

Geanene Yriarte Deputy District Attorney of the Month\March 2007

The DDA of the Month for March 2007 is Geanene Yriarte. Geanene graduated from Cal Poly Pomona in 1992 and Loyola Law School in 1997. She joined our office in 1997 and has been assigned to West Covina, East LA, Alhambra, Compton, Pomona, Pomona Juvenile and her current assignment, Central Hardcore Gangs.

Geanene is receiving the award based on her work in People v. Edgar Bautista. Bautista was a double murder retrial where the jury hung 8 to 4 for **not guilty**. After the first trial, the judge released the defendant on bail stating that she believed a finding of guilt against the defendant would be impossible. The judge openly criticized our office for retrying such a weak case. This was Geanene's first murder trial in her new assignment. Welcome to Hardcore!

Edgar Bautista was 15 at the time of the murders and a member of the Aztlan street gang. On September 27, 2004, he and another suspect went on a "mission" to kill a rival gang member in rival gang territory. Bautista and his accomplice walked into M.S. territory and saw the two males victims leaving an apartment complex. The defendant shot both of them in the back of the head. He fled without leaving any physical evidence linking him to the scene. After his capture, the defendant denied any involvement in the crime. Moreover, he significantly changed his appearance during the first and second trial to look like a picture perfect "school boy."

The case rested on the testimony of troubled teenage witnesses who were walking past the victims when the shooting occurred. No witness came to court and identified the defendant as the shooter. Her best witness identified the defendant from a photo-line-up but even that id was tentative.

The witnesses were all over the place in their statements about the crime. The main prosecution witness said the defendant shot while on a bicycle, when all other witnesses said that the shooter was on foot. The inconsistent statements, conflicting clothing descriptions, contradictory physical descriptions, and differing statements about the number of suspects involved were all issues Geanene had to address during the trial.

The main defense witness in the case was a middle aged social worker who had just completed an in-home visit. She was a very credible eyewitness. She stated that the defendant seated in court was not the shooter.

Geanene knew that the social worker was not lying but was mistaken and therefore used her cross-examination to corroborate the prosecution witnesses and create a plausible explanation for the inconsistencies that this witness's version brought to the table. Geanene's cross-examination effectively turned the social worker from a defense witness into a prosecution witness.

Another key to Geanene's case was her skillful use of her gang expert. Her expert explained that Bautista was a "soldier" who committed the crime while the "shot caller" watched to validate Edgar's promotion in the gang. Finally, Geanene's incredible PowerPoint pulled the case together in closing argument.

Geanene's strategy and skill turned an 8-4 Not Guilty jury into 2 first-degree murder convictions. The defendant was sentenced to 100 years to life.

Congratulations to Geanene on a fantastic victory!

APRIL ADDA BOARD MEETING BRINGS EXTENSIVE DISCUSSION OF PENDING LEGISLATION

I. Call to Order: Frank Tavelman, Senior Vice-President, began the regularly scheduled meeting of the Association of Deputy District Attorneys Board of Directors at 5:20p.m. on April 17, 2007. In attendance were Dennis Fuhrman, Steve Lopez, Sue Lasicka, Paul Moll, Guy Shirley, Loren Naiman, Mark Debbaudt, John Harrrold, Karen Rizzo, James Bozajian, Alan Yochelson, and Bruce Abraham. Also attending were Jacqueline Lacey, Janice Maurizi, Olivia Rosales, and Bea Dieringer. Chair's Update: ERCOM has finished its hearing and taken the matter under submission, with briefs due by June 1, 2007. Tavelman briefed the Board on the hearing.

II. Old Business

A. Approval of Minutes: The minutes were reviewed and approved without opposition.

B. HR 3900

I. Janice Maurizi spoke regarding opposition to HR 3900. Following discussion, the matter was referred to a subcommittee chaired by Tavelman to draft letter to the bill's author, Rep. David Drier. The letter will state that ADDA cannot support this legislation in its

present form, and cite specific issues that are problematic. Also participating will be Steve Ipsen, Sera Boyadjian, Alan Yochelson, and Guy Shirley.

