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PRESS RELEASE

For Immediate Release

Date: April 7, 2017
Re: Jacinto Rodriguez Huerta
Three Strikes probation case

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Jacinto Rodriguez Huerta, age 62, of Sacramento, was granted probation for felony drunk driving despite having prior convictions under California's "Three Strikes Law". Deputy District Attorney Bianca Yip prosecuted the case on behalf of the People.

On April 29, 2013, Huerta was involved in a crash in Patterson. A witness notified police that Huerta appeared drunk at the scene. A California Highway Patrol Officer who responded observed that Huerta smelled of alcohol, stumbled as he walked and performed field sobriety tests consistent with being under the influence. Huerta admitted that he had been drinking but claimed it was only one beer. A chemical test showed his alcohol level to be 0.21%, over twice the legal limit of .08%.

Huerta's criminal history included a driving under the influence conviction in 1975, two reckless driving convictions in 1976, and vehicular manslaughter convictions for killing both his parents while driving under the influence in 1992.

On November 24, 1991, Huerta has been driving 94 miles per hour in San Joaquin County when he lost control and crashed. Both of his parents were ejected from the vehicle and killed. His blood alcohol content at the time was 0.26%, over three times the legal limit. As a result, on April 13, 1992, Huerta was convicted of two counts of vehicular manslaughter while intoxicated and felony driving under the influence causing injury. These two vehicular manslaughter convictions qualified as "strikes" under California's "Three Strikes Law" requiring Huerta to receive a mandatory state prison sentence if convicted of another felony.

On December 4, 2013, Huerta was charged with felony driving under the influence for the current case along with having two prior serious or violent convictions. He waived preliminary hearing in August of 2014 and was held to answer on all the charges.

On May 6, 2016, Huerta pled no contest all the charges and admitted he suffered the two prior "strike" convictions from 1992 wherein he killed his parents.

On March 9, 2017, Huerta asked Judge Marie Silveira to sentence him to probation instead of state prison despite his record. Citing the “Three Strikes Law”, Huerta’s record of drunk and reckless driving and the fact he had previously killed two people while driving under the influence, the prosecutor argued for a prison sentence.

Judge Silveira granted Huerta’s request. Instead of state prison, Silveira placed Huerta on felony probation and ordered him to serve three hundred days in the county jail.

Deputy District Attorney Bianca Yip prosecuted the case for the People. Her position is funded by a grant provided by the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

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