Jean Stephens. The inmate burglarized Mrs. Stephen's home, looking for guns to steal and sell. When the victim discovered him, the inmate knocked her down, shot her in the head with one of the stolen guns, raped her and bit her body as she screamed for help.

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
<http://orangecountyda.org/>

WEB PAGE:

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92832
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

HARBOR OFFICE
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92868
(714) 935-7624

CENTRAL OFFICE
401 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3952

Violation of the Rights of Victim's Family Members

Article 1, section 28(b) of the California Constitution, otherwise known as Marsy's Law, affords victims and their next of kin with basic rights to due process. Penal Code section 679.02(a)(5) established the statutory right of the victim's next of kin to be notified of any parole eligibility hearing and of the right to appear, to reasonably express his or her views and to have his or her statements considered as provided by Penal Code section 3043. Pursuant to Penal Code section 3043(b)(1), a victim's next of kin and family members have the right to appear at the hearing and "to adequately and reasonably express his, her or their views concerning the inmate and the case, including *but not limited to* the commitment crimes...the effect of the enumerated crimes on the victim and the family of the victim, the person responsible for these enumerated crimes, *and* the suitability of the inmate for parole (emphasis added)."

At Coates' parole hearing on May 2, 2018, ten of the twelve family members of Mrs. Stephens who personally appeared and addressed the panel had their Marsy's Law rights violated as they were not permitted to adequately and reasonably express their views on all subjects permitted by Penal Code section 3043(b)(1). After just two family members spoke at the hearing, Commissioner Dobbs limited the subject matter of the impact statements to the panel to solely how Mr. Coates' actions affected them personally. Commissioner Dobbs instructed the family members as follows:

So for the next speakers, I'm going to ask that you limit your comments to how – how his actions affected you personally, just in the interest of time. Thank you. (2018 Hearing Transcript, p. 147.)

Commissioner Dobbs' subject matter limitation deprived ten family members of rights specifically afforded to them by Penal Code section 3043(b)(1), namely to express their views regarding important topics such as the commitment crime, the effect of the inmate's crime on the family of the victim, the inmate himself and the inmate's suitability for parole. Her emphasis that such restriction was necessary "in the interest of time" further violated their rights by discouraging the speakers from making a complete statement. I personally observed many of the speakers who followed fumbling through and flipping the pages of their prepared statements in an effort to abbreviate their comments in compliance with the Commissioner's mandate. It was apparent to me that the Commissioner's unexpected request to limit their remarks flustered many of the speakers and compromised their ability to express their views because they could not read their thoughtfully prepared statements. After the hearing, the affected family members stated they did in fact cut short what they wanted to say because of Commissioner Dobb's instruction. Many of the victim's family members traveled long distances from Southern California, Fresno, Las Vegas and Dallas, spending considerable time and money, to attend the hearing in San Quentin only to have their comments unlawfully restricted.

The ten family members' rights who were violated at the hearing include Maryann Stephens-George, the daughter of the victim who, at the age of 11, discovered her mother's bloody, lifeless and naked body on the floor of her brother's room when she arrived home from school; Charles Stephens, the victim's son who was one of Coates' best friends at the time of the murder; Debbie Fossen, the victim's sister;

Mellow Fossen, (referred to as Mellow Fossen in H.T.), the victim's brother-in law married to Debbie Fossen; Trevin Morgan (referred to as Trevor Morgan in H.T.), the grandson of the victim; Danny Mulvaney, the victim's stepson; Michael George, the victim's son-in-law married to Maryann Stephens-George; Amanda Marie Burton, the victim's niece; Taylor Morgan, the victim's grandson and Renee Stephens, the victim's daughter-in-law married to Charles Stephens.

In addition, at least three family members were denied access to the parole hearing room and were unable to face the inmate and the panel when giving their impact statements. Due to hearing room size and safety considerations, many of the family members were in an adjacent room, where they could only participate over an audio conference call on speaker. Prior to the hearing, the commissioners told these family members that when it was their turn to speak, they would be rotated into the hearing room to replace the other speakers who had already addressed the panel. This did not occur as promised. The family members could have participated by means of conference call from the comfort of their own homes. The impact of their statements was diminished by the commissioners' inability to see the emotions of the speakers.

