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FOR IMMEDIATE RELEASE

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Board of Parole Grants Release to Convicted Child Murderer Over the DA's Objection

CDC# AD5832; Kern County Court Case #BF124733A

Kern County District Attorney Cynthia Zimmer announced that the California Board of Parole Hearings (BPH) granted release to convicted child murderer Josue Herrera. On April 15, 2025, the BPH found that Josue Herrera no longer posed an unreasonable risk to public safety. Representing the District Attorney's Office was Deputy District Attorney Kevin P. Cook.

On August 10, 2008, the victim's mother had gone to work, leaving her two-year-old child in the care of her live-in boyfriend. At approximately 10:30am, the Shafter Police Department was contacted concerning an injured child that had been taken to Kern Medical Center for head injuries. Doctors at the hospital said that the child had suffered a depressed skull fracture - a severe head injury. Doctors determined that the injury could not have been caused by a simple fall and was rather caused by blunt force strikes to the head with significant force. The victim was transferred to Children's Medical Center in Madera where it was determined the victim suffered detached retinas and hemorrhaging in both eyes. The victim succumbed to his injuries. The pathologist examined the victim and confirmed that the injuries were caused by severe abuse and not a simple fall. He believed the victim had been struck by at least two to three powerful blows to the head.

Herrera had moved in with the victim and his mother about one month prior to his death. Shortly after Herrera moved in, the victim had been observed with injuries to the buttocks, legs, and eyes. When questioned about the injuries, Herrera initially said the child had fallen, then said the child had slipped and fell in the shower, before changing his story to say the child fell off the bed while playing.

After a jury Trial, on April 14, 2010, a Kern County Judge sentenced Herrera to 25 years to life for murder and assault to a child causing great bodily injury.

On April 15, 2025, Herrera had his first parole hearing. During the hearing, the BPH focused on Herrera's behavior since he arrived in prison. Finding no prison rule violations and participation in programming classes to address his drug and alcohol issues, his anger issues, and to understand his criminal thinking – the board found that he no longer posed a risk to public safety and believed that he had remorse for what he had done.

However, at the hearing, the District Attorney's Office asked the BPH to deny parole because Herrera continues to pose an unreasonable risk to public safety, especially to women and children. During the hearing, Herrera made statements that he was often abusive to women, as well as all the children who were around him, including the victim, his own children, and his sister's children. Although he did not have any formal prison reprimands, he violated the rules of the prison daily with minor violations. He was involved in a restitution avoidance scam by putting or receiving funds onto his books for people that owed restitution to victims, in which he received a commission. Herrera admitted that he understood that it could affect the restitution that was due to the victims of crimes. However, over the District Attorney's objection, the Board of Parole found that Herrera was suitable for parole.

District Attorney Cynthia Zimmer commented; "We firmly reject the board's decision to grant parole to an individual who took the life of an innocent child. We believe that Herrera has not served the necessary time to account for the gravity of his crime and remains a clear risk to public safety."