

Office of the District Attorney  
Orange County



BIENNIAL REPORT  
2009

# Commitment to the County

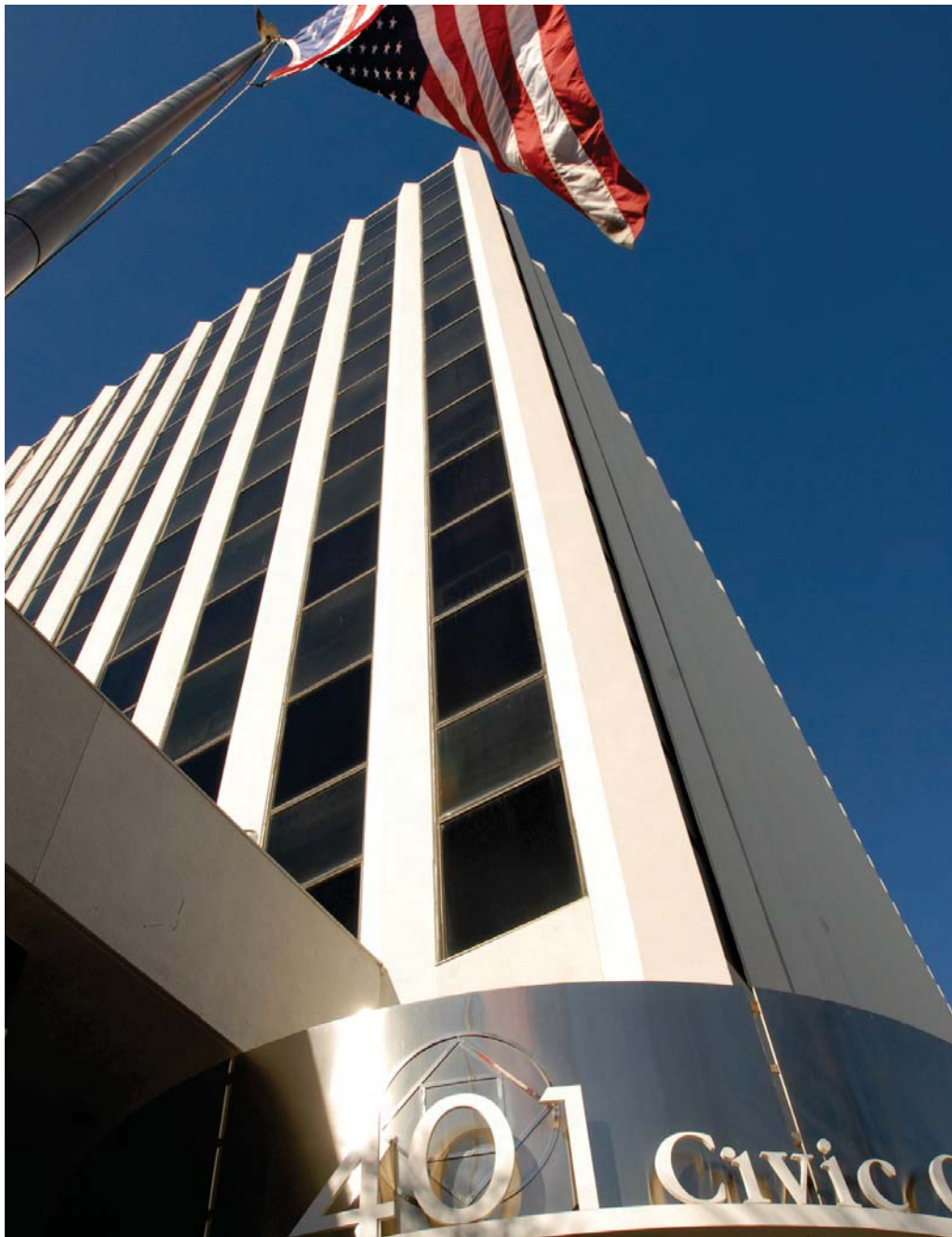


The Mission of the

## **Office of the District Attorney of**

### **Orange County**

is to enhance public safety and welfare and  
create a sense of security in the community  
through the vigorous enforcement of  
criminal and civil laws in  
a just, honest, efficient  
and ethical manner.



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## About the District Attorney



Tony Rackauckas has often been referred to as “a tough, no-nonsense DA” by national television talk show hosts, colleagues, and citizens. His passion and motivation for his job stem from the patriotism and philanthropy he learned as a child growing up in a military family in East Los Angeles.



Tony was the second born of six children (three sisters and two brothers) to Mary Socorro Limón and Anthony Joseph Rackauckas. On his mother’s side, Tony is the second generation to be born and raised in the United States. His maternal grandparents, Alejandro and Carolina Limón, immigrated to the United States from Hermosillo, Sonora, Mexico around 1921 and settled in Arizona to look for a new life and start a family.



“A tough,  
no-nonsense  
DA”

In the late 1930s, Maria met Anthony, a Naval Officer, whose family immigrated from Lithuania. They married in March 1940. Tony was born three years later on March 18, 1943, and spoke mostly Spanish for the first three years of his life.

Tony’s father Anthony spent 20 years in the U.S. Navy, rising to the rank of Chief. When Tony was 19 years old, he followed in his father’s footsteps by enlisting in the U.S. Army as a paratrooper in the 101st Airborne Division (Air Assault) and served on active duty from 1962 to 1964. He remained in the U.S. Army Reserve for four more years before receiving an Honorable Discharge.



*“I have always wanted to serve the public,” stated Tony. “I think it comes from my father. That is what I believe is important in life, and the people I have looked up to have been those who served others.”*



## About the District Attorney

After his service in the Army, Tony studied political science at California State University, Long Beach and took college courses during the day while working nights to support his family. He went on to earn his Juris Doctor from Loyola Law School, Los Angeles in 1971.

From 1968 to 1972, Tony worked as a social worker in the Los Angeles County Department of Public Social Services, where he was selected as one of four social workers to implement and run a pilot program to assist unemployed fathers of families receiving welfare in gaining employment. The program continues to be successful and utilized statewide.

In 1972, Tony joined the Orange County District Attorney’s Office. Over the next 15 years as a deputy district attorney, he conducted over 40 homicide cases and well



over 100 felony trials, including rape, robbery, arson, assault, burglary, fraud, narcotics, and child molestation.

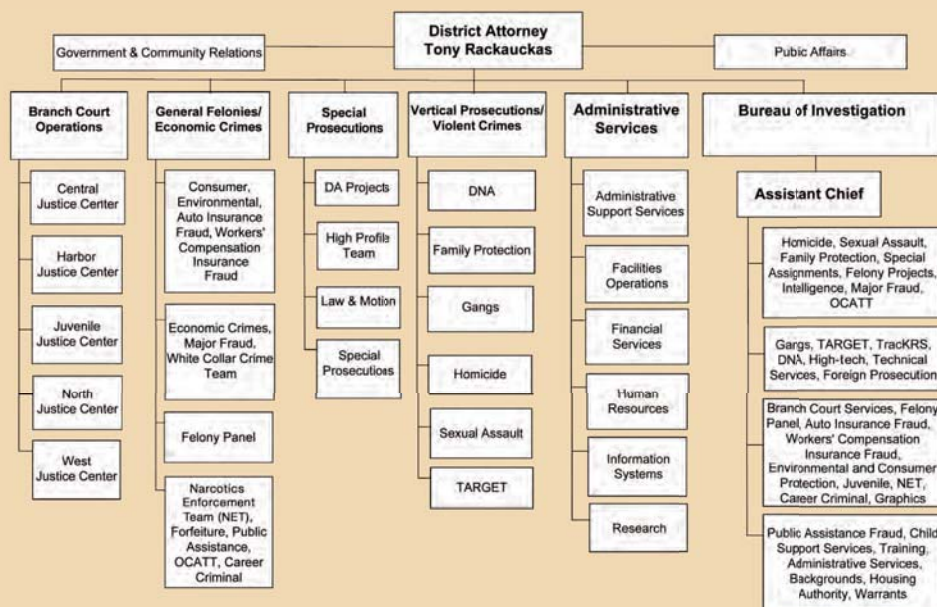
In 1982, Tony took an unpaid leave of absence from the OCDA to lead a statewide campaign to remove three rogue California Supreme Court Justices in order to uphold the death penalty, enforce the law as written, and restore integrity to the State judiciary.

After briefly working in private practice, he was appointed as a Municipal Court Judge in 1990 by Governor George Deukmejian. Three years later, Governor Pete Wilson appointed Tony to the Superior Court, and in 1996 he was named Presiding Judge of its Appellate Department.

In June 1998, Tony ran for District Attorney and was overwhelmingly elected to the post by the citizens of Orange County. He won the election by 23 percentage points over his opponent, becoming the first person from outside the Orange County District Attorney’s Office to be elected District Attorney in more than 40 years. He was re-elected in March 2002 by 22 percentage points. In June 2006, Tony was re-elected to his third term with 100 percent of the vote, running unopposed.



## STAFF ORGANIZATION



Attorney Managers	23
Deputy District Attorneys	262
Paralegals & Priors Researchers	44
Investigative Managers	6
District Attorney Investigators	136
Public Assistance Fraud Investigators	62
Investigative Assistants & Investigative Support	38
Administrative Managers	13
Supervisors, Professionals, and Support Staff	225
<b>TOTAL</b>	<b>809</b>



**Joe D'Agostino**  
Senior Assistant  
District Attorney



**Bill Feccia**  
Senior Assistant  
District Attorney



**Mary Anne McCauley**  
Senior Assistant  
District Attorney



**Jim Tanizaki**  
Senior Assistant  
District Attorney



**Don Blankenship**  
Chief of  
Bureau of Investigation



**Tony Rackaukas**  
District Attorney



**Mike Major**  
Assistant Chief of  
Bureau of Investigation



**Susan Kang Schroeder**  
Public Affairs Counsel



**Farrah Emami**  
District Attorney  
Spokesperson



**Todd Hart**  
Director of Government  
and Community Relations



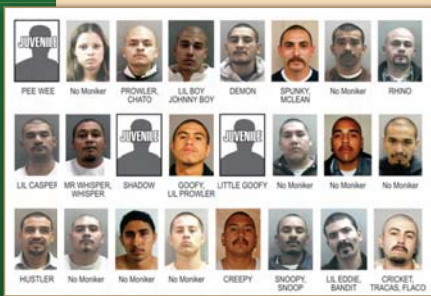
**Lisa Bohan-Johnston**  
Director of  
Administrative Services

## Priorities of the OCDA

The Orange County District Attorney (OCDA) prosecutes more than 70,000 cases a year with a felony conviction rate over 90 percent. Each year, the OCDA fulfills its commitment to fiscal responsibility by spending under budget while accomplishing its goals of maintaining public safety. In 2005, the OCDA returned \$2 million to the County's general fund.

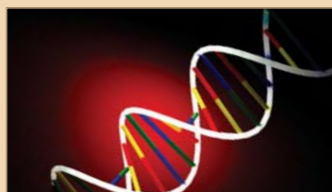
### CURBING GANG VIOLENCE

Criminal street gangs deny citizens of their basic right to live in their communities free from the fear of gang intimidation and violence. Over the last 10 years, gang crime has decreased dramatically in Orange County. Gang membership has decreased by approximately 7,400 individuals, a reduction of 37 percent. There are approximately 95 fewer gangs, a decrease of 24 percent. Recently, the OCDA sued five violent street gangs to prohibit them from terrorizing neighborhoods. Curbing gang violence will remain the number one goal of the OCDA.



### SEXUALLY VIOLENT PREDATORS AND ADVANCING DNA TECHNOLOGY

Protecting our communities from sexually violent predators is a paramount responsibility. The OCDA has adopted innovative approaches to catch and stop sexually violent predators. "I want these sexual deviants to be on notice that new technologies, such as DNA, are making it increasingly difficult for them to get away with their crimes," stated District Attorney Tony Rackauckas.



The OCDA has taken a leadership role by employing the latest DNA technology to solve both violent and property crimes. The OCDA maximizes the use of DNA technology by improving crime scene investigation techniques, offender DNA sample tracking, and automated high through-put DNA analysis procedures.

*"DNA technology is the best thing to happen to law enforcement since the two-way radio," stated Rackauckas.*

## Priorities of the OCDA

The OCDA is committed to investigating and solving cold cases. To date, the OCDA has helped investigate hundreds of Orange County cold cases dating back as far as 1969. The OCDA played a key role in authoring, passing and implementing Proposition 69, which requires all people arrested for felonies to submit their DNA profile to a national database. This law has resulted in an unprecedented number of DNA cold hits and has greatly aided in solving many violent crimes, including murders and rapes.



