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PRESS RELEASE

For Immediate Release

Date: July 27, 2022
Re: Robert Earl Davis, Jr.
Conviction for Murder of 5-year-old Child

For More Information Contact:

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Robert Earl Davis, Jr., age 25, of Riverbank was convicted on Friday, July 22, 2022 of first degree premeditated murder and premeditated attempted murder after a three-week jury trial. Chief Deputy District Attorney Wendell Emerson prosecuted the case for the People.

On October 28, 2017, 5-year-old Xavier Smith was playing in his family's garage on Lake Park Court with his 6-year-old best friend. Both had recently returned from their pee-wee football game. A vehicle drove onto Lake Park Court and Davis, a passenger in the vehicle, was armed with an AR-15 assault rifle. Davis fired the assault rifle multiple times from the backseat of the vehicle. He sprayed multiple houses with bullets. Davis also fired into the garage where Xavier and his friend were playing. Xavier was shot and his friend was injured. Upon arrival, first responders immediately started life saving measures. Due to the devastating injury from the military-grade rifle, Xavier did not survive. Xavier's 6-year-old friend was taken by his family to the hospital where he made a full recovery. After an exhaustive 3-month investigation by the Modesto Police Department, Davis was located and arrested after having fled the area.

The jury deliberated for two days before reaching a verdict. The maximum possible punishment for the two charges will be a total of 77 years to life in state prison. The sentencing hearing is set for September 7, 2022 before Judge Ricardo Cordova.

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