Pursuant to Penal Code section 3034(b), these family members should have been allotted as much time as reasonably necessary to complete their statements while speaking on any one of the topics permitted by that section. By posing inappropriate time and subject matter limitations, the panel violated the vast majority of the victim's family members' rights. Consequently, the victim's family members and next of kin are entitled to a new parole eligibility hearing where they can "adequately and reasonably" express their views as permitted by law.

Unsuitability for Parole

This parole grant jeopardizes public safety due to inmate Coates's minimization of the rape, torture and murder of two vulnerable women who were mother figures to him. It is clear from a review of all the prior hearings that the inmate's inadequate acceptance of responsibility was designed specifically to win a parole date and is not a true recognition of his heinous acts. Without accepting full responsibility for the true nature of this crime, the inmate continues to present a clear and unacceptable danger to our community.

Coates has provided at least seven different versions of the crimes over the course of 43 years. The inmate has lied to and manipulated his evaluators by saying what he thinks he needs to get paroled. This is evident based on the pattern of disparate tales he tells, as well as his own admission in the 1991 psychological report that he has "gone along with" various theories by previous evaluators when he really didn't accept the explanations. The multitude of different versions of the facts that Coates has proffered over the years reveals his glaring lack of insight into his life crimes.

At his parole consideration hearing on September 23, 1991, the inmate admitted that he raped and murdered his stepmother by suffocating her, then wrapped her head in a towel, poured gasoline on the bed and set it afire and left. (1991 Hearing Transcript, pp. 7-8.) He also confessed in that transcript that he raped Mrs. Stephens. When asked by the Commissioner at the hearing why he raped both women, the

inmate responded, “My sense of getting back and wanting to get even. Trying to take something from them.” (1991 H.T., p. 28.) On April 24, 2000, at a subsequent parole consideration hearing nine years later, the inmate again admitted to the presiding Commissioner that he raped and murdered both Mrs. Coates and Mrs. Stephens because of anger. (2000 H.T., p. 31.)

At the May 2, 2018 hearing, the inmate admitted the murders, but not the rapes. After 43 years, the inmate conjured up perhaps the most offensive, disturbing and manipulative version of the facts, claiming to have had consensual sex with his stepmother after she allegedly sexually molested him for years. He further maintained that he murdered the victim over a dispute about money. In the 2018 psychological assessment, the inmate stated Mrs. Coates told him she missed him, so he willingly had sex with the woman who had supposedly molested him since the age of 12. When the victim declined to give the inmate the money he wanted, he got angry, hit her in the face and choked her until she couldn’t breathe. The inmate stated he took her rings and her purse, put a bag on her head, poured gas on the bed, and lit it on fire.

The panel relied on the inmate’s lies regarding his childhood, family history and the life crimes in finding him suitable for parole. The panel embraced the inmate’s new allegations and ignored that they were inconsistent with the inmate’s prior accounts and the known facts of the rape and murder of his two victims. The panel irresponsibly accepted as truth everything that the inmate told them in order to arrive at their shocking conclusion that the inmate did not pose an unreasonable risk to the community. The panel could have acted more cautiously and utilized the board’s Offender Investigations Division to investigate the inmate’s new claims.

For example, the panel noted “(h)e experienced physical and sexual abuse,” when weighing the inmate’s youth offender factors without questioning why after 43 years of discussing his childhood family history with prior psychologists, the inmate alleged for the first time in 2018 that he was sexually abused by his stepmother since he was 12 years old. (2018 Hearing Transcript, p. 6.) Before then, the inmate consistently maintained his first sexual encounter was at the age of 14 with an 18 year old babysitter who coincidentally claimed he raped her.

The inmate told the panel that the murder of Mrs. Stephens involved an attempted, but not completed rape and that he had consensual intercourse with Mrs. Coates prior to the murder. This clearly shows the inmate has *not* accepted full responsibility for the sexual component of his brutal crimes. The inmate has never given a consistent version of the facts or a consistent explanation for why he committed the heinous acts he did upon two innocent women. At the hearing, the inmate admitted to the panel that he still lacked understanding of his issue with violence toward women and his sexual aggression towards them. In the decision, Commissioner Dobbs addressed this issue by stating

