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## **PRESS RELEASE**

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### **Man convicted of notorious 1991 first degree murder denied resentencing**

*People v. John Lewis Drayton, SC016712D*

SALINAS, California- Monterey County District Attorney Jeannine M. Pacioni announced today that John Lewis Drayton was denied resentencing for his involvement in a 1991 nighttime home invasion murder.

In June 1991 Drayton, along with Eugene Ballance, Annette Durr, Lester Polk, and Patrick Richardson planned a residential robbery in Salinas. The four males entered the home at 2:00 a.m., and Drayton, Polk and Richardson were armed. Polk and Richardson rushed into the master bedroom and found the husband and wife homeowners. Polk announced this was a robbery. He and Richardson put their firearms to the couple's heads demanding to know the location of the safe. Richardson put his gun into the husband's mouth and demanded the location of the safe. Because they were repeatedly told there was no safe, Drayton and Richardson found the homeowner's seventeen-year-old daughter in her bedroom. They took her at gun point into the master bedroom. While the other robbers demanded to know the location of the safe, Drayton pinned the wife on the floor by putting his foot on her back. Drayton held his gun to her back and ordered her not to move. Failing to coerce the location of the nonexistent safe, Polk ordered the seventeen-year-old girl to undress. Polk then sexually assaulted her with his shotgun. Polk then told the parents he would force them watch as he raped their daughter. When Polk moved towards the girl, her father struggled with Richardson. Polk came to Richardson's aid and Polk's shotgun discharged. Moments later Richardson shot the father in the back. The bullet severed his spine. The four robbers fled the house leaving the husband wounded. Before leaving, Drayton ordered the two females not to move for the next fifteen minutes. The father bled to death within minutes. The robbers spent 48 minutes inside the home.

Drayton was initially charged with murder and three special circumstances making him eligible for the death penalty. Prior to trial he pled guilty to one count of first degree murder and a firearm enhancement. He was sentenced to 29 years to life in prison.

In 2018 the California Legislature passed a law changing the definition of murder. The new law also allows offenders previously convicted of murder relief if their convictions are not within the new definition of murder. Under the new law, a defendant cannot be convicted under a felony murder theory unless the defendant is an actual killer or was a major participant in the underlying felony and acted with reckless indifference to human life. In denying Drayton's petition, Judge Pamela Butler ruled that Drayton was a major participant in the burglary and robbery and acted with reckless indifference to human life.

Lester Polk and Patrick Richardson have filed petitions for resentencing and those petitions remain pending.