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PRESS RELEASE

For Immediate Release

Date: March 4, 2024
Re: Rene Hernandez
Convicted Killer Denied Parole

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Modesto, California - Stanislaus County District Attorney Jeff Laugero announced today that Rene Hernandez, age 48, of Modesto was found unsuitable for parole during a February 8, 2024, hearing of the State Board of Parole Hearings held at North Kern State Prison in Delano. Deputy District Attorney Holly MacKinnon appeared at the hearing on behalf of the People.

On May 5, 1993, 17-year-old Rene Hernandez shot and killed 16-year-old Gabriel Duran at the Woodward Reservoir, located north of Oakdale. Hernandez had gone to the reservoir along with several friends wearing clothing demonstrating their association with the criminal street gang, the "Surenos." A larger group was also at the reservoir wearing clothing associated with the "Nortenos" criminal street gang. The two groups began making gestures towards each other and the hostilities escalated to the extent that the larger group began to approach Hernandez and his friends. As the crowd began to rapidly approach, Hernandez and his friends reached their vehicle where Hernandez was handed a revolver, turned toward the approaching crowd and fired four rounds into the group of young people. Gabriel Duran was struck by one of the rounds in his chest, causing his death.

On July 14, 1993, Hernandez was found by the Stanislaus County Juvenile Court to be unfit for juvenile proceedings. In December of 1994, a Stanislaus County Superior Court jury convicted Hernandez of second-degree murder and negligent discharge of a firearm, with an enhancement for personal use of a firearm. Hernandez was sentenced to 19 years 8 months-to-life in state prison.

A prison psychologist who interviewed Hernandez prior to the parole hearing gave the opinion that Hernandez currently posed a moderate risk for future violence if he were to be released into the community. Hernandez regularly violated prison rules up until 2023 for such things as possession of cellphones, under the influence of alcohol, obstructing and willfully delaying peace officers, possession of weapons, willfully delaying failing to report, and battery on inmate. In 2010, while in custody, Hernandez was convicted of possession of a weapon by a prisoner and sentenced to an additional three-year term in state prison.

Prosecutor MacKinnon asked the Board to deny Hernandez parole due to his need for continued rehabilitation, additional substance abuse and gang programming and more well-defined parole plans. MacKinnon argued that the callousness of the murder combined with his lack of sufficient insight required more than the few years of rehabilitative programming that Hernandez had completed. She argued that his continued re-offending during the time he had been in prison custody showed that Hernandez's criminal behavior was firmly established and required extensive programming and insight, without which he remained an unreasonable risk of danger to the community if released.

After deliberations, the Board denied parole for a period of three years. Hernandez was 17 years old at the time of the killing, requiring the Board to give great weight to the fact that Hernandez qualified as a "Youthful Offender." The Board found those factors outweighed by the fact that Hernandez continued to associate with negative peers, continued to violate rules, and lacked sufficient internalization of the programming he had completed. They found Hernandez still could not conform his conduct to the prison rules and will likely be unable to follow the law if released. The Board encouraged Hernandez to participate in more programming and to address his continued criminal mindset.

This was Hernandez's first parole hearing, having previously waived his right to hearings in 2014, 2019 and 2022. He will be eligible for another parole hearing in 2027 although that date may be advanced if he can demonstrate to the board a change in circumstances.

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