

## DETERMINATION & DILLIGENCE EARNS DIERINGER DDA OF THE MONTH FOR JANUARY 2007

Beatriz Dieringer received a Bachelor of Arts degree in Law Enforcement from the University of Maryland, and graduated from American University Law School. She joined the District Attorney's Office in 1980. Beatriz is currently assigned to the Welfare Fraud Division, and has previously worked at various locations throughout the County during her lengthy tenure with our office. She also served as an attorney for the U.S. Justice Department from 1978 to 1980.

Beatriz is receiving the Deputy District Attorney of the Month award for demonstrating extraordinary perseverance in prosecuting the ghastly sexual assault case of *People v. Fernando Maldonado*, which was successfully concluded after a 16-year legal odyssey. The crimes occurred in Los Angeles in 1991. The two female victims were kidnapped at gunpoint by the defendant and another male suspect and forced to drive to the defendant's apartment. Once there, two other male perpetrators joined them. For the next six hours, the four men repeatedly raped and committed other violent sexual offenses against their victims. Two of the suspects were never arrested and brought to justice. One of the criminals, Julian Chacon, was apprehended later that year. Beatriz was assigned to the case in 1993, and tried Chacon in 1994. After being convicted by a jury of numerous crimes stemming from the incident, Chacon was sentenced to 225 years in State Prison.

The case then lay dormant until 2002, when Maldonado was finally arrested. By that time, Beatriz was assigned to Welfare Fraud. Understanding that her familiarity with this complex case would be a tremendous asset, and despite maintaining a heavy caseload, she unhesitatingly volunteered to handle Maldonado's prosecution. Beatriz tried Maldonado before a jury in October and November of 2006. The case presented several difficulties, some of which were magnified by the considerable passage of time. While the two victims had understandably

been highly traumatized, they had never been more than marginally cooperative with the prosecution and were only tentative regarding many of the details involved. The Los Angeles Police Department had inexplicably lost all of its records pertaining to the case. There were traces of cocaine found in fluids taken from the victims, a fact which bolstered the defense's contention that the matter involved a consensual sexual encounter in exchange for drugs. The case also generated a substantial amount of scientific evidence presented by dueling expert witnesses on both sides. In the end, Beatriz' determination and dedication to her case was rewarded. The defendant was convicted of 100 of the 101 counts he was charged with, along with a total of 320 special allegations. In January 2007, he was sentenced to 862 years in State Prison, one of the lengthiest terms ever meted out for such offenses committed before revisions to sex crime statutes were enacted more than a decade ago.

Jane Blissert, Head Deputy of the Sex Crimes Division when the Maldonado case was tried, observed: "The passion, commitment, and perseverance which Bea Dieringer demonstrated in her tireless pursuit of justice is both exceptional and typical. Bea handled this case for a period of time spanning more than 10 years with unflagging energy and determination, seeing it through to its impressive conclusion. It is typical for Bea to apply the same high level of diligence, intelligence, and drive to all of her endeavors. She is deserving of recognition both for her outstanding work on the Maldonado case and for the example that she sets for the rest of us. The District Attorney's Office is fortunate to have the benefit of her talent and tenacity." We quite agree.

*DA of the Month Committee member (and ADDA Board Member) DDA James Bozajian authored this summary and made this presentation.*

## PERSISTENCE & FORTITUDE EARN GEOFF LEWIN DDA OF THE MONTH FOR FEBRUARY 2007

Geoff is receiving the award of D.A. of the Month for his outstanding work in *People v. Sammy Lozano*. Geoff is a valued member of the Compton Branch Office where he works very hard and tries case after case.

Geoff graduated from the University of Washington Law School in 1991 and subsequently clerked for federal and Washington State judges. He then went to film school at UCLA. Following his stint in film school, he became a prosecutor in the Hawthorne City Attorney's office and, in 1999, he joined the Los Angeles District Attorney's Office. Geoff has worked in JSID, Airport Branch, and now Compton. Just to show that art imitates life, Geoff also writes situation comedy material for NBC and Warner Brothers.

The *Lozano* case involved the attempted murder of two innocent people who had the bad luck of driving on the 405 freeway at 2:30 a.m. on November 14, 2004. The defendant did not know the victims, but decided to fire a gun into their car. The gunfire shattered the front windshield. The victims drove away as fast as they could with the defendant right on

their tail. The defendant was so intent on shooting these two people that he drove through a non-paved portion of the 405/110 interchange to ram the victims' car.

The case had identification and 3<sup>rd</sup> party culpability issues. The main witness in the case was subsequently arrested on wholly unrelated drug charges. This same witness ended-up in a mental health facility following six suicide attempts. Although he testified in the first trial, he was not available for the subsequent retrials. Numerous problems relating to this witness were most likely the cause of two earlier juries hanging 11-1. In addition, the firearm in this matter was not held for prints or ballistics, although it was seized at the crime scene.

A third trial was approved and Geoff went to battle once again with infamous defense attorney Matthew Fletcher. Mr. Fletcher used every trick in his book to make all three trials as difficult as possible for Geoff. On the third trial his conduct was outrageous. He persisted in vicious personal attacks against Geoff both on and off the record. He was so aggressive

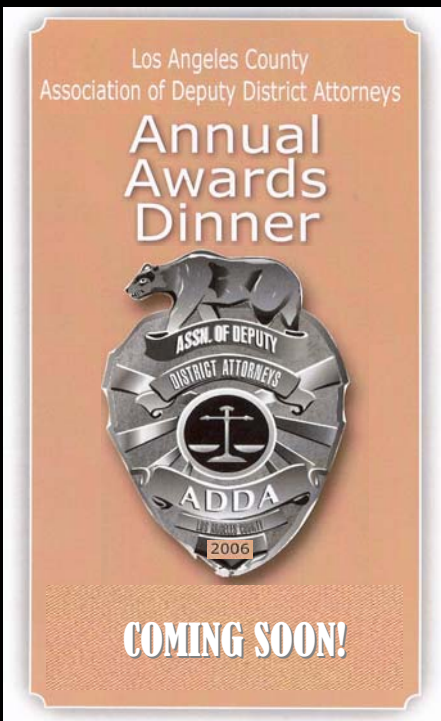
that a District Attorney Investigator had to be assigned to sit with Geoff during the trial. The bailiff in the court had to hit the panic button on several occasions because of the aggressive behavior of the defense attorney.

In spite of all this, Geoff remained calm, deliberate and professional. He overcame the attacks and convicted the defendant of two counts of attempted murder and two counts of assault with a firearm.

In addition to his outstanding work in this case, Geoff tried more cases in the Compton Branch than any other lawyer. In fact, he spent most of 2006 in trial. He has a great reputation for taking on difficult and unusual cases. Geoff also acts as a mentor to new attorneys, providing encouragement and hands-on assistance. He is truly an asset to our office and well-deserving of recognition as Deputy D.A. of the Month.

*The editor wishes to thank Assistant Head Deputy Lydia Bodin of the Compton Branch Office for this article.*

1986 Deputy District Attorney of the Year: Sterling "Ernie" Norris; 1987 Deputy District Attorney of the Year: David Ross; 1988 Deputy District Attorney of the Year: Harvey Giss; 1989 Martin; 1990 Deputy District Attorney of the Year: Stephen Kay; 1992 Deputy District Attorney of the Year: Patrick Dixon; 1993 Deputy District Attorney of the Year: David Conn; 1994 Deputy District Attorney of the Year: Al MacKenzie; 1995 Deputy District Attorney of the Year: Anne Ingalls; 1996 Deputy District Attorney of the Year: Robert Schirn; 1997 Deputy District Attorney of the Year: Larry Morrison; 1998 Deputy District Attorney of the Year: Darren Levine; 1999 Deputy District Attorney of the Year: Kevin McCormick; 2000 Deputy District Attorney of the Year: Benny C. Osorio; 2001 Career Achievement Award: Roderick W. Leonard; 2002 Career Achievement Award: Jeffrey E. Bowers & Robert A. Dver; 2003 District Attorney Investigator of the Year: David Torres; 2004 District Attorney Investigator of the Year: David Torres; 2005 District Attorney of the Year: David Ross; 1986 Deputy District Attorney of the Year: David Ross; 1987 Deputy District Attorney of the Year: Elliot Alhadeff; 1988 Deputy District Attorney of the Year: Harvey Giss; 1989 Deputy District Attorney of the Year: Elliot Alhadeff; 1990 Deputy District Attorney of the Year: Stephen Kay; 1991 Deputy District Attorney of the Year: William Hodgman; 1992 Deputy District Attorney of the Year: Shellie Samuels; 1993 Deputy District Attorney of the Year: Patrick Dixon; 1994 Deputy District Attorney of the Year: Al MacKenzie; 1995 Deputy District Attorney of the Year: David Conn; 1996 Deputy District Attorney of the Year: Anne Ingalls; 1997 Deputy District Attorney of the Year: Laura Rosenthal; 1998 Deputy District Attorney of the Year: Robert Schirn; 1999 Deputy District Attorney of the Year: Larry Morrison; 2000 Deputy District Attorney of the Year: Darren Levine; 2001 Deputy District Attorney of the Year: Kevin McCormick; 2002 Deputy District Attorney of the Year: Michael Camacho; 2003 Deputy District Attorney of the Year: Benny C. Osorio; 2004 Deputy District Attorney of the Year: Michael Camacho; 2005 Deputy District Attorney of the Year: Benny C. Osorio; 2001 Career



