

For Immediate Release

On July 27, 2015, in the case of the People of the State of California v. Benjamin Carter, the jury found the defendant guilty of being a felon in possession of a firearm. The defendant admitted a special allegation that he had previously been convicted of a strike under California's Three Strikes law.

The charge arose from incidents that occurred on April 16, 2014. On that day, the defendant obtained a shotgun from Zackery Chapman. Later, Mr. Chapman attempted to get the shotgun back from the defendant; Mr. Chapman was armed with a pistol when he arrived at the defendant Carter's location in Southern Humboldt. Mr. Chapman pointed the pistol at several people, including the defendant, who was holding the shotgun. The defendant fired one shot at Mr. Chapman, killing him. Although the defendant was initially charged with murder, it was ultimately determined that the shooting was justified.

In addition to three civilian witnesses, Investigator Cheryl Franco of the Humboldt County Sheriff's Department testified at the trial.

Deputy District Attorney Roger C. Rees prosecuted the case with assistance from District Attorney Investigator Marvin Kirkpatrick and Victim/Witness Advocate Marybeth Bian. The defendant was represented at trial by Michael Acosta, a local defense attorney. The Honorable Christopher Wilson, Judge, presided over the six-day trial in Humboldt Superior Court.

The scheduled sentencing date is September 4, 2015. The maximum sentence for this crime and special allegation is six years in state prison. Because the defendant has a prior strike, he must serve 80% of his sentence before being paroled.

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