

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
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District Attorney



DA 11-70

RELEASE NUMBER

November 14, 2011

RELEASE DATE

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APPROVED BY JOYCE E. DUDLEY, DISTRICT ATTORNEY

Stephen Foley, Chief Deputy District Attorney
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***** PRESS RELEASE *****

November 14, 2011

Re: *Potential Placement of Sexually Violent Predator in Santa Barbara County*

In 1974, Tibor Karsai, at age 22, was convicted in Santa Barbara County of forcible rape. He was sentenced to three years to life. In March of 1979 he was paroled to San Luis Obispo County and lived in Morro Bay.

In February 1980, while working as a truck driver, he made a haul to Placer County. While there he committed a forcible sex crime. He was convicted in Placer County and sentenced to 26 years in state prison.

In 1998, after Mr. Karsai completed his prison time, the Placer County District Attorney's Office filed a petition to have him remain in custody as a Sexually Violent Predator. The petition was found true and Mr. Karsai has remained a Sexually Violent Predator ever since. Under the prior law, the Placer County District Attorney's Office had to re-petition the court every two years to have Mr. Karsai remain in custody.

The most recent petition was filed in 2006. We have been told by the Placer County District Attorney's Office that Mr. Karsai's most recent jury trial resulted in a hung jury. Rather than re-try the Sexually Violent Predator petition, we learned the Placer County District Attorney's Office agreed to let Mr. Karsai out of custody through a conditional release program, known as CONREP. We are told the release program, run by Liberty Healthcare, provides intensive supervision of Mr. Karsai.

Judge James Garbolino of Placer County has directed Liberty Healthcare to place Tibor Karsai in a residence in Santa Maria. We have and will continue to oppose Mr. Karsai's placement in Santa Barbara County based upon the law.

We oppose the proposed placement of Mr. Karsai in Santa Barbara County for two reasons. First, we believe that Mr. Karsai's correct "domicile" county is San Luis Obispo County and the law requires placement in the domicile county, absent extraordinary circumstances. Second, we oppose Judge Garbolino's effort to place Mr. Karsai at the chosen address in Santa Maria, because it is within a 2,000 foot radius of an elementary school and a community park. We believe this address is non-compliant with Penal Code section 3003.5(b). However, Placer County Judge Garbolino interpreted the 2,000 foot rule as "travel distance" rather than actual distance and he directed Liberty Healthcare to place him in Santa Maria at an address that is within a 2,000 foot radius, but just outside of it if "travel distance" is used.

We believe this "travel distance" interpretation is contrary to the law but since Penal Code section 3003.5(b) does not include any criminal penalties, our options are limited in how to address Judge Garbolino's ruling.

We have already had a Senior Deputy District Attorney travel to Placer County court three times to object to the placement on the aforementioned legal grounds and we will do so again on December 5, 2011.

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