

# RIVERSIDE LAWYER

February 2015 • Volume 65 Number 2

MAGAZINE

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The official publication of the Riverside County Bar Association

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# RIVERSIDE LAWYER

MAGAZINE

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# MISSION STATEMENT

## Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

## RCBA Mission Statement

The mission of the Riverside County Bar Association is:  
To serve our members, our communities, and our legal system.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

*The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 and single copies are \$3.50.*

*Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the Riverside Lawyer.*

*The material printed in the Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.*

# CALENDAR

## February

- 11 Criminal Law Section**  
Noon – 1:15 p.m.  
Speaker: Judge Becky Dugan  
Topic: “Proposition 47”  
RCBA Building – Gabbert Gallery  
MCLE
- 17 Family Law Section**  
Noon – 1:15 p.m.  
RCBA Building – Gabbert Gallery  
Speaker: Judge Jack Lucky  
Topic: Family Law Court Update for 2015”  
MCLE
- 18 Estate Planning, Probate & Elder Law Section**  
Noon – 1:15 p.m. – RCBA Gabbert Gallery  
Speaker: Richard A. Gaines, Esq.  
Topic: “Building Foundations for Success in Dysfunctional Families”  
RSVP by 2-17 to 951.682.1015  
Lunch provided, courtesy of Law Office of Cheri Brettmann, to those that respond by the deadline  
MCLE
- Landlord/Tenant Law Section**  
6:00 p.m. – 8:00 p.m.  
Cask ‘n Cleaver, Riverside  
Speaker: Paul Goodwin, Esq.  
Topic: “New Laws on Rentals and Unlawful Detainers”  
MCLE
- 19 Solo/Small Firm Section**  
Noon – 1:15 p.m.  
RCBA Gabbert Gallery  
Speaker: Tom Bernath, Ticor Title  
Topic: “The Ins and Outs of Title”  
MCLE
- 20 General Membership Meeting**  
Noon – 1:15 p.m.  
RCBA Gabbert Gallery  
Speaker: District Attorney Michael Hestrin  
Topic: “Update on the District Attorney’s Office”  
MCLE
- 23 CLE Civil Procedure Before Trial**  
Noon to 1:15 p.m.  
RCBA Gabbert Gallery  
Speaker: Susan Exon  
Topic: “Managing Client Expectations in Mediation: An Ethics Primer”  
MCLE – 1 hr Ethics  
Brown Bag
- 27 Immigration Law Section**  
Noon – 1:15 p.m.  
RCBA Gabbert Gallery  
Speaker: Kelly O’Reilly, Esq.  
Topic: “Obama’s Executive Orders: An Immigration Reform Update”  
MCLE

## March

- 3 CLE Civil Procedure Before Trial**  
Noon – 1:15 p.m.  
RCBA Gabbert Gallery  
Speaker: Judge Richard T. Fields  
Topic: “Basic Trial Preparation”  
MCLE  
Brown Bag





by Chad W. Firetag

## To Kill a Mockingbird

This profession demands a lot from us as attorneys. High pressure, late nights and demanding clients make it the kind of profession that can be at times very difficult. I touched on this in one of my earlier President's Messages when I wrote about my desire that my sons become attorneys. While I still think it would be great if they did, make no mistake, I know this is a very tough business.

In fact, it is the kind of business that quite frankly can be downright unpleasant. But people need us. When business partners have a dispute, they come to an attorney. At stake may be property, money and businesses. There could be dozens if not hundreds of jobs in jeopardy, people with families to support and mortgages to pay. The burden to solve these problems is placed in the lawyer's lap.

When families are in trouble we are needed. Think about family law lawyers and their clients. These clients are often so angry at the other spouse that their judgment are blurred and clouded. The lawyer is charged

with the duty to sort out the nasty mess that is oftentimes created by the parties themselves.

When people are in trouble with the law or have been hurt by others we are needed. We in the criