



OFFICE OF THE
DISTRICT ATTORNEY

COUNTY OF SHASTA

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District Attorney

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PRESS RELEASE

**NO MANSLAUGHTER CHARGES FILED
IN DEATH OF 3-YEAR-OLD**

On March 6, 2008, Jose Salvador Alcantar-Ruiz was backing a Ford F-150 pickup truck out of a driveway on Hornbeck Lane in Shasta County. At that time, Alcantar-Ruiz struck a 3 year old boy who had walked behind the pickup truck. A witness, who was parked behind Alcantar-Ruiz, was backing up at the same time as Alcantar-Ruiz and looked up and saw the 3 year old boy walk in front of his car and behind Alcantar-Ruiz's truck. The witness honked his horn in order to get Alcantar-Ruiz to stop, but was too late. The 3 year old died of injuries received in this accident.

During the investigation of this accident by California Highway Patrol Officer Jeffrey Patton, Alcantar-Ruiz presented a false immigration document identifying himself as Miguel Angel Gonzalez Alvarez.

The District Attorney's Office has filed felony charges against Alcantar-Ruiz for use of false resident alien documents and for falsely impersonating another in order to avoid prosecution. Misdemeanor charges of providing false information to a Peace Officer have also been filed. The most serious charge carries a five year prison sentence.

No charges will be filed for vehicular manslaughter. The criminal charge that most nearly describes the conduct is vehicular manslaughter without gross negligence, a misdemeanor. The language of that charge states that the killing of a human being, without malice, resulted from driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

There was no unlawful act committed by Mr. Alcantar-Ruiz when backing the pickup truck out of a private driveway. For there to be the unlawful act of unsafe backing, the car must be on a public roadway, such as a city street. The reports submitted by CHP describe that Mr. Alcantar-Ruiz saw the 3 year old victim by the rear of the pickup truck before he got into the drivers seat. He escorted the child to a place of safety

safety prior to getting into the truck, with instruction to the child to stay in the play area. Mr. Alcantar-Ruiz then got into the truck and began his back-up maneuver. In the meantime, the child had walked behind the pickup truck to a place where Mr. Alcantar-Ruiz could not have seen him either in his mirrors or by physically turning and looking.

Ordinary negligence requires that a person perform an act under circumstances that could be dangerous and that a reasonable and prudent person would not have performed that act under the same or similar circumstances. In order to prove this form of negligence in a criminal case, it would require proof beyond a reasonable doubt to twelve citizens. The evidence shows that Mr. Alcantar-Ruiz took steps to avoid the accident, that he was not moving at an excessive or dangerous speed, and that the child could not have been seen by anyone in the driver's position at the time of the accident. There is no evidence that Mr. Alcantar-Ruiz was under the influence of drugs or alcohol.

Mr. Alcantar-Ruiz will be arraigned in the Shasta County Superior On March 10, 2008 at 1:30 P.M.. Questions about the case should be directed to Assistant District Attorney Dan Flynn at 245-6310.