



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
Mark Zahner

Bureau of Investigation
Chief Terry L. Seese

PRESS RELEASE

For Immediate Release

Date: August 30, 2021
Re: Joe M. Gaxiola
Life Inmate Denied 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 Joe M. Gaxiola, age 53, of Modesto, was found unsuitable for parole during an August 26, 2021 hearing of the State Board of Parole Hearings held at Salinas Valley State Prison. Deputy District Attorney Erin Schwartz appeared at the hearing on behalf of the People.

On July 29, 1989, a fight broke out between Gaxiola and victim Joe Romo. The fight ended when Gaxiola and an associate ran away. They returned later and Gaxiola began firing a shotgun at the victim who was standing outside his home. When the victim took cover inside his house, Gaxiola continued shooting. Romo and two other people in the home were struck by shotgun pellets. Gaxiola and his crime partner then drove away from the scene.

Gaxiola was arrested and charged with attempted premeditated murder, intentional discharge of a firearm at a residence and assault with a firearm along with enhancements for personally using a firearm. On April 11, 1990, a Stanislaus County Superior Court jury convicted him of all counts and enhancements. Judge Donald Cantwell later sentenced Gaxiola to serve nine years-to-life in state prison.

Prior to the parole hearing, a prison psychologist interviewed Gaxiola and gave the opinion that he still presented a high risk of violence to the community if he were to be released on parole. The psychologist noted that Gaxiola had previously been housed in Pelican Bay State Prison Special Housing Unit due to his propensity for violence and gang related problems. Gaxiola also had a number of violence-related rules violations while in prison, the most recent being a 2017 report of behavior which could lead to violence. The psychologist gave the opinion that Gaxiola still has not demonstrated the growth and maturity needed to manage himself in the free community.

Prosecutor Schwartz argued in support of continued confinement based on the unreasonable risk to public safety Gaxiola presents to the community. The Board of Parole Hearings agreed and denied parole for five years, basing their denial on Gaxiola's unreasonable risk to public safety as well as his violent rule violations while in custody and his association with negative peers.

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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Gaxiola had previously been denied parole in 1997, 1999, 2002, 2005 and 2008. At his last hearing in 2011, the Board denied parole for ten years. Under recent changes in the law, as an “elderly” inmate Gaxiola may be able to advance his next parole hearing to a date earlier than five years if he can demonstrate a change in circumstances to the Board.

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