

AMADOR COUNTY
DISTRICT ATTORNEY
2008 ANNUAL REPORT



PURSUING JUSTICE IN OUR COMMUNITY



DISTRICT ATTORNEY'S MESSAGE

Public safety is the top priority of the Amador County District Attorney's Office. Whether it is crime prevention, reducing recidivism, helping victims, being accessible to people, educating the public through public outreach, or being active in the community, the DA's Office is proud of our contributions in making Amador County a safer place to live.

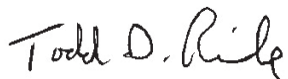
In 2007, we teamed up with the Amador County Sheriff's Office (ACSO), the California Department of Justice, the California Department of Corrections and Rehabilitation, and local law enforcement to form the Amador County Combined Narcotics Enforcement Team (ACCNET), a drug task force which targets illegal drug manufacturing, sales, and use in our community. In 2008, we continued our partnership with the Sheriff's Office to create the Amador Law Enforcement Response Team (ALERT), designed to assist police departments in the investigation of major crimes committed within their jurisdictions. In collaboration with the Student Attendance Review Board and the Amador County Unified School District, we created a truancy program to boost school attendance thereby increasing school district funds and student test scores.

Additionally, we held numerous public seminars educating citizens in the areas of elder abuse, internet crimes against children, and insurance fraud. We produced a workers' compensation fraud training video in collaboration with the California Department of Insurance that was distributed across the state. In the 2006-2007 fiscal year, we generated \$1.7 million in revenue, representing 43 percent of the criminal division's budget, to augment general fund money and provide our constituents with a higher level of service.

I am most proud of my hard-working, professional, and dedicated staff. They view their service in the DA's Office as more than just a job. They are public servants in the best meaning of the words. Even after work, you will see the DA's Office staff coaching children in sports programs, raising money for Camp Out for Cancer, volunteering at Sober Grad, seeking to improve teen driver safety education, and donating their time to more community programs, agencies, events, and fund-raising activities than can possibly be mentioned here.

As you will see in the pages that follow, we take our Mission Statement very seriously at the Amador County District Attorney's Office, and we live by our values every day. We continue to work with law enforcement and the community in order to make Amador County safer.

Sincerely,



Todd D. Riebe
District Attorney

MISSION STATEMENT

The mission of the Office of the District Attorney of Amador 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.





*"SEEK JUSTICE,
SERVE JUSTICE,
DO JUSTICE"*



"I am honored and proud to be a public servant," states Todd Riebe. The passion and motivation for his job stem from the philanthropic and work ethic instilled while growing up in rural Minnesota.

Todd was the first of two children born to Lois and David W. Riebe on October 10, 1959.

Upon graduation from high school, Todd enrolled in college at Mankato State in southern Minnesota. He later transferred to the University of Southern California, earning a B.A. in Political Science in 1983 and a M.A. in American Politics in 1985, working as many as three jobs at a time to support his education.

From 1985 to 1987, Todd taught 7th grade World History and Geography and 8th grade U.S. History at Horace Mann Junior High School in South Central Los Angeles. After school he organized a boys and girls sports program designed to give inner-city children an alternative to the rough streets of Los Angeles.

Todd traveled north to Sacramento and attended McGeorge School of Law, where he earned his Juris Doctor in 1990. During his law school career, he worked as an intern at the California Attorney General's Office and the U.S. Attorney's Office.

In 1991, Todd went to work for John A. Barker & Associates, a law firm based in Madera, California, which operated as the county public defender. As a criminal defense attorney, Todd personally handled over 6,000 criminal cases, including homicide, rape, robbery, arson, assault, burglary, fraud, narcotics, and child molestation, as well as juvenile delinquency and dependency matters, earning a reputation as an ethical, professional, and effective trial attorney. In 1995, he was assigned as the Chief Defense Attorney of John A. Barker & Associates managing the Amador County office.

In November 1998, Todd ran for Amador County District Attorney and was elected by the people of Amador County. He was re-elected in June 2002 and again in June 2006, running unopposed.

EXECUTIVE TEAM



Todd D. Riebe
District Attorney



Melinda D. Aiello
Chief Assistant District Attorney



Arthur Price
Chief, Bureau of Investigation



Weldon Lincoln
Supervising Investigator



Carolyn McDonald
Chief Deputy Public Conservator



Julie Tonn
Administrative Legal Secretary



Harla Ward
Victim/Witness Program Manager

LEGAL DIVISION



Armando Zambrano



Keith Morris



William Houle



Gabrielle Bettencourt



Stephen Hermanson



Joseph Gasperetti



Janelle Redkey

just, honest, ethical

BUREAU OF INVESTIGATION

Under the direction of Chief Investigator Arthur Price and Supervising Investigator Weldon Lincoln, the Bureau is responsible for investigating cases, collecting evidence, and assisting with trial preparation. The Bureau consists of 10 full-time and 4 part-time investigators.

The Bureau oversees investigations for the Elder Abuse Vertical Prosecution Unit, Prison and Youthful Offender Crimes Unit, Workers' Compensation Fraud Unit, Automobile Insurance Fraud Unit, Welfare Fraud Unit, Child Abduction Unit, Bad Check Program, County Background Investigation Unit, and Public Conservator's Office. One investigator is assigned to ACCNET.

Bureau investigators assist Deputy District Attorneys with trial preparation. Their role includes conducting supplemental investigations, collecting evidence, preparing and serving search warrants, serving arrest warrants, and locating witnesses who are hesitant or uncooperative.

The Bureau also prepares exhibits for trial such as crime scene diagrams, pictures, and charts. During trial, investigators may accompany victims and witnesses who testify in court to further ensure their safety.

All District Attorney Investigators are sworn peace officers who are certified through the Commission on Peace Officer Standards and Training (POST). They come to the DA's Office from a variety of outside law enforcement agencies and have an average of 27 years of experience in law enforcement. The Bureau presently has on staff a former CHP Lieutenant and Area Commander, a former ACSO Captain, a former Chief Criminalist of the Salinas Crime Lab, four former ACSO Sergeants, a former El Dorado DA's Office Chief Investigator and El Dorado Sheriff's Office Sergeant, and two fingerprint experts.



enhance public safety

SUPPORT STAFF

The accomplishments achieved by the DA's Office would not be possible without the hard work of our professional support staff. Comprised of an Administrative Legal Secretary, a Finance Technician, a Legal Assistant, a Legal Support Supervisor, and 7 Legal Secretaries, the support staff create the case files and manage them from intake to closing. They also prepare and file court documents, compile statistics, answer phones, organize cases for the adult and juvenile court

calendars and generally do everything necessary to ensure the office runs smoothly. Our Legal Assistant helps with grant management, trial preparation, creates court exhibits, court presentations, and office publications. Our Finance Technician handles the payroll, oversees office finances, assists in budget preparation, and orders office supplies.



FELONY PANEL

The Felony Panel consists of experienced prosecutors who prosecute all general adult felony cases in the county such as murder, attempted murder, vehicular manslaughter, assault, arson, robbery, burglary, grand theft, possession of stolen property, domestic violence, rape, child molestation, child abuse, and narcotics offenses.

Murder

Thankfully, murders are a rare occurrence in Amador County. However, that changed in July of 2006, when DA Investigators were called out to a murder scene in a senior housing unit in Ione.

People v. David Jackson

A 71-year-old partially paralyzed man was savagely and repeatedly stabbed by Jackson, who then stole some property. Jackson, who had a violent criminal past, was convicted of second-degree murder with a deadly weapon enhancement, possession of stolen property and resisting an officer. He was sentenced to 18 years to life in state prison.

Domestic Violence

Domestic violence wears away the very building blocks of a strong community—the family. No other criminal offense has such a devastating impact upon the court system and society. Sadly, the victims in these cases often oppose prosecution, refuse to cooperate or may attempt to derail prosecution efforts. Prosecutors and investigators handling domestic violence cases are trained to understand this psychological dynamic and prepare their cases with this expectation. Investigators and prosecutors work closely with the Victim/Witness Program to assist victims and their families.

Studies have established that children who grow up as witnesses or victims in abusive homes often become violent. This background leads to lack of self-control, aggressive behavior, low self-esteem, and poor school performance, often resulting in future criminality. Many of today's prisoners report that they were raised in violent environments. The DA's Office attempts to break this cycle of violence.

People v. E.T.

E.T., upset over his marriage ending, threatened suicide. On three occasions, his wife attempted to call for help, and E.T. knocked the phone out of her hand each time, eventually causing it to become inoperable. E.T. retrieved a gun from a crawl space, pointed it at his wife, and threatened to kill her and their daughter rather than agree to a divorce. E.T. attempted to drag his wife into the house, but she resisted, fearing that if she went back into the residence E.T. would shoot her. The victim pleaded for her life, while E.T. laughed and told her how much

he enjoyed seeing her try to talk him out of killing her. E.T. then threatened to kill a male adult, who lived at a cottage on the property. The victim told the male adult that he needed to leave immediately and gave him a note that said E.T. had a gun and wanted to kill them all. The victim was eventually able to persuade E.T. to let her keep an appointment with a friend so as to not attract suspicion. Once safe, the victim reported the crime to the Sheriff's Office. E.T. was convicted of assault with a firearm. He was sentenced to 5 years in state prison.

Child Abuse

The DA's Office aims to protect the most vulnerable members of our community. Many victims of child abuse cannot speak for themselves and are often victims of the people entrusted with their protection.

People v. Neil Farkas

Deputies responded to a suspected child abuse call and found an 18-month-old boy in critical condition suffering from a fractured skull and major swelling of the brain. Farkas, the mother's boyfriend, who was baby-sitting the child, initially claimed the boy fell. Later, he admitted slamming the infant's head against a wall so hard that it broke the drywall. Farkas was convicted of child abuse with a special allegation that he caused great bodily injury to a child under the age of 5. He was sentenced to 9 years in state prison.

Identity Theft

Identity theft occurs when someone uses another person's identifying information, such as their name, Social Security number, or credit card number, without permission, to commit fraud or other crimes. Identity thieves often use the personal information to open lines of credit or obtain credit cards in the victim's name. Some consumers victimized by identity theft may lose job opportunities or be denied loans because of negative information on their credit reports. In rare cases, they may even be arrested for crimes they did not commit. Identity theft is one of the fastest growing crimes in America.

People v. Andy Blea

Blea was arrested for drug possession and gave the deputies the name, date of birth, and Social Security number of another person. Blea was taken into custody and following his arraignment, was released on his own recognizance pending his next court date. Blea falsely represented himself again when he signed a conditional release form in court. Blea failed to appear at the next court hearing, and a bench warrant was issued in the name of the man Blea falsely represented himself as, subsequently causing the arrest of an innocent man.

The man, who was falsely impersonated, recognized a photo of Blea as a former coworker. Blea had a lengthy criminal record consisting primarily of spousal abuse, DUI, and property crimes. Blea was convicted of possession of a controlled substance, two counts of false personation, failure to appear, and commission of a felony while released on his own recognizance. He was sentenced to 7 years in state prison.

People v. Sandy Kwon

Kwon obtained her sister's bank withdrawal slips, forged her sister's signature, and altered her sister's driver's license with her own photo. Kwon then used the forged and altered documents to withdraw thousands of dollars from Wells Fargo banks in Jackson, Folsom, Woodland, Fair Oaks and Sacramento. Kwon was convicted of felony identity theft and 3 counts of grand theft. She was sentenced to two years in state prison.

