



Office of the District Attorney Stanislaus County

Birgit Fladager
District Attorney

Assistant District Attorney
David P. Harris

Chief Deputies
Marlisa Ferreira
Jeffrey M. Laugero
Wendell Emerson
Michael D. Houston

Bureau of Investigation
Chief Terry L. Seese

PRESS RELEASE

For Immediate Release

Date: March 10, 2021
Re: David Garcia Montalbo III
Gang member convicted of armed robbery
granted early parole

For More Information Contact:

John Goold, Public Information Liaison
Phone: (209) 525-6909

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that David Garcia Montalbo III, age 33, was granted parole during a January 27, 2021 hearing of the Board of Parole Hearings held at San Quentin State Prison. Deputy District Attorney Sara Sousa appeared at the hearing on behalf of the People.

On July 7, 2006 at approximately 11:21p.m. in the evening, Jacklyn Swift was returning home with her grandson, Mario Sisto, on Lassen Avenue in Modesto when Montalbo approached their vehicle shouting "Night Owls," a known Modesto criminal street gang. Montalbo then struck Ms. Swift in the head with a handgun.

After Swift's grandson, Sisto, got out of the car Montalbo pointed a gun in his face and demanded that he hand over his money, again shouting, "Night Owls." Montalbo then struck Sisto three times in the back of the head with the handgun. As Sisto ran away, Montalbo fired shots at him but missed.

On January 5, 2010, Montalbo was convicted of two counts of attempted robbery with enhancements for using a firearm and committing the crime for the benefit of a criminal street gang. He was also convicted of assault with a deadly weapon and participating in a criminal street gang. On February 18th of that year, Judge Ricardo Cordova sentenced Montalbo to serve 32 years in state prison.

Montalbo was 19 years old at the time of the crime which made him eligible for early parole consideration under the Youthful Offender law signed in 2016 by Governor Jerry Brown.

Since being in custody for the last 14 years, Montalbo was caught violating prison rules twice, once in 2010 for refusing to accept housing and once in 2015 for conspiracy to forge documents. A comprehensive risk assessment completed by a prison psychologist gave the opinion that Montalbo represented a low risk for future violence if he were to be released into the community.

Office: 832 12th Street, Suite 300 Modesto, CA 95354 Mailing: PO BOX 442 Modesto, CA 95353
Telephone: (209) 525-5550 Fax: (209) 558-4027 www.stanislaus-da.org



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Deputy District Attorney Sousa argued to the Board that Montalbo had never accepted responsibility for his crimes or apologized to his victims for his violent conduct. She also argued Montalbo was presently an unreasonable risk of danger to society given his lifelong association with the Norteno criminal street gang since the age of nine, his prolific juvenile criminal history and his most recent prison rule violation.

In granting parole, the Board found that Montalbo qualified as a “youthful offender,” had undergone an extensive amount of self-help programming and did not present an unreasonable risk to society as shown by the psychological assessment. The Board gave great weight to the facts that Mr. Montalbo was only 19 years old when he committed the crimes and that he had a very turbulent childhood.

This was Montalbo’s one and only parole hearing.

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