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PRESS RELEASE

For Immediate Release

June 4, 2010

Driver In Gang Drive-By Shooting Convicted of Two Strikes.

A 22-year-old gang member known as “Swerve” was sentenced today to 10 years, 8 months in state prison for his role as the driver in a gang motivated drive-by shooting on January 11, 2009, that resulted in serious injury to an innocent victim.

Butte County District Attorney Mike Ramsey announced today that Alejandro Antonio Magana, aka “Swerve,” of Biggs, was convicted on charges of assault with a deadly weapon in furtherance of a criminal street gang and shooting at an inhabited dwelling. Ramsey said Magana was sentenced to an upper term sentence to which 5 years were added because of the criminal street gang enhancement. Prior to this offense, Magana had been convicted of a misdemeanor DUI. Magana will face life in prison if he commits a new felony as he has now been convicted of two strikes under California’s Three Strikes Law.

Magana drove his truck in front of a residence in the city of Biggs at least three times while his passengers yelled gang slogans and derogatory remarks at the residents and ultimately fired shots at the home. On the final pass, Magana shut off the truck’s headlights and accelerated down the street in front of the home while a passenger fired at least three shots towards the home and residents who were in the front yard and on the porch. One victim standing in the threshold of the front door was hit squarely in the chest by one of the bullets, which passed through her, exited her left shoulder blade, and lodged in a wall. The victim survived the bullet wound after being life flighted to Enloe Hospital where she was treated for broken bones and a punctured lung. Magana wrote a letter to the victim while she was hospitalized, promising gifts and financial support for her family if witnesses refused to testify. Magana was prosecuted under an aider and abettor theory which made him responsible for the same crimes as the person who actually fired the gun. Witnesses were unable to identify the actual shooter. Magana was seen as low-level, “wannabe” gang member prior to committing these crimes.

Ramsey said, “A drive-by shooting is the quintessential gang crime and even though Magana may have never touched the gun, he is as guilty as if he had. We will continue to aggressively prosecute gang crimes, removing each violent gang member from the streets one at a time if necessary until we have stemmed the tide of terrorism in our community.”