Deputy District Attorney of the Year: Robert Year: Elliot Alhadeff; 1991 Deputy District Attorney of the Year: William Hodgman; 1992 Deputy District Attorney of the Year: Shellie Samuels; 1993 Deputy District Attorney of the Year: Al MacKenzie; 1994 Deputy District Attorney of the Year: Anne Ingalls; 1995 Deputy District Attorney of the Year: Robert Schirn; 1996 Deputy District Attorney of the Year: Larry Morrison; 1997 Deputy District Attorney of the Year: Darren Levine; 1998 Deputy District Attorney of the Year: Kevin McCormick; 1999 Deputy District Attorney of the Year: Benny C. Osorio; 2000 Deputy District Attorney of the Year: Michael Camacho; 2001 Career Achievement Award: P. Philip Halpin; 2002 Career Achievement Award: Dinko Bozonas; 2003 Career Achievement Award: Ronaldorney Investigator of the Year: George Mueller; Diane Kirby-White; 2004 District Attorney Investigator of the Year: Laurie of the Year: Sterling "Ernie" Norris; 1987 Deputy District Attorney of the Year: Harvey Giss; 1988 Deputy District Attorney of the Year: Robert Martin; 1989 Deputy District Attorney of the Year: Elliot Alhadeff; 1990 Deputy District Attorney of the Year: Stephen Kay; 1991 Deputy District Attorney of the Year: William Hodgman; 1992 Deputy District Attorney of the Year: Patrick Dixon; 1993 Deputy District Attorney of the Year: Al MacKenzie; 1994 Deputy District Attorney of the Year: David Conn; 1995 Deputy District Attorney of the Year: Anne Ingalls; 1996 Deputy District Attorney of the Year: Robert Schirn; 1997 Deputy District Attorney of the Year: Larry Morrison; 1998 Deputy District Attorney of the Year: Darren Levine; 1999 Deputy District Attorney of the Year: Kevin McCormick; 2000 Deputy District Attorney of the Year: Michael Camacho; 2001 Career

**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! INTERESTED in VOLUNTEERING for the Awards? Email to [tavelman@hotmail.com](mailto:tavelman@hotmail.com) or [theverdict@sbcglobal.net](mailto:theverdict@sbcglobal.net)**

## COLLEAGUES GATHER TO REMEMBER DDA JEFF SEMOW

Friends of Jeffrey Semow gathered on April 12, 2007, at the Royal Claytons in Downtown Los Angeles to remember Jeff and trade their favorite Semow stories. Jeff passed away on Sunday, March 17, 2007 at the age of 58. Jeff joined the office as a Deputy District Attorney after earning an undergraduate degree from UCLA and a JD from the USC. He served as a Deputy District Attorney for more than 33 years. Always quick with a quip and never at a loss for words, he



was the colleague you turned to when you needed both good advice and a good joke. He was a good person, a brilliant prosecutor and a good friend. Jeff, you will be missed.

*This collage was prepared by Student Worker Yuli Thio of Trial Support for Jeff's Gathering*

## LETTERS TO THE EDITOR

Letters can be sent to [theverdict@sbcglobal.net](mailto:theverdict@sbcglobal.net)

**From: Sean & Ron Smalstig**

My son, Sean and I would like to thank everyone who sent or expressed their condolences for the passing of my wife Cathy. Our hearts are broken but with friends and colleagues we will get through this horrible nightmare. Once again our heartfelt thanks to everyone,

May god bless.