Illegal Narcotics

Many criminal cases in Amador County involve illegal narcotics. Whether it is use, possession, the sale of, or the commission of crimes while under the influence of narcotics, illegal narcotics leave their tragic and sometimes deadly mark on our community. With the recent formation of ACCNET, we have seen an increase in arrests for drug sales, cultivation, and the manufacturing of narcotics.

Prison Crimes

The DA's Office prosecutes crimes committed at Mule Creek State Prison, Preston Youth Correctional Facility, and the Pine Grove Youth Conservation Camp. Typically, these crimes involve inmate and staff assaults, gassings (throwing bodily fluids which make contact with the skin of correctional staff), and illegal narcotics.

People v. Alvin Brozek and Carlos Garcia

Brozek and Garcia are both Mule Creek inmates serving life sentences. In July 2006, numerous correctional officers observed inmates Brozek and Garcia striking another inmate in the head and face with inmate-manufactured weapons. The victim suffered deep lacerations to his abdomen and neck. Brozek was convicted of assault with a deadly weapon and infliction of great bodily injury. He was sentenced to 13 years in state prison to be served consecutive to his current life term. Garcia was convicted of assault with a deadly weapon. He was sentenced to 8 years in state prison to be served consecutive to his life term.

Robbery

People v. Michael Archer

Archer put a knife to the victim's neck and threatened to slash his throat if he didn't give him all of his money. The victim handed over all the cash in his pockets. Archer had a lengthy criminal record, including 4 prior "strikes" pursuant to California's Three Strikes law for robbery. Following a jury trial, Archer was convicted of robbery by use of a deadly weapon, criminal threats, transportation of heroin, being under the influence of heroin and methamphetamine, and possession of a syringe. Archer was sentenced to 72 years to life in state prison.

People v. William Whitaker

Whitaker told a Bank of Amador teller "I have a gun. No alarms. Give me all cash quick and quiet and no one gets hurt." The teller complied with Whitaker's demands who then exited the bank and quickly altered his appearance. Ten minutes later, a sergeant from the Sheriff's Office stopped Whitaker and a search revealed the money he had stolen from the bank. Whitaker had a lengthy prior criminal record in several states, including two prior "strikes" pursuant to California's Three Strikes law for bank robbery and assault with a deadly weapon. He was convicted of robbery. Whitaker was sentenced to 38 years to life in state prison.

Assault

People v. Casey Decker

Decker attacked an 18-year-old man with a knife causing serious wounds to the victim's head, back, and hand. The victim underwent surgery to repair the damage to his hand and required stitches to close the deep lacerations to his head and back. Decker was convicted of assault with a deadly weapon and inflicting great bodily injury. He was sentenced to 4 years in state prison.

People v. Jeremy Noriega

A bystander observed Noriega strike a female in the Burger King parking lot. When the bystander attempted to intervene and stop the assault, Noriega struck the bystander in the face causing him to fall down. While on the ground, Noriega repeatedly kicked him in the head. The female Noriega was striking was later identified as his sister. Noriega had a prior criminal record for assaultive behavior, weapons possession, and property crimes, including a prior "strike" pursuant to California's Three Strikes law for residential burglary. At jury trial he was convicted of assault by means of force likely to produce great bodily injury. Noriega was sentenced to 9 years in state prison.

FELONY PANEL (CONTINUED)

Driving Under the Influence

Too many lives in our community have been tragically impacted by the havoc unleashed by impaired drivers. The DA's Office treats driving under the influence very seriously. In 2005, the DA's Office achieved a 97.6 percent conviction rate for DUI prosecution, the second highest success rate in California.

People v. Michael Remington

Since 1988, Remington had suffered six prior DUI convictions. Remington pled guilty to felony DUI with prior convictions. He was sentenced to 5 years in state prison.

Sexual Assault

The DA's Office prosecutes felony sex crimes including sexual assault against adults and minors, unlawful sexual acts with minors, child pornography, and Sexually Violent Predators (SVP) commitments. The DA's Office believes that those who hold positions of trust within a community or to their victims bear a greater responsibility for their conduct and deserve a greater punishment for their criminal action. The DA's Office has investigated and filed charges on religious leaders, youth counselors, coaches, and teachers for sexually assaulting minor victims.

In May 2007, the DA's Office, in collaboration with the ACSO, Amador Chamber of Commerce, and the *Amador Ledger Dispatch*, co-hosted an Internet Crimes Against Children Symposium featuring representatives from the U.S. Attorney's Office and the F.B.I. The Symposium was designed to inform parents on the types of internet crimes their children may be exposed to along with tips on how to protect their family from internet predators.

People v. Richard Tinoco

Richard Tinoco, a convicted felon and sex offender, was also a little league coach in Sacramento. In May of 2007, Tinoco brought his son and an 8-year-old boy camping in Pine Grove, where Tinoco sexually molested the 8-year-old boy. When the victim's mother inquired why her son was reluctant to play the next scheduled little league game, he told his mother what had happened. In a subsequent telephone conversation with the victim's mother, Tinoco told the mother to lie to law enforcement and tell them that her son had fabricated the story. The victim reported the crime to law enforcement. The victim's courage led to the prosecution of Tinoco, who was convicted of two counts of child molestation and sentenced to 6 years in state prison.

JUVENILE UNIT

The Juvenile Unit oversees the prosecution of all juvenile felonies and misdemeanors. An important goal of the Unit is to provide a balance between rehabilitation and punishment in a manner that attempts to reach juvenile offenders and deter them from becoming adult offenders.

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.

In addition, the Unit collaborates with the court, probation, the school district, and other agencies to develop specialized programs designed to meet the needs of youthful offenders by balancing rehabilitation and public safety.

