



Office of the District Attorney Stanislaus County

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PRESS RELEASE

For Immediate Release

Date: September 14, 2017
Re: Information Bulletin

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Modesto, California - Stanislaus County District Attorney Birgit Fladager today emphasized the position of the District Attorney's Office as it relates to the immigration status of defendants, victims and witnesses.

The District Attorney's Office does not enforce federal immigration law. The DA has never had a practice of informing ICE that a defendant, witness or victim can or should be deported. We focus on prosecuting criminals and protecting crime victims—regardless of their immigration status.

Recently our office opposed a motion to dismiss a DUI case where it was alleged the defendant in March of 2013 was an unlicensed driver who drove onto a sidewalk and crashed into a utility pole. A chemical test showed he was driving with a blood alcohol level of .18%, over twice the legal limit.

Defendant signed a promise to appear in court and was released. He failed to come to court and face the charges. Four years later, his attorney filed a motion to dismiss the case complaining that he had been living here all along and that law enforcement should have arrested him before now, thereby violating his speedy trial rights. A routine investigation by the DA's office into the defense's claim revealed that the defendant had in fact been deported twice since 2013. Confirming this information through ICE was purely informational and no request for deportation or additional federal involvement was requested.

ICE officials, through their own internal decision-making process, chose to locate and deport the defendant before he could face charges locally. This resulted in the DA's office having to dismiss the case before he could face trial.

This District Attorney's Office takes drunk driving cases seriously. Thousands of people are injured, maimed or killed each year by drunk drivers. Our focus is on prosecuting these cases and holding people accountable for their crimes. We protect the public regardless of anyone's immigration status.

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