### PROTECTING AND PRESERVING OUR ENVIRONMENT

The OCDA will continue the fight to protect our natural resources and hold polluters accountable. In 1999, the OCDA increased the budget of the Environmental Protection Unit by 300 percent in order to clean up and preserve Orange County's environment. The OCDA led the first prosecution of its kind in the nation against three major oil companies for polluting the County's ground water by



leaking dangerous chemicals. These lawsuits require oil companies to clean up more than 300 gas station sites in the County at a cost that will likely exceed \$100 million. The settlement will keep drinking water safe for Orange County residents. All of the litigations were conducted at the expense of the oil companies and not the taxpayers.

### FIGHTING FRAUD AND SAFEKEEPING OUR PERSONAL INFORMATION

As criminals become more technologically advanced, the OCDA is committed to aggressively fighting identity theft, Workers' Compensation Insurance fraud, medical insurance fraud, and economic crimes. The OCDA has increased the number of prosecutors, investigators, and support staff with specialized expertise and equips them with the tools they need to identify high-tech crimes. As a result, the OCDA is prosecuting a large identity theft ring with international immigration fraud and gang ties and the largest medical insurance fraud case in the nation.

*The OCDA will work to keep law enforcement a step ahead of criminals.*





District Attorney Tony Rackauckas appointed the first Orange County District Attorney's (OCDA) public information officer in 1999 to respond to the growing need of the media and public for information. In 2006, the **Public Affairs Unit** (PAU) was named and expanded to provide the

public and media with critical and accurate information regarding public safety, significant cases, and the criminal justice system. The PAU consists of an assistant district attorney who serves as the Public Affairs Counsel, a District Attorney Spokesperson, and two staff support members. The PAU aids the OCDA in investigations and trial preparations, formulates strategies, provides analysis, and develops policies. The Public Affairs Counsel provides legal advice to the District Attorney.

In 2007, the PAU sent out over 200 press releases and media advisories, compared to the 32 sent in 2001. In 2008, the PAU sent out over 365 press releases, an unprecedented record. The PAU also responds to hundreds of media related inquiries daily and organizes OCDA and multi-agency press conferences.



The PAU writes, edits, and maintains the content of the OCDA website including press releases, the e-notifier, speeches, Frequently Asked Questions, and the Ten Most Wanted. The website's Cases in the News has been a highly effective tool in keeping the public and media informed about ongoing cases. The list is maintained on the OCDA website by the PAU. Cases in the News went from a 7-page document featuring 70 cases at its inception in 2002, to a 91-page document in 2008 with information on over 190 cases.



Insurance Commissioner Steve Bozinger, District Attorney Tony Rackauckas, Board of Equalization Member Michelle Steel, and State Senator Loni Correa

The PAU monitors local, national, and international press on a daily basis. The Unit deals with mainstream and ethnic media inquiries including Hispanic, Korean and Vietnamese media. Press releases, on-camera interviews, and information may be available in four different languages.

The PAU writes, edits and coordinates speeches, facilitates communications between the Office and the public, and advises the District Attorney and OCDA staff concerning public appearances. These duties require the PAU to coordinate and maintain relations with the public, other agencies, and the media.

Due to the ethical duties and confidentiality requirements of the Office, the PAU provides the OCDA with training on Constitutional and statutory laws, Rules of Professional Responsibility, and Office policies. In 2007, the PAU created a 24-page policy manual as a resource on applicable laws and policies.



## Government and Community Relations



The **Government and Community Relations Unit** supports the Orange County District Attorney's (OCDA) Office through advocacy and issue management and serves as a liaison between government and community entities and constituents. The Unit identifies County, State and federal budget and policy issues and develops options to obtain funding. The Unit coordinates the OCDA's review of proposed legislation related to criminal justice administration. The Unit is also responsible for managing, planning, and directing countywide outreach and educational programs.



### CONNECTING WITH YOUTH

The **Orange Outreach Program** educates at-risk students about the criminal justice system. Teams of deputy district attorneys volunteer nine lunch hours to teach classes of fifth-grade students about the benefits of receiving an education and the negative impact of narcotics and gangs. The deputy district attorneys bring judges and law enforcement officers to the classrooms as guest speakers.



*"Orange Outreach has enabled me to use my position as a prosecutor to share the judicial system with our youth. The program personalizes a complex system and encourages students to reach their full potential."*

- Deputy District Attorney  
Jennifer Walker

*"I love being a prosecutor and combating gang crime, but the most rewarding experiences in my career have come from my participation in Orange Outreach. The program discourages young people from joining gangs and provides a first step towards a bright future."*

- Deputy District Attorney  
Dave Porter

*"Thank you for the time you took to explain to us that gangs and drugs are bad. I really liked the day the lawyers came to see us."*

- Miguel, Whittaker Elementary School

*"I learned that I am special and to make the right choice about gangs. I always wanted to be a lawyer and now I know that I can be."*

- Tazia, Whittaker Elementary School



## Government and Community Relations

The **Summer Youth Education Program** is a 1-week summer program for Orange County high school students to tour law enforcement departments, meet local officials, and learn about careers in law enforcement. The program ends with the students conducting a mock trial.



*"My participation gave me a rare glimpse into many facets of our criminal justice system, unlocking a world of vast opportunities. The conference spurred my passion for law and strengthened my belief in our criminal justice system."*

- Kyle, Northwood High School senior



The **Spring Youth Sports Camp** provides young people between the ages of 7 and 13 with the opportunity to learn about the criminal justice system and improve their soccer skills. The OCDA partners with a designated youth service organization to host a sports camp during spring break. After practicing soccer in the morning, the students participate in afternoon criminal justice workshops that warn about the dangers of gangs, delinquency, alcohol and drugs, and offers alternatives to crime.

*"It was cool, just like the World Cup."*  
-Stephen, age 12

*"The drills helped me to become a better soccer player."* -Abraham, age 10

*"The impact of this clinic was amazing. The District Attorney's Office not only helped the kids on the field with soccer, but on the streets as well by helping kids identify the risk factors of gangs and drugs."*

-Steve Lampron  
Branch Director of Boys & Girls Club  
of the Harbor Area





### ADVISORY COMMISSIONS

The OCDA recognizes that language and cultural differences are barriers for ethnic communities in understanding the criminal justice system. The OCDA is proud of the input and the exchange of information from these communities. The OCDA Hispanic, Vietnamese, and Korean-American Advisory Commissions are composed of public and law enforcement officials, religious and community leaders, and business owners. These Advisory Commissions provide invaluable assistance in identifying key challenges to community participation, encouraging cooperation with the criminal justice system, and developing culturally responsive solutions to address such problems.

With the expertise and assistance of our Advisory Commissions, the OCDA has developed innovative and dynamic ways of reaching our communities, including:

- bilingual resource booklets on the criminal justice system;
- bilingual media campaigns on crime prevention topics;
- criminal justice workshops and presentations; and
- outreach booths at cultural festivals.



### ADOPT-A-FAMILY

The OCDA works alongside a designated community-based organization each year to brighten the holidays for needy families. District Attorney staff, Advisory Commissioners, and friends contribute gifts for each child and money to provide 50 families each year with a holiday dinner. The families receive their gifts and celebrate at a festive party with Santa Claus and District Attorney staff.



*"My family and I have been involved with the Adopt-A-Family Program for several years. Our goal each year is to adopt children who are closest in age to our kids. We wrap clothes, toys, and bikes and personally deliver it to them. The conditions these families live in are often shocking. I consider this a perfect opportunity to keep my kids grounded, teach them to have compassion for others, and remind us about the true meaning of the holiday season."*

*- Jamie Mashburn, Bureau of Investigation*

The Orange County District Attorney's (OCDA) Office Trial Attorney Partnership (TAP) program provides private sector civil attorneys with the unique opportunity to prosecute crimes as volunteer deputy district attorneys. The OCDA recruits attorneys from local, prestigious private law firms to receive a 1-week intensive training on courtroom skills to work full time as deputy district attorneys for eight weeks. TAP prosecutors handle all aspects of misdemeanor criminal cases including plea negotiations, motions, and jury trials. The attorneys also handle felony preliminary hearings and are encouraged to watch jury trials conducted by experienced deputy district attorneys.

An innovative and cost effective public-private partnership, TAP adds high-caliber attorneys to the OCDA at no extra cost to the taxpayers, helping to alleviate budgetary shortfalls. Since its inception in 2003, TAP prosecutors have contributed almost \$1.4 million in services to the County and have increased the OCDA's ability to better protect the public. In return, participating attorneys learn valuable courtroom skills from veteran prosecutors and gain courtroom and trial experience.



The OCDA would like to thank the following law firms and TAP prosecutors:

### LAW FIRMS

Baker & Hostetler LLP  
Cooley Godward Kronish LLP  
Gibson, Dunn & Crutcher LLP  
Hennigan, Bennett & Dorman LLP  
Knobbe Martens Olson & Bear LLP  
Kohut & Kohut LLP  
Kutak Rock LLP  
Lents & Foley, LLP  
Lopez, Hodes, Restaino, Milman & Skikos  
MacLeod & Stalter  
Morrison & Foerster LLP

Newmeyer & Dillion LLP  
O'Melveny & Meyers LLP  
Paul, Hastings, Janofsky & Walker LLP  
Robinson, Calcagnie & Robinson  
Sedgwick, Detert, Moran & Arnold LLP  
Sheppard, Mullin, Richter & Hampton LLP  
Shook, Hardy & Bacon LLP  
Walsworth, Franklin, Bevins & McCall, LLP  
Walton & Associates  
Westrup Klick, LLP

### ATTORNEYS

Panteha Abdollahi  
John Bowerbank  
Ted Cannon  
Sharon Carr  
Jennifer Conner  
Justin Daily  
Lauren Deeb  
Jeffrey Dennis  
Colleen Dougherty  
Peter Finnerty  
Jay Freedman  
Jay Gandhi  
Christopher Glos  
Paul Gutierrez  
Jeff Gutkin  
Darolyn Hamada  
Charles Hargraves

Michael Heyman  
Joan Marie Huckabone  
Laura Watkins Ives  
J. Scot Kennedy  
Sage Knauff  
Kyle Lakin  
Paul LaScala  
Michelle Lents  
Nicholas Liddi III  
Matthew Lilly  
Erik Lund  
Thomas Manakides  
Michele Maryott  
Vicki Nash  
Cynthia Nulman  
Christopher Pitet  
Marcus Quintanilla

Edward Raskin  
Bonnie Roadarmel  
Amanda Robinson  
James Sabovich  
Sarah Schlosser  
Erich Schiefelbine  
Brian Selvan  
Jared Toffer  
David Van Dam  
Vikki VanderWoude  
Therese Vickers  
Megan Wagner  
Katherine Walsh  
Eva Weiler  
Alexandra Wilson

### TAP TESTIMONIALS

*"It is very satisfying to do pro bono work that has a direct impact on public safety and makes Orange County a better place to live. Our young lawyers gain valuable jury trial experience that helps them develop their confidence and skills as litigators and provide a higher level of service to our clients."*  
- Nicola Hanna, Litigation Partner at Gibson, Dunn & Crutcher LLP

*"The experience of picking juries and appearing before judges and juries is invaluable. The program also shows that the District Attorney's Office has a lot of dedicated attorneys that are doing a great job for the public. It is great to be around this caliber of trial attorneys and learn from their experience."*  
- Ted Cannon, Attorney for Knobbe Martens Olson & Bear LLP

# Bureau of Investigation

The **Bureau of Investigation** is the law enforcement division that provides trial preparation assistance to deputy district attorneys and investigates original jurisdiction cases for the Orange County District Attorney's Office (OCDA).

Under the direction of Chief Don Blankenship and Assistant Chief Mike Major, the Bureau is comprised of over 200 sworn police investigators who have extensive experience through previous employment as police officers with other law enforcement agencies and possess highly developed technical skills, exemplary work records, and outstanding personal histories. The Bureau also employs 55 additional non-sworn support team members.



*The four Commanders supervise 28 investigative units or assignments:*

- Administrative Services
- Auto Theft
- Branch Court Services
- Career Criminals
- Child Abduction
- Child Abuse
- Civil Injunctions
- Environmental/Consumer Fraud
- Family Protection
- Felony Panel
- Foreign Prosecutions
- Gangs
- High-tech
- Homicide
- Insurance Fraud
- Intelligence/Anti-terrorism
- Joint Terrorism Task Force
- Juvenile
- Major Fraud
- Narcotics
- Public Assistance Fraud
- Sexual Assault
- Special Assignments
- TARGET
- Technical Services/Graphics
- TracKRS
- Warrants
- Workers' Compensation Insurance Fraud



# Bureau of Investigation

The Bureau prepares and serves search warrants, collects additional evidence for cases, arrests suspects, and locates uncooperative or reluctant witnesses. The Bureau develops additional witnesses and conducts interviews of witnesses and victims. During trial, Bureau investigators ensure the safety of victims and witnesses. They also engage in trial strategy with their deputy district attorney partner.



