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PRESS RELEASE

For Immediate Release

Date: December 8, 2020
Re: Phillip Michael Mojarro
Jury Trial Conviction

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Phillip Michael Mojarro, age 33, of Modesto, was sentenced today to six years in prison after being convicted of assault with a deadly weapon and assault likely to produce great bodily injury as well as an enhancement for personally inflicting great bodily injury. Deputy District Attorney Donya Nunes prosecuted the case on behalf of the People.

On December 12, 2019, at approximately 3:30 a.m., Modesto Police Department officers were dispatched to the Jack-in-the-Box restaurant at 3430 Tully Road, Modesto. Upon arrival, they found the victim, Brian Whitehead, age 54, lying in the drive-thru covered in blood and screaming for help. A blood trail led police across the street to 1217 Standiford Avenue, where Whitehead, who is homeless, had been camping.

Whitehead told police he had been sleeping when defendant Phillip Mojarro woke him by striking him three times about the head and arm with an aluminum baseball bat. Whitehead was transported to a hospital where he was diagnosed with a broken nose, fractured jaw, fractured orbital bone and fractured arm. He still suffers from long term vision damage from the attack.

Mojarro admitted to stealing the aluminum bat earlier in the day and using it to strike Whitehead. He did not like Whitehead and believed Whitehead had stolen from him. When the defendant confronted him about the theft, Whitehead responded that he did not know what Mojarro was talking about to which the defendant responded, "wrong answer," and began swinging the bat.

The 9-day jury trial before Judge Rick Distaso ended on October 26, 2020 with verdicts finding Mojarro not guilty of attempted murder, but guilty of assault with a deadly weapon, assault likely to produce great bodily injury and the enhancement for personally inflicting great bodily injury on the victim.

At a sentencing hearing on December 7, 2020, prosecutor Nunes urged the court to sentence the defendant to the maximum allowable sentence of seven years in state prison. Upon hearing the arguments from both prosecution and defense, Judge Distaso sentenced Mojarro to serve a total of six years in prison custody.

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