

**Office of the District Attorney**

825 Fifth Street, Fourth Floor

Eureka, CA 95501

TEL 707.445.7411

FAX 707.445.7416

districtattorney@co.humboldt.ca.us**Victim Witness Program**

712 Fourth Street

Eureka, CA 95501

TEL 707.445.7417

FAX 707.445.7490

Maggie Fleming

District Attorney

NEWS RELEASE**November 16, 2018**

Today, Michele Kay Banda (age 32), pled guilty to felony possession of drugs in a correctional facility and misdemeanor child abuse.

The charges stemmed from a January 16, 2018 incident at the Red Roof Inn in Arcata, when a hotel guest stepped out of her room to investigate the sound of a crying baby. She immediately encountered Banda, who threw a four-month-old infant to her and told the guest to make the baby stop crying. The guest also witnessed Banda sticking her fingers down the distressed infant's throat. Arcata Police Department officers arrested Banda at the scene and took her to jail.

As correctional deputies booked Banda into the Humboldt County Correctional Facility, they observed a baggie of heroin in her armpit. Banda then attempted to swallow the baggie and as correctional deputies prevented her from doing so, she tried to bite and kick them.

Prior to trial, Banda posted \$50,000 bail and was released from custody.

A jury trial to address these charges began with 3 days of jury selection starting on November 6th. On November 9th when opening statements were scheduled, Banda failed to appear in court and Judge Kelly Neel declared a mistrial and dismissed the jurors. With the assistance of local law enforcement, District Attorney Investigators arrested Banda 1.5 hours later and she has remained in custody since then.

Banda faces up to 4 years in custody. She will further be required to complete a 52-week child abuse prevention program. Judge Timothy Canning is scheduled to sentence her on December 13th.

The District Attorney's Office thanks the jurors, witnesses, and law enforcement agencies who dedicated their time and effort to this case. After considering the message that defendants might take from the mistrial on November 9th, District Attorney Maggie Fleming pointed out: "Legal alternatives when defendants voluntarily fail to appear for trial include: 1) continuing the trial without the defendant, and 2) rapid apprehension of the defendant so the trial can proceed. Failing to appear for court is a crime – justice demands that people don't benefit from it."