The Special Assignments Unit responds to and investigates officer involved shootings, custodial deaths, officer misconduct allegations, and other sensitive investigations. The investigations, which have been handled by the Bureau since 1970, include conducting interviews, completing reports, analyzing evidence, coordinating with involved agencies, and submitting all reports and materials for legal review. Since 1971, the OCDA has conducted investigations into 276 custodial deaths, 483 officer involved shootings, and 2,000 special assignments.



The Orange County District Attorney (OCDA) is committed to protecting the community by providing the best available resources to maximize law enforcement efforts. The OCDA's **Task Force Review aimed at catching Killers, Rapists, and Sexual offenders** (TracKRS) maintains and provides an information system for Orange County law enforcement to access a secure Internet site from their computers.

TracKRS provides assistance in the investigation of homicides and sexual assaults. The TracKRS Review Committee identifies problems and sets investigative priorities. The Committee consists of police investigators, crime analysts, criminalists, forensic technicians, fingerprint experts, deputy district attorneys, District Attorney investigators and other experts.



**DNA COLLECTION**

TracKRS created the *Sample collection index, Location, Activity, and Status* database to track the collection of DNA samples by Orange County law enforcement and maintain quality control of all samples collected prior to submission to the state laboratory.

The 2004 passage of Proposition 69, the DNA Fingerprint Act, increased the number of DNA samples collected by local law enforcement.

TracKRS was instrumental in coordinating local law enforcement efforts, establishing protocol, providing training, and implementing a successful program, which has placed Orange County at the forefront of DNA collection and tracking throughout California.



**COLD HITS DATA BASE**

In 2008, TracKRS implemented the Cold Hits database, which enables Orange County law enforcement to share DNA leads within a secure computer system. Each agency has a Cold Hits administrator who monitors and ensures follow-up investigations for his or her agency. The OCDA monitors the DNA cold hits to preserve the integrity of the prosecution and to protect the innocent. As a result of efficient DNA collections in Orange County, there has been a remarkable increase in DNA cold hits, from three in 2000 to 976 during 2007 and 2008.

**MISSING/UNIDENTIFIED PERSONS**

In cooperation with the California Department of Justice, TracKRS posts the status of Orange County Missing Persons on their information system, giving law enforcement access to decades of information on missing, unidentified persons.

**DUE DILIGENCE**

The OCDA shares and documents the progress of murder investigations with local law enforcement. This eliminates duplicated efforts by distributing the work between the originating agency, which obtained the murder warrant, and the prosecuting agency. TracKRS summarizes all due diligence work performed in the database.

**FOREIGN PROSECUTION**

TracKRS reviews, evaluates, and coordinates efforts of Orange County law enforcement in seeking domestic prosecution cases in Mexico. Article IV of the Mexican Federal Penal Code allows for prosecutions by Mexican authorities of crimes which occurred in the United States. TracKRS assists local police agencies in locating wanted suspects and witnesses and coordinating extradition requests from foreign countries through the Office of International Affairs, including maintaining close communication with the Office of the Mexican Attorney General in Los Angeles.



**People v. Benjamin Wayne Watta**

Benjamin Watta murdered 70-year-old Simone Sharpe at her neighbor's home in Seal Beach. Sharpe had been helping her vacationing neighbors by feeding their cats and collecting the mail. On Christmas Eve 1980, Sharpe's son found her murdered in a bedroom, wedged between the bed and the wall. She had been raped, strangled, and suffocated. The case remained unsolved for over 20 years until March 2001, when TracKRS linked Watta to the murder through DNA from the rape kit collected and preserved in 1980. Watta was convicted of one felony count of murder during the commission of rape and burglary and was sentenced to the death penalty.



**People v. Lynn Dean Johnson**

In 1985, 19-year-old Bridgett Lamon was driven home by her mother and never seen alive again. Lynn Johnson raped her, beat the victim to death with a hammer, and threw her body into a dumpster. The next day, Lamon was found naked from the waist down. Her head and shoulders were wrapped in sheets and a plastic bag. In 2004, TracKRS helped to match Johnson's DNA to the semen found in Lamon. He was charged by the OCDA just days prior to being released from a 30-year prison sentence for the kidnapping and forcible sexual assault of an 11-year-old girl. Johnson was found guilty by a jury of special circumstances murder during the commission of rape and was sentenced to life in prison without the possibility of parole.

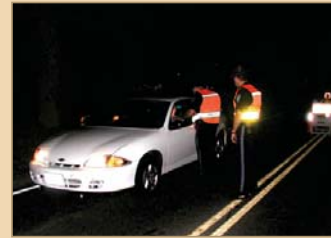


	CENTRAL	HARBOR	NORTH	WEST
Law enforcement partners	California Highway Patrol, Orange County Sheriff, Orange, Santa Ana, and Tustin.	Bureau of Consumer Affairs, California State Parks, California Highway Patrol, Community College Campus, Costa Mesa, Department of Motor Vehicles, Irvine, Laguna Beach, Newport Beach, Orange County Sheriff, and University of California-Irvine.	Anaheim, Brea/Yorba Linda, Buena Park, California Highway Patrol, California State University-Fullerton, Fullerton, La Habra, La Palma, Placentia, and Orange County Sheriff.	California Highway Patrol, Cypress, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Midway City, Rossmoor, Seal Beach, Stanton, Orange County Sheriff, and Westminster.
2007-2008 Felony Filings	3,822	3,487	4,293	2,661
2007-2008 Misdemeanor Filings	11,925	15,407	11,586	13,649
<b>Total: Felony – 14, 263 • Misdemeanor – 52,567</b>				

The Orange County District Attorney's (OCDA) Office has four regional branch court operations. The Central Justice Center is located in the main courthouse in downtown Santa Ana and serves the heavily populated central area of the County. The Harbor Justice Center is located in Newport Beach and serves the southern area of the County. The North Justice Center in Fullerton serves the densely populated northeast area of the County. The West Justice Center in Westminster serves over 750,000 residents, approximately one-quarter of Orange County's population. Misdemeanor cases, preliminary hearings, and felony motions are conducted in the branch courts.



Many of the branch courts offer specialized programs. Central Justice Center prosecutors handle Proposition 36 felony drug cases and Drug Court for the County. The prosecutors determine a defendant's suitability for the program and monitor his or her progress and conduct.



There are three programs to address offenders who are charged with driving under the influence (DUI). A DUI Court recently ended at the Harbor Justice Center. This pilot program was funded by a 2-year grant for defendants with one or two prior misdemeanor DUI convictions without prior violence, sex crime, drug sale, or felony DUI convictions. This program aimed to reduce DUI recidivism, enhance community safety, and encourage safer behavior for the participants and their families. The defendants had to plead guilty before participating in an intensive 12-month, 3-phase supervised probation program. The convictions remain on the defendants' records. The defendants terminated from the program were required to serve the pre-negotiated jail sentence. As of November 2008, 550 defendants had been admitted to the program, 255 of them have successfully completed the program, 140 defendants were terminated, and the rest are continuing the program. Similar programs were started in 2008 at the North and Central Justice Centers.

DUI prosecution unit which focused on the most serious and difficult cases, with an emphasis on repeat offenders. This program provided training to law enforcement and incorporated a public awareness campaign for local community organizations.

There are Domestic Violence Courts in each of the Justice Centers. A deputy district attorney is assigned to file misdemeanor domestic violence cases and work closely with the court to hold defendants accountable. This serves the interest of protection, health and welfare for families impacted by domestic violence.



At the West Justice Center, the OCDA recently ended a specialized misdemeanor

The **Juvenile Unit** is located at the Lamoreaux Juvenile Justice Center in Orange and oversees the prosecution of all juvenile felony and misdemeanor petitions, the juvenile equivalent to adult cases, in Orange County. Each year, the Unit prosecutes approximately 2,900 felony and 4,800 misdemeanor petitions. The Unit prosecutes approximately 2,000 juvenile probation violations annually.

The Unit files and prosecutes formal juvenile petitions and certifies offenders for adult court in certain cases. Based on Proposition 21, passed in 2000, serious and violent offenders are prosecuted to the fullest extent of the adult criminal law, including trial and sentencing in the adult division of the Superior Court.

The Unit has created and implemented specialized programs designed to meet the needs of youthful offenders while balancing public safety and rehabilitation. These programs include a nationally recognized model for juvenile gang prosecution, a designated prosecutor to handle juvenile sex offender cases, a serious offender prosecutor to handle serious felonies and vandalism/tagging cases, a **Juvenile Drug Court** program designed to rehabilitate drug addicted youth, and a collaborative program that addresses **truancy**. **Peer Court** is a collaborative effort with the Orange County Department of Probation, Orange County Department of Education, and the Constitutional Rights Foundation to educate youth about the justice system while informally handling less serious offenses. Through the **Juvenile Justice Education Together** program, hundreds of fifth through eighth-grade students tour and learn about Juvenile Court and Juvenile Hall.

All deputy district attorneys in the Unit participate in various community education and outreach activities involving the juvenile court system, truancy prevention, and drug and drunk driving awareness and prevention.



Before I was in Drug Court I used to ditch school, buy weed, smoke, and come home with no money and blood shot eyes. I realized I was an addict when I started selling my old video games just to get high. Not using is hard but with dedication you can do anything. What worked for me was going to extra meetings. I always wanted a car, and now that I finally stopped using, I have my own car, my grades are getting better, I go to school more, and am not as lazy as I used to be. I realized I work harder now, and my relationship with my family members has improved.

*-Letter submitted by a Juvenile Drug Court Participant*

Falling down into a pit  
Twisting Bowls and taking hits  
Killing emotions through and through  
I've told my loved ones I hate you too...

Been locked up  
13 times  
Drowning in misery  
Losing my mind...

But, now I am free  
I'm taking care of my own  
I still need guidance  
But, I still have hope.

*-Poem submitted by a Juvenile Drug Court Participant*

## TRUANCY RESPONSE PROGRAM

The Truancy Response Program (TRP) is a cooperative effort to address the problem of chronic truancy in Orange County schools. In response to the growing rate of truancy and related law violations, the Orange County District Attorney's Office (OCDA), Department of Education, Juvenile Court, Department of Probation, and law enforcement agencies formed the TRP in 2001.



*"Giving children an education is the best shield we can give them to resist gang membership and succeed in life. We need to start the process early," stated District Attorney Tony Rackauckas.*

TRP focuses on Habitually Truant youths that have failed to respond to the traditional efforts made by the school district. A Habitual Truant is a student with at least five unexcused absences in one school year. The program provides a progression of interventions up to and including formal court action.

If the school district is not successful in solving the truancy issues with a student, the case may be referred to the Department of Probation. If the Department of Probation is unsuccessful, the case will be forwarded to the OCDA for prosecution. TRP partners incorporate a Parent Empowerment Program to teach more effective parenting

skills to ensure their children are successful. Students and parents are brought through the court system to monitor their attendance progress if all other steps of mediation have failed.

TRP recently sent some students to the Sunburst Youth Academy. This military style boarding school is a 5-month residential program sponsored by the federal government for at-risk kids. Students may earn two semesters of school credits.

A 17-year-old boy was struggling with methamphetamine use when he was accepted into Sunburst Youth Academy. He is now on his way to completing his high school diploma and plans on attending the University of California, Irvine.

A 17-year-old girl was using drugs and living on the streets with her boyfriend. When her mother was severely injured in a fire, she decided to change her life. She began attending the Sunburst Youth Academy in July 2008 and graduated with her high school diploma in December 2008.

An 18-year-old homeless boy dropped out of high school. TRP helped him and his family secure housing and he was able to return to school. He is currently completing his high school diploma and obtaining college credits at a local community college.

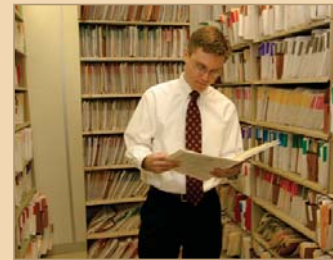




The **Felony Panel** is the largest trial unit in the Orange County District Attorney's Office. The Unit handles all general adult felony cases in the County including attempted murder, assault with a deadly weapon, vehicular manslaughter, carjacking, kidnapping, robbery, and burglary cases. From 2007 to 2008, the Unit prosecuted 3,800 felony cases with approximately 435 of those cases resulting in a jury trial.

*People v. Janene Kathleen Johns*

A 53-year-old woman drove onto the sidewalk of Pacific Coast Highway while under the influence of prescription and over-the-counter medications and collided with 31-year-old Candice Tift. The victim, who was a new mother and popular school teacher, was riding her bicycle on the sidewalk when Janene Johns killed her. During trial, the defendant attempted to elicit sympathy by claiming to be suffering from mental illness in the aftermath of her husband's death. Johns also claimed she was unconscious at the time of the accident. The defendant was found guilty by a jury of vehicular manslaughter and was sentenced to six years in state prison.



