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PRESS RELEASE

For Immediate Release

Date: January 8, 2010
Re: Gang Member Pleads Guilty To All
Charges and Enhancements to Avoid Trial

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that DAVID MONTALBO, age 22, of Modesto, was convicted on January 5, 2010 of two counts of attempted robbery, two counts of assault with a firearm and one count of active participation in a street gang. He also admitted the enhancements of personally discharging a firearm and that the crime was committed for the benefit of the Norteno criminal street gang. His plea to the charges came just prior to a jury entering the courtroom to hear the evidence against Montalbo.

On July 7, 2006, a 65-year-old female resident of Lassen Avenue drove her 19-year-old grandson home from his job at McDonald's at approximately 11:15 pm. As the grandmother parked her car in front of her house, Montalbo ran up to the driver's side with a loaded firearm in his hand. Montalbo demanded money while pistol whipping the woman in the head and yelling Norteno gang slogans. The grandson exited the car to assist his grandmother and was also beaten. The young man fled on foot to an adjacent property where Montalbo caught him, knocked him to the ground and again demanded money. Montalbo then fired three shots into the air while yelling Norteno gang slogans.

Modesto Police Department officers converged on Montalbo's residence on Lassen Avenue moments later after the victim called 911. Montalbo lived across the street from the victims. After a lengthy standoff, Modesto police entered Montalbo's residence where they found him on the couch in the front room. Montalbo refused to comply with demands from the police. After being tazed by police, Montalbo was physically removed from the house as he continued to yell Norteno gang slogans. Police recovered gang paraphernalia and a revolver with three spent shell casings and 3 live bullets inside defendant's residence. The revolver still had blood and hair from the victims on it.

Both victims testified against Montalbo at his preliminary hearing held on November 30, 2006.

There was no plea bargaining from the prosecution. The Honorable Ricardo Cordova scheduled a sentencing hearing for February 18, 2010 at which time the victims will have an opportunity to be heard and to present impact statements. Montalbo faces a statutory minimum of 32 years in state prison and a maximum of 46 years, 8 months in state prison.

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