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CONTACT: Taylor Long, Public Information Officer
tlong@fresnocountyca.gov
559-600-4334

Charges Filed Against Fresno Man for PorchFest Disturbance

The Fresno County District Attorney's Office has filed charges against Francisco Samaniego (49, of Fresno) for his alleged involvement in the disturbance that took place during the Tower District's PorchFest on Saturday, April 27th, 2024.

Witnesses stated, Samaniego confronted several individuals who were attending PorchFest about his dislike of Hamas, a designated terrorist organization. Samaniego was very vocal, and during the confrontation he assaulted three women and took a cellphone, later throwing it on the ground, rendering it unusable.

The Complaint filed in the Superior Court alleges that Francisco Samaniego committed:

- One (1) Felony Count of SECOND-DEGREE ROBBERY [Penal Code § 211];
- Three (3) Misdemeanor Counts of BATTERY [Penal Code §242]

Samaniego is facing a maximum of 5 years in state prison if convicted of the listed charges.

The Fresno County District Attorney's Office has declined to file a hate crime [Penal Code §422.6] charge against Mr. Samaniego. Prosecution for a hate crime requires that the suspect acted because of another person's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person/group having one or more of these characteristics. Hamas does not fit into any of these designations.

After carefully reviewing the investigative reports and witness statements, the Fresno County District Attorney's Office has reached the legal conclusion that the prosecution cannot prove beyond a reasonable doubt that Mr. Samaniego committed a hate crime.

In reviewing cases for the filing of criminal charges, prosecutors are required to follow certain ethical considerations. We may only file charges if: (1) there has been a complete investigation and thorough consideration of all pertinent data, (2) there is legally sufficient, admissible evidence of a corpus delicti, (3) there is legally sufficient, admissible evidence of the accused's identity as the perpetrator of the crime, and (4) the prosecutor has considered the probability of conviction by an objective factfinder hearing the admissible evidence.

The Fresno County District Attorney's Office holds a zero-tolerance policy for those that commit hate crimes. However, it is our ethical obligation as prosecutors to file charges where the facts of the case can be proved beyond a reasonable doubt with the applicable elements of the law. In this specific case and after careful review of the reports, the facts do not meet that burden. Because a majority of the statements were directed at Hamas.

The derogatory statements that were allegedly made by Samaniego referring to Palestine and Palestinian people, while despicable, are protected by the 1st Amendment of the Constitution of the United States of America and are insufficient evidence to prosecute a crime under Penal Code §422.6.

The evidence presented did not reach the level required to prove beyond a reasonable doubt that the actions of Samaniego interfered with the civil rights of the victims. The statement regarding Hamas do not meet the requirements of a hate crime, as terrorist organizations are not a protected class under the statute.

Samaniego was arrested back on April 27th, 2024, by officers of the Fresno Police Department, but was released after posting bond. Samaniego is scheduled to be arraigned on Friday, May 10th at 8:30 am in Department 33 of the Fresno Superior Court.

The Fresno County District Attorney's Office will have no further comment on this matter.

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