

latimes.com

Multiple murder suspect had benefited from three-strikes leniency

After several nonviolent third strikes, John Wesley Ewell didn't get life in prison as he could have. Now, he's accused of killing four people in the South Bay.

By Richard Winton and Jack Leonard, Los Angeles Times

December 1, 2010

To hear him tell his story, John Wesley Ewell was the victim of an overly harsh criminal justice system.

The South Los Angeles hairstylist complained to journalists over the last decade about the unfairness of the state's tough three-strikes law, saying he lived in fear that even a small offense would land him back in prison for life.

He even appeared on the "The Montel Williams Show" to argue the case against three strikes. A caption that flashed on the screen when Ewell spoke read: "Afraid to leave his house because he has 2 'Strikes.'"

But Ewell is now charged with murdering four people in a series of home invasion robberies that terrorized the South Bay this fall. On Tuesday, he pleaded not guilty during a brief appearance at the Airport Courthouse.

Far from embodying the severity of the justice system, Ewell benefited from its lenience over the last 16 years, according to a Times review of court records and interviews.

Ewell has a lengthy criminal history that includes two robbery convictions from the 1980s. Nevertheless, the Los Angeles County district attorney's office decided on four occasions against seeking to use the full weight of the three-strikes law when he was charged with new crimes.

And this year, after Ewell was arrested three times for allegedly stealing from Home Depot stores, a judge agreed to delay sending Ewell to prison so he could take care of some medical problems.

It was during that delay, authorities say, that Ewell robbed three homes and killed the victims.

"He should have been in prison a long time ago," said Leamon "Kelly" Turnage, whose parents were among the victims. "It is a shock to me that no one is willing to take responsibility for letting this killer go."

Ewell's case is likely to fuel more debate about the practice of many California prosecutors to

seek less than the maximum sentence for some three-strikers.

Under the law, offenders with two previous convictions for serious or violent crimes can be sentenced to prison for 25 years to life if they are convicted of another felony, no matter how minor. But most prosecutors use discretion in deciding when to seek life terms. Since 2000, the L.A. County district attorney's office has generally prohibited prosecutors from seeking possible life sentences when a defendant's third strike is not serious or violent.

Prosecutors repeatedly exercised this discretion in Ewell's favor.

Critics argue that the district attorney's policy fails to adequately protect society. The law, they say, deliberately counted minor crimes as third strikes to put away repeat offenders before they hurt other victims.

Prosecutors say it is unfair to suggest that they — or anyone else — could have predicted that Ewell would turn to such violence. At 53, he appeared to be little more than a petty thief and hardly fit the profile of a killer.

"I really don't think anybody could pretend to anticipate that ... this guy would suddenly go from stealing things from Home Depot to murdering old people," said Los Angeles County Head Deputy Dist. Atty. John Lynch.

The district attorney's policy has won widespread support as a just way of dealing with minor offenders who might have serious criminal pasts. Although a handful of criminals have benefited from the policy only to later commit violent crimes, the vast majority of offenders prosecuted under the policy have not gone on to kill or carry out other serious crimes.

Detectives describe Ewell as a man who led a double life. Residents of his Harbor Gateway community of Los Angeles knew him as a friendly handyman willing to help others. But investigators said he was a career criminal whose offenses stretched over more than 30 years.

In 1985, Ewell was convicted of helping to rob a jogger after she had checked her bank balance at an ATM. Nearly four years later, Ewell, who had a cocaine habit in the 1980s, was one of several people found guilty of robbing a motorist parked in an alley, court records show.

"Don't move if you don't want to be hurt," he allegedly told the victim before binding the man's hands and taking his wallet, watch and truck.

In 1994, California adopted the three-strikes law. Ewell's two robbery convictions each counted as a strike under the new law. Later that year, Ewell deposited a stolen check for \$28,000 into his bank account. He was charged with check forgery, a potential third strike.

The L.A. County district attorney's office could have sought a 25-years-to-life prison sentence for Ewell. But in return for his pleading guilty, prosecutors instead agreed to a reduced sentence of seven years in prison.

While Ewell was incarcerated, his wife, Carmen, joined Families to Amend California's Three Strikes, a group that seeks to reform the law. Later, she became the organization's state treasurer.