Peer Court

In Peer Court, a juvenile's own peers choose from several sentencing options to provide suitable consequences for the

commission of some of the least serious criminal cases. Deputy District Attorneys participate in the program as advisors to the student prosecutors and defense counsel who argue the case before a Superior Court Judge.

Truancy Program

Studies have shown a direct correlation between test scores and school attendance. Attendance within the ACUSD is below the state average. If attendance improves by just two percent, the ACUSD would be eligible to receive an additional \$500,000 annually. To address this problem, the School Attendance Review Board (SARB), the Amador County Unified School District (ACUSD), and the DA's Office established a Truancy Program to reduce unexcused student absences.

ELDER ABUSE

The elderly comprise the fastest growing segment of the United States population, with most older Americans enjoying a better quality of life in terms of health, housing, recreation, and income security than any other aging population in our nation's history. Residents aged 65 or older comprise over 18 percent of the County's population, which is nearly double the statewide average. Amador County's disproportionately high elder population serves to attract both desirable retirees and those who prey upon them.

The Elder Abuse Vertical Prosecution Unit investigates and prosecutes financial and physical elder/dependent adult abuse cases. The DA's Office is committed to ensuring that our senior citizens and dependent adults are given the protection and compassion they deserve to live their lives with dignity, respect, and safety.

In August 2007, the Unit sponsored a Senior Summit featuring Paul Greenwood, a nationally recognized elder abuse prosecutor, trainer, and advocate, in collaboration with the Amador Senior Center, ACSO, Amador Chamber of Commerce, Victim/Witness, and the *Amador Ledger Dispatch*. The Summit provided free training for peace officers, nurses, community senior providers, and the public. In the past, the Unit has provided free training to state-mandated elder abuse reporters. The Unit also publishes the "*Senior Crime Prevention Handbook: A Guide for Identifying and Preventing Abuse and Victimization of the Elderly*," designed to provide basic information on crimes which specifically target seniors; to provide prevention techniques which inform seniors of ways to avoid victimization; and to provide a list of community resources available to assist seniors. To obtain a free copy of the handbook, call the DA's Office at (209) 223-6444.

People v. Carla Ellis

Ellis stole a ticket voucher from the pocket of a 64-year-old blind man at the Jackson Rancheria Casino. She had a lengthy prior criminal record, including 8 theft convictions and a robbery conviction. She was convicted of felony grand theft with a prior "strike" pursuant to California's Three Strikes law, felony petty theft with a prior, misdemeanor elder financial abuse, and misdemeanor giving false information to a peace officer. She was sentenced to 5 years in state prison, the maximum sentence allowed by law.



People v. Renee Fashing

Fashing was the caretaker of a 92-year-old woman. While employed for the victim, Fashing used the victim's ATM card to withdraw funds from the victim's account and deposit them into her own. Fashing was convicted of felony elder financial abuse. She was sentenced to 4 years probation, 120 days in county jail, and ordered to pay restitution to the victim.

People v. Amber White

White was employed at a local funeral home. Two elderly customers went to the funeral home to make their funeral arrangements, intending to spare their families the burden and expense. Once they made their decisions and prepared to pay for the services, they were instructed to make their checks out to White instead of the funeral home. White was convicted of felony elder financial abuse. She was sentenced to 4 years probation, 90 days in county jail, and was ordered to pay restitution to the victims.

mission

FRAUD DIVISION

Insurance fraud costs consumers an estimated \$80 billion per year nationwide or about \$950 per family. It's the second largest economic crime in America, exceeded only by tax evasion. The Amador County District Attorney's Insurance Fraud Unit has increased its efforts to meet the rise in widespread fraud in workers' compensation insurance and automobile insurance.

Workers' Compensation Fraud

The Workers' Compensation Fraud Unit prosecutes fraud by applicants, fraud by employers who willfully fail to obtain coverage or illegally deny employee benefits, and fraud by medical and legal providers. The Unit is led by Deputy District Attorney Armando Zambrano, who is assisted by DA Investigators Tom Sage and Mark Anderson. The Unit provides regular training for public agencies and employers and developed a training video in collaboration with the California Department of Insurance that is distributed statewide. Due to the Unit's success, it also prosecutes workers' compensation fraud cases in Calaveras and Placer County.

People v. Jeffrey Todd

Todd claimed injury to his shoulder while working and told the doctors his shoulder was "frozen" and that he was in extreme pain. Video surveillance showed Todd engaged in activities inconsistent with his claims. Following a 3-week trial, an Amador jury found Todd guilty of 3 felony counts of insurance fraud. Todd was sentenced to 4 years in state prison and ordered to pay \$69,292 in restitution.

People v. Steve Felter

Felter claimed an injury to his leg while he was employed as a correctional officer for the California Department of Corrections and Rehabilitation. He returned to work and filed a second claim, alleging an injury to his lower back while opening a roof hatch door at the prison. Felter told doctors that he was unable to perform certain physical activities and began receiving workers' compensation benefits. Surveillance video

from the investigation showed Felter lifting heavy objects, walking without any noticeable impairment, and other actions inconsistent with his claims. The investigation also revealed that he was concealing his employment as a car salesman during the same time he was receiving disability benefits. Felter pled guilty to two felony counts of insurance fraud. He was sentenced to 5 years formal probation, 100 days in jail, and ordered to pay \$112,700 in restitution.

People v. Nicole Leddy and Amy Looper

Two store managers from the Raley's/Bel Air supermarket in Roseville, California, discouraged injured employees from filing workers' compensation claims in order to maintain the store's injury-free record. The investigation revealed that in one instance an injured employee was given \$200 cash from the store fund to cover the co-pay from private insurance and another employee was instructed to inform her private doctor that an on-the-job injury had occurred at home. Leddy and Looper both pled no contest to insurance fraud. They were each sentenced to 3 years formal probation, 45 days jail, and fined a combined total of \$16,000.

