

U.S. Attorney's Report to the District

Trying Cases During COVID

The Sixth Amendment to the Constitution guarantees a criminal defendant a “speedy and public trial, by an impartial jury.” That right is fundamental to our justice system. The good news is that despite the challenges posed by the COVID-19 pandemic, our justice system in the Eastern District of California was able to resume criminal jury trials in a manner that aims to protect as much as possible all the trial participants and did so three times in July and August, as our district court completed its first three criminal jury trials since the pandemic forced changes in court processes in March 2020.

The three trials completed in August were generally representative of the district's caseload:

- James Castle, formerly of Petaluma, California, faced fraud charges based on his participation in a purported mortgage elimination program in which homes were sold with the appearance that the homeowner did not owe money on a mortgage loan and that title was clear of any security interest by a lienholder when in fact that was not true because there was a mortgage. After hearing all the evidence, the jury convicted Castle on 35 counts of bank fraud and related charges. Two co-defendants were convicted at an earlier trial and several others pleaded guilty to similar charges. Castle had fled to New Zealand and then Australia when the fraud scheme unraveled in 2011, and only last year was extradited to the United States to stand trial.
- Dawniel Santangelo of Stockton faced sex trafficking of a child charges based on her recruitment of 15-, 16-, and 17-year-old girls to engage in commercial sex acts throughout Northern California and Southern Oregon. According to the evidence presented at trial, Santangelo enticed the girls to perform sex acts with strangers by providing alcohol and drugs and creating a party atmosphere in motel rooms, and she and co-defendant Lucious Roy took the money paid by the sex buyers. The jury convicted Santangelo on five counts of sex trafficking of a child and related charges. Roy earlier pleaded guilty and was sentenced to 17 years and seven months in prison. Our office brought the case against the two as part of Project Safe Childhood, a nationwide Department of Justice initiative to combat the growing epidemic of child sexual exploitation and abuse.
- Eligio Nunez of Hayward faced a charge that he possessed three firearms after earlier having been convicted of a felony rendering it unlawful for him to possess a firearm. In Nunez's case, he had previously been convicted of 10 felonies including assault with a deadly weapon, drug trafficking, evading a police officer, and an earlier charge of felon in possession of a firearm. According to the evidence presented at trial, Nunez led police on a high-speed car chase while driving a stolen Lexus, then abandoned the car and fled

on foot. The Lexus caught fire, causing ammunition inside the car to explode. The jury found Nunez guilty of the charge. Our office brought the case against Nunez as part of Project Safe Neighborhoods, the centerpiece of the Department of Justice's violent crime reduction efforts focusing on the most violent offenders.

The defendants now await sentencing.

While each trial included key characteristics that we are accustomed to seeing in our judicial system, including jury selection, opening statements, witness testimony, the admission of evidence, closing arguments, jury deliberations, and the pronouncement of the jury's verdict, each also included additional features designed to address safety concerns posed by the pandemic. Trial participants were generally masked when not speaking and were socially distanced in the courtroom. Trial days often were shorter than they would have been pre-COVID, lessening the time that each trial participant spent indoors. All trial participants were asked COVID-related screening questions designed to prevent COVID exposure and identify anyone who was experiencing symptoms or who had had a close contact with someone with the virus. And when a concern arose during one of the trials that a trial participant may have been exposed to someone who tested positive for the virus, the court continued the trial until the participant was able to be tested and received a negative test result.

The safety procedures the court used to hold the trials grew out of a joint effort by a working group comprised of representatives from the Clerk's office, our office, the Federal Defender's office, other members of the defense bar, and the United States Marshals Service to propose a plan of how to hold a trial safely during the pandemic. Our office has used similar procedures, including masks, social distancing, and COVID screening questions, to hold grand jury sessions safely over the past year.

It is noteworthy that the court was able to complete three trials safely and in a way that respected and safeguarded the health of all concerned. The pandemic has posed many challenges, including to the way we proceed with criminal cases, but working together, the judges, attorneys and others in the Eastern District of California's federal court system fulfilled the Sixth Amendment's promise. We look forward to doing so in more cases for as long as the pandemic lasts.

If you would like to communicate with our office, please contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

Acting United States Attorney

Phillip A. Talbert