*People v. Laura Patricia Hernandez*

Laura Hernandez was having an affair with Jose Castrejon and took him out to celebrate his birthday in a limousine. At the end of the night, she dropped Castrejon off at his house and demanded that he leave his wife. Castrejon refused, left the defendant, and went home to his wife. Later that night, the defendant became angry when she saw Castrejon and his wife exit their house and get into their car. Hernandez exited the limousine and fired four shots with a semi-automatic handgun at Castrejon and his wife while they were seated inside their parked vehicle. The defendant was found guilty of premeditated attempted murder while using a firearm and was sentenced to 25 years to life in prison.

*People v. John Joseph Burke*

John Burke assaulted his two roommates with a wooden baseball bat without provocation. The defendant's assault left the first victim, Peter Lapkowski, in a coma, requiring him to undergo brain surgery. After surgery and several months of hospitalization, Lapkowski continues to suffer from traumatic brain injury and cannot live without assistance. The second victim, Robert Schroth, received 14 staples in his head as a result of the defendant's blows. He died from unrelated causes prior to the trial. The defendant claimed that he attacked the victims because they were "devil worshippers" and he was "tired of their lies."

Burke claimed that he needed to "take care of business." The defendant pleaded not guilty by reason of insanity and the jury trial was conducted in two phases. In the guilt phase, the jury convicted the defendant of aggravated mayhem and found true the great bodily injury and coma sentencing enhancements. In the sanity phase, the defense presented expert testimony that the defendant had long suffered from mental illness and delusions and should not be held legally responsible for his actions. The jury returned a verdict that the defendant was sane and understood the consequences of his actions. The defendant is serving a life sentence.





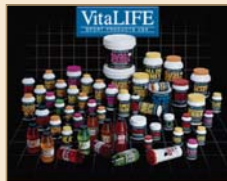
The **Consumer Protection Unit** protects consumers from illegal, fraudulent and deceptive business practices and advertising. While many cases originate from outside government agencies, the Orange County District Attorney (OCDA) also responds

directly to consumer complaints when there are numerous and consistent patterns. Consumer fraud cases may result in criminal filings or civil actions, in which the OCDA may seek a court ordered injunction to stop the unfair business practices and collect penalties and restitution for the consumer.

Recent investigations and cases have been in the areas of adoption agencies, travel agencies, unlicensed contractors, unlicensed practice of law and medicine, unauthorized credit card charges, schemes targeting senior citizens and immigrant communities, and false drug/supplement/healthcare advertising.

### *People v. VitaLIFE*

The OCDA obtained an injunction in 2001 against VitaLIFE, a vitamin supplement company, that prohibited delaying refunds to customers and making false or misleading advertising claims. They were also ordered to remove consumers from their mailing lists if requested by the consumer. Since 2001, the Better Business Bureau has received over 200 new complaints from customers that VitaLIFE failed to provide them with refunds when requested. VitaLIFE also sent automatic shipments of products to customers who hadn't ordered the product, charged the customer for the unwanted products, and failed to provide



refunds when the product was returned. The products also contained more lead than the legal limits. In response to these complaints, the OCDA obtained a new judgment in 2007 requiring VitaLIFE to pay over \$1 million in a settlement. As a condition of the 2007 settlement, VitaLIFE was ordered to send letters to all past and current complaining customers offering the opportunity to request a refund. VitaLIFE must show proof to the OCDA that they sent the mailing and provided refunds on all verified claims.

Additional terms of the settlement require VitaLIFE to cease all false advertising, including making claims that products contain specific ingredients that are not present in the products.

### *People v. EZ Lube*



Consumer complaints and subsequent investigation uncovered a pattern of unfair and deceptive business practices where consumers were being sold unneeded parts and services at several EZ Lube, Inc. (EZ Lube) locations. EZ Lube's customers were misled during the invoicing and estimate procedures. The Orange County based automotive repair chain was ordered to pay \$4 million to the County, \$1 million of which will cover the investigation and prosecution, and an unlimited amount of restitution to refund any defrauded customers who come forward at a later date.

The terms of the injunction prohibit EZ Lube from selling or invoicing unperformed or unnecessary services or parts and imposing quotas on employees to sell a minimum service.

EZ Lube must also comply with the following injunctive terms:

- Give proper documentation;
- Post a sign informing customers of the right to see the removed parts;
- Give written estimates of jobs and recording all work performed;
- Provide the manufacturer's recommendation based on the customer's car model and odometer reading;
- Install a video camera to allow customers to monitor the work being done from the reception area and save the video for 90 days;
- Post a sign about the restriction in 30 stores where they had actual violations; and
- Pay restitution to anyone with a legitimate claim over the past five years.



# Environmental Protection

The **Environmental Protection Unit** protects the health and safety of Orange County citizens by ensuring the integrity of the County's natural resources for present and future generations. The Unit investigates and prosecutes complex environmental crimes including violations of laws involving the handling, storage, and disposal of hazardous waste and underground storage tanks. The Unit is dedicated to protecting natural

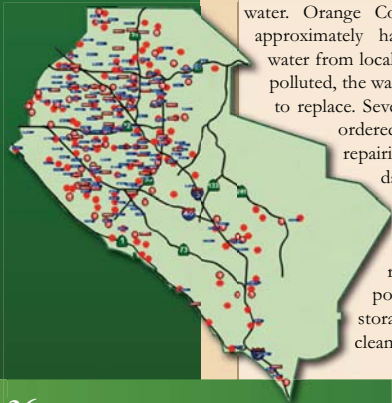
### *Oil Company Litigations (Arco, Shell, Thrifty, and G & M Oil Company)*

The OCDA is the first county prosecutor in the nation to successfully prosecute worldwide oil companies for violations of numerous state statutes and regulations governing gas stations' underground storage tanks. As a result of these litigations, cleanup work and remediation of numerous polluted underground storage tank sites are being funded by the defendants, the major oil companies. Past violations of these environmental laws led to the contamination of Orange County's groundwater and aquifer, threatening the County's drinking water. Orange County residents obtain approximately half of their drinking water from local underground wells. If polluted, the water would be impossible to replace. Several oil companies were ordered to cover the cost of repairing the environmental damage and cleaning the ground water until it is free of hazardous contamination. As a result, many of the 300 polluted underground storage sites have been cleaned and are free of a

resources, monitoring worker safety, and preventing air and water pollution. The Unit works with federal, State and local environmental agencies and health departments to investigate these cases and pursue criminal complaints and/or civil actions. The Orange County District Attorney (OCDA) is committed to stopping illegal polluting and requiring polluters to pay for the clean-up of toxic and polluted sites.



dangerous chemical compound called MTBE. The successful settlements against these corporations required these oil companies to pay more than \$25 million in penalties and an unlimited amount, which could exceed \$100 million, for clean-up of contaminated sites. The oil companies have also established new environmental compliance procedures and hired additional environmental advisors. These lawsuits were prosecuted at no cost to the taxpayer.



# Environmental Protection

## CODE ENFORCEMENT

### *People v. Ultra-Pure Metal Finishing, Inc.*

Ultra-Pure Metal Finishing, Inc. (Ultra-Pure), who perform surface finishing on aluminum and other metal parts, illegally dumped toxic levels of chrome and zinc into the sewer system. Ultra-Pure was convicted of three counts of illegally discharging toxic waste and was ordered to pay \$150,000 in fines, penalties, and investigation costs. Additionally, Ultra-Pure must install new equipment and hire a qualified waste-water treatment operator.



### *People v. La Rosa, Inc.*

La Rosa, Inc. (La Rosa) is a cosmetics company that warehouses and sells fingernail polish and other products used in the nail salon industry. They illegally dumped hazardous waste, which could have easily started a fire, into the municipal dumpster. La Rosa was convicted of illegally disposing of hazardous waste and failing to obey hazardous waste management regulations. The company was ordered to pay \$70,000 in fines, penalties, and investigation costs. La Rosa is required to conduct extensive mandatory training for all employees regarding the proper management and handling of hazardous wastes and materials.



The Code Enforcement Unit preserves the quality of life in our community through civil abatement and criminal prosecution of State law and County ordinance violations related to substandard conditions, fire hazards, public health, and public nuisances. The Unit resolves most violations through administrative action. Formal criminal actions are commonly utilized in cases involving public safety such as unpermitted construction, unlawful grading, lack of property maintenance, and interfering with utilities and public lands. The Unit also addresses fire and environmental issues such as brush clearance, smoke detection, fire prevention, water quality, stream alteration, illegal dumping, and other hazardous circumstances.



The **Family Protection Unit** consists of experienced deputy district attorneys who prosecute the most serious domestic violence, child abuse, child abduction, and elder abuse cases. Due to their relationship with the abuser, these victims often oppose prosecution, refuse to cooperate, or attempt to derail prosecution efforts. Prosecutors and investigators in the Unit are trained to understand this psychological dynamic and prepare and present their cases with this expectation.

Numerous studies establish that children who grow up as victims of abusive homes often become violent. This background leads to a lack of self-control, aggression, low self-esteem, and poor school performance, often resulting in future criminal behavior. Many prisoners report that they were raised in violent environments. The Unit strives to break the cycle of violence.

**ELDER ABUSE**

The Unit investigates and prosecutes felony financial and physical elder abuse cases. At the Elder Abuse Forensic Center, a victim may meet with a deputy district attorney, medical professionals, social services workers, and law enforcement officers. The team conducts case reviews, performs in-home medical and mental status checks, conducts evidentiary investigations, and participates in gerontology education and research.



**People v. Katy Sterio and Tiffany Ann Grey**

Tiffany Grey and Katy Sterio befriended a 77-year-old man who was living alone. They soon asked for money to secure a place to live and purchase a car. The victim gave them a car and helped them obtain credit in his name, which they used to purchase \$28,000 in jewelry. The two women later told the victim that Sterio had been in an accident and needed \$50,000 for surgery. The victim's niece became suspicious and called police. Both defendants pleaded guilty to four counts of financial elder abuse, were sentenced to six months in jail and ordered to pay restitution.

**DOMESTIC VIOLENCE**

The Unit investigates and prosecutes 400 felony domestic violence cases a year and works closely with Victim Advocates. Misdemeanor domestic violence cases, numbering in the thousands, are handled by the branch courts. The Unit also obtains protective orders, arranges for shelter, and relocates victims. At the Anaheim Family Justice Center, a victim may meet with law enforcement officers, a deputy district attorney, medical personnel, a Victim Advocate, a social worker, and/or an adult protective service representative at one location. In addition, Chapman University School of Law staffs a legal clinic at the Center.



**People v. Carlos German Sanchez**

Carlos Sanchez and Jane Doe had long ended their relationship, but Jane Doe allowed him to live with her temporarily. Sanchez attacked her with a utility knife, slashing her chest and arms. Her 10-year-old son repeatedly tried to pull Sanchez from his mother, but he was thrown against a wall. Jane Doe escaped to the courtyard of her apartment complex, leaving a trail of blood. Sanchez grabbed an awl, stabbed Jane Doe in the chest, and then slit his own wrist. Police arrived and found the son standing next to the bodies, covered in blood, and non-responsive. The victim received 150 stitches to her throat, chest, and arms. Sanchez was convicted of attempted murder, aggravated assault, domestic battery with corporal injury, child abuse and endangerment, and sentencing enhancements. He was sentenced to life in prison.

**CHILD ABUSE**

The Unit protects some of the most vulnerable members of our community, children. Many of the victims cannot speak for themselves, and the perpetrators are often people who are entrusted with protecting them. The Unit handles the investigation and prosecution of felony physical abuse cases committed against children up to attempted murder, prosecuting approximately 80 cases a year.



**People v. Andrew David Fusco and Megan Michelle Martinez**

Parents Andrew Fusco and Megan Martinez drove their 4-week-old baby, John Doe, to an urgent care facility claiming their son had been scratched by their cat. The doctor examined the victim and observed significant bruising, 30 bite marks, a swollen and lacerated rectum, abrasions to the scrotum, a severe tear in his upper lip and gum, swelling under the tongue, and broken blood vessels to the eyes consistent with blunt force trauma. John Doe tested positive for methamphetamine, as did the defendants. Martinez pleaded guilty and was sentenced to six years in prison. Fusco was convicted by a jury and is facing at least 30 years to life in prison.

**CHILD ABDUCTION**

The Unit investigates cases of missing children when the suspected abductor is a family member. These complicated cases may call for international investigation when the child is taken to another country. The Unit averages a 100-case workload. The Orange County District Attorney's (OCDA) primary goal is to return missing children to their legal guardian through the enforcement of court orders. The Unit achieved much success in 2007 and 2008, solving 200 child abduction cases dating back to 1976.

**People v. Ida Maribel Torres**

Ida Torres was living in Kentucky after recently losing custody of her three children. When her 10-month-old boy was hospitalized in Orange County with pneumonia, Torres abducted the ailing boy and his older siblings from the hospital without taking any of the sick child's medication. An Amber Alert was issued and Torres was apprehended in New Mexico the next day. She pleaded guilty to three counts of child abduction and one count of child endangerment. Torres received 150 days in jail, probation, and was ordered to reimburse the law enforcement agencies for costs. The children were reunited with their father.

