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PRESS RELEASE

For Immediate Release

Date: December 8, 2022
Re: Jose Benito Saldivar, Jr.
Three Strikes Inmate Denied Parole

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Jose Benito Saldivar, Jr., age 51, originally of Patterson was found unsuitable for parole during a November 15, 2022 hearing of the State Board of Parole Hearings held at Avenal State Prison in Kings County. Deputy District Attorney Margot L. Roen appeared at the hearing on behalf of the People.

On April 14, 2004, members of the Stanislaus County Auto Theft Task Force working a high theft area in Modesto found an unoccupied Nissan Sentra that had previously been reported stolen. During surveillance of the vehicle, officers saw Saldivar get into the driver's seat and a co-defendant get into the passenger side. When officers attempted a traffic stop, Saldivar ignored their red lights and siren leading to a pursuit through residential neighborhoods at speeds over 50 miles per hour and running several stop signs before driving up onto a canal bank. Saldivar and his passenger both jumped into the canal while the Nissan was still moving. When ordered to show his hands, Saldivar refused to obey the officers' orders, instead reaching for something in his belt area. When he was finally pulled from the canal, Saldivar was wearing an empty pistol holster on his belt, had drug paraphernalia in his clothing, ten .380 caliber rounds of ammunition and a red rag hanging from his rear pocket. A dive team that subsequently searched the canal found a .380 caliber semi-automatic handgun that could fire the ammunition Saldivar was carrying.

After his arrest, the Stanislaus County Sheriff's Department Gang Unit identified Saldivar as a validated member of the Norteno criminal street gang by his prior association with other gang members, his gang tattoos and his own admissions. Saldivar also had a long history of prior felony crimes including multiple residential burglary convictions which counted as "strikes" under California's "Three Strikes" law making him eligible for a life sentence.

On December 8, 2005, a Stanislaus County jury convicted Saldivar of six felony crimes - auto theft, receiving stolen property, evading a police officer, possession of a firearm by a convicted felon, possession of ammunition by a convicted felon and participation in a street gang. They also convicted him of misdemeanor possession of a syringe and a drug smoking pipe. The jury found

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true an enhancement that each of the felonies was committed for the benefit of a criminal street gang. In a subsequent court trial, Judge Nancy Ashley found that Saldivar had been previously convicted of multiple “strike” offenses.

At a sentencing hearing on January 19, 2006, Judge Ashley sentenced Saldivar to serve a determinate term of 14 years plus an indeterminate term of 100 years to life in state prison. In 2007, an appellate court overturned Saldivar’s conviction for possession of stolen property since he had also been convicted of auto theft for the same property, but otherwise upheld his life sentence.

Since going to prison, Saldivar has repeatedly violated prison rules including being written up in 2021 for “behavior which could lead to violence” involving a 2018 drug debt owed to the Northern Ryders prison gang and personally using drugs. As recently as June and July of this year, Saldivar was found to have supplied diluted urine samples to prison authorities.

During the parole hearing, Saldivar told the board that he had been addicted to heroin since he was 15 years old. While he initially testified that he had not used drugs in prison for at least “a couple of years,” he later admitted to having used as recently as last year. He also initially denied knowing how his urine became diluted, but later told the Board it was an attempt to disguise his use of inmate manufactured alcohol. Finally, when discussing his decades-long criminality and gang involvement, Saldivar blamed his actions on the need to steal in order to support his drug addiction.

At the conclusion of the hearing, prosecutor Roen argued that Saldivar’s recent behavior in prison supported denying parole due to his continued criminal thinking. Ms. Roen also noted that Saldivar’s recent attempts at obeying prison rules and maintaining sobriety were clearly outweighed by his decades of damage to the community committing crimes and doing drugs.

After deliberations, the Board denied parole for five years, noting as evidence of unsuitability his lack of self-control, proclivity toward violence and continued gang mentality. The Board recommended Saldivar do further programming including a “deep-dive” into his addiction and continued criminal thinking.

This was Saldivar’s first parole hearing. His next hearing will be scheduled in five years although he may request that date be advanced if he can show a change in circumstances to the Board.

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