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PRESS RELEASE

For Immediate Release

Date: March 11, 2019
Re: Graciela Cervantes
Parole Granted to Convicted Torturer

For More Information Contact:

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Modesto, California – Stanislaus County District Attorney Birgit Fladager announced today that Graciela Cervantes, age 37, of Modesto, was found suitable for parole during a March 5, 2019, hearing of the State Board of Parole hearings at the Central California Women’s Facility in Chowchilla, California. Deputy District Attorney Erin Schwartz appeared at the parole hearing on behalf of the People.

On June 24, 2007, Cervantes kidnapped a female (hereinafter Jane Doe) by grabbing her by the hair and forcing her into a van. During the crime, Cervantes repeatedly hit Jane Doe in the head and face. Cervantes took Jane Doe to her apartment and forced her into her bedroom. Once there, she continued to beat Jane Doe, burned her with cigarettes, cut the webbing of one hand between her thumb and index finger with scissors, forced her to lick her blood from the ground, shaved off her hair and eyebrows and then locked her into a closet.

Over the next two days, Cervantes allowed two different men to rape Jane Doe on two separate occasions. Each time, Cervantes would tell Jane Doe that she would kill her if she did not cooperate with the sex acts. Cervantes also forced Jane Doe to cook and clean for her and her three children, who were present in the house during the entire ordeal. Cervantes also tried to sell Jane Doe for sex to other men in Stockton in order to make money to support her methamphetamine habit.

On June 26th, Jane Doe escaped by running from Cervantes’s car. Cervantes was arrested in August, 2007, one week before her 26th birthday.

Cervantes was convicted of torture and sentenced to serve a life sentence in state prison. Cervantes was also convicted in a separate robbery case and sentenced to serve 3 years in state prison.

Unfortunately, since her incarceration, the California State Legislature amended Penal Code §3051 several times, requiring the Board of Parole Hearings to review parole suitability of any prisoner who was under 26 years of age at the time of the offense. Despite the outrageous nature of the

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crime, the Board is now required to give “great weight” to the diminished culpability of inmates who were under age 26 at the time of their crimes when deciding whether to grant parole. The details of the criminal offenses that sent that inmate to prison are no longer the deciding factor.

Since being in custody, Cervantes has completed approximately 30 units towards her AA degree. She also had prison disciplinary violations including two fights, one in 2011 and the second in 2012. Prosecutor Schwartz argued against Cervantes’s release due to the heinous and sadistic torture she inflicted on the victim during the crime and her misconduct since being incarcerated. The Commissioners noted that the misconduct was seven years ago and believed she has since shown sincere remorse for her actions. The Board also focused on recently amended Penal Code §3051, noting her impulsivity and recklessness was a “hallmark feature of youth.”

Unfortunately, by the end of the hearing, the Board granted Cervantes parole despite the heinous nature of her actions and her misconduct while incarcerated.

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