People v. Renee Miller

Miller claimed she suffered a back injury while employed as a school bus driver for the Calaveras Unified School District. In a sworn deposition, Miller claimed she was unable to perform certain physical activities, such as bending, due to the alleged back injury. Undercover video showed her engaging in activities inconsistent with her claims, such as bending down, carrying large bags of aluminum cans, and vacuuming her SUV while on her hands and knees. Miller was convicted of two felony counts of insurance fraud. She was sentenced to 90 days in jail, placed on 4 years formal probation, and ordered to pay the school district \$26,917 in restitution.

REPORT SUSPECTED WORKERS' COMPENSATION FRAUD TO THE DA'S OFFICE AT: (209) 223-6562

enforcement

Automobile Insurance Fraud

The DA's Office operates an Automobile Insurance Fraud Unit which investigates and prosecutes automobile insurance fraud crimes. Fraud referrals come from a variety of sources, including the California Department of Insurance, the Bureau of Automotive Repair, CHP, DMV, automobile insurance companies, and local law enforcement. The Unit is led by Deputy District Attorney William Houle, who is assisted by District Attorney Investigator Gary Wooten.

People v. J.D. Lucas

Lucas, an ex-felon, stole a vehicle from San Joaquin County in order to dismantle and resell the stolen parts in Amador County. He pled guilty to operating a chop shop. Lucas was sentenced to 4 years in state prison.

People v. Mario Martinez

Martinez, an ex-felon, and two co-defendants initiated a high-speed police pursuit in a stolen vehicle. The pursuit began in Sacramento County and ended in a collision in Amador County. A jury found him guilty of felony vehicle theft and receiving stolen property. Martinez was sentenced to 7 years in state prison.

Welfare Fraud

The Welfare Fraud Unit is a collaborative effort between the DA's Office and the Department of Social Services. The Unit is responsible for investigating and prosecuting all aspects of public assistance fraud, including illegally receiving benefits for cash aid, food stamps, in-home support services, childcare, and housing. The Unit helps protect finite resources which are available to those who legitimately qualify for assistance. The Unit guards the public funds from fraud and abuse. Since its inception in 2000, the Unit has saved taxpayers over \$2,000,000.

People v. Angel Markey

Markey intentionally failed to report earned income to the Department of Social Services, thereby allowing her to receive welfare benefits to which she was not entitled. Markey's benefits stopped as a result of the investigation. She was convicted of felony welfare fraud. Markey was sentenced to 5 years probation and ordered to pay restitution.



REPORT SUSPECTED AUTOMOBILE OR WELFARE FRAUD TO THE DA'S OFFICE AT: (209) 223-6444

efficient

LIFER UNIT

Even though we are a small rural county office with limited resources, the DA's Office takes an active role in all parole hearings involving inmates who are serving a sentence of life in prison with the possibility of parole for crimes they committed in the county. The lifer inmates serving these sentences have committed brutal and heinous crimes. The DA's Office is dedicated to ensuring that lifers are not released back into society until all available evidence demonstrates they no longer present a risk to public safety.

Gina Sargent

On November 19, 1980, Ilana Sargent, Gina Sargent's step-daughter, was found by deputies to be unconscious. Sargent maintained that Ilana had fallen down the stairs, ate, took a shower, vomited, and passed out. The emergency room physicians were highly suspicious of Sargent's story given the numerous bruises and abrasions on the child and a large bruise on her forehead, which suggested a severe head injury. Ilana died on November 21, 1980, of acute cardiovascular collapse, secondary to massive cerebral swelling.

At trial, four doctors and a biomechanical engineer testified that the severe head injuries suffered by Ilana could not have been caused by a fall down the stairs. A forensic pathologist testified that he noted 97 scars on the body of Ilana, indicating prior physical abuse. Numerous witnesses reported having seen Sargent abuse Ilana and observed bruises on her while in Sargent's care. On the day Ilana was murdered, Ilana's paternal grandmother came to Sargent's residence requesting to see Ilana, but Sargent refused to let her enter. The emergency room physician who provided life support services for Ilana testified that if the child had been treated earlier in proximity to the injuries, they could have saved her. Medical personnel who came into contact with Sargent while Ilana was fighting for her life recalled her total lack of empathy for Ilana's condition. Sargent was found guilty of second-degree murder, corporal injury to a child and child endangerment, she was sentenced to 17 years to life in state prison.

It was not until 1998 that Sargent acknowledged any wrongdoing for killing Ilana. Up until that time, Sargent blamed the hospital medical staff for Ilana's death. She eventually admitted to routinely physically abusing Ilana over a 5-7 month period prior to her death. Sargent said that she pushed Ilana down the stairs, a story that was disproven at trial by medical and scientific testimony.

