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PRESS RELEASE

For Immediate Release

Date: September 28, 2022
Re: Jose Maria Ordaz Gallardo
Convicted Rapist Denied Parole

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Jose Maria Ordaz Gallardo, age 57, formerly of Turlock was found unsuitable for parole during a September 9, 2022, hearing of the State Board of Parole Hearings held at the California Substance Abuse Treatment Facility in Corcoran. Special Prosecutor Holly MacKinnon appeared at the hearing on behalf of the People.

In September of 2000, Gallardo broke into a neighbor's home looking for their 19-year-old daughter who he had seen in the neighborhood. Gallardo found her sleeping in her bedroom, woke her up and stood over her bed pointing a gun at her. Gallardo then forced the victim at gunpoint to orally copulate him before he forcibly raped her. When the victim pleaded with Gallardo to stop, fearing that he would kill her or her parents, Gallardo told her to shut up and threatened that if she told anyone he would kill her. After he left, the victim's screams woke her father and police were called. Officers found Gallardo asleep in his home next door and found a gun hidden in one of the rooms of the house. When told he was being arrested for rape, Gallardo just laughed.

A Stanislaus County Superior Court jury convicted Gallardo of forcible rape, forced oral copulation, assault with a firearm, burglary with intent to commit rape and found true an enhancement that he personally used a firearm in committing the offense. On May 22, 2002, Judge Al Girolami sentenced Gallardo to serve 35 years-to-life in state prison.

While in prison, Gallardo has violated prison rules including conspiracy to commit battery, breach of security and testing positive for use of controlled substances. He has only attended one sex offender treatment program which was just done last month.

A prison psychologist who examined Gallardo prior to the parole hearing gave the opinion that he currently posed only a moderate risk for violence if he were to be released into the community. The examiner observed that Gallardo lacked sufficient insight into what motivated him to attack this victim and continues to ignore the very serious and predatory nature of his assault.

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Prosecutor MacKinnon asked the Board to deny parole, pointing out that Gallardo's lack of adequate release plans coupled with his insufficient sex offender and victim impact programming made him an unreasonable risk of danger to the community if he were to be released from prison. She argued that his lack of insight into his extremely violent and disturbing attack made him a current threat to public safety.

After deliberations, the Board denied release for five years stating that, although Gallardo expressed remorse, he still lacked self-control and maintained misogynistic views and an attitude of violence. Even though Gallardo qualifies for more lenient consideration under "elder parole" rules, the Board stated that the elder parole factors did not reduce his risk for violence. The Board felt Gallardo's lack of awareness into why he committed violent sexual acts demonstrated that he did not possess the tools necessary to avoid reoffending if he were to be released.

This was Gallardo's first parole hearing. He will be eligible for another parole hearing in 2027, however, that date may be advanced based on recent changes in the law in favor of earlier releases. Gallardo has been in prison for approximately 21 years.

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