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PRESS RELEASE

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Prosecutors successfully press for prison term in fatal accident

Mendocino County prosecutors Monday successfully pressed for a state prison term for a driver who admitted he waited nearly four hours to sober up before summoning authorities in late August to a fatal single-car accident scene along a twisty rural road south of Ukiah.

Superior Court Judge Richard Henderson sentenced Cody Fisher, 30, to a four-year state prison term. Henderson characterized his decision as "very, very difficult" after he heard pleas for leniency from the defendant's family and friends. The maximum that Fisher could have been sentenced to was 11 years in state prison.

Assistant District Attorney Paul Sequeira before the four-year sentence was imposed argued on behalf of the People in favor of a state prison commitment despite an emotional plea for mercy from the mother of victim. Sequeira contended Fisher needed to be held accountable for Mark Pare's death, especially in face of Fisher's prior conviction for driving under the influence of alcohol, and other unusual circumstances of the fatal accident.

While Sequeira acknowledged the courtroom pleas seeking mercy for Fisher, Sequeira countered, "Mercy is the business of God. Justice is the business of the court."

District Attorney David Eyster said, "Our primary interest as prosecutors is public safety and drunk drivers, especially repeat offenders like Mr. Fisher, put us all at great risk. Prison is appropriate given all the facts of this case and the background of the defendant."

Prosecutors have described Fisher's case as a story of a birthday celebration turned deadly.

Fisher, Pare and another friend on the night of Aug. 28 left a home in the remote area of McNab Ranch, located west of Highway 101 between Ukiah and Hopland. Fisher drove his pickup truck down to the intersection of Highway 101 and McNab Ranch Road, where the trio of friends met a cab to take them into town for a night of drinking. They hailed a cab to return to the truck in the early morning hours. Fisher insisted on driving up the unpaved dirt road despite concerns from his friends about his level of intoxication. On the way home, the pickup suddenly went off the road, overturned and slid down an embankment on its roof before slamming into a tree.

Pare was trapped inside the cab of the truck, but Fisher didn't call authorities for nearly four hours because he claimed he knew his friend had been killed instantly. Instead Fisher called his fiancé to bring him a pot of coffee to help him sober up before summoning the CHP to the scene.

Fisher also initially lied about what happened at the time of the accident, telling investigators first that a deer had run across the road causing him to swerve. Later Fisher admitted he was intoxicated, and missed a turn while driving up the dark road.

"What Mr. Fisher did that night could not have been any more callous," said prosecutor Sequeira.