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PRESS RELEASE

For immediate release

Date: December 17, 2008

Re: Andres Santana-- parole denied for murderer

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Modesto, California – Stanislaus County District Attorney Birgit Fladager announced today that Andres Santana, age 36, formerly of Modesto was found unsuitable for parole at a December 16, 2008 hearing of the State Board of Prison Hearings at Avenal State Prison. Senior Deputy District Attorney Doug Maner appeared at the hearing and argued for continued confinement based on lack of rehabilitation, poor parole plans and significant disciplinary history while incarcerated. The Board of Prison Hearings agreed and denied parole for 3 more years.

Santana was an active member of the Norteno criminal street gang and killed Florentino Garcia, a 15 year-old gang associate, while intoxicated with methamphetamine and alcohol. Santana claimed the shooting was accidental and occurred while a gang related drive by shooting was expected. However, the physical evidence and witness statements established that Santana placed the muzzle of his handgun against the chest of the victim and fired it with an intent to kill. The inmate was convicted of Murder with the use of a gun in 1993 and was sentenced to 19 years to life in prison. He has been incarcerated for this crime for 16 years.

Santana continued to associate with Norteno gang members in prison and has been convicted of disciplinary charges for two gang related riots as well as assault and drug offenses.

Santana is one of the first CDCR inmates to have his parole denial term lengthened as a result of Proposition 9, known as “Marsy’s Law,” which formally took effect December 13, 2008 and lengthens the time between parole hearings to 15 years, 10 years, 7 years, 5 years or 3 years, depending upon a variety of factors. This was Santana’s second parole hearing.

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