

# **\* NEWS RELEASE \***

## **DISTRICT ATTORNEY WILL NOT PURSUE SECOND DEATH PENALTY PHASE AGAINST CONVICTED MURDERER IN 22 YEAR OLD CASE**

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**FOR IMMEDIATE RELEASE**

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Monterey County District Attorney Dean D. Flippo announced today that his office will not pursue a second death penalty phase against Daniel Covarrubias, thus he will be sentenced to life in prison without the possibility of parole.

In November of 1994, Covarrubias, along with his two cousins Antonio Sanchez and Joaquin Nunez, and his nephew, Jose Ramirez, armed themselves with firearms and a knife and went to the home of Ramon and Martha Morales. Ramirez testified for the prosecution at trial and, according to him, Sanchez had sold cocaine for Ramon until the two had an argument over money and ended up wanting to kill each other. Ramirez testified that, after a night of drinking, Covarrubias and Sanchez came up with a plan to break into the Morales residence, steal their belongings, and kill whoever was inside so that there would be no witnesses to the crime. When they arrived at the Morales residence, Covarrubias knocked on the front door and when no one answered Covarrubias opened the door and went inside.

Once inside, Covarrubias found Fernando Martinez, the brother of Martha, sleeping in the living room and held him there at knife point. Sanchez joined Covarrubias in the living room while Nunez and Ramirez searched the house for items to steal and Ramirez began making trips from the residence to their car with stolen items in hand. Around 9 p.m., just as Ramirez was making the last trip, Ramon and Martha Morales returned home with their 11 month old daughter Alejandra. When they came into the house, they were taken by surprise and Covarrubias immediately forced Martha into the bedroom where Nunez was holding Fernando, while Sanchez kept Ramon in the living room at gunpoint. Ramirez testified that he was in the living room with Ramon and Sanchez when he heard gunfire coming from the bedroom and, at that point, he fled the residence.

At 9 p.m. the next day, police found Ramon's body on the living room floor. They found Fernando's body near the doorway leading to the bedroom and bathroom. Martha's body was found in the bedroom at the foot of the bed with her baby, Alejandra, lying near her knees, crying and covered in blood. Alejandra was treated at a local hospital emergency room for a gunshot wounds to her shoulder and leg.

On October 27, 1998, Covarrubias was convicted after a jury trial of the first degree murders of Ramon Morales, Martha Morales, and Fernando Martinez, as well as the attempted murder of then 11 month old Alejandra Morales. The jury further found true the special circumstances of multiple

murders and that the murders were committed while Covarrubias was engaged in the commission of the crimes of robbery and burglary, thereby making Covarrubias eligible for the death penalty or for prison for life without the possibility of parole. Covarrubias was also found guilty of assault with a firearm on Alejandra and three counts of robbery, residential burglary, and conspiracy to commit robbery and residential burglary. The prosecutor Julie R. Culver, now a judge for the Superior Court of Monterey County, successfully argued that the crime the defendant committed warranted the death penalty and the jury returned a death verdict. Covarrubias was a condemned prisoner at San Quentin prison for almost two decades while his case went through the appeals process.

On September 8, 2016, the California Supreme Court filed a decision that reversed the judgement of death, due to judicial error. The Court found that the judge had erroneously excused a prospective juror during jury selection and remanded the case against Covarrubias for a new penalty determination, but upheld the conviction in all other respects.

The Monterey County District Attorney's Office was tasked with evaluating whether or not it would be feasible to retry the penalty phase of a 22 year old case. The mother of Ramon Morales voiced her desire not to return from Mexico to the United States and endure the trauma of reliving the events that took her son from her. The Morales's daughter, Alejandra, was the subject of a closed adoption and her adoptive parents conveyed their wish that she never be informed about the circumstances of the untimely death of her parents and uncle. Unfortunately, the District Attorney's Office was unable to locate most of the surviving members of the victims' family due to the passage of time and their relocation. Although the District Attorney strongly feels that the facts of this case warrant the death penalty, the reality of reconstructing a 22 year old case had to be grappled with, and ultimately, after being unable to locate key witnesses and after discussing the wishes of the surviving family members, the determination has been made not to go forward with another death penalty phase of the trial.

On March 16, 2017 at 9:30 a.m. in Dept. 4 of the Monterey Superior Court Judge Carrie M. Panetta will sentence Covarrubias to life in prison without the possibility of parole.<sup>1</sup>