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PRESS RELEASE

For Immediate Release

Date: June 29, 2018

Re: Edgar Octavio Barajas
Murder Conviction overturned
by the California Supreme Court

For More Information Contact:

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that the California Supreme Court has overturned the May 11, 2011 murder conviction for Edgar Octavio Barajas, age 29, of Modesto based upon their recent 2015 decision that changed the law regarding accomplice testimony.

Barajas and Jesus Manuel Rodriguez were both convicted after a jury trial in 2011 for a May 26, 2004 drive-by shooting at Oregon Park in Modesto. Barajas, who was 16 at the time, fired a .22 caliber rifle out the window of a vehicle to retaliate against a rival street gang. He shot and killed 17-year-old Ernestina Tizoc who was an innocent victim attending an afternoon Police Activities League program at Oregon Park.

Barajas confessed to investigators his role in the shooting. However, on the eve of jury trial, Superior Court Judge Nancy Ashley granted a last minute defense motion to suppress the confession due to a technical Miranda violation. Barajas and Rodriguez were then convicted by a jury that heard testimony from other gang members who were present in the vehicle at the time of the shooting which implicated the defendants.

In its decision, the Supreme Court noted that California Attorney General Xavier Becerra's office conceded in their briefs that there was insufficient corroboration of the accomplices' testimony to support his conviction under new case law despite a 5th District Court of Appeal decision in 2016 that held otherwise. The Supreme Court also directed the 5th District judges to enter a judgment of acquittal, preventing a retrial on murder charges.

Barajas will not walk free from prison and straight into our community. He is not a U.S. citizen and a removal order previously obtained against Barajas will be enforced.

The Supreme Court did not reverse co-defendant Rodriguez's conviction in the same case since his confession was presented at trial. The Court did order that Rodriguez, who was 15 years old at the time of the shooting, be given the opportunity to supplement his record with additional

information that may be considered for an early “Youthful Offender” parole hearing sometime in the future. Currently, Rodriguez remains incarcerated at Mule Creek State Prison serving his life sentence.

Since the ruling, District Attorney Fladager and members of her office have met with the victim’s family to advise them of this decision. Ernestina’s family has requested that their privacy be respected at this difficult time. Her mother, Manuela Ramirez, has asked that this press release include the following statement:

“To whom it may concern,

No matter what happens, if he is released or not, he will always be my daughter’s murderer. No matter where he is, my daughter will be there. She did not know him before, but she knows him now as her murderer.

If earthly justice failed to punish him, I take comfort in knowing that he cannot escape Divine Justice.

I want to congratulate the lawmakers who passed the laws to free murderers onto the streets. Well done. I pray they will never find themselves in my situation. If they do, I know they will regret having passed this law.

I want to thank deputy district attorney Tom Brennan and victim advocate Alex Loya for all they did for my daughter and for me. I will forever be grateful to them.

Sincerely,
Manuela Ramirez”

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