III. New Business:

A. Bea Dieringer appeared and asked ADDA to purchase a \$250 advertisement in the program of the upcoming Los Angeles Bar Association's Criminal Law Section awards dinner. The advertisement will congratulate Head Deputy District Attorney David Demerjian's selection as prosecutor of the year. Following her presentation, a motion was duly made and passed, approving the expenditure.

B. Olivia Rosales appeared, seeking ADDA's endorsement of her Judicial application. Following her presentation, a motion was duly made and passed, to endorse her candidacy.

C. The Office's implementation of overtime was raised. The issue was referred to a committee for examination and recommendation. Sera Boyadjian, Frank Tavelman, Steve Ipsen, and Loren Naiman will participate.

D. Legislation: Various pieces of legislation were considered:

-SB 110: Would establish a Sentencing Com-

mission to tasked to rewrite California's sentencing laws. The Board voted 9-1 to oppose, 1 abstaining.

-SB 999: Would prohibit LWOP for defendants under 18. The Board voted to oppose 6-1, 3 abstaining.

-SB 996: Would allow victim's family members to make a statement when the defendant cancels a parole hearing. The Board voted to support, 7-0, 2 abstaining.

-SB 476: Extends statute of limitations for Manslaughter. The Board voted to support 7-0, 2 abstaining.

The meeting adjourned at 6:50 p.m.

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LETTERS TO THE EDITOR

Letters can be sent to
theverdict@sbcglobal.net

Editor's Note: Due to the efforts by the ADDA to seek certification as a bargaining unit, both AFSCME-UAPD (American Federation of State County and Municipal Employees-United American Physicians and Dentists) and SEIU (Service Employees International Union) have each expressed an interest in representing Deputy DAs. ADDA Board members have queried both organizations about their "track record" (i.e. what have they accomplished in past similar cases). Each organization has submitted letters for the consideration of rank and file DDAs

From SEIU, we have received the following letter:

March 27, 2007

From: Bob Hunt

Subject: Bargaining for the City Attorneys

You asked me to summarize the recent bargaining experience of attorneys in the Office of the City Attorney. There are about 500 rank and file attorneys [Deputy City Attorney I, II, III, IV and Assistant City Attorney] represented by the Los Angeles City Attorneys' Association (LACAA), which is affiliated with SEIU Local 721. I serve as the General Counsel of both SEIU Local 721 and LACAA.

The attorneys are excluded from the Civil Service system under the Los Angeles City Charter. The attorneys, however, do obtain tenure after two years of service. With tenure, the Office must use a "just cause" standard for any disciplinary action and the attorneys may challenge the discipline through binding arbitration. Since the attorneys are excluded from Civil Service, the entire promotional system is left to the discretion of the City Attorney.

The most recent Memorandum of Understanding (MOU) was negotiated in 2004. Some of the highlights of this agreement include:

- Ensured that progression from the DCA I level through the top step of the DCA III level was automatic [also known as "breaking down the walls"].

- Maintained the annual indexing of the health and dental insurance subsidies in the face of the City's efforts to cap the premium contribution amounts.

- Instituted a joint labor management process to address career advancement issues in the Office including the reinstatement of a regular

promotional process.

- Secured across the board salary increases of 6.25% over the last two years of the MOU.

A copy of the current MOU may be reviewed and downloaded at the LACAA web site [www.lacaa.org].

LACAA has also been involved in several other important matters since the negotiation of the MOU. LACAA recently negotiated a settlement in an unfair practice case which created a new policy for resolving disputes over involuntary transfers. Several individual attorneys have turned to LACAA for representation on individual labor relations issues. Finally, LACAA has worked to change the rhetorical climate in the Office from constant attacks on career deputies to public acknowledgement of their public service contributions.

LACAA will begin negotiations on a successor MOU within the next few months. The attorneys, like most other City employees, expect some recognition for their past willingness to work through financial difficulties. LACAA members are also seeking to further gains in the career advancement area as well as the benefit package.

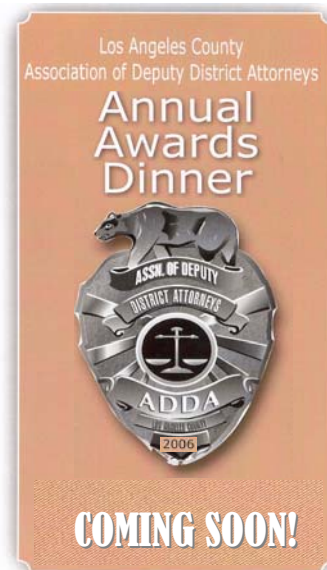
If you need further information, please let me know. I can be reached by e-mail [bbobh@seiu347.org].

From AFSCME-UAPD, we have received the following letter:

The Union of American Physicians and Dentists (UAPD) affiliated with AFSCME-AFL-CIO, is in the process of organizing approximately 710 physicians employed by the Department of Health Services, Sheriff, and Coroner in light of our legal victory in winning \$10.1 million dollars in back pay for those who lost Megaflex, Flex and 401K Plan benefits as a result of the County's unlawful actions in 2002 and 2003.

AFSCME secured legislation which made it an unfair labor practice for LA County to deprive employees of megaflex, simply because they organize into a union. In July of 2005, the Court of Appeals ruled that the County's unilateral removal of these benefits was a violation of Section 3504.5 of the Government Code (Meyers-Milias-Brown Act) and ordered the County to make the doctors "whole" for their losses.

The UAPD/AFSCME and the County agreed that the County owes \$10.1 million dollars to 673 physicians who lost money and benefits. Almost three hundred physicians have signed



2006 Deputy District Attorney of the Year: ? 2006 Career Achievement Award: ? 2006 District Attorney Investigator of the Year: ?
Look for Future Editions of ATTORNEY NOTES for details about nominating recipients and purchasing tickets!
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and returned Settlement and Release agreements required in order to receive the checks. But the back pay checks are only the first step in the UAPD/AFSCME plan to win collective bargaining rights for all County physicians.

Once a majority of physicians sign membership or authorization cards supporting the UAPD, the County is obligated under State law to recognize the UAPD as the bargaining agent for the physicians. Then the UAPD can negotiate a Memorandum of Understanding (MOU) with the County that improves the salaries, benefits, and professional working conditions of the physicians. The UAPD has been representing physicians and other professional healthcare employees in California for over thirty years, and we are confident that we can do the same for Los Angeles County physicians.

The UAPD and AFSCME supports the right of the Deputy District Attorneys to engage in collective bargaining with the County and stand willing to help in that effort in any way that we can. We look forward to working with you to advance the organization of professional employees of LA County. Thanks.
Joe Bader, UAPD/AFSCME

LATINO PROSECUTOR'S ASSOCIATION/FOUNDATION 2007 EVENTS: DODGER NIGHT!

This year's LPA/LPF schedule of events is well underway. On May 16, the LPA hosted yet another successful DODGER NIGHT as the Los Angeles Dodgers swung to victory over the St. Louis Cardinals. And coming this fall, the Mexican American Bar Association and the Latino Prosecutor's Association present an MCLE travel seminar in Guadalajara and Puerto Vallarta, Mexico. But next

up on the schedule will be the **LPF/LPA Hollywood Bowl Night**, a festive concert at the Hollywood Bowl featuring "Sgt. Peppers at 40 a Beatle's Celebration" Tickets will be available from LPA/LPF board members for \$55.00 (includes shuttle, appetizers and sangria)

The Guadalajara trip is currently set for October 13 through October 21st. MCLE topics will include extradition, immigration consequences from criminal cases and ethics. Spaces for the trip are limited and will be on a first

come first served basis to 110 participants. The approximate price of \$1,500 will include roundtrip airfare, as well and accommodations in both cities. The price also includes ground transportation along with the MCLE courses. The MCLE courses are relevant to criminal prosecution. In addition, we will be meeting and visiting Mexican officials, lawyers and judges. Call the MABA Office Today at (21) 749-2889 or Efrain Aceves at (562) 822-6784

(below, left to right) Manny Garcia, Carlos Vazquez and Roy Delgado and Maria Palomino



(below, left to right) Vaughan Greenwald, Phil Glaviano and Dayan Mathai



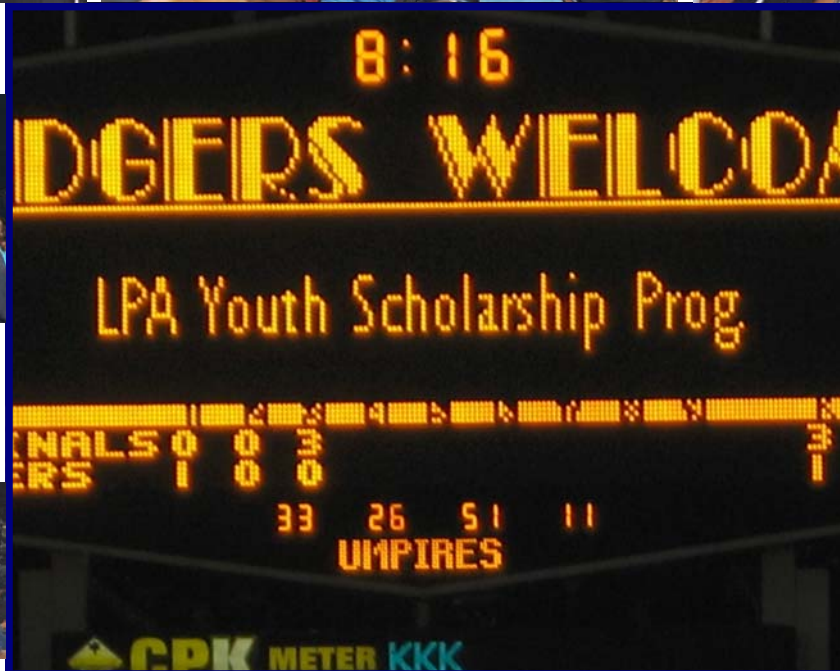
(below left to right, back row) Benny Osorio, Steve Ipsen and Norm Heron (front row) Phil Glaviano, Dayan Mathai,



(below, left to right) Juan Mejia and Gloria Marin



(below, top to bottom) Mario Trujillo, Maria Ramirez, Olivia Rosales and Shelley Dominguez



(below, left to right) Alan Yochelson and Dave Demerjian




(below, left to right) Steve Ipsen and Phil Stirling



(above, left to right) Michael Yglecias and Leonard Torrealba



(to the left) (top row) May Chung, (middle row) Phil Glaviano, Shelley Dominguez, Olivia Rosales and Maria Ramirez, (bottom row) Dave Demerjian



Crime Survivors, Inc.



Exchange Club's of Orange County

- Corona Del Mar
- Internet
- Long Beach
- Millennium
- South Orange County
- Tri City
- University

Annual
"No Putting Around"
 Miniature Golf Tournament

Sunday, July 29, 2007

1PM - 4PM
 Check in 12PM - 1PM

Boomers! Irvine
 3405 Michelson Dr.
 Irvine, CA 92612




Exchange Club's of Orange County

Mission Statement

Exchange, America's Service Club, is a group of men and women working together to make our communities better places to live through programs of service in Americanism, Community Service, Youth Activities, and its national project, the Prevention of Child Abuse.

To find the nearest club, log onto the national web site for meeting days and times.

www.calhawnevexchange.org



Crime Survivors, Inc.
 "All victims of crime have the right and responsibility to survive"

Vision

Crime Survivors vision is for victims of crime to recover from their experience mentally, physically, emotionally, and financially, by receiving respect, support, and protection from law enforcement, the judicial system, and the community.

Mission Statement

The mission of Crime Survivors is to ensure the public knows victims' rights and needs and to provide resources, support, and information to empower crime victims to survive and thrive.

www.crimesurvivors.com