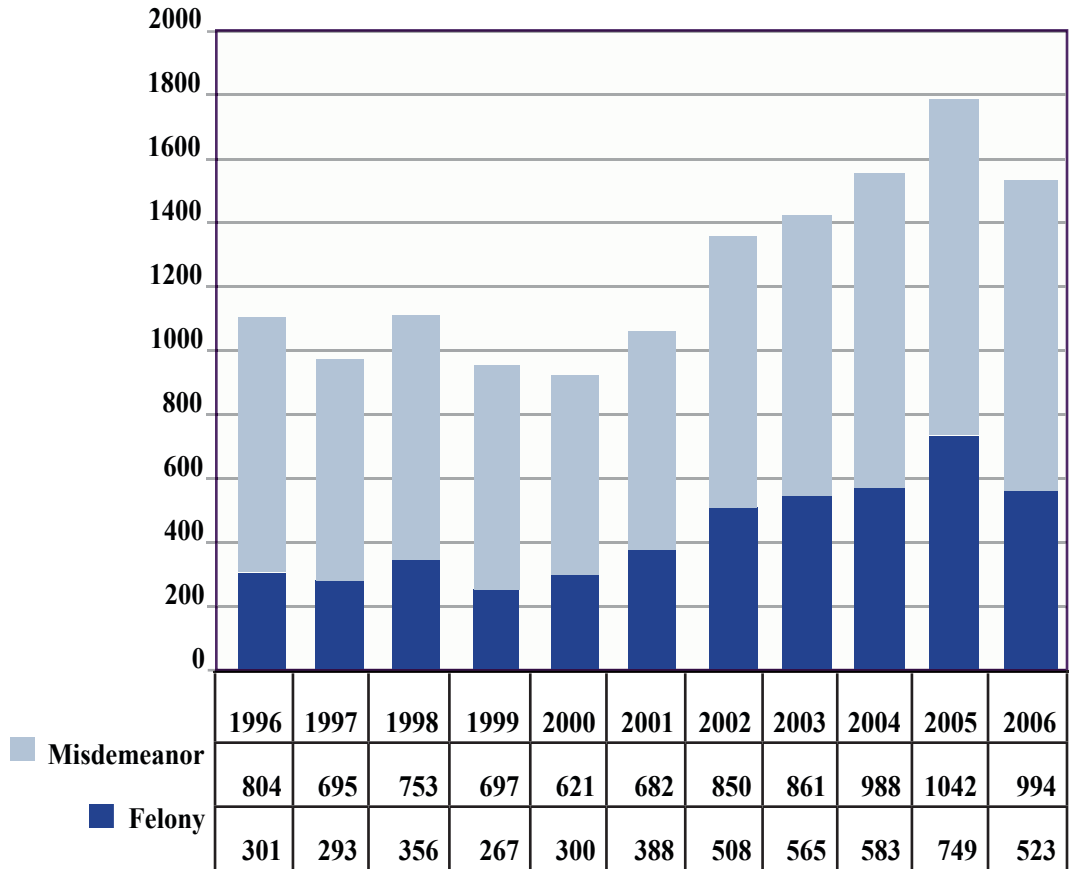
On December 19, 2007, Sargent was found suitable for parole, given her good performance within the institution and taking "full responsibility" for her criminal conduct.

Our office has asked the Governor to reverse Sargent's release upon parole based upon the severity, circumstances and extreme callousness of her crimes, her failure to admit how she killed Ilana, and her failure to offer any explanation or accept any responsibility for the inexcusable delay in reporting Ilana's injuries. The Governor's decision is still pending at the time of this writing.



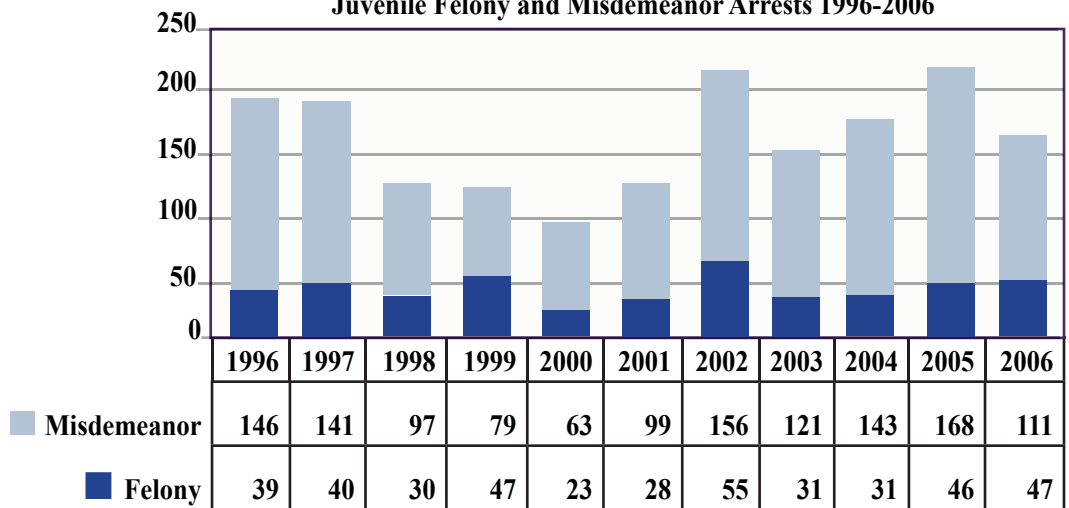
ADULT AND JUVENILE ARRESTS

Adult Felony and Misdemeanor Arrests 1996-2006



Source: California Department of Justice - Criminal Justice Statistics Center

Juvenile Felony and Misdemeanor Arrests 1996-2006



Source: California Department of Justice - Criminal Justice Statistics Center

VICTIM/WITNESS

Victim Advocates

The Amador County District Attorney's Victim/Witness Advocates are trained professionals with specialized knowledge of the criminal justice system, victimization, crisis intervention, cultural/ethnic diversity, and the Victim Compensation Program. Under the direction of Program Manager Harla Ward, the Advocates assist victims and witnesses through the aftermath of crime and help them locate and utilize resources to better their emotional, mental, and physical health. Victim/Witness services begin at the time of the crime and continue through the investigation and prosecution. Many services remain available to victims long after the case is concluded. During 2006, the Victim/Witness Office assisted 589 victims and witnesses. In 2008, the Amador County Board of Supervisors approved relocating the Victim/Witness Office to the courthouse property at 500 Argonaut Lane so that we can provide a higher level of service for victims and witnesses. Details on our moving date will be available soon.

