



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY

301 SECOND STREET - WOODLAND, CALIFORNIA 95695 - 530.666.8180 - FAX 530.666.8185

FOR IMMEDIATE RELEASE

Date: January 4, 2011 **Contact:** Jonathan Raven, Chief Deputy District Attorney
Phone: (530) 666-8092

DA Will Not Retry Galvan Brothers

**Although First Two Juries Voted 11-1 for Guilt on Most Charges, After Most Recent Trial
DA Does Not Believe 12 Jurors Can All Agree and Reach Guilty Verdicts**

(Woodland, CA) – January 4, 2011 -Yolo County District Attorney Jeff Reisig announced today that his office will not seek a fourth trial against West Sacramento brothers Ernesto and Fermin Galvan who fought West Sacramento Police officers and resisted arrest in 2005.

On June 14, 2005, at approximately 3:33am, Officer Schlie of the West Sacramento Police Department noticed a car parked on Riverbank Road in West Sacramento. As Officer Schlie approached Riverbank Road, he noticed two men standing in the road way. Officer Schlie exited his patrol car and contacted the two subjects, later identified as Ernesto and Fermin Galvan. Upon contacting the two men, Officer Schlie noticed Ernesto Galvan was sweating profusely, was fidgety, and would not look him in the eyes. Officer Schlie suspected that Ernesto Galvan was under the influence of a controlled substance and attempted to detain him to conduct a further evaluation. Ernesto Galvan failed to comply with his requests and Officer Schlie grabbed him by the wrist. Ernesto Galvan pulled away, swung around and struck Officer Schlie in the chin. Galvan fought Officer Schlie and another officer for nearly four minutes. Officers were unable to stop the onslaught of kicks and punches from Ernesto Galvan. During this struggle, the officers attempted to gain control and compliance from Ernesto by Verbal Commands, Take down techniques, the taser and use of batons. It was not until the officers used their batons that Ernesto Galvan stopped fighting. Ernesto Galvan was charged with felony resisting by threats and violence and misdemeanor battery on a police officer. Fermin Galvan was charged with misdemeanor resisting arrest.

The case went to trial on October 29, 2007. Eleven of the twelve jurors believed that Ernesto Galvan was guilty beyond a reasonable doubt. However, since the twelve

members of the jury could not all agree, the judge called a mistrial and a second trial was set.

The second trial started on February 1, 2010. Once again, the jury voted 11-1 for guilt on most counts. The judge again called a mistrial. Since 20 of the 22 jurors voted for guilt in the first two trials on most counts, the District Attorney decided to try the case a third time.

The third trial, which started on November 29, 2010, again resulted in a hung jury as all 12 jurors could not reach a unanimous decision. In this trial, five of the twelve jurors voted for guilt on most charges.

After the third trial, the Yolo County District Attorney's Office conducted a careful, thorough, and deliberate review of the case and the three jury trials. We conducted an analysis of all of the evidence presented in each of the cases, reviewed conversations and correspondence with jurors from all three cases, and examined whether any additional evidence or approaches to the case would result in a guilty verdict. We determined there is sufficient evidence to establish proof of each defendant's guilt beyond a reasonable doubt; that 27 of the 36 jurors who have examined the evidence have agreed with us that there is proof beyond a reasonable doubt as to most counts; and that the officers acted within the confines of permissible use of force based on the circumstances and the defendants' actions. However, our analysis convinces us that there is a decreasing likelihood of obtaining a unanimous verdict of 12 members of the community in this matter. Therefore, it is our intent to seek a dismissal of all charges and to not proceed to a fourth trial.

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