



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

PRESS RELEASE

10/30/18

GOVERNOR CONSIDERS RELEASING TULARE COUNTY KILLER

Governor Jerry Brown is considering the release of convicted killer Richard Flowers, age 63, who in 1996 stabbed a 78-year-old Tulare woman in her home, stole her jewelry and car, and sold the car parts to purchase cocaine. At a hearing on October 16, 2018, the California Board of Parole Hearings recommended a sentence commutation to the governor. The Governor referred the case to the Board after he received an application for commutation from the defendant. If granted, Flowers can be released from prison despite a jury convicting him of first-degree murder with a special circumstance and imposing a sentence of life without the possibility of parole.

“This decision by the Board of Parole Hearings is deplorable. It is a travesty to victims, their families, and the men and women of our Office who strive for justice. This inmate should never be able to prey upon our communities again because the justice handed down was that he serves life without ever having the possibility of parole. We stand united in our opposition to the Board’s decision and urge the Governor to reject this application for clemency. We must have truth in sentencing in our Court system,” said District Attorney Tim Ward. “If you care about victims of crime and public safety, contact the Governor at 916-445-2841 or through his website at <https://govapps.gov.ca.gov/gov39mail/> and urge him not to release this violent individual convicted of a heinous crime back in to our communities.”

According to the *Washington Post*, Governor Brown has issued more than 80 sentence commutations in the last seven years (Kuznia, *Washington Post* 2018).

For a complete account of Mr. Flower’s crime and criminal history, the Tulare County District Attorney’s opposition letter to the governor is attached to this press release.

*Media inquiries can be directed to the Office of the District Attorney, County of Tulare
Assistant District Attorney Dave Alavezos (559) 636-5494*



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COUNTY OF TULARE

Tim Ward, *District Attorney*

October 13, 2017

Governor's Office
Attn: Legal Affairs
State Capitol
Sacramento, CA 95814

Re: FLOWERS Sr., Richard Earl
CDCR#: C64959
Location: California State Prison, Los Angeles County
Court Case #: 95-35818

Dear Governor Brown:

Inmate Flowers has notified this office that he will apply for Executive Clemency by way of a Commutation of Sentence. The Tulare County District Attorney is submitting this written request recommending a denial of commutation/clemency of Inmate Flowers's sentence.

On June 14, 1996, Inmate Flowers was found guilty by jury of special circumstance (burglary and robbery) murder, first-degree burglary and robbery, vehicle theft, and receiving stolen property. He was further found to have personally used a deadly weapon (knife) and that he had twice been convicted of a serious felony. It was found true that Inmate Flowers had two strike priors, that he had served four separate prison terms, and that he knew the victim was over 78 years old and/or disabled. He was sentenced in August of 1996 to Life without Parole plus concurrent 39 years to life on the burglary count with three strike and other enhancements.*

In June of 1994, Mary Eloise Garcia, the 78-year-old victim,[^] lived alone in the house where she had lived for over 50 years and where she was murdered. Mrs. Mary Garcia lived on her Social Security income and kept any cash she had in her purse rather than a bank account. She was cautious about who she let in the house, using a peephole and having visitors announce themselves before being

* Factual information taken from the Report and Recommendation of the Probation Officer, DPO II Daniel K. Blackerby, 8/30/96 & Court of Appeal, Fifth Appellate District, opinion (unpublished) 12/03/99, F027210.

* Pursuant to Pen. Code § 4805(c), family members of the victim were mailed notification on 10/03/17 of Inmate Flowers intention to apply for Executive Clemency.

allowed in. Inmate Flowers occasionally did yardwork for Mary Garcia and she would sometimes invite him in when she retrieved the cash from her purse to pay him. In the early morning hours of June 6, 1994, neighbors heard Mary's voice and a man's voice arguing; the next day, Mary's car was not in her driveway. A handyman and a neighbor approached the front porch and noticed her door was slightly open.

When Tulare officers responded to the victim's house, they found Mary dead on the living room floor and her house and purse ransacked; no money was found, the victim's car was missing, and a window on the side of the house had been knocked out. The telephone line had been cut, and a kitchen knife was found on the coffee table and another found outside in a clump of grass. Mary Garcia's car was later found jacked up in a stall of a car wash, with the stereo, all four tires and rims, and the spare tire missing.

Mrs. Garcia had suffered three stab wounds, to the neck, chest, and ribs, as well as bruising and abrasions to her face, an apparent defensive wound to her inner arm, and an attempt at strangulation. The cause of death was determined to be a heart attack brought on by the stress of enduring the stab wounds and strangulation.

Just a portion of the evidence against Inmate Flowers was that he was in possession of items belonging to the victim, such as a locket and chain, his fingerprints were found inside the victim's vehicle in several locations, one of which was on the steering wheel, and throughout the day he removed the hubcaps, tires, and stereo from the victim's vehicle and sold them for money to buy cocaine.

Inmate Flowers already had a criminal history spanning 20 years by the time he committed the instant offenses. His history of adult convictions began in 1974 and was comprised of six separate prison sentences, two from the state of Illinois, and which included his first residential burglary conviction in 1979 and two subsequent prison sentences for first-degree burglary convictions in 1983 and 1987. His other prison sentences were for grand theft (1974), receiving stolen property (1990), and check fraud (1993). This period of criminal behavior, spread out over 20 years, additionally included multiple violations of parole.

Inmate Flowers had numerous opportunities for rehabilitation and to change his behavior in an appropriate and positive manner; instead, despite having a good education, a wife, and several children to raise, he chose to continue to engage in criminal conduct for a period of 20 years prior to the instant crimes. Not only did he demonstrate an outright unwillingness to obey the law, but the level of violence in his criminal behavior escalated, as evidenced by the cruel, vicious, and fatal crimes against Mary Garcia.

Furthermore, a very troubling element of the instant crimes was that Inmate Flowers knew the elderly victim and knew she lived alone and didn't have a lot, but she hired him once in a while to do yard work and had even invited him into the house to pay him. More troubling still is that he was able and willing to sneak in her house in the middle of the night, knowing that she would be very, very afraid, knowing that she would know it was him – someone she must have trusted at least a little if she had previously invited him into her home – and knowing that she was alone and vulnerable. Knowing all this, Inmate Flowers nevertheless cruelly terrorized and injured Mary Garcia until she died.

At the time of the instant murder, Inmate Flowers was almost 40 years old and had a wife and four children at home. He was a man who had had, and who rejected, 20 years of opportunities to become a productive and law-abiding citizen. This office contends that Inmate Flowers would still be a great danger to society if he was granted any type of clemency or commutation of sentence and recommends that the application be denied.

Respectfully yours,

TIM WARD
DISTRICT ATTORNEY

By Douglas W. Rodgers
Supervising Deputy District Attorney

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