



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County
800 11th Street, Room 200
Modesto, CA 95354

Mailing address: POB 442, Modesto, CA 95353
Telephone: (209) 525-5550 Fax: (209) 525-5545

Carol Shipley

Assistant District Attorney

Chief Deputy District Attorneys

Jerry Begen

Steve Casey

Birgit Fladager

John Goold

Dave Harris

PRESS RELEASE

For Immediate Release

Date: October 22, 2007
Re: Brian Brummett sentencing

For More Information Contact:

John Goold, Chief Deputy District Attorney
Phone: (209) 525-5550

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that on October 15th, 2007, Brian Brummett, age 18, of Modesto was sentenced by Superior Court Judge Hurl W. Johnson to serve 11 years and 4 months in state prison for his conviction for assault with a deadly weapon, personal use of a gun, brandishing a weapon for the benefit of a gang and being an active participant in the Norteno Criminal Street Gang. Prosecutor Shawn D. Bessey, of the District Attorneys' Gang Unit, prosecuted the case for the People.

On May 9th, 2007, Brummett approached the victim, who was playing soccer outside the victim's West Modesto home. Brummett was wearing a red football jersey while the victim was wearing an old blue shirt and a pair of old blue soccer shoes. Brummett confronted the victim yelling "Norte", calling him a "scrap" and asking if he "banged." "Scrap" is a derogatory name for a Sureno gang member. Brummett pulled out a gun and accused the victim of being a rival Sureno gang member. Brummett left as the victim's cousin, an off-duty Tracy Police Detective, drove up in his personal vehicle. After being told what just happened, the Detective went to locate Brummett and alert the Modesto Police Department. Brummett was found running down an alley still wearing the red jersey. The defendant pulled a gun from his waistband and fired in the Detective's general direction. Brummett escaped, but was captured a short time later wearing different clothing. In the area where he was last seen, police found the red jersey and a loaded 9 millimeter handgun.

During the trial, Modesto Police Officer Sean Martin testified that Brummett was an active Norteno gang member from west Modesto. Norteno gang members typically wear red items of clothing to identify their gang affiliation. Officer Martin told the jury that the Norteno gang “Westside Boyz” had been losing territory to their rivals, the Surenos, who typically wear blue clothing. The assault on Delgado occurred in the heart of the “WestSide Boyz” claimed territory. Delgado’s blue clothing would be seen as a threat from the rival Sureno gang.

After a four day jury trial, on September 17th, 2007, Brummett was convicted of felony assault with a deadly weapon, personal use of a firearm, brandishing a firearm for the benefit of a street gang and being an active participant in the Norteno Criminal Street Gang.

At the sentencing hearing last week, The Tracy Police Detective expressed to the Court concerns for his own safety, the safety of the victim and the safety of those children living in the area where the shooting occurred. After listening to comments from both sides, Judge Hurl Johnson imposed an 11 year 4 month prison sentence. Brummett will have to serve 85% of that time in actual prison custody before becoming eligible for parole.

Due to the serious or violent nature of the multiple felony crimes for which he was convicted, should Brummett be convicted of any felony after he gets released from prison, he may be subject to a life sentence under California’s “Three Strikes” law.

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