



# BUTTE COUNTY DISTRICT ATTORNEY



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## PRESS RELEASE

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### **Woman Slips GPS Monitor, Faces Real Prison**

A Butte County Superior Court jury required less than 20 minutes yesterday to convict a Chico woman of felony escape charges stemming from her leaving her place of confinement while on the Butte County Sheriff's Alternative Custody Supervision (ACS) program.

Samantha Josephine Abernathy, 26, was sentenced to a 3 year term in county prison on May 2, 2012 for felony possession of controlled substances for sale. Abernathy was granted placement in the ACS "home incarceration" program and was to be confined at a clean and sober living house in Chico.

On March 1, 2013, Abernathy slipped off her Global Positioning System (GPS) ankle monitor and left the residence. Her absence was discovered by one of the house managers and reported to the ACS program. Abernathy subsequently returned to the house after an absence of a few hours. She was detained by sheriff's deputies who also recovered the monitor. She was charged with felony escape.

At the trial, there was no argument about the facts. Defense attorney Jesus Rodriguez argued to the jury that while Abernathy's actions may have "broken the rules" of the ACS program it was "just not an escape" because she had returned.

In his closing, Supervising Deputy District Attorney Michael Sanderson pointed out that Abernathy was just as much a prisoner, whether she was behind the walls of a jail or in an alternative custody placement. "Whether she was gone for 5 minutes, 5 hours, or forever, doesn't matter. It is still an escape. The crime is complete the moment she leaves." The jury agreed.

District Attorney Mike Ramsey noted his office takes these cases very seriously. "The ACS program is a key component in dealing with the challenges posed by the AB109 prison realignment scheme. It gives inmates a chance to work on the issues which lead to recidivism. Inmates should understand it is not a 'get out of jail free' card and we actively work with the program to vigorously prosecute those who violate the escape statutes and send them to a real brick-and-mortar state prison." Ramsey noted his office has filed 30 felony cases involving escape from the ACS program since its inception in January of 2012 and 20 of those inmates are now in the state prison, while 10 cases are still pending.

"We will not allow a small group of individuals to place public safety or the future of the ACS program at risk," he added.

The judge also found Abernathy had served two prior prison sentences. She will now face up to five years in state prison when she is sentenced on August 6, 2013.