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PRESS RELEASE

For Immediate Release

Date: December 30, 2008
Re: Israel Garibay Covarrubias-
34 years prison for Voluntary
Manslaughter and Possession of Shank
In Jail

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Israel Garibay Covarrubias, age 27, of Modesto, was convicted of Voluntary Manslaughter, having used a firearm in the commission of the offense, and having a prior felony conviction that falls under California's "Three Strikes Law," in Case #1072252. The defendant was also convicted of Possession of a Shank in Jail in Case #1230278. Deputy District Attorney John Goulart prosecuted the case on behalf of the People.

The first case arose from an incident on March 5, 2004, when defendant armed himself with a .22 caliber pistol and went to a small home located at 3636 Monte Vista Avenue west of Turlock "to collect a debt." The home belongs to dairyman John Gonsalves who was allowing one of his workers, Agustin Rodriguez Ortiz, to live there. Mr. Rodriguez Ortiz and his wife and two small children lived in the home. Covarrubias was not welcome at Mr. Gonsalves's property because of prior trouble he'd caused. Mr. Rodriguez Ortiz and Mr. Gonsalves were attending to calves at the dairy when they were told that Covarrubias was at the home. Mr. Rodriguez Ortiz, who had known the defendant for several years, volunteered to go tell him to leave. Upon his arrival at his home, he confronted Covarrubias in the yard, a brief quarrel ensued, Covarrubias drew the pistol and, when dared by Mr. Rodriguez Ortiz to shoot, fired one shot into Mr. Rodriguez Ortiz, killing him. (This case went to trial in April, 2008, but a mistrial was declared when all 12 jurors couldn't agree on whether the killing was murder or voluntary manslaughter.)

The second case arose from an incident on July 9, 2007 during a routine search of the defendant's cell at the Stanislaus County Men's Jail. Deputies found hanging from behind defendant's cell door a two-foot long handmade weapon commonly known as a shank which had two razor blades affixed to the end.

It should be noted that, in a separate felony case, the defendant previously pled guilty and was sentenced to prison for 32 months on May 5, 2008 based on an incident that occurred on

August 16, 2007. On that date, while court was in session, Covarrubias turned and spat in the face of his court appointed attorney. The defendant was immediately arrested and was subsequently charged with battery by an inmate on a non-inmate. Following his guilty plea, he was remanded to prison and was housed at the state prison at Pelican Bay awaiting trial on his other cases.

In Case #1072252, the defendant was sentenced to a total of 32 years in prison. He received the maximum sentence for voluntary manslaughter, doubled due to the strike prior. He also received the maximum punishment for the applicable gun use enhancement. He will have to serve 85% of this sentence before being eligible for parole.

In Case #1230278, the defendant was sentenced to an additional 2 years in prison, making his total sentence on these two case 34 years. Judge Nancy Ashley sentenced the defendant on both cases.

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