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Governor Commutes Sentence of Another Kern County Murderer

Last Friday evening, Governor Gavin Newsom again found time to issue pardons and commutations of sentences for 34 criminals, including Kern County murderer Dwayne Allen. Just three months ago, also on a Friday evening, Governor Newsom commuted the sentences of 22 convicts, including Kern County murderer Steven Bradley. On neither occasion, was the Kern County District Attorney's Office given notice of the commutations so that the victims' families could be informed of this devastating news prior its appearance in the media.

The Governor's commutation order for killer Dwayne Allen relegates Allen's horrific crime to one sentence: "Mr. Allen committed a serious crime that ended the life of Mr. Patel." This "serious crime" was 1st Degree Murder, not some action that inadvertently "ended the life of Mr. Patel."

In March of 1979 Chhotubhai Patel was working at the Knight's Rest Motel on Union Avenue in Bakersfield. He was part owner and lived on the motel premises with his wife and daughter. Mr. Patel had immigrated to the United States in 1978 from Zambia and settled in Bakersfield.

Allen and his girlfriend had lived at the Knight's Rest Motel for approximately six months, and he saw the victim and the victim's family on a daily basis. Approximately one month before the murder, Allen moved out at the request of the motel's owners because he was not paying his rent.

On the evening of March 13, the Patel family was watching television together in the living area adjacent to the motel office. The doorbell rang from the office lobby signaling a customer at the lobby desk. Mr. Patel walked into the office and was immediately shot by Allen in the abdomen with a sawed-off shotgun at point blank range. The victim's wife and daughter ran into the office and saw Mr. Patel on the floor bleeding. The wife and daughter recognized Allen, even though he tried to disguise himself by wearing a wig. They watched Allen take money from the motel cash register and

saw that he smiled as he vaulted over the counter and left with a second armed man who was waiting in the motel office lobby, acting as a look-out. The loss was estimated to be \$50-\$70. Mr. Patel, although gravely wounded, told police at the scene that the shooter was Allen. Mr. Patel died within a few hours. Allen was arrested the next morning.

The jury trial was held in 1979. The defense was alibi and included false testimony by Allen, his girlfriend, his sister and a friend, all of whom stated Allen was home on the evening in question. He was convicted of 1st Degree Murder, Robbery, Use of a Firearm, and the Special Circumstance of Murder Committed During a Robbery. Allen was sentenced to Life Without the Possibility of Parole. The case was affirmed on appeal, but reversed as to the special circumstance, due to a change in the law requiring an intent to kill. In 1985, a retrial was held, and a jury found that Allen indeed intended to kill Mr. Patel. Allen was again sentenced to Life Without the Possibility of Parole.

The family of Mr. Patel has never recovered from his murder. They lost the business after Mr. Patel's death. Mrs. Patel recently passed away. She never remarried and carried a deep sadness for her husband for the rest of her life. Mr. Patel's children, one of whom witnessed the murder, have grieved for his loss for 41 years. In hearing that the Governor was considering commutation Mr. Patel's family stated, "The loss today is as great and difficult as if it happened yesterday."

The commutation was issued over the objections of the Kern County District Attorney's Office. It does not immediately grant his release, but it gives Allen an opportunity for release in a future parole hearing.

District Attorney Cynthia Zimmer commented: "At the same time Governor Newsom commuted the sentence of Dwayne Allen, he pardoned an immigrant murderer so she would not be deported. It is a pity that the Governor's concern extends only to immigrant murderers but apparently excludes immigrant victims of murder."

Chhotubhai Patel