**People v. Donald Evert Rowe**

Donald Rowe and his then-wife completed divorce proceedings and obtained a divorce order granting his wife physical custody of the couple's 20-month-old son. In 1976, Rowe picked up his son and fled. In 1991, Rowe unexpectedly returned the child to his mother after 15 years and fled again. OCDA Investigators arrested the defendant in Texas in 2008. Rowe pleaded guilty to one felony count of child detention with right to custody and was sentenced to nine months and probation. This was the oldest child abduction case in Orange County.



# Gang and TARGET



The Orange County District Attorney (OCDA) is dedicated to removing dangerous gang members from Orange County streets and neighborhoods. Several studies have shown that a small number of offenders are responsible for a large percentage of serious and violent crimes. The OCDA aggressively prosecutes violent criminal street gang members by devoting resources to the **Gang and Tri-Agency Resource/Gang Enforcement Team (TARGET) Units** and the Gang Injunction Program.



The OCDA extensively uses the **Street Terrorism Enforcement and Prevention Act** to prosecute gang members for “actively participating in criminal street gangs” and seeks the strictest possible penalties for crimes “committed for the benefit of, in association with, or at the direction of criminal street gangs.”



The Gang Unit specializes in the prosecution of documented gang members who commit serious and violent felonies or crimes involving possession of firearms. Over half of the homicides in Orange County are committed by gang members. Annually, the Gang and TARGET Units file over 1,000 cases, resolve 1,000 cases, and conduct 80 jury trials, with a combined conviction rate of more than 90 percent.

### *People v. Ralph Arreguin*

Ninth-striker parolee Ralph Arreguin was a member of a Santa Ana criminal street gang. He broke into 50-year-old Jane Doe’s home, grabbed her, and put a gun to her side. The defendant told the terrified victim that he would kill her if she screamed and forced her from room to room looking for cash. Jane Doe’s Iraqi War Veteran son saw Arreguin with his mother, grabbed a baton, and chased Arreguin out of the house. Arreguin was convicted of first degree residential burglary and robbery, brandishing an imitation firearm, and sentencing enhancements. The defendant was sentenced to 37 years to life in prison.

### *People v. Andrew Richard Gonzalez and David Landa Mosqueda*

La Habra Police Department officers pulled over Andrew Gonzalez and David Mosqueda, both third-strikers and members of a Los Angeles criminal street gang, in a routine traffic stop. Mosqueda was the driver. Gonzalez pulled out a gun, opened the passenger side door, and shot and wounded two police officers. While back-up units responded, Gonzalez fled into a nearby strip mall. As responding Fullerton Police Department officers approached, Gonzalez fired his weapon several times at the officers. Gonzalez was convicted of premeditated attempted murder of a peace officer, assault with a firearm on a peace officer, street terrorism, possession of a firearm with prior robbery or assault convictions, being a gang member carrying a loaded firearm in public, possession of a firearm by a felon, being an active gang member having a concealed firearm, and sentencing enhancements. He was sentenced to 325 years to life in prison. Mosqueda pleaded guilty to street terrorism and a prior assault strike and received nine years in prison.



TARGET places teams of police officers, probation officers, prosecutors, and OCDA investigators together in police departments throughout the County. TARGET focuses on the most violent, repeat criminal street gang offenders, especially gang leaders. TARGET successfully reduces gang violence by incapacitating the most active, hardcore gang offenders before they can commit further violent acts in the community.



### *People v. Huy Quoc Nguyen*

Asian criminal street gang member Huy Quoc Nguyen received a phone call from his fellow gang members that a fight was going to take place at a taco shop in Westminster. When Nguyen arrived, he started shooting at the group of non-gang affiliated victims. One victim was shot twice in the back and once in the hand as he tried to run away. A jury found Nguyen guilty of premeditated attempted murder, the use of a firearm, committing a crime for the benefit of his criminal street gang, and sentencing enhancements. He was sentenced to 32 years to life in prison.

### *People v. Eloy Aguilar Gonzalez*

In January 1995, 21-year-old Abel Chavira was walking to the grocery store with \$10 to buy laundry detergent. Santa Ana criminal street gang member Eloy Gonzalez shot Chavira several times in the torso during a robbery. During the struggle, Gonzalez shot himself in the hand, leaving a trail of blood in the alley. Chavira died 30 minutes later. In 2006, the Santa Ana Police Department began re-investigating the cold case. The DNA found in the alley was matched to Gonzalez, who was in prison for a different robbery and murder. Gonzalez was convicted of special circumstances murder during the commission of a robbery and street terrorism. He was sentenced to life in prison without the possibility of parole.

### *People v. Antonio Alejandro Barboza and Sergio Gonzales*

Antonio Barboza, Sergio Gonzales, and other members of their Hispanic Santa Ana criminal street gang approached and surrounded three Asian men sitting in a car and demanded to know where they were from. Gonzales shot and killed the front passenger, Sam Chea. The defendants were upset because Gonzales’ younger brother had been stabbed by five Asian men three hours earlier. Chea was not involved in the earlier gang fight. Both defendants were convicted of murder and sentenced to 40 years to life in prison. Gonzales, who was 15-years-old at the time of the murder, was prosecuted as an adult.



# Gang Injunctions



In July 2006, the Orange County District Attorney (OCDA) instituted a new gang injunction program to eliminate some of the most dangerous and active criminal street gangs in the County. A gang injunction is a civil court order with narrowly tailored restrictions for gang members, designed to reduce

specific gang related behavior by designating the behavior as a public nuisance. Gang injunctions prevent gang members from terrorizing their communities by prohibiting gang behavior such as associating with gang members, intimidation, drug use or sales, possessing guns or weapons, fighting, blocking free passage, writing graffiti, making gang hand signs, wearing gang clothing, possessing burglary tools, littering, trespassing, being in the presence of alcohol in public, and staying out past a 10:00 p.m. curfew.

By 2008, there were five permanent injunctions in place throughout Orange County. These injunctions place restrictions on 502 gang members in five of the County's most active criminal street gangs in the cities of Anaheim, Orange, San Clemente, San Juan Capistrano, and Santa Ana. The gang territories in the injunctions are known as Safety Zones. Each of these neighborhoods had high rates of documented gang-related crimes, and many residents pleaded with law enforcement to stop the gang problems.

## TESTIMONIALS FROM CITIZENS REQUESTING GANG INJUNCTIONS:

*"I do not let my kids go out and play freely. I think twice before I go out to walk with my kids at night due to the problems in the area."*

*"The gang problem has affected my life because I am afraid for myself, my husband, and my three children. Every time they leave I worry that a gang member may shoot at them, attack them with knives, or just hit them with their fists. I worry the entire time they are gone. I have also heard the gang members yell their gang name. I think they do this to intimidate us who live in the area."*

*"On one occasion, three gang members came into my store with the intentions of stealing beer. I suspected what they were going to do, so I asked them to leave. Two of them left, and one remained. He told me that I did not know who I was messing with and that they would return and harm me and my store."*

*District Attorney Tony Rackauckas: "Kids are afraid to walk to school because they will be intimidated into joining the gang or get assaulted for refusing to join. When they are at school, there is graffiti everywhere, making fear the first lesson they learn. It's not right. We are drawing the line. We are putting the gangs out of business."*

There has been a significant reduction in criminal street gang activity in each of the existing Safety Zones. Violent crime in the San Juan Capistrano and San Clemente Safety Zones fell 30 percent after the injunctions were put in place. Santa Ana experienced a 56 percent drop in gang crime and Anaheim saw reductions ranging from 16 to 67 percent in violent gang related offenses in their respective Safety Zones. Orange is the latest injunction jurisdiction and is enjoying an 18 percent reduction in crime and gang related activity in their Safety Zone.

**People v. Hugo Israel Diaz**  
Enjoined gang member Hugo Diaz was loitering with several males in the Anaheim Safety Zone outside of an apartment complex. He gave a small bag of marijuana from his pocket to a 15-year-old boy. Diaz pleaded guilty to furnishing marijuana to a minor and disobeying a court order. He was sentenced to 90 days in jail and three years probation.



# Gang Injunctions

## TESTIMONIALS FROM CITIZENS WHOSE LIVES WERE IMPROVED BY THE GANG INJUNCTION:

*"Since the gang injunction has been in place, the neighborhood is clean and quiet."*

*"We don't see the gang members out on streets together and there is no graffiti. We don't hear gun shots and feel more safe."*



## TESTIMONIALS FROM ENJOINED GANG MEMBERS WANTING TO GIVE UP THE GANG LIFE:

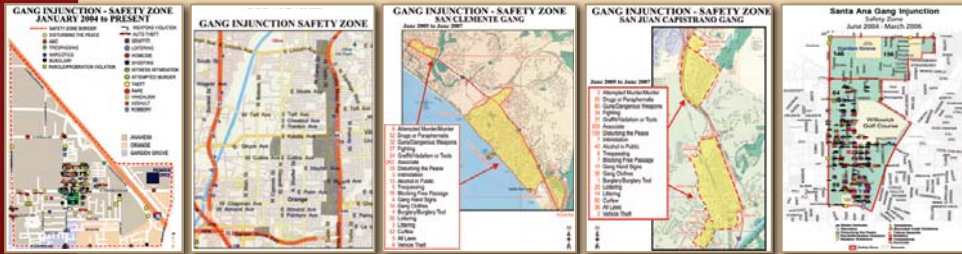
*"I didn't want to come to the police department to get served with all the other gang members. I have changed my appearance and I don't want them to see what I look like anymore. I just want out."*

*"I am out of it. This is a good thing. I just want to stay away and stay out of trouble. I want nothing to do with the neighborhood."*

*"I'm moving to Missouri. I want to be far away from the gang."*

## INJUNCTION TERMS

- Do Not Associate
- No Intimidation
- Stay Away from Drugs
- No Guns or Dangerous Weapons
- No Fighting
- No Blocking Free Passage
- No Graffiti / Vandalism or Tools
- No Gang Hand Signs
- No Gang Clothes
- No Burglary Tools
- No Littering
- Obey Curfew (10:00pm – 5:00am)
- Obey all Laws
- Stay Away from Alcohol in Public
- No Trespassing





Hate crime laws prohibit the use or threat of force by any individual in order to intimidate, interfere with, oppress, or threaten any other person in exercising any right secured by the U.S. Constitution or State or federal laws based on “race, color, religion, ancestry, national origin, sexual orientation, gender or disability.” The law adds up to four additional years in state prison if a crime is “substantially motivated” by such factors. The Orange County District Attorney (OCDA) is committed to the prosecution of hate crimes and the fundamental belief that all people should be treated fairly, equally, and be free from discrimination.

*Education is an important component in handling these types of cases. The OCDA works closely with anti-hate groups such as the Anti-Defamation League and the Orange County Human Relations Commissions to foster acceptance and understanding.*

**People v. Ryan Joseph Swanson and Nicholas Tyler Gibbs**

Ryan Swanson and Nicholas Gibbs learned that a 24-year-old man was half-Salvadorian. The two defendants, who have white supremacist tattoos, identified themselves as white supremacists to the victim and used offensive, racist, derogatory terms. When the victim became uncomfortable and tried to leave, the defendants lured him outside and attacked him. They punched him in the head, knocked him unconscious, and stomped on him. The victim suffered a fractured clavicle, a concussion, and facial lacerations. Swanson and Gibbs fled the scene by stealing the victim’s car. Swanson and Gibbs pleaded guilty to the court to aggravated assault, unlawful taking of a vehicle, battery with serious bodily injury, and sentencing enhancements. They were sentenced to six years in state prison.



**People v. Raymond Walter Thomas**

Raymond Thomas has multiple white supremacist tattoos, including “skinhead” written across his stomach and “WP” for “white power” on his chest. Thomas approached an African-American bouncer at a bar and yelled at him for not re-admitting him into the bar without paying a \$5 cover charge. The defendant attempted to punch the victim in the face, but the bouncer was able to avoid the hit. Thomas and his friends then began an unrelated fight with a bar patron outside the bar. The bouncer fell while running over to stop the fight. Thomas yelled to his friends, “the (racial slur) is down. Get him!” Thomas kicked the victim while yelling “white power.” Thomas pleaded guilty to hate crime battery and was sentenced to two years in state prison.

**People v. Anthony Tabarsi**

Anthony Tabarsi, who is Persian, walked into a Starbucks where the Arab victim and two friends were sitting at a table. Tabarsi mocked the men by making fun of their language, used expletives, told them he hates Arabs and thought all Arabs are terrorists, and challenged them to a fight. Once outside, Tabarsi pulled a folding knife from his pocket, opened the blade, and swung it at the victim. Tabarsi pleaded guilty to the court to hate crime assault with a deadly weapon and was sentenced to nine years in state prison.