Services For Victims and Witnesses

Crisis and Emergency Services - Our staff offers crime-related crisis counseling and emergency services, such as medical care and transportation. In some cases, financial assistance for relocation may be available.

Court Information - Dealing with the criminal justice system can be intimidating, confusing, and frustrating. Our staff can explain your rights as a victim or witness and provide information about the process of the criminal justice system.

Case Status - Our staff can give victims and witnesses current information about their court case, including the dates of court hearings and the final outcome of the case.

Court Support - Appearing in court can be a confusing, intimidating, and inconvenient experience. A Victim/Witness Advocate will accompany victims and/or family members to court proceedings for support and notify the court when scheduled court dates present a conflict for victims and witnesses.

Restraining Orders - When necessary, assistance is available to obtain appropriate restraining orders to protect victims and witnesses.



Referral Counseling - Our program is familiar with available local, state, and national resources and can provide specific information so that victims and their families can receive the professional help that they need.

Property Return - In some criminal cases, a victim or witness's personal property is held as evidence by law enforcement or by the court. Our staff can assist victims in the return of their property once the case is concluded.

Employer Intervention - Our staff can help a victim and/or witness's employer understand the emotional stress they may be experiencing, and may intercede with the employer to explain why the employee must miss work for court or other related reasons.

Victim Compensation Claims - Through California's Victim of Crime Program, victims and/or their families may be eligible for reimbursement for out-of-pocket expenses resulting from a crime. Medical and hospital expenses, lost wages, funeral expenses, mental health counseling, and job retraining or rehabilitation may be paid or reimbursed. Our staff will advise victims on their eligibility for the program and help prepare and submit claims to the state on their behalf.

Witness Fees - Witnesses who have been subpoenaed by the prosecution are entitled to a nominal fee and mileage reimbursement. Travel and other accommodations may be arranged through our program.

advocate

PUBLIC ADMINISTRATOR/CONSERVATOR/GUARDIAN

The DA's Office also acts as the Public Administrator/Conservator/Guardian (PA/PC/PG) for the County. The PA/PC/PG office is led by Chief Deputy Carolyn McDonald, assisted by Deputy Conservators Alex Wisner and Scottie Carr, Finance Assistant Dixie Sutton, and DA Investigators Jim Walshaw, Kevin Scott and David Kreps. The PA/PC/PG conducts the official county investigation into conservatorship matters. They also act as the legally appointed conservator or guardian for persons found by the court to be unable to properly care for themselves or their finances, or who cannot resist undue influence or fraud. Such persons may suffer from severe mental illness or are older, frail, and unable to take care of their daily needs.

Conservatorship of the Person

The conservator arranges for the client's care and protection, determines where they will live and makes appropriate arrangements for health care, housekeeping, transportation, and recreation.

Conservatorship of the Estate

The conservator manages the client's finances, locates and takes control of the assets, collects income due, pays bills, invests the clients money, and protects their assets.

Services Offered to Conservatees

The PC/PG can offer the following services to their clients:

- Case management including placement services
- Estate administration including money management and representative payee services
- Court appearances and reports
- Real and personal property management and safeguarding
- Mental health services
- Physical health services

Public Guardian

The DA's office acts as the county Public Guardian (PG) when ordered to protect the person or estate of an unmarried minor until their 18th birthday.

Representative Payee Program

The PC/PG oversees the Representative Payee Program, a voluntary money management program, where the following services are offered to clients:

- Collecting and managing benefits for the client
- Preparing a budget
- Paying the client's bills
- Providing spending money within the budget

Public Administrator's Office

The DA's Office acts as the county Public Administrator (PA). The PA investigates and may administer the estates of persons who die without a will or an appropriate person willing or able to act as administrator.

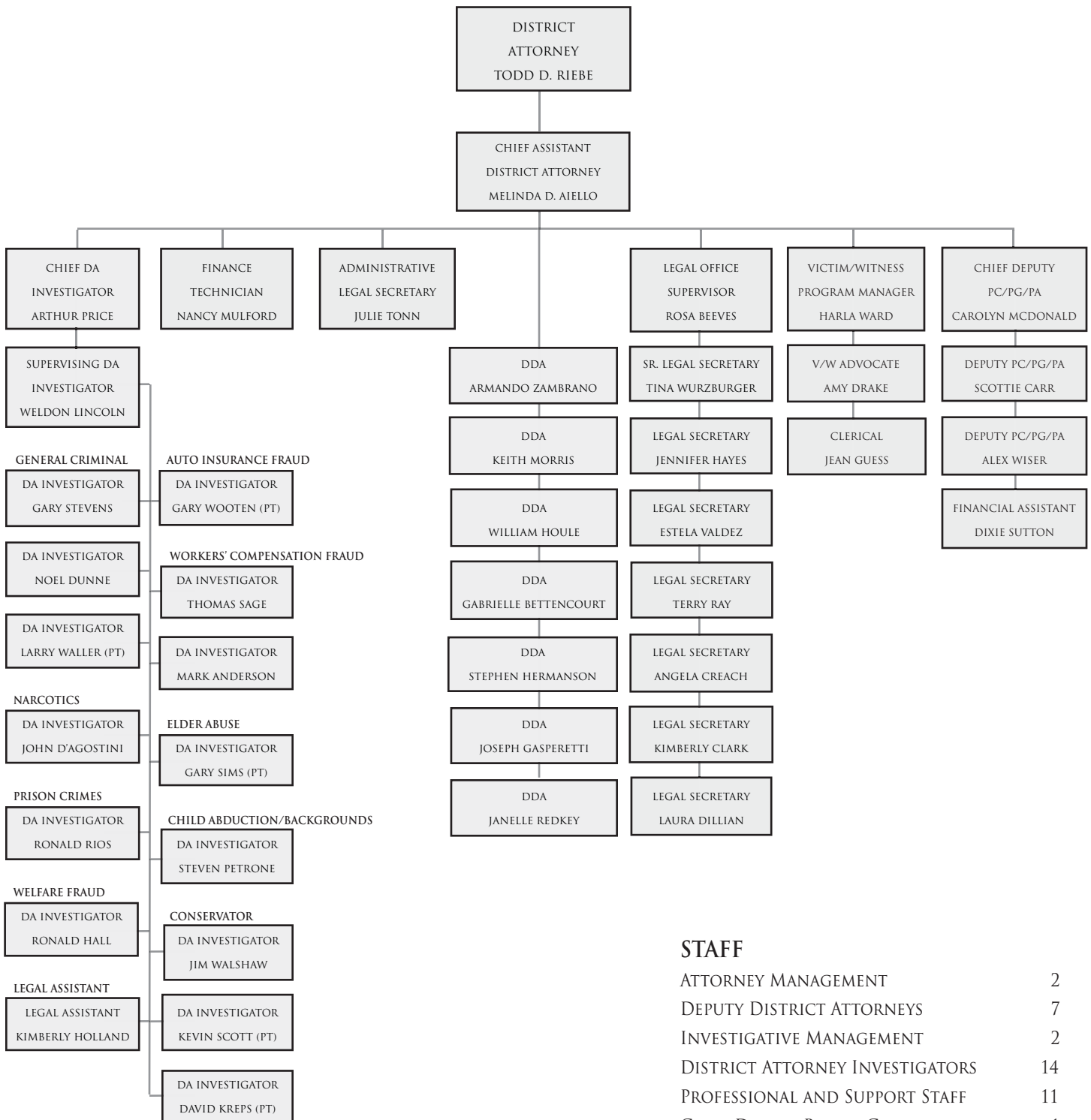
The PA has the same duties and functions as a private administrator including:

- Protecting decedent's property from waste, loss, or theft
- Making appropriate burial arrangements
- Conducting thorough investigations to discover all assets
- Ensuring the estate is administered according to the decedent's wishes
- Paying the decedent's bills and taxes
- Locating persons entitled to inherit from the estate and ensure these individuals receive their inheritance



community

AMADOR COUNTY DISTRICT ATTORNEY 2008 STAFF ORGANIZATION



STAFF

ATTORNEY MANAGEMENT	2
DEPUTY DISTRICT ATTORNEYS	7
INVESTIGATIVE MANAGEMENT	2
DISTRICT ATTORNEY INVESTIGATORS	14
PROFESSIONAL AND SUPPORT STAFF	11
CHIEF DEPUTY PUBLIC CONSERVATOR	1
DEPUTY PUBLIC CONSERVATORS/STAFF	3
VICTIM/WITNESS PROGRAM MANAGEMENT	1
VICTIM/WITNESS STAFF	2
TOTAL	43

teamwork

AMADOR COUNTY DISTRICT ATTORNEY'S OFFICE STAFF 2008



Photograph by Danica Olmstead of the Amador County Sheriff's Office

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Amador County Sheriff's Office	Ione Building Department	California Board of Chiropractic Examiners
Ione Police Department	Chamber of Commerce	California Division of Gaming Control
Sutter Creek Police Department	Amador County Animal Control	Employment Development Commission
Jackson Police Department	Child Protective Services	Department of Consumer Affairs
California Highway Patrol	Adult Protective Services	Department of Labor Standards
Mule Creek State Prison	Amador County Unified School District	California Attorney General's Office
Preston Youth Correctional Facility	Mother Lode Ombudsman	California Department of Justice
Pine Grove Youth Camp	East Bay Municipal Utility District	Fair Political Practices Commission
Amador Probation Department	Operation Care	California State Toxics
Amador County Counsel	Jackson Rancheria Casino & Hotel	Department of Automobile Repairs
Amador County Grand Jury	Amador County Superior Court	Alcoholic Beverage Control
Amador Social Services	Calaveras Superior Court	Department of Insurance
Amador Tobacco Reduction	Placer Superior Court	Department of Motor Vehicles
Amador Clerk-Recorder's Office	Auburn Building Department	California State Parole
Amador Water Agency	Lincoln Police Department	California Office of the Inspector General
Bad Check Program	U.S. Citizenship and Immigration Service	California Medical Licensing Board
Amador Senior Center	Social Security Administration	California Contractors State Licensing Board
Student Attendance Review Board	U.S. Office of Homeland Security	U.S. Attorney's Office
River Pines Public Utilities District	Colfax Building Department	U.S. Drug Enforcement Administration
Central Sierra Child Support Services	Calaveras County District Attorney's Office	U.S. Forest Service
Amador Code Enforcement	El Dorado County District Attorney's Office	U.S. Customs & Border Protection
Amador Environmental Health	Placer County District Attorney's Office	U.S. Bureau of Land Management
Amador County Building Department	Lincoln Building Department	U.S. Internal Revenue Service
Plymouth City Council	Placer County Building Department	Federal Bureau of Investigations
Amador City Council	Rocklin Building Department	California District Attorney's Association
Ione City Council	Tuolumne Joint Powers Authority	U.S. Secret Service
Jackson City Council	Calaveras County Building Department	Calaveras County Sheriff's Office
Sutter Creek City Council	State Compensation Insurance Fund	U.S. Department of Treasury
Jackson Building Department	California Department of Forestry	U.S. Environmental Protection Agency
Sutter Creek Building Department	California Department of Fish & Game	U.S. Postal Services

THE 2008 BOARD OF SUPERVISORS WHO CONTINUE TO MAKE PUBLIC SAFETY A NUMBER ONE PRIORITY

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PURSUING JUSTICE IN OUR COMMUNITY