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PRESS RELEASE

For Immediate Release

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Date: April 27, 2009
Re: David William Hess - Nazi Low Rider
Gang Member Convicted

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that David William Hess, age 35, of Modesto was convicted after a two-week jury trial that began on April 13. The jury also found that the allegation that the carjacking was committed for the benefit of, and at the direction of, the Nazi Low Rider criminal street gang to be true. Deputy District Attorney Thomas Brennan prosecuted the case for the People.

David Hess was a parolee Nazi Low Rider gang member operating on the streets of Modesto in December of 2005. During this time, Dion Milam, who was a shot caller for the Nazi Low Rider gang, was in custody at the Stanislaus County jail charged with murder. The victim had spent time in jail with Dion Milam and other Nazi Low Rider gang members in October and November 2005. The Nazi Low Riders had "taken me under their wing" after they learned he had money in his bank account, according to the testimony of the victim at trial. When the victim was released from custody, he promised to send money to Dion Milam and the Nazi Low Riders in exchange for phone services and methamphetamine the gang provided to the victim while he was incarcerated. The victim testified that he soon grew tired of sending money to the gang so he decided to "lay low" and break off contact with the gang. The victim testified that in early December 2005, David Hess contacted him for the purpose of intimidation. Hess removed his shirt exposing his numerous white supremacist tattoos that included swastikas, lightning bolts, white power symbols, "pure hate," skulls and dragons. Prosecution gang expert Froilan Mariscal, an Investigator with the District Attorney's Office, told the jury that the tattoos sported by Hess all indicate membership in the Nazi Low Rider criminal street gang.

On December 22, 2005, Investigators with the Stanislaus County District Attorney Office intercepted a recorded jail phone call between Dion Milam and David Hess. During the call, Dion Milam ordered David Hess to rob the victim. Later that same day, David Hess confronted the victim in a parking lot in Modesto. David Hess simulated possession of a firearm and then he carjacked the victim.

The victim was contacted early the next morning on December 23, 2005 by the Investigators who intercepted the phone call. The victim was afraid to report the crime to law enforcement due to the threat of retaliation from the Nazi Low Riders. The victim agreed to testify for the prosecution after being placed in the State's Witness Relocation Program. David Hess was stopped by law enforcement officers the morning of December 23, 2005. He was still driving the victim's car.

The jury deliberated for two days before returning their verdict.

Charges against Dion Milam relating to the carjacking were dismissed after Milam was convicted of Murder and sentenced to life without the possibility of parole in 2008.

Leanna Werner, the girlfriend of David Hess, pled guilty to Conspiracy to Commit Robbery and was sentenced to two years in state prison in 2008 for her role in the planning of the crime.

The Honorable Nancy Ashley scheduled a sentencing hearing on May 29, 2009. Hess faces a mandatory prison sentence of 15 years to life, with an additional three years for having served prior prison terms which Hess admitted following the jury verdict.

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