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PRESS RELEASE

For Immediate Release

Date: October 16, 2008
Re: People v. Carl Kubicek

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Carl Troy Kubicek, age 36, of Turlock, was sentenced by the Honorable John Whiteside to three years of formal probation and 210 days of jail, after pleading earlier to two felony counts of unlawful sexual intercourse with a minor. Deputy District Attorney Annette Rees prosecuted the case for the People.

The case arose out of events which occurred from September 1, 2007 through February 5, 2008 in the city of Turlock. Kubicek was the high school teacher of the minor, and engaged in a consensual sexual relationship with her for several months. There were multiple acts, most of which occurred inside Kubicek's classroom at Pitman High School, during the school lunch hour. The minor's parents each made an impact statement at the sentencing, the minor herself, now a legal adult, told the court she was not affected and did not want the defendant to go to jail.

Rees argued that she would have been happy to ask for an appropriate sentence of prison, were it not for the victim's request, and her emotional well being. "Her continued manipulation, even today, are evidence of her emotional immaturity, not to disparage her, but demonstrate the very reason we have these laws," said Rees. Rees recommended the maximum local jail time of 365 days. The Judge did agree with Rees' request for a stay away order, even though the victim did not want one. "Your client's a married man Mr. Carson," the Judge responded when defense counsel Frank Carson started to object to the order, "he's got no business having a relationship with an 18 year old."

The relationship between the teacher and his student was exposed when the victim's father, caught the couple leaving the victim's home in February. Upon his arrest, Kubicek then revealed to the Turlock Police Department the prior assault by former Officer Jorge Cruz, who was sentenced last week. The victim had disclosed that assault to the teacher prior to their starting an intimate relationship. The victim's mother pointed out in her impact statement that Kubicek was a mandated reporter. "If he had done his job 8 months ago, we wouldn't be here today. Our family will never be the same."