



# BUTTE COUNTY DISTRICT ATTORNEY



**MICHAEL L. RAMSEY**  
District Attorney

**MARK MURPHY**  
Chief Deputy District Attorney

**JASON WINES**  
Chief Investigator

## PRESS RELEASE

For Immediate Release  
March 29, 2023

### **34-YEAR-OLD GANG KILLER'S PETITION TO BE HANDLED AS A JUVENILE REJECTED**

A now 34-year-old killer was in Butte County Superior Court yesterday to hear a judge reject his attempt to reverse his 2007 gang-motivated murder and attempt-murder convictions and to have his case handled in the juvenile court.

After two months of hearings in the court, the judge yesterday issued his ruling rejecting the petition of inmate and gang member **Freddy Cortes Siordia, 34, of Donovan State Prison**, to basically overturn his convictions and set him free.

Butte County District Attorney Mike Ramsey said Siordia was 16 years old when he and his fellow gang members killed an 18-year-old Oroville youth and seriously wounded one of the youth's friends at a Chico gas station in October 2005.

Ramsey said Siordia was tried as an adult in 2007 under the then-existing law (Proposition 21 passed in March 2000) that allowed prosecutors to file murder cases against juveniles directly in adult court bypassing the juvenile court jurisdiction. Ramsey said that subsequent law (Proposition 57 passed in November 2016) did away with such procedure and required all juvenile murderers to start their cases in juvenile court and required prosecutors to convince a juvenile court judge by clear and convincing evidence that the juvenile could not be successfully rehabilitated in the juvenile justice system.

Ramsey said this new law was recently made retroactive by the California Supreme Court, which allowed Siordia to bring his petition to reverse his previous adult conviction and return his case to the juvenile court. Ramsey noted that if Siordia was successful it would have resulted in Siordia being returned from state prison to spend up to two more years in the custody of the Butte County Juvenile Hall.

Ramsey said the state legislature had given extra money to public defenders to bring such petitions. The petitions demand, in essence, that the courts pretend a now 34-year-old gangster was once again 16 years old and that the 16-year-old Siordia was suitable to have been handled in the 2005 juvenile court. And, in this pretend scenario, the DA said the burden is now on the prosecution to show the "juvenile" murderer was not amenable to rehabilitation within the

juvenile system back then, but under the more restrictive laws on transfers to adult court currently in place.

In preparation for the “retroactive” transfer hearing, Siordia’s public defender hired two psychologists, a criminologist and a “juvenile justice expert” to review historical reports, records, current psychological data and interviews, and opine on Siordia’s amenability to rehabilitation – both past and future. Those hired experts claimed under current laws the former gangster should have been retained in the juvenile justice system and been tried in the juvenile court.

Ramsey said his office had to hire a doctor of psychology from the University of California Davis Medical School to review all of Siordia’s historical juvenile reports, records, and current psychological data and opine on Siordia’s amenability to rehabilitation in the juvenile justice system. He found Siordia was not suitable for juvenile justice handling.

Besides the testimony of the expert witnesses, the prosecution also called one of the original Chico Police investigators of the crime from 2005. After that evidence and reviewing a mountain of records, reports, and transcripts, the judge determined prosecutors had proven by clear and convincing evidence that Siordia was not then, and is not now, amenable to rehabilitation in the juvenile justice system. In support of his ruling, the judge pointed out that at the time Siordia committed the murder and attempted murder, he was on juvenile probation for a prior crime of felony gang violence.

Ramsey pointed out it was in January 2007 that Siordia was convicted by a Butte County jury of first-degree willful, deliberate, and premeditated murder, and willful, deliberate, and premeditated attempted murder. The jury also found true a “special circumstance” that Siordia murdered for the benefit of his criminal street gang. The jury also found it to be true that Siordia personally used a knife in the commission of the offenses. Freddy Siordia was 16 years, 7 months old at the time he committed the murder and attempted murder.

The charges arose from an incident that occurred at approximately 2:00 a.m. on October 2, 2005, at a convenience store on 8<sup>th</sup> Street in Chico. During the evening of October 1, Bryan Semore, 18, and two young friends, all of Oroville, attended a party in Chico. Before departing Chico and returning home, the Oroville trio stopped at the former Union 76 gas station and convenience store on 8<sup>th</sup> Street to purchase sodas. While in the convenience store, Siordia, his older brother Marcelino Siordia, and three other Chico criminal street gang members arrived at the store to purchase cigarettes.

Trial testimony established the Siordia brothers and the other gangsters started a verbal confrontation with the Oroville youths, which ended with Freddy Siordia stabbing Semore and one of the Oroville youths several times with a statement that he intended to kill them. Semore died, but his friend, though gravely wounded, survived.

Ramsey noted after the jury verdict of guilt in January 2007, Siordia was sentenced to life in prison without the possibility of parole due to the gang special circumstance finding on the murder, plus 15 years to life on the charge of attempted first-degree murder, plus 2 years for the use of the knife.

After sentencing, Siordia filed an appeal in the court of appeal in Sacramento. In 2009, after extensive appellate litigation, the court denied the appeal and affirmed the convictions. Subsequently, the California Supreme Court denied review of the court of appeal’s decision.

However, in 2016, based upon a 2014 decision of the California Supreme Court prohibiting a life-without-possibility-of-parole sentence for those who kill as juveniles, Siordia was re-

sentenced to 25 years to life with the possibility of parole on the first-degree murder charge with the gang special circumstance, plus the 15-years-to-life on the attempt murder charge and two (2) more years for the use of a knife.

However, because Siordia is now considered a “Youthful Offender” under another change in California law, he will be eligible for parole, despite the above sentence, in November 2025.

Ramsey noted this case illustrates many of the problems of recent changes to California criminal law. “No conviction is ever final,” Ramsey said. Ramsey continued, “This case wasn’t final after the jury verdict, it wasn’t final after a motion for a new trial was denied, it wasn’t final after appellate court review, it wasn’t final after re-sentencing and it isn’t final now” as he expects the judge’s ruling yesterday to be appealed.

According to Ramsey, this lack of finality has grave consequences for the victims of violent crime and the criminal justice system. “The poor father of Bryan Semore has never been able to achieve closure. Every time he thinks that the case is closed, the state changes the law and re-opens the case. By putting him through these repeated hearings, every couple of years the State of California rips the band-aid off and re-opens his wounds.”

In addition, Ramsey pointed out that his already understaffed and overworked office was forced to assign a senior homicide prosecutor to handle this case. “Every minute our prosecutor spent on this case was a minute that he didn’t have to spend on current murder cases.”

Ramsey also noted that resentencing of old cases under newly-passed legislative changes has become the norm for the past two years, further drawing down already reduced resources. The DA counted some 99 additional cases that have been added to his docket for resentencing since January of 2022.



Freddy Cortes Siordia