



# 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 11, 2021

### DISTRICT ATTORNEY AWAITING AUTOPSY IN JAIL DEATH

The Butte County District Attorney's Office announced further investigation and autopsy results are required in an apparent homicide case occurring over the weekend in a holding cell at the Butte County Jail. As a result the suspect in the case was released yesterday pending a determination of the cause of death of the victim.

Butte County District Attorney Mike Ramsey said Michael Borgman, 23, of Chico had been held in the death of Sherman Silva, 43, of Chico, after a struggle between the two men in a "sobering cell" at the jail. Ramsey announced at this stage in the investigation, formal charges could not be brought within the legally required 48 hours deadline after an arrest to keep a person in custody. Silva's remains were transported to the Sacramento County Coroner's Office for an independent forensic examination. But Ramsey noted the Sacramento County Coroner's Office said it could not pronounce a cause of death until toxicology results were received on blood samples taken from Silva. Without a cause of death, the prosecution could not proceed in the case.

Ramsey said that early Sunday morning, Borgman and Silva were together in a sobering cell in the Butte County Jail. A sobering cell is a cell within the jail specifically designed and used for housing inmates who are under the influence of alcohol or drugs. Inmates are generally housed in the sobering cell until the effects of the alcohol or drugs have worn off. Both men had been arrested on the evening of March 6. Silva was arrested by the Chico Police on a felony parole violation warrant and was placed in the cell as he was suspected of being under the influence of drugs. Borgman was arrested by the California Highway Patrol for suspicion of driving under the influence of alcohol.

Ramsey said the evidence gathered thus far indicated while Borgman and Silva were housed in the sobering cell, the two men became involved in a physical altercation. The altercation occurred immediately after a correctional deputy conducted a routine check of the cell. Within two minutes of the check, another correctional deputy was alerted to an altercation occurring within the sobering cell. The deputy immediately responded to the sobering cell. When the deputy arrived, he observed Silva to be unresponsive. Corrections deputies immediately rendered first aid and medical assistance arrived, but Silva never recovered and was later pronounced dead.

Ramsey said district attorney and sheriff's investigators determined that when the correctional deputy arrived at the sobering cell, the deputy observed Silva and Borgman lying together on the floor against a wall. The deputy noted Borgman's arm was around Silva's neck and head and that Silva was lying face down toward the floor on top of Borgman. When the deputy entered the cell, he ordered Borgman to release his hold on Silva. The deputy said Borgman immediately released his hold on Silva and complied with directions of correctional staff. A preliminary examination of Silva at the scene indicated some evidence of a restricted airway during the struggle.

Borgman cooperated with law enforcement and later on Tuesday on advice of his attorney submitted to an extensive interview by investigators. Borgman claimed Silva, who was much larger than Borgman, was the initial aggressor. Borgman described being punched and then charged by Silva. According to Borgman, as a result of Silva's charge, Borgman's back and head were slammed against the cell's concrete wall. Borgman stated he reached around Silva's head and neck to establish and maintain a hold on Silva in an attempt to stop and mitigate the continued assault. Borgman explained while he had a hold of Silva, Silva continued to punch Borgman. Borgman stated he maintained his hold until the correctional deputy arrived.

Ramsey said an examination of Borgman's injuries showed injuries consistent with Borgman's claim of self-defense. Two other intoxicated inmates were in the same cell, but Ramsey said their awareness and memories were severely diminished by their intoxication. Ramsey noted it is the prosecution's burden to disprove any claim of self-defense beyond a reasonable doubt.

Borgman appeared in Butte County Superior Court on Wednesday afternoon on filed misdemeanor charges of Driving under the Influence and Refusal to Complete an Alcohol Test. He plead not guilty to the charges and was released on his own recognizance with conditions to completely refrain from alcohol and submit to a search or test for the same. He was ordered to return to court on April 20, 2021 for further proceedings in the DUI case.

