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PRESS RELEASE

For Immediate Release

Date: 05/19/08
Re: Mario Barrita , Hector Navarro

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Hector Navarro , age 21, of Bakersfield, and Mario Barrita, age 23, of Modesto were Sentenced to 12 years and 6 years in State Prison, respectively, after entering pleas of no contest on May 9th, 2008 to assault with a semi-automatic firearm for the benefit of the Sureno criminal street gang and to battery on a Sheriff's deputy while in-custody on the gang charges (Navarro) and possession of an assault weapon for the benefit of the Sureno criminal street gang and an unrelated domestic violence charge (Barrita). Deputy District Attorney Shawn D. Bessey appeared at the hearing and prosecuted the case for the People.

The case arose out of events which occurred on September 16th, 2006 in Modesto. Barrita and Navarro along with two other individuals drove to an area in south Modesto looking for "Busters" a derogatory term for Nortenos. Barrita was armed with a Tech 9 assault weapon, and was the driver of a green SUV that had three other occupants. Barrita and Navarro are documented by the Sheriff's Department as Sureno gang members. They drove to the area of the 1700 block of Spokane, in south Modesto and it was there that Navarro switched seats with one of the other passengers getting into the right front passenger seat. After switching seats, Navarro obtained the gun from Barrita, he rolled down the passenger window and confronted two Hispanic male adults who were attending a family gathering outside their grandfather's home on Spokane Ave. Navarro yelled out "What up, ese", "sur trece", and "F@\$! you, ese", he then pointed the gun out the window in the general direction of the two Hispanic male adults and shot at them one time. No one from the family gathering was hit by the bullet. Barrita rapidly drove the SUV away from the area. A "be on the lookout" for the vehicle was broadcast to law enforcement and a short time later the green SUV was located just off Whitmore Ave. A high risk stop was conducted by the Sheriff's Department and all four subjects were taken into custody and the loaded 9 millimeter "Tech 9" was recovered from the vehicle. According to the Sheriff's Department, the victims in the case did not have gang ties.

At a preliminary hearing, the Honorable Scott Steffen held Barrita and Navarro to answer on attempted murder charges, assault with a semi-automatic weapon charges and possession of an assault weapon as well as the gang enhancements. The case was resolved before trial by both

Navarro and Barrita admitting the felony charges (above) along with the enhancements that their crimes were committed for the benefit of their gang. The serious nature of the crimes admitted by the defendants warranted prison sentences. The plea agreement was secured as a result of problems of proof in the People's case in that the victims could not identify the shooter in court and the testimony of the passenger who testified was lacking in specificity and consistency, as well as the defendants' minimal criminal records.

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