Sean & Ron Smalstig

DDA Russell "Rusty" Moore, (San Fernando Branch) carries the baton for the Invitational Mixed Team (DDAs) during the notorious "leg 3." Because it's almost all uphill, this 8.2-mile leg is considered the hardest in the relay.



The Higgins family rises to the challenge: (left to right) DDA Casey Higgins, Head Deputy Tom Higgins and Senior Law Clerk Corey Higgins, pose for a family photo.



ADDA Board of Directors Member Alan Yochelson smiles and waves as he drives the Baker to Vegas Team Support Vehicle.



(BELOW) THE LADAI RELAY TEAM!: (Standing) Brian Hale, Jesse Prieto, DA Steve Cooley, William Brown, Dominick Rivetti, Mark Cenovich, Mike Daly, Art Munoz, Gary Schram, Hector Alvarado. Jennifer Martin, Armand Alvarado. (Kneeling and Squatting) Richard Aloise, Omar Annabi, Jeffrey Bishop, Iaya Williams, Jay Chapman



## "Casa Sin Nombre"

Attorneys, Investigators and Support Staff Reach South of the Border to Help Those in Need.

### DONATIONS NEEDED!

On May 19-20, 2007, Attorneys, Investigators and Support Staff from the LA County DA's Office will be traveling to Tijuana, Mexico to build a home for a family in desperate need.

This is the second house built by members of the DA's office. The first house was built in 2005. It was funded by the Jemison award and became known as "Casa de Jemison." That house was built for a family of nine who were living in a one room shack on a dirt floor. Their bathroom was located on a hill behind the house. It consisted of a bucket with a blanket draped around it.

This house is being funded by private donations as well as proceeds from a Mother's Day cheesecake and plant sale. The cost of the house is \$6,200. Currently, they have received \$4,600 in donations. As of now, the house has been affectionately called, "Casa Sin Nombre" (house without a name). One of the organizers of the trip, Mike Daly believes once they meet the family they are building for, the house will be named.

The Daly's view this trip as an amazing opportunity. Melissa Daly said, "It's a privilege to go down there. These people are only thirty minutes south of the border and are living in complete poverty. In 48 hours we can build a house for \$6,200 and change their lives. The family we build for is always grateful. But when I leave Mexico, I always come away from there thinking, I got way more out of it then they did."

The LA team is partnering with Baja Christian Ministries (BCM). They will pour the concrete foundation before the team arrives and will have all the building supplies at the job site upon the team's arrival. Donations to "Casa Sin Nombre" are welcomed and encouraged. Checks should be made Baja Christian Ministries, and any check payable to BCM would be tax deductible. The memo line should indicate "LADA."

The Latino Prosecutor's Association recently donated \$250 and an anonymous LPA/LPF Board member matched the \$250 donation for a total of \$500.

"This is such a wonderful cause and we encourage all DDA's to help this noble endeavor" said LPA President DDA Leonard Torrealba.

## MARCH 2007 BOARD MEETING BRINGS TALKS WITH UNION REPS AND ADMINISTRATION. BOARD ALSO DISCUSSES DISPOSITION OF ACTUARIAL STUDY FUND.

The ADDA Board of Directors Meeting for March 2007 was held on March 20, Board of Directors Members (Brd. Mmbrs.) Ipsen, Yochelson, Naiman, Nison, Fuhrman, Lopez, Lasicka, Debbaudt, Boyadian, Dodd, Harrold and Mesropi. From the Administration Assistant District Attorney (ADA) Jackie Lacey and Director (Dir) Jan Maurizi attended.

ADA Jackie Lacey reported on the following issues submitted at our last meeting. Civic Center Parking: Steve Cooley has sent a written request to CAO today to request increase of the stipend from \$70 to \$200. Security screening in the Branches: Letter written on March 16, 2007 from Judge Czuleger says that he won't extend expedited entry to support staff in CCB. We are in the process of surveying how the Branches are working their entry at this point.

Performance Evaluations: Dir. Pam Booth has been designated the Trainer for Head Deputy's. She has a 15 – 20 minute PowerPoint presentation that she can show us. She'll will be off during our April meeting. We spoke about having her attend our May meeting. We also discussed setting a special meeting date to see her presentation. ADA Lacey said that Dir. Booth would be open to suggestions, and that May was not too late for us still to have input into the new PE.

Promotions: Three Grade V DDA's are retiring, and three people will be promoted to Grade V shortly. Budget requests for more Grade IV and Grade III spots have been made. New budget year starts in June. Generally management waits for 20 in-grade vacancies before making promotions. Grade IV list is still very viable. The Grade III list is now down to Band II, although they are not presently thinking of killing the list, the small number makes it less viable.

Dir. Jan Maurizi attended the meeting. Due to scheduling concerns, her matter was delayed until the April meeting.

DDAs Jeff Gootman and Gail Ehrlich asked for and received the

board's endorsement for their application to become a judge.

Karen Rizzo was present at the meeting. Two Board members, Christon Gullon and Tal Kahana have indicated they can no longer perform their Board duties and have submitted their resignations. A Motion was made and Passed to have DDA Karen Rizzo (San Fernando Branch) fill one of these vacancies.

Members of two national unions presented their organizations to the board in an effort to have us ultimately sign up with them for representation in collective bargaining. Service Employees International Union (SEIU) Local 721 Leadership representatives Bart Deiner, Bob Hunt and John Tanner were present. So were Joe Bader and Leslie Simons from the American Federation of State, County and Municipal Employees (AFSCME) and the Union of American Physicians and Dentists (UAPD), rivals to SEIU, .

A Motion was made and Passed to write a letter to each of the DA's that sent money to the "Safety Retirement Fund" effort to notify them that we "may" use some of the money earmarked for the safety retirement actuarial study for safety retirement education instead. The letter would allow them to "opt" out of allowing their contributions to be used for purposes other than doing a Safety Retirement actuarial study. No expenditure from the fund would be made without a future board vote and dissemination of the letters to contributors. A second Motion was made and Passed to have a draft of the opt-out letter circulated among Board members via our private e-mails for approval.

A Motion was made and Passed to extend until the end of April our bargain ADDA dues of two years for \$60.

### After discussion of other business the meeting was adjourned

*This text and content of this article is excerpted from the Minutes of the 2007 March ADDA Board meeting, prepared by ADDA Board Member Sue Lasicka substituting for ADDA Secretary Bobby Grace.*

## ERCOM HEARING Cont.

*(Continued from page 2)*

This class of employees is ineligible to receive overtime, but not required to account for all workweek hours on an hour-for-hour basis. But during the April 16 hearing Garisi abandoned this argument. During a break, Garisi stated that DDAs, like DAPDs and DPDs, are nonsalaried and exempt employees. When observers noted to Garisi that DAPDs and DPDs were treated as "salaried and exempt" employees, Garisi explained that the classification is administered differently in each Department, and that the CAO would seek to end any treatment in PD and APD offices that allowed DAPDs and DPDs to be supervised as "salaried and exempt."

Next, Garisi attempted to spackle over the deep chasm between DDAs and DPDs, detailed by the ADDA's witnesses. Witnesses testifying on behalf of the ADDA's

petition had demonstrated differences between DDAs and DPDs that were related to their beliefs and duties. As the SEIU's Bart Deiner had acknowledged, "[W]e heard loud and clear from DDAs that their position in the justice system put them at odds with PDs."

Garisi's drew support from an unlikely source. Garisi called to the stand Director John Paul Bernardi of the Bureau of Prosecution Support Operations. Bernardi's duties include supervising the Training Division and the Appellate Division, which includes the Professional Responsibility Unit and the Brady Compliance Section.

In response to a line of questions from Garisi, Bernardi quickly detailed similarities between DDAs and other county lawyers, such as education and licensing.

When queried as to whether DDAs were considered law enforcement, Bernardi seemed to equivocate, saying "law enforce-

ment is kind of a broad term. If your saying, 'are we peace officers?,' no. We're not peace officers. But law enforcement in the sense that we're part of the enforcement of criminal justice in a broader sense, which would bring in the criminal courts too. Yeah." Bernardi then smiled and said "You might say we think of ourselves as law enforcement. Yes."

But, after further questioning Bernardi added, "DDAs do not arrest." Bernardi then discounted the importance of DA badges, noting "It's primarily symbolic. It's a form of identification that is more readily recognized by those in law enforcement circles . . . [t]hat's all it is."

Garisi concluded his examination by exploring the operation of the 9/80 program in the DA's office. In response to Garisi's inquiry, Bernardi stated "It's just in the civic center area. Most Deputy District Attorneys can request a 9/80 schedule, assuming it does not interfere with the normal operation of the office."

*(Continued on page 11)*