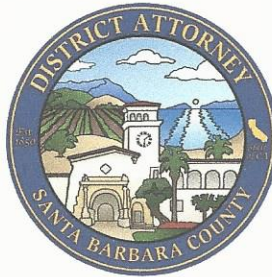


OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SANTA BARBARA  
**JOYCE E. DUDLEY**  
District Attorney



DA 07-316

RELEASE NUMBER

July 22, 2015

RELEASE DATE

APPROVED BY *Joyce E. Dudley* JOYCE E. DUDLEY, DISTRICT ATTORNEY

Jennifer Karapetian, Deputy District Attorney

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\* \* \* \* \* PRESS RELEASE \* \* \* \* \*

July 22, 2015

**People v. Anthony Ray Murillo; Case No. 1449328**

District Attorney Joyce E. Dudley announced today that the Court of Appeal of the State of California, Second Appellate District, Division Six, reversed the Santa Barbara County Magistrate's decision to dismiss a felony complaint against Anthony Murillo. You may click on either of the following links to view the opinion document for this case: <http://www.courts.ca.gov/opinions/documents/B257429.PDF> or <http://www.courts.ca.gov/opinions/documents/B257429.DOC>.

In October 2013, Murillo was charged with two counts of Penal Code section 140 for threatening to commit violence upon two rape victims. Earlier that year Jane Doe 1 and Jane Doe 2 had reported that Murillo's friend, Shane Villalpando, had sexually assaulted them. After a jury trial, Shane Villalpando was convicted of three felony counts of unlawful sex with a minor upon Jane Doe 1, and he pled guilty to an additional count upon Jane Doe 2.

In September 2013 Murillo allegedly wrote a song that he dedicated to Shane Villalpando entitled, "Moment for Life Remix." Murillo then allegedly published the song along with links to that song. The lyrics included phrases that are alleged to have threatened the victims.

After the preliminary hearing the magistrate decided that the lyrics were protected speech that did not constitute a criminal threat within section 140, and therefore dismissed the case. In a published opinion, the appellate court disagreed with the magistrate and found that "In our review of the undisputed factual circumstances presented at the preliminary examination, a reasonable listener could have understood "Moment for Life Remix" to constitute a true threat to Jane Does 1 and 2; that is, the song could be understood to convey a serious expression of intent to commit an act of unlawful violence against the girls. . . . An obvious question in this case is whether an alleged threat directed at specific persons is any less a threat when it is sung or spoken in a recording and played for an audience. Does it matter whether the alleged threat is on a work in a museum of modern art? Philosopher and media expert Marshall McLuhan posited that the 'medium is the message.' That may be so, but here the trier of fact determines the nature of the message whatever the medium."

District Attorney Dudley stated, "As a result of this supportive decision, our office will reinstate criminal proceedings against Anthony Murillo."

\* \* \* \* \*

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