(Coates) has engaged with a very frank discussion with us, related to the sexual components of the crimes that he is here for, and we see that he has mitted—admitted today to us that there is still work to be done. He is a work in progress. And he has indicated a willingness to continue working on these issues. And in discussing with him today, we find that while his

insight is not perfect, we see sufficient evidence, um, of exploration on his part to allow him to continue to work on these issues that have plagued him in the past...(2018 H.T., p. 187)

Our office strongly objects to the panel's dangerous decision to allow Coates to gain insight into the violent sexual nature of his life crimes *while paroled into the community*. In the recent case of *In re Busch* (2016) 246 Cal.App.4th 953, the Court of Appeal reiterated the importance of insight in determining parole suitability: "An inmate's acceptance of responsibility and development of insight are also appropriate considerations in determining parole suitability. (Cal. Code Regs., tit. 15, § 2402, subd. (d)(3); *Shaputis I, supra*, 44 Cal.4th at p. 1246 [*In re Shaputis* (2008) 44 Cal.4th 1241 (*Shaputis I*).]) "[T]he presence or absence of insight is a significant factor in determining whether there is a 'rational nexus' between the inmate's dangerous past behavior and the threat the inmate currently poses to public safety." (*Shaputis II, supra*, 53 Cal.4th at p. 218 [*In re Shaputis* (2011) 53 Cal.4th 192 (*Shaputis II*).]) (*In re Busch, supra*, 246 Cal.App.4th at p. 968, citations in original.)

In *Busch*, the inmate clung to an implausible version of the crime in which he stated the injuries he inflicted during a child murder were from a fall from the bed the night before. The court strongly stated that this abject lack of insight aptly translates into the reasonable conclusion that the inmate is unpredictable, and still dangerous; it establishes "a nexus to current dangerousness, because it indicates the inmate is hiding the truth and has not been rehabilitated sufficiently to be safe in society." (*In re Busch, supra*, 246 Cal.App.4th at p. 970.)

The same is true with equal force here. Coates has clung to an implausible version of the murder of his stepmother and thus remains unpredictable, and has not been sufficiently rehabilitated to be safe in society. As the court noted, "an inmate with an implausible account, but an otherwise exemplary prison record, may be unsuitable for parole if the implausibility of the inmate's account indicates the inmate does not appreciate the magnitude of the commitment offense or its contributing causes...." (*Ibid.*)

An inmate who clings to an implausible theory of the crime (even many years later) is a red flag for the courts. As the *Busch* court stated, "[t]he fact *Busch* continues to cling to the entirely implausible theory the injury was caused by a fall from a bed either the night before or earlier in the day supports the Governor's conclusion *Busch* lacks insight into the crime and has not honestly addressed the underlying issues leading to Shaena's death." (*Id.* at p. 969.)

In the instant case, Coates offered the panel an implausible version of the facts, newly claiming to have been sexually molested by his stepmother and to murdering her after consensual sex with her. His denial of the rape of both victims demonstrates an abject lack of insight and shows he has not honestly addressed the underlying issues involved in the serial murder of two women very close to him. The motive for the murders appears to be an unresolved pathological problem with women in his life. At the hearing, the inmate did not claim he murdered his stepmother because of the alleged molestation. Coates stated he murdered his stepmother because she wouldn't help him with his wife and baby. Conversely, Coates described Mrs. Stephens as a good person who did help him with his wife and child. Coates

struggled to provide a reason why he killed Mrs. Stephens, surmising that it was because he did not want to get caught for the burglary. The inmate's current version of the murder of both victims fails to explain why he raped both women.

The inmate has previously stated that he felt good about killing Mrs. Coates and that he had no emotional problems after murdering Mrs. Stephens. The inmate was able to act normally and feign innocence around Mrs. Stephen's mourning family, spending the night at their house the night before the funeral and attending the funeral like a family member. The murders were of a particularly callous and cruel nature in that the inmate raped, tortured and mutilated his stepmother and friend's mother. The inmate remains a serious threat to the community because he continues to demonstrate a detachment from his crimes and lack of insight into the causative factors.

Gregory Coates remains an unreasonable risk of harm to society if released, and the People of the State of California respectfully oppose his parole grant. We ask again that the parole grant be reversed pursuant to Penal Code §3041.2. Thank you for your consideration of this letter.

Very truly yours,

SUSAN J. LAIRD

Orange County District Attorney's Office

Deputy District Attorney

Special Prosecutions Unit

714-347-8541

susan.laird@da.ocgov.com