A large number of cases involve computers, cell phones, Personal Digital Assistants, and other electronic devices. The Orange County District Attorney (OCDA) has established the **High-tech Crimes Unit** in order to successfully process and analyze digital evidence in a forensically sound manner and have trained experts to testify in court.



The Unit provides support for all cases handled by the OCDA involving digital evidence, including homicide, sexual assault, gang and family violence, and fraud. For example, the technical ability to seize and search the information on portable storage devices allows for increased detection and conviction of predators who traffic and store child pornography on portable devices such as iPods. While committing violent crimes, gang members use cell phones to identify targets and document their crimes. Gang members have become increasingly involved in committing identity theft and utilizing digital equipment.



The Unit also provides support to other law enforcement agencies through computer forensic analysis, training, and search warrant service. The Unit was established and staffed with two employees in 1999, and processed 184 gigabytes of data. From July 2008 through June 2009, the Unit is projected to process 98.8 terabytes of data with eight employees. This is an increase of more than 53,000 percent of data processed since the Unit was created.



**People v. Randal Ellis**

Randal Ellis hacked into the Orange County 9-1-1 system at night from his home in Washington. He randomly picked the names of a married Lake Forest couple and pretended to be them on the 9-1-1 system. Ellis claimed to have murdered someone in the couple’s home and threatened to shoot others. A Special Weapons and Tactics (SWAT) team responded and surrounded the couple’s home with their twin toddlers sleeping inside. The terrified couple was handcuffed at gun point and held until it was determined the report was a fake. The OCDA High Tech Crimes Unit linked Ellis to the crime using forensic computer technology. The Unit also uncovered evidence that Ellis instigated similar 9-1-1 emergency responses in three other states. Ellis pleaded guilty to computer access fraud, false imprisonment, assault with a firearm, and filing a false police report. He was sentenced to three years in state prison.

The **Homicide Unit** prosecutes murders and voluntary manslaughters. First degree murder is when a defendant intentionally kills another person, having premeditated and deliberated the killing. Special circumstances allegations are when the murder was committed during the commission of certain serious felonies such as robbery, burglary or rape, against victims such as police officers, elected officials or judges, or while lying in wait, among other factors. A first degree murder with special circumstances makes the defendant eligible for the death penalty.



Prior to seeking the death penalty, a special circumstances committee consisting of the District Attorney, a Senior Assistant District Attorney, the Assistant District Attorney in charge of the Homicide Unit, and other prosecutors experienced in capital cases, meets to discuss the defendant's criminal record, the nature of the crime, the vulnerability of the victim, and other relevant factors. The committee also listens to the defense attorney's point of view. The final decision to pursue the death penalty rests on the District Attorney.

Second degree murder is an intentional killing without premeditation or deliberation. These convictions may be found if a defendant perpetrates an intentional act with a conscious



disregard for human life, resulting in the death of another person. The Unit also prosecutes manslaughter cases, where the defendant commits an intentional killing in the heat of passion and the circumstances are such that an ordinary and reasonable person would have acted in the same or in a similar way.

### DEATH PENALTY

From 2007 to 2008, the Unit obtained death penalty convictions against six defendants in five cases. The Christmas 1980 sexual assault and murder of 70-year-old Simone Sharpe by Benjamin Watta is featured in the TrackKRS section.

HOMICIDE UNIT	2007	2008
First degree murder convictions	15	27
True special circumstances findings for first degree murders	10	15
Death penalty convictions	2	4
Second degree murder convictions	6	10
Voluntary manslaughter convictions	3	2
Total homicide convictions	24	39
Conviction rate	96%	95%

### *People v. Skylar Julius Deleon, Jennifer Lynn Henderson-Deleon, and John Fitzgerald Kennedy*



In November 2004, Thomas and Jackie Hawks placed an advertisement for their 55-foot yacht named "Well Deserved" for \$440,000. The couple wanted to spend more time with their new grandchild in Arizona. Skylar Deleon and his then-pregnant wife Jennifer Deleon plotted to gain the Hawks' trust by using their 9-month-old baby. Under the pretense of test driving the yacht for a possible sale, they overpowered the victims, forced them to sign the transfer of title documents, handcuffed and tied them to the anchor, and drowned them in the ocean. Jackie Hawks was begging for her life as Thomas stroked her hand to comfort her. Prior to murdering the Hawks, Skylar Deleon also murdered John Jarvi to steal \$50,000 by slashing his throat and dumping his body in Mexico. While in custody on these cases, Skylar Deleon asked a fellow jail inmate to murder his father and cousin, who were witnesses. Skylar Deleon received the death penalty after being convicted of three counts of special circumstances murder for multiple murders and murder for financial gain. Jennifer Deleon was convicted of special circumstances murder and is serving life in prison without the possibility of parole. The District Attorney is also seeking the death penalty against John Kennedy, who is awaiting trial.

### *People v. Steve Carl Evans*



Steve Evans met 24-year-old Jeannette Elias after she got off a train in Fullerton. He took Elias to a travel-trailer where he had been living on a lot adjacent to a church. Evans sexually assaulted and attempted to rape Elias before stabbing her over 22 times with several knives. Evans placed a hard plastic driver's license folded into fifths inside Elias' vagina. DNA from Evans' saliva was found on the victim's breasts. Evans was found guilty of special circumstances murder during the commission of attempted rape and the commission of sexual penetration with a foreign object by force, attempted forcible rape, and sexual penetration by foreign object by force. He was sentenced to the death penalty.

### *People v. Michael Allen Lamb, Jacob Anthony Rump, and Billy Joe Johnson*



Fox 11 News broadcast a piece about a violent white supremacist criminal street gang featuring its founder, Scott Miller. The piece offended the defendants because Miller revealed the gang's "dirty laundry." A year after the broadcast, Billy Joe Johnson lured Miller from a party under the guise of purchasing drugs. Miller was driven to an Anaheim apartment complex where Michael Lamb and Jacob Rump were waiting. Lamb and Rump executed him by shooting him in the back of the head. Three days later, Lamb and Rump tried to flee from police and shot at officers. Lamb and Rump were convicted of murder, conspiracy to commit murder, committing murder for the benefit of a criminal street gang, possession of a firearm by a violent felon, carrying a firearm as an active gang member, street terrorism, and the attempted murder of a peace officer. Rump was sentenced to life in prison without the possibility of parole. Lamb received the death penalty. The District Attorney is also seeking the death penalty against Johnson, who is awaiting trial.

### *People v. Ronald Tri Tran and Noel Jesse Plata*



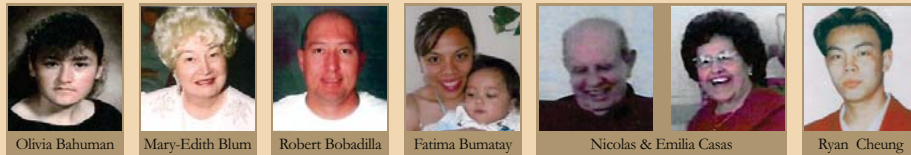
Ronald Tran and Noel Plata planned a robbery at the home of 18-year-old Linda Park. Park was home alone while her parents were at work. Tran and Plata tortured the victim by slashing her throat to force her to tell them where the family valuables were kept. The victim's father returned home to find his murdered daughter face down on the living room floor, hog tied, throat slashed, and an electrical cord wrapped around her neck. Tran and Plata were found guilty of murder with special circumstance allegations for murder during the commission of a robbery, murder during the commission of a burglary, and torture. They were sentenced to the death penalty.

# Homicide Victims - 2007 and 2008

# Homicide Victims - 2007 and 2008

In criminal cases, the focus is often on the perpetrator rather than the victim. The Orange County District Attorney is committed to remembering those whose lives were forcibly taken and bringing the offenders to justice. The Homicide Unit would like to dedicate its service

to those whose lives were unjustifiably extinguished or harmed through violence.



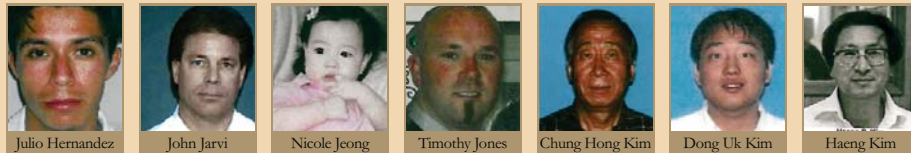
Olivia Bahuman    Mary-Edith Blum    Robert Bobadilla    Fatima Bumatay    Nicolas & Emilia Casas    Ryan Cheung



Bassim Chmait    Suresh Dass    Sonia Dawes    Patricia Dunthorne    Jeannette Elias    John Fisher    Miguel Gonzalez



Eusebio Flores & Melody Woolldridge    Brian Gray    Thomas & Jackie Hawks    Reyes Hermosillo    Diana Hernandez



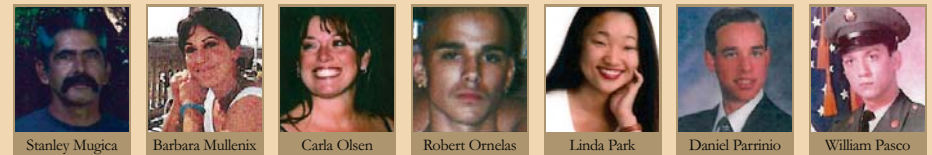
Julio Hernandez    John Jarvi    Nicole Jeong    Timothy Jones    Chung Hong Kim    Dong Uk Kim    Haeng Kim



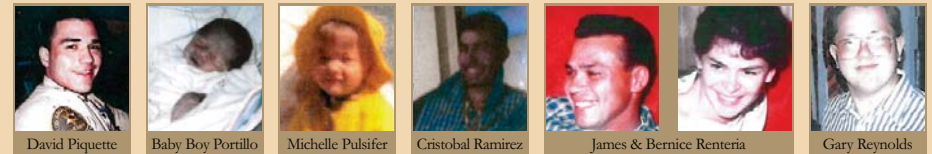
Bridgett Lamon    Tuyet Le & Jennifer Cu    Timothy Lysgard    Juan Madrigal    Enrique Martinez    Israel Mendoza



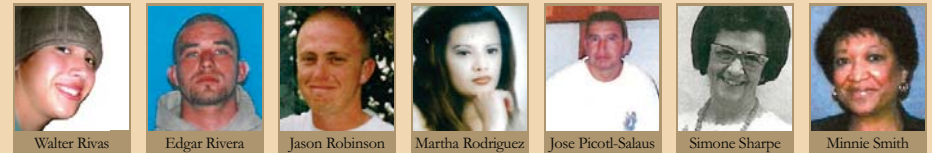
Francisco Martinez, Guadalupe Ramirez, Francisco Brito    Scott Miller    Melissa Mitchell    Hanna Montessori    Rudy Mora



Stanley Mugica    Barbara Mullenix    Carla Olsen    Robert Ornelas    Linda Park    Daniel Parrinio    William Pasco



David Piquette    Baby Boy Portillo    Michelle Pulsifer    Cristobal Ramirez    James & Bernice Renteria    Gary Reynolds



Walter Rivas    Edgar Rivera    Jason Robinson    Martha Rodriguez    Jose Picod-Salaus    Simone Sharpe    Minnie Smith



Jane Thompson    Nicole Villareal    Brandon White    Debra Williams    Raffi Yessayan    Jeselinda Zill





District Attorney Tony Rackawick and Insurance Commissioner Steve Paizner

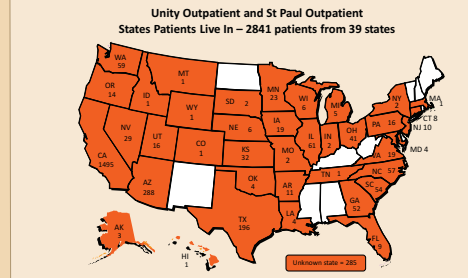
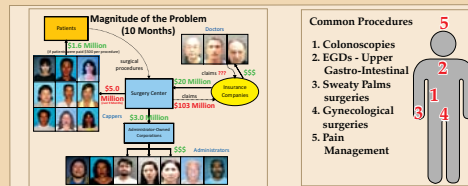
The Orange County District Attorney's (OCDA) **Insurance Fraud Unit** works closely with the California Department of Insurance to investigate and prosecute fraud cases. The cost of insurance industry fraud is passed to every consumer and business in the form of increased premiums. The OCDA has increased its efforts to address the dramatic rise in fraud claims and suspected fraudulent activities of medical and legal providers. In 2003, the OCDA established the Gatekeeper Insurance Fraud Team (GIFT) to conduct undercover investigations into suspected fraudulent practices. GIFT investigators work with forensic accountants and computer forensics experts to investigate and prepare cases for prosecution.

## MEDICAL AND DISABILITY INSURANCE FRAUD

The Medical and Disability Insurance Fraud Unit was established in 2005 to investigate and prosecute fraud cases by individuals relating to healthcare and disability insurance. The Unit investigates fraud by providers such as medical clinics, doctors, chiropractors, pharmacies, and other medical insurance providers. Fraud in healthcare insurance drives up medical care and premium costs for employers and individuals. The Unit works closely with the California Department of Insurance.

*People v. Michael Cheeluen Chan, Roy Chester Dickson, Maria De Jesus, Dee Francis, William Wilson Hampton, Jr., Ngoc Trang Huynh, Thuy Huynh, Pancha Keophimphone, Rosalinda Rodriguez Landon, Sue Nanda, Huong Thien Ngo, Lan Thi Ngoc Nguyen, Tam Vu Pham, Licea Rosales, Mario Z. Rosenberg, Olga Lilia Toscano, Amanda Phuc Tran, Henry Truong, and Nicholas Vu*

A total of 19 defendants have been charged in the largest criminal prosecution of an outpatient surgery center in the United States. The Unity Outpatient Surgery Center was a \$154 million medical insurance fraud scheme that recruited almost 3,000 healthy people from all over the country to receive dangerous and unnecessary surgeries in exchange for money or low cost cosmetic surgery. Insurance companies paid out more than \$20 million during a 9-month period. More than 100 counts of felony insurance fraud, illegal recruitment, and grant theft charges have been filed against physicians, an attorney, an accountant, clinic administrators, and recruiters. To date, Tam Vu Pham, a clinic administrator, has pleaded guilty and was sentenced to 13 years in state prison. Henry Truong, who recruited patients resulting in \$2.5 million in loss, pleaded guilty and was sentenced to 12 years in state prison. Five other defendants have also been convicted. The remaining defendants are expected to face trial in 2009.



## WORKERS' COMPENSATION INSURANCE FRAUD

The OCDA prosecutes Workers' Compensation Insurance fraud, which drives up insurance rates for legitimate businesses. Investigations and prosecutions include fraud by applicants, employers who fail to have required coverage or illegally deny employee benefits, medical and legal providers, and insurance insiders. The OCDA reviews approximately 400 applicant fraud and 60 premium fraud referrals each year. The Unit filed 30 new cases during 2007 and 2008.



*People v. Anthony David Medina and Vanessa Chaverri*

Anthony Medina operated an insurance agency and collected more than \$2.5 million from 18 business owners. Medina failed to take out insurance policies for many of the businesses, charged more than the stated premiums, and issued false certificates of insurance. In some cases, employees who had been injured at work did not receive their Workers' Compensation Insurance benefits. For four years, Medina and his wife, Vanessa Chaverri, failed to file any tax returns for their insurance agency. The defendants were using the stolen money to fund an extravagant lifestyle. Medina pleaded guilty to the court to 152 felony counts including forgery, grand theft, identity theft, insurance fraud, filing false tax returns, willfully failing to file a tax return, and sentencing enhancements. He was sentenced to 10 years in state prison. Chaverri pleaded guilty to a felony tax return charge, was sentenced to jail, and ordered to pay \$480,000 in restitution.

## AUTOMOBILE INSURANCE FRAUD

Fraud referrals to the OCDA's Automobile Insurance Fraud Unit come from the California Department of Insurance, Bureau of Automotive Repair, California Highway Patrol, Department of Motor Vehicles, Orange County police departments, Orange County Auto Theft Task Force, and automobile insurance companies. Between 2007 and 2008, the Unit increased its number of convictions by 62.5 percent. The unit filed 23 new cases and obtained 32 convictions.



*People v. Robert Desuis Rottino*

Robert Rottino submitted a \$7,500 false claim to his automobile insurance company, lying that his car had been stolen to protect his boyfriend, who had driven his car while under the influence of drugs and wrecked it on the freeway. Rottino had also filed two additional false claims amounting over \$20,000. A jury convicted Rottino of six felony counts of automobile insurance fraud and one misdemeanor count of making a false stolen vehicle report to police. He was sentenced to almost four years in state prison and ordered to pay restitution.

## Law and Motion

The **Law and Motion Unit** acts as legal advisors and provides specialized assistance to the Orange County District Attorney's Office (OCDA). The Unit represents other deputy district attorneys in contempt of court and State Bar proceedings, and conducts various research projects. The Unit provides in-house legal updates, manages the OCDA's libraries, creates and maintains legal forms, pleadings and other legal resources, and provides continuing legal education to the Office.

The Unit advances the interests of the People of the State of California by making substantial contributions to the development of law in both the trial and appellate courts.

Each year, the Unit handles hundreds of pre-trial motions in felony trial courts, 100 misdemeanor writs and appeals in the Appellate Division of the Superior Court, and 75 writs and appeals in the California Court of Appeal, the California Supreme Court, and the federal appellate courts.



### MOTIONS

The Unit litigates the following felony motions in Superior Court:

- Motions to suppress evidence on Fourth Amendment grounds, including search warrant challenges;
- Motions to dismiss the Information for insufficiency of evidence or preliminary hearing errors;
- Demurrers;
- Motions to return property;
- Motions for change of venue;
- Motions to disclose informants;
- Motions to dismiss alleging speedy trial or due process violations;
- Motions to dismiss alleging vindictive or selective prosecution; and
- Recusal motions.

### APPEALS WORK

With the exception to homicide convictions, the Unit handles all OCDA appeals and writs of habeas corpus, mandate and/or prohibition in Superior Court, the Court of Appeal, and the California Supreme Court.

#### *People v. Andy Sun*

A search of Andy Sun's home yielded a large inventory of assault weapons and 23,000 large-capacity magazines. The trial court consolidated Sun's 10 counts of possessing for sale large capacity magazines into one, dismissing the other nine. The People appealed and the Court of Appeal reversed the consolidation order, finding that penal code section 12001 grants the authority to the People to file a separate count for each magazine.

#### *People v. Ana Maria Segura*

Ana Segura posed as a prostitute to lure the victim to a motel, where her male co-defendant was waiting. The two robbed the victim at knifepoint, bound him, and threatened the victim that he would be killed if he called the police. They kidnapped the victim, drove to an ATM, and forced the victim to withdraw \$200. The jury convicted the defendants of multiple counts including kidnapping for robbery. The trial judge reduced the charges from aggravated to simple kidnapping and stated that he did not like the legislatively-mandated indeterminate sentence associated with aggravated kidnapping. The Court of Appeal reversed. The trial judge again reduced the charges, finding that Segura's sentence was cruel and unusual punishment. The Court of Appeal again reversed the trial judge, specifically finding that the kidnapping was serious, committed in a calculated manner, and was inherently dangerous.

## Narcotics Enforcement Team

The **Narcotics Enforcement Team (NET)** prosecutes major narcotic vendors and manufacturers and handles asset forfeitures. The NET works with federal and state law enforcement agencies, including specialized narcotics task forces, to prosecute individuals and organizations involved in the use, manufacturing, and trafficking of large quantities of narcotics.



### ASSET FORFEITURE

Enforcing narcotics asset forfeiture statutes is important in removing the tools and profits from drug dealers and criminal organizations engaged in the illegal drug trade. In 2007 and 2008, the value of assets seized based on asset forfeiture actions initiated by the Orange County District Attorney's Office (OCDA) was almost \$3.4 million.

#### *People v. Joshua Wendall Blackburn*

Joshua Blackburn, a 6-year veteran of the California Highway Patrol (CHP), broke into the evidence room at the CHP headquarters in Santa Ana while on duty. He stole and hid 64 kilograms of cocaine that was being held as evidence in a separate criminal case involving two defendants. OCDA investigators recovered all of the stolen cocaine, which had a wholesale value of approximately \$1 million. Blackburn pleaded guilty to the court to possession for sale of cocaine, transportation of cocaine, and commercial burglary with a sentencing enhancement for possession of more than 40 kilograms of cocaine. He was sentenced to five years and eight months in state prison.



#### *People v. Gamaliel Diaz Echeverria*

Gamaliel Echeverria, a member of an international drug trafficking ring, was the subject of a narcotics investigation that involved the interception of dozens of telephone calls, hundreds of hours of surveillance, and the search of several houses throughout Orange County. Police seized one handgun, \$1.3 million in cash, and 50 kilograms of cocaine with an estimated street value over \$3 million. Echeverria pleaded guilty to conspiracy to sell over 40 kilograms of cocaine, possession for sale of cocaine while armed with a firearm, and money laundering. He was sentenced to 11 years and four months in state prison.





## Public Integrity and Special Prosecutions

The **Special Prosecutions Unit** investigates and prosecutes individuals who violate public trust. Many of the Unit's investigations are originated by the Orange County District Attorney's Office (OCDA). The Unit prosecutes criminal violations of State laws that regulate the conduct of elected or appointed public officials and employees. Holding public officials accountable for violating public trust is an important priority in promoting our democratic process and keeping our government free of corruption. Lifetime bans from holding public office have been imposed in cases involving public officials who abused their official positions for personal and financial gain. The Unit handles hate crimes, perjury, election violations, parole hearings, arson, mental health commitments, and cases of high public interest. The Unit is responsible for upholding the professional integrity of licensed professionals, such as doctors and attorneys, in the course of performing their duties.

The Unit acts as the primary advisor to the Orange County Grand Jury and reviews all non-fatal officer involved shootings. To ensure enforcement of criminal laws when a suspect leaves the State, the Unit works closely with the United States Department of International Affairs and foreign governments to coordinate national and international extraditions.

### PUBLIC CORRUPTION

#### *People v. George Henry Jaramillo*



The OCDA convicted former Orange County Assistant Sheriff George Jaramillo of felonies for perjury and misappropriation of public funds. Jaramillo is the highest ranking law enforcement official to be convicted of any felony by the OCDA. Jaramillo knowingly lied under oath to the Grand Jury about getting paid to work for a private company to enrich himself. Jaramillo misappropriated public funds by misusing Sheriff's equipment including a helicopter. He also used his on-duty subordinates to research convalescent living facilities for his mother, assist him at a family member's graduation ceremony, and have his explicit personal photographs developed. Jaramillo was barred from holding public office for the rest of his life, disbarred from the State Bar, sentenced to one year in jail, and ordered to pay \$10,000 in restitution.

### PROFESSIONAL INTEGRITY

#### *People v. Joseph Gerald Cavallo*



The OCDA convicted criminal defense attorney Joseph Cavallo and two bail bond agents of felonies for conspiring to engage in attorney capping in an illegal attorney referral scheme. Cavallo was sentenced to six months in jail and is ineligible to practice law. California law prohibits bail bond workers from recommending any attorney to any bail bond client to prevent attorneys from paying non-lawyers for client referrals to protect the consumer from unscrupulous, secret dealings. Jorge Castro and Alejandro Cruz acted as runners and cappers for Cavallo and solicited business for him at Orange County jail facilities. Castro and Cruz kept a stack of Cavallo's business cards at their bail bond's office and instructed their employees to refer clients to Cavallo. Cavallo gave \$50,000 to Castro as payment.

### GOVERNMENT OVERSIGHT

The OCDA has oversight over local elected governments to ensure compliance with open meeting requirements of the Ralph M. Brown Act. These requirements protect, promote and strengthen transparency and openness in local elected governmental bodies vital to the functioning of democratic institutions. The OCDA has published extensive investigative reports on the City of Garden Grove, Irvine's Great Park Corporation, and the Capistrano Unified School District.

## Public Integrity and Special Prosecutions

### VOTER FRAUD

The OCDA believes that upholding the integrity of the voting process is essential in a democratic society. Voter fraud prosecutions aim to reduce voter fraud and punish those who violate the First Amendment rights of others for profit. After a joint investigation with the California Secretary of State, the OCDA charged 12 defendants with felony election code violations. These defendants changed voter registrations without the victims' knowledge for profit. To date, nine defendants have been convicted. This prosecution is the first of its kind in Orange County.



### EXTRADITION

#### *People v. Ricardo Dagoberto Diaz Nivarez*

The Unit successfully extradited Mexican citizen Ricardo Nivarez to Orange County to face murder and robbery charges. Mario Hernandez, a jewelry salesman, left his home and failed to return. Law enforcement obtained information that the defendant had fled to Mexico after planning and murdering Hernandez. The OCDA filed an extradition request. During the extradition hearings in Mexico, the OCDA submitted witness affidavits and DNA evidence to disprove Nivarez's claim that he was not in the United States at the time of the murder. The case is pending.



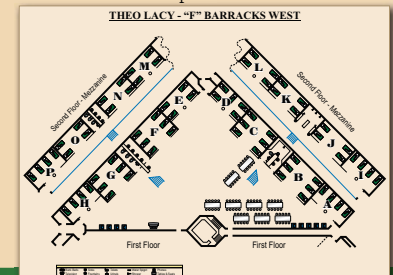
### SPECIAL INVESTIGATIONS

In 2008, the OCDA released The Investigative Report From the 2007 Special Criminal Grand Jury Inquiry into the Death of John Derek Chamberlain. The OCDA charged Chamberlain's fellow inmates after uncovering evidence that inmate Chamberlain had been murdered. The OCDA found numerous failures by Orange County Sheriff's Department (OCSD) personnel in performing their duties including failing to patrol the interior of the jail facility every 30 minutes on foot, inspect blind spots, and verify that no inmates are in need of help. Instead, the deputies remained in their guard station watching television, playing video games, browsing the Internet, text messaging, or sleeping. OCSD deputies routinely used inmates called "shot callers" to enforce discipline or inflict punishment on other prisoners. OCSD personnel prevented the OCDA from conducting an independent



homicide investigation in violation of protocol and precedent. OCSD officials provided the Grand Jury with inaccurate

information regarding the protocol, violated the secrecy rules governing the Grand Jury by sharing their testimony with other OCSD personnel, and lied about the disclosure under oath. Records subpoenaed by the Grand Jury were not produced or were produced in redacted form by the OCSD. The County is in the process of implementing reforms based on this Report.





The Orange County District Attorney's (OCDA) Sexual Assault Unit prosecutes the sexual assault of minors, forcible sex crimes against adults, child pornography, Sexually Violent Predators (SVP), statutory rapes, and Internet predators. Many of these violent and serious cases are one-strike cases and carry mandatory life terms. Sexual assault defendants receive some of the harshest punishments of any crime and often receive prison sentences amounting to decades. The Unit files approximately 330 cases per year and convicts 93 percent of

the defendants. Between 2007 and 2008, the Unit conducted 115 Jury trials with 31 of those cases resulting in life sentences.

The Unit assigns a deputy district attorney to work with the Child Abuse Services Team in cases involving minors. This prosecutor supervises interviews of child sexual assault victims in a child-friendly facility and coordinates trainings for law enforcement personnel who investigate sex crimes against children.



The OCDA maintains that those who hold positions of trust bear a greater responsibility for their conduct and deserve a tougher punishment for their criminal actions. The OCDA has investigated and filed charges against priests, religious leaders, doctors, teachers and coaches for sexually assaulting minor victims. The OCDA has also filed charges against a judge, police officers, probation officials, and jail workers who used their position of authority and power to sexually assault minor and adult victims.

*People v. David Shoutybh Hwang and Sheila Marie Sikat*

Husband David Hwang and his wife Sheila Sikat brought 4-year-old Jane Doe to their home on five separate occasions in order to molest her. They sexually assaulted her including sexual penetration with a foreign object, oral copulation, and sodomy. The two produced almost four hours of explicit phonographic video tapes showing Hwang and Sikat molesting the victim while she was heavily sedated. The graphic sex tapes were discovered by a housesitter while Hwang and Sikat were on vacation. The housesitter found over 200 video tapes in a trunk in the master bedroom and alerted the Orange County Sheriff's Department. After the conviction, several jurors sought counseling because of the emotional impact of watching the graphic videos. A jury convicted Sikat of 50 sexual assault charges and she was sentenced to 50 years in prison. Hwang pleaded guilty to 60 sexual assault charges and was sentenced to 50 years to life in prison.



*People v. Gerald Francis Stenger III*

A young man came forward to law enforcement and reported that an Orange County Sheriff's deputy molested him when he was 12 years old. Stenger met the victim and his older brother through Big Brothers and Big Sisters of Orange County. Stenger used his position of trust to groom and molest the victim for two years. Stenger was charged with one felony count of lewd acts on a child under 14 and one felony count of continuous sexual abuse with a sentencing enhancement allegation for substantial sexual conduct. He would have faced a maximum sentence of 18 years in state prison if convicted, but the defendant found out about the criminal charges and committed suicide before he could be taken into custody.

*People v. Jose Ignacio Avina*

This 14-year-old perpetrator is the youngest serial sexual predator to be directly prosecuted as an adult in Orange County. Jose Avina approached 12-year-old John Doe #1 while he was walking home from school. Avina forced the victim to go to his house, held up a knife, threatened the victim, and sodomized him. Three weeks later, the defendant approached 13-year-old John Doe #2 who was walking home from school, pulled out a knife, and ordered the victim to move into an alley. He threatened and robbed the victim before the victim was able to escape. Two weeks after that, Avina attacked 12-year-old John Doe #3 while he was walking to school. Avina forced the victim at knife point into a secluded storage unit, robbed the boy, and forcibly sodomized him. That same day, Avina attempted to rob another 12-year-old boy at knife point, but the victim was able to run away. Avina was found guilty of felonies for sodomy by force, forcible oral copulation, kidnapping to commit robbery, second degree robbery, dissuading a witness by force or threat, and attempted second degree robbery. He was sentenced to 64 years to life in state prison.

*People v. Sidney Nathaniel Landau*

Sid Landau was a 69-year-old serial molester who has been convicted of molesting a 10-year-old and 5-year-old boy. The OCDA proved to a jury that this sexually violent child molester should remain in a mental hospital because he is a continued threat to children and the community. Experts estimated that Landau has molested 1,500 unprosecuted child victims. The defendant requested to be released to move to New York to live with his brother and sister-in-law. The People argued that this plan gave Landau access to children and did not guarantee that he would seek treatment. Landau declined to participate in treatment programs while he was committed to a mental institution during the past eight years. He recently stopped using a prescription medication for depression, which reduces sexual desire. In order to keep an SVP committed, the defendant must have committed at least two sexually violent offenses, be diagnosed with a mental disorder, and be likely to re-offend unless held in custody and treated. This was the third civil commitment trial in two years against Landau.



## White Collar Crime, Major Fraud, and Welfare Fraud



The **Major Fraud Unit** prosecutes complex fraud cases involving over \$100,000 in financial loss. These cases require lengthy investigations taking months or years to develop, multiple victims and witnesses, and voluminous amounts of evidence. Between 2007 and 2008, the Unit obtained almost \$20 million in restitution orders and has collected over \$9 million.

In 2005, the Orange County District Attorney's (OCDA) Office established the **White Collar Crime Team (WCCT)** as part of the Major Fraud Unit to respond to a significant shift from traditional street crimes to financial crimes, such as identity theft and investment fraud. The WCCT prosecutes cases that do not meet the loss threshold of \$100,000 but still have significant victim loss or impact.

Multi-jurisdictional or otherwise complex fraud cases are often investigated internally by OCDA Unit investigators because of their expertise in these cases and local law enforcement agencies may lack the necessary resources. Cases in the Unit include high dollar embezzlements from businesses and government entities, investment and securities schemes that target elderly and vulnerable victims, organized identity theft rings using sophisticated technology to steal large amounts of cash or merchandise, and real estate fraud, including mortgage fraud and fraudulent recording of documents.



### *People v. Laura Bianca Razo*

Between 1987 and 2006, Laura Razo used three separate social security numbers to defraud the County, the federal government, and two California colleges. Razo used social security numbers to apply for government aid and financial programs receiving over \$160,000 in Orange County Housing vouchers and \$43,000 in college loans. Razo hid income to collect public assistance while working as an insurance adjuster earning \$60,000 a year. Razo was convicted of identity theft, grand theft, and perjury by declaration. She was sentenced to two years in state prison and ordered to pay \$164,000 in restitution.

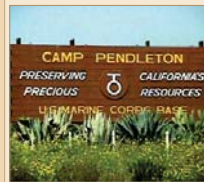


### *People v. Blanca Estela Arellano*

Methamphetamine addict Blanca Arellano stole the identity of Jane Doe, a neighbor, and used it for two months to open credit cards, buy two new cars, and get Medicare and Medicaid health benefits. Arellano later gave birth to a baby girl and listed Jane Doe's name on the birth certificate as the mother. The victim discovered the identity theft after the Orange County Social Services Agency contacted her about the birth of the baby girl, who had tested positive for methamphetamine and was suffering from withdrawals. Arellano was convicted of felony child abuse, felony identity theft, and a sentencing enhancement. She was sentenced to four years in state prison and ordered to pay \$36,000 in restitution.

### *People v. Evelyn Oberhuber*

For two years, a Marine sergeant's wife, Evelyn Oberhuber, worked as a paralegal for an attorney and opened two bank accounts in the law firm's name by forging signature cards. She diverted tens of thousands of dollars to these accounts for her personal use. The defendant also operated a real estate investment Ponzi scheme and defrauded Marines or Marines' wives, whom she met at Camp Pendleton. Oberhuber falsely represented to investors that she was purchasing properties on the verge of foreclosure, paying off the loans, and reselling the properties for a profit. Most investors were never repaid. Oberhuber pleaded guilty to 50 felony counts including forgery, grand theft,



fraudulent offering of securities, and recording false deeds. She was sentenced to 10 years in state prison and was ordered to pay almost \$2.3 million in restitution.

### *People v. Janet Sue Reiswig and Ronald Edward Reiswig*

Between 2001 and 2006, husband and wife Ronald and Janet Reiswig stole more than \$560,000 from a widowed senior citizen, whom they befriended after cold-calling and convinced to invest in their financial company. The Reiswigs made promises of high returns when the company had no assets or license to make these sales. Janet Reiswig also stole the victim's identity to fraudulently obtain lease agreements. A jury convicted the Reiswigs of felony use of untrue statements in the sale of a security and sentencing enhancements. Janet Reiswig was also convicted of felony forgery and identity theft. Janet Reiswig was sentenced to 11 years and four months in state prison and Ronald Reiswig was sentenced to 10 years in state prison.

## White Collar Crime, Major Fraud, and Welfare Fraud

### WELFARE FRAUD

The **Welfare Fraud Unit** prosecutes public assistance fraud, including illegally receiving cash aid, food stamps, in-home support services, childcare, and housing benefits. The Unit helps to ensure that there are sufficient funds to aid those who qualify for assistance and guards public funds from fraud and abuse. The Unit works closely with caseworkers from the Orange County Social Services Agency and the Orange County Housing Authority, who refer potential public assistance fraud cases for review.

### *People v. Manuel Gamez Jr.*

Manuel Gamez Jr., a Hispanic Santa Ana gang member, received almost \$4,000 in food stamps and cash aid from the Orange County Social Services Agency. He failed to report under penalty of perjury that he had a felony drug conviction that made him ineligible to receive aid. Gamez pleaded guilty to the court to felony welfare fraud, 13 counts of perjury, and three prison priors. He was sentenced to two years in state prison and was ordered to pay restitution.



### *People v. David Ramirez Quintero*

David Quintero, who had recently been released from jail, illegally received almost \$2,500 in welfare benefits. He failed to report under penalty of perjury that he was working for a roofing company, making him ineligible to receive benefits. Quintero pleaded guilty to felony welfare fraud, perjury, and a prison prior. He was sentenced to two years in state prison and was ordered to pay restitution.

# Victim and Witness Services

## RESTITUTION ENFORCEMENT

The Orange County District Attorney's Office (OCDA) is dedicated to collecting restitution for victims of crime who have suffered a financial loss as a result of criminal activity and forcing criminals to accept responsibility for the harm they have caused. The OCDA enforces restitution orders payable to victims of crime and to the California Victim Compensation and Government Claims Board. In 2007 and 2008, Orange County victims were awarded almost \$4 million in restitution.



## COMMUNITY SERVICE PROGRAMS, INC.

Community Service Programs, Inc. (CSP) is a non-profit agency established as a field study project in 1972 to teach students at the University of California, Irvine, diversion counseling for delinquent youth. Since that time, CSP has grown dramatically and has designed and implemented some of the most respected prevention and intervention programs in Southern California, including Victim Assistance Programs. CSP Victim Assistance Programs provides comprehensive services to crime victims and witnesses, their families, and communities in Orange County. Working in close collaboration with the OCDA, CSP Victim Assistance Programs provide services to approximately 60,000 victims and witnesses each year.



## VICTIM ADVOCATES

Victim Advocates are trained professionals who have specialized knowledge of the criminal justice system, victimology, crisis intervention, cultural and ethnic diversity, and the California Victims of Crime Compensation Program. Victim Advocates assist crime victims and witnesses through the aftermath of a crime and assist victims in identifying and utilizing resources to better their emotional and mental health.







## BIENNIAL REPORT

2009

[www.orangecountyda.com](http://www.orangecountyda.com)

### OCDA Office Locations

CENTRAL JUSTICE CENTER  
700 Civic Center Drive West  
Santa Ana, CA 92701  
714.834.3952

HARBOR JUSTICE CENTER  
4601 Jamboree Road  
Newport Beach, CA 92660  
949.476.4650

JUVENILE JUSTICE CENTER  
341 City Drive South  
Orange, CA 92668  
714.935.7624

MAIN OFFICE  
401 Civic Center Drive West  
Santa Ana, CA 92701  
714.834.3600

NORTH JUSTICE CENTER  
1275 North Berkeley Avenue  
Fullerton, CA 92832  
714.773.4480

WEST JUSTICE CENTER  
8141 13th Street  
Westminster, CA 92683  
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