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Kern County Announces First Jury Trial Conviction Of Proposition 36 Felony Crimes *People v. Dennis Ghianuly: Kern County Superior Court Case BF202697A*

(Bakersfield) – Kern County District Attorney Cynthia Zimmer announced significant felony convictions today. On April 10, 2025, in a case presented by Deputy District Attorney Samuel Birchfield, a Kern County jury found defendant Dennis Ghianuly guilty of two felonies: Possession of Hard Drug with 2 or More Priors and Petty Theft with Two or More Priors. Both felony charges are new crimes added to the Penal Code as a direct result of the passage of Proposition 36 in the November 2024 election. The case marks Kern County’s first conviction resulting from a completed jury trial since Proposition 36 became enforceable in December of 2024.

On January 8, 2025, Officers with the Bakersfield Police Department’s Organized Retail Theft Unit were conducting an operation at the PetSmart on Oswell St. in Bakersfield, CA. A manager informed the officers that Ghianuly walked out of the store with a 44-pound bag of dog food without paying for it. All of this was captured on surveillance footage. Customers who were waiting to pay for their items appeared shocked and displeased with Ghianuly for stealing the bag of dog food. He then walked south in the parking lot when he was contacted by law enforcement. When he was searched incident to arrest, the officer located multiple knives, lighters, and over 3 grams of fentanyl in his pocket. Ghianuly admitted to the officer that he had the fentanyl in his pocket. During Ghianuly’s interaction with officers, he repeatedly asked about receiving a “cite and release.” Ghianuly was referring to a process in which law enforcement issues a citation for a lower level offenses, typically misdemeanors and infractions, and releases suspects in the field with a promise to appear rather than arresting and booking the suspect in jail.

Because of the passage of Proposition 36, Ghianuly was not cited and released in the field on misdemeanor crimes. Instead, he was transported to the Kern County jail as required by the law because Ghianuly had multiple prior convictions for both drug and theft related crimes. While en-route to the Kern County Jail, Ghianuly faked a drug overdose and falsely told the officer that he had swallowed a bag methamphetamine before he was contacted by police. After being taken to the hospital and evaluated, Ghianuly’s ruse to avoid going to jail was discovered, and he was subsequently booked in the Kern County Jail.

Without Proposition 36, Ghianuly would have been charged with misdemeanor offenses and released in the field with a promise to appear. After the trial, which resulted in guilty verdicts for drug possession and theft, it was also found true that Ghianuly had previously been convicted of a serious/violent ‘strike’ offense for attempted robbery in 2020, as well as several qualifying drug/theft charges. Prior to the passage of Proposition 36, Ghianuly would have faced one year in jail if convicted. Because of his long criminal history involving drugs, theft, and prior strike crimes, Ghianuly faces a sentence of up to 7 years, 4 months in prison as a result of the conviction.

District Attorney Cynthia Zimmer commented: “Californians made clear by overwhelming margins that the lack of accountability for drug crimes and theft offenses has been fueling a homelessness, addiction, and retail theft crisis. The passage of Proposition 36 is intended to bring balance back to the criminal justice system by providing systems of treatment and appropriate accountability for repeat offenders.”

Sentencing is scheduled for June 27, 2025, in Department 9 of the Kern County Superior Court before the Honorable Judge Kenneth C. Twissleman II. Ghianuly faces up to seven years and four months in prison.

Dennis Ghianuly:

