

# Immigrant farmworker sentenced to 25 years to life for leaving her newborn in California strawberry field

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Rosalba Cruz Moran, a migrant farmworker in Oxnard, California, was sentenced on March 16 to 25 years to life in prison. The crime of which she was accused, giving birth and leaving her newborn in a strawberry field in May 2012, was deemed by local prosecutors to constitute first-degree murder.

Ms. Moran was 19 years old at the time, a victim of rape and a recent undocumented immigrant to the US from Oaxaca, Mexico, who spoke no English and limited Spanish.

According to her testimony at trial, Ms. Moran never knew that she was pregnant until she went into labor while picking strawberries in the field. She testified that after feeling pain, she left the other workers and went to an adjacent field that had already been picked, where she fainted and then gave birth alone. After unwrapping the umbilical cord which was wound tightly around the newborn's neck, the baby breathed and she attempted unsuccessfully to breastfeed.

She took a video of the baby on her cell phone, attempted to find a passing car to flag down, but there were none, so she called her sister to give her a ride home. She testified she was "really frightened" and "could not think straight." She said she really loved her son, but said nothing to her relatives for fear of being thrown out of their home. She told the court she had prayed before she left the baby, hoping he would be found.

The baby was found dead three days later with no signs of trauma. Law enforcement mounted a major investigation subjecting all the farmworkers employed near the field to DNA swabs. This DNA evidence, taken from one of her relatives, subsequently led to the arrest of Ms. Moran, who was already detained by

immigration authorities for working with false papers, in November 2012.

At sentencing, the Senior Deputy District Attorney Anne Spillner depicted this unfortunate woman as a monster, saying, "This baby died a torturous death without any food or nourishment." Moran, the prosecutor charged, "was never going to let this baby affect her lifestyle ... the only reason this baby died is because she didn't want this baby to live."

To what "lifestyle" was the prosecutor, whose salary is in the neighborhood of \$150,000 per year, referring? Did she believe that the 19-year-old undocumented worker abandoned her baby so that it would not affect a "lifestyle" consisting of back-breaking labor for minimum wage or less and constant fear of being detained by immigration as well as the secret of her pregnancy being discovered by her family?

At sentencing, Moran told the court through an interpreter that she was very sorry about her son's death. She also said she wanted a public defender to represent her on her appeal. The significance of this request may have been suggested in interviews with local activists published in the *Ventura County Reporter* during the trial.

Theadora Davitt-Cornyn, who visited Ms. Moran in jail regularly, was quoted as saying that at a pretrial hearing on September 10, 2013, in front of other lawyers, Joseph Lax, the defense attorney hired by Moran's family, told her, "She's guilty and she should do 40 years." On the previous day, September 9, according to what Dennis O'Leary, a school board member and teacher, told the *Reporter*, Lax stated he would not use Moran's claim of being raped, or O'Leary's offer to appear as a witness. "He told me it

doesn't matter, that she's guilty and would serve life anyway," O'Leary said to the newspaper.

O'Leary was quoted as saying that when Lax was told that Moran had signed a paper requesting a public defender, the attorney left him a message explicitly ordering him to stay away from his client.

O'Leary, who helped detectives communicate with Latino and Mixteco communities, was told by detectives early in the investigation that they believed Moran to be a victim of rape by the baby's father in Mexico, who is her brother-in-law. According to news reports, this information was confirmed by Laura Quintanilla, an official at the Mexican Consulate in Oxnard.

Lax, the attorney, denied he had made the statements attributed to him.

At the time of her arrest for murder in November 2012, Moran was already in custody charged with using false documents to work in the US. She is one of an estimated 20,000 Mixtecos, members of Mexico's indigenous Oaxacan population, who reside in Ventura County, working largely as the lowest-paid migrant farmworkers.

An estimated one-third of farmworkers in California speak indigenous languages from southern Mexico, including Triqui and Mixteco. Many migrants do not speak English or Spanish. According to various estimates, between 50 and 75 percent of farmworkers are undocumented, leading to the fear of deportation exacerbated by language barriers, ignorance of workplace laws and community resources.

According to the Indigenous Farmworkers Study, language barriers and unique cultural traits make this population more vulnerable, isolated and lacking in community services.

For young women like Rosalba Moran, these conditions of oppression are compounded by sexual violence. Many are raped or abused as they attempt to cross the border in search of work in the US. The UC Berkeley graduate School of Journalism issued a report that found for the 560,000 women who work on US farms, sexual assaults are endemic, and, in spite of the hazards of reporting attacks, hundreds have complained to the federal government about being raped and assaulted by bosses, but have been largely ignored by law enforcement.

Poverty, the abuse and exploitation of immigrants and

violence against women resulted in the tragedy of a young frightened woman with no financial resources or knowledge of any alternatives giving birth alone in the fields where she worked and then abandoning her baby.

That the victim of these conditions is now punished as a murderer, sentenced to serve what may be the rest of her life behind bars, is an indictment of not only the police, prosecutors and courts, but of the sheer inhumanity of an entire social system founded on profit and the merciless exploitation of both immigrant labor and the working class as a whole.



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