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PRESS RELEASE

For Immediate Release

Date: July 12, 2006
Re: Sabatino case retrial

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Modesto, California - from Birgit Fladager, District Attorney:

I would like to announce my decision on the re-trial of Carmen Sabatino, ex-mayor of Modesto, and also give the reasons behind my decision.

I have made this decision after a thorough review of the evidence, and discussions with our trial attorney and investigator. We presented all of our evidence to the jury during a lengthy trial and were unable to convince all 12 jurors to vote for conviction. Although a majority of the jurors agreed that the evidence proved Sabatino's guilt beyond a reasonable doubt, that is simply not enough in a criminal trial. A unanimous verdict is required in a criminal case.

There is no reason to believe that our case will be stronger or better the second time around. We have no new, or additional, evidence to present. I have concluded that there is not a sufficient likelihood of a unanimous verdict to justify the burden and cost of a retrial in this case—especially in light of the specific facts behind these charges, and the sentence likely to be imposed.

I have, therefore, decided to NOT seek a retrial of Mr. Sabatino and will move to dismiss the charges still pending against him.

I realize that this decision may not be the one that some people were hoping for. However, as District Attorney, I am accountable to all the citizens of Stanislaus County, not any one particular person, group or interest.

The resources of the District Attorney's Office are limited. In my view, those resources are now more properly spent pursuing justice in other cases. It is time to put the Sabatino saga behind us. It is now history. It is time to move forward.

We appreciate the jurors for their service in this case. It was a very lengthy trial, requiring a sacrifice of time and energy on their part. They did their public duty in an admirable way.

I would like to thank Judge Stephenson from San Joaquin County. He presided over an extended trial outside of his home county. He brought professionalism and humor to the courtroom each and every day. That is something appreciated by all the participants in a trial—especially in the more difficult cases.

I would also recognize Deputy District Attorney John Goulart and Investigator Kirk Bunch for their professionalism and extraordinary efforts and dedication in presenting this case to a jury.

In conclusion, my last comments concern attorneys' fees. For this court's benefit, I would like to point out that Judge Stephenson had previously indicated that Mr. Sabatino was in a different position than most defendants, and that he would most likely be able to reimburse the county for attorneys' fees in excess of the standard \$200 that is usually ordered in criminal cases. Since Judge Stephenson is most familiar with the efforts expended by the numerous defense attorneys appointed to represent this defendant, perhaps this issue should be put over until Judge Stephenson's return to this county in August so that he may make that call.

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