The group has focused attention on scores of prisoners who are serving potential life sentences under the law for minor drug possession or petty thefts. It has sought several changes to the law, including a requirement that an offense be violent or serious to count as a third strike.

In 1999, Carmen Ewell complained to The Times about the law. Without it, her husband would have served substantially less time behind bars for his nonviolent forgery conviction.

"I think it's an injustice," she said.

When Ewell was released from prison in 2002, he also became an active member of the organization.

In 2004, he attended a news conference in support of a ballot measure that would have amended the law. Wearing a T-shirt emblazoned with "Fix Three Strikes," he said he lived in fear that he might commit a small crime and end up permanently incarcerated.

Two years later, he was one of several guests to appear on a 2006 episode of "The Montel Williams Show" that highlighted opponents' criticisms of three strikes. On the show, Ewell was identified as "John." But sheriff's detectives and a neighbor confirmed that the guest was Ewell.

In his brief appearance, Ewell spoke mostly about his forgery conviction, saying he had deposited a bad check his cousin had given him. Court records show he told a different story at the time of the offense, telling a probation officer that a woman outside the bank had asked him to deposit the check for her in return for a cut of the money.

Having dodged a third-strike conviction in the mid-1990s, Ewell spent years out of trouble. But earlier this year, he was charged with second-degree commercial burglary and petty theft. He was accused of switching an electronic price tag from a cheap pry bar with one from an expensive Dyson vacuum cleaner at a Huntington Park Home Depot before taking the vacuum cleaner through the self-checkout line with the wrong tag.

Prosecutors filed felony charges but did not seek a possible life sentence under the three-strikes law, the second time the office had used its discretion not to count a new charge against Ewell as a third strike. He was allowed to remain free on \$20,000 bail.

The decision conformed with the office's policy of not seeking life terms for people accused of minor crimes.

Months later, Ewell was accused of stealing from another Home Depot, and charged again. Deputy Dist. Atty. Eric J. Perrodin agreed to let Ewell remain free on bail, according to a transcript of a July 26 court hearing.

"You are getting a break," Superior Court Judge Keith L. Schwartz told Ewell. "Because I would remand you on the spot if Mr. Perrodin said, 'Put him in.'"

On Sept. 14, Ewell pleaded no contest in the first of his theft cases in return for a 32-month prison sentence.

Superior Court Judge Lori Ann Fournier agreed to postpone sentencing, citing medical issues that Ewell needed to take care of. Sheriff's officials said he underwent eye surgery.

Ten days after the court hearing, authorities say, the killings began.

On the same day Ewell entered his plea in a Norwalk court, he was charged in Los Angeles with a third case of shoplifting from a Home Depot. The prosecution marked the fourth time in 16 years that the district attorney's office filed felony charges against Ewell but did not pursue the case as a third strike.

At an Oct. 4 court hearing, Perrodin, the prosecutor, again did not object to Ewell remaining free on bail, according to a hearing transcript.

The prosecutor, who also serves as mayor of Compton, did not return calls seeking comment. A court spokeswoman said judges are ethically prohibited from commenting on pending cases.

By then, [Hanna Morcos](#) had been killed in his Hawthorne home. The body of the 80-year-old victim, who had been tied up, was found Sept. 24 by his wife, who had been asleep in the house at the time of the assault. He had succumbed to a heart attack.

The killings continued.

On Oct. 13, two doors down from Ewell's Hoover Street home in the Harbor Gateway area of Los Angeles, [Denice Roberts](#), 53, was on the phone when a visitor came to her door. The person on the phone with Roberts heard her call the visitor "brother John" before hanging up, detectives said. Roberts' body was discovered by her husband when he returned home that afternoon.

On Oct. 22, [Leamon Turnage](#), 69, and his wife, [Robyn](#), 57, were found strangled in their Hawthorne home.

Ewell was arrested a day later after he allegedly tried to use the Turnages' ATM card to buy gasoline from a local Shell station. Detectives say he had pawned items that had been stolen from all the victims' homes.

In the back of his car detectives found a Bible and a newspaper from earlier this year with a story about the arrest of the alleged Grim Sleeper serial killer, whom authorities accuse of murdering 10 women in South L.A. since the 1980s.

"This is so awful," said Diana Seif, granddaughter of one of the recent home invasion robbery

victims. "I don't understand why they were so lenient to him over and over again."