



Office of the District Attorney Stanislaus County

Birgit Fladager
District Attorney

Assistant District Attorney
Dave Harris

Chief Deputies
Doug Raynaud
Annette Rees
Marlisa Ferreira

Chief Investigator
Kevin Bertalotto

PRESS RELEASE

For Immediate Release

Date: January 26, 2017
Re: James Anthony Foster
Murderer Sentenced to 80 Years-to-Life

For More Information Contact:

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

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that on Friday, January 20th, 2017, James Anthony Foster, age 53, of San Jose, was finally sentenced for the murder of Brian Morris. Foster had previously been convicted of murder by a Stanislaus County jury in March of 2016. Deputy District Attorney Jeff Mangar prosecuted the case for the People. The extended delay before sentencing was due to a defense motion for a new trial.

During the early morning hours of June 11, 2010, a passerby called 911 to report a body lying face down on the dirt shoulder of a road in an unincorporated area of Modesto. Sheriff's deputies responded and found the victim, Brian Scott Morris, age 30, with a single bullet wound to the base of his skull.

Evidence identified Foster as being present at the murder scene. Detectives were able to determine that Foster met the victim a few days before the murder at a gas station. The day of the killing, video from another gas station showed the victim leaving with Foster and a female in Foster's car.

During the ride, Foster stopped by his nephew's house and retrieved a handgun. At trial, the female testified that, after smoking drugs together, Foster got out of the car, went to the front passenger door, put his left arm around the victim's neck and pulled the victim out of the car. Foster then shot the victim through the base of the skull. The bullet killed the victim but also penetrated Foster's left hand. Foster returned the handgun to the nephew, telling him to "get rid of it" and told the female "this better stay quiet."

When interviewed, Foster denied killing the victim but did admit that they had been in a physical fight and claimed that the victim had been shot by someone else.

A jury convicted Foster of First Degree Murder and Personally Using a Handgun to Commit Murder. A court trial determined that Foster had been previously convicted of assault with a deadly weapon in Santa Clara County. This counted as a "strike" to increase his sentence under the California Three Strikes Law.

During the sentencing hearing, there were seven emotional victim impact statements from family and friends. Two of the statements were played on a video monitor in open court.

The victim's aunt stated that she had a picture of Brian on her bedroom dresser that she looks at every morning. She stated that seeing Brian when she wakes up brings a smile to her face, but then sadness starts to settle into her heart because he is no longer alive.

Brian's brother submitted a letter to the court in which he stated that "the emotional and physical impact of Brian's death has forced me to live a life that I don't recognize, and I have become a person that I don't know". He went on to talk about the impact of Brian's death on their parents. "I mourn the loss of my parents as I once knew them.... My heart will ache for my parents for the rest of my life."

"Brian Morris's mother will forever be haunted by the image of Brian being left alone to die," said prosecutor Jeff Mangar, "during the early morning hours on that cold, dark country road."

Judge Silveira followed prosecutor Jeff Mangar's recommendation and sentenced Foster to the maximum of eighty years-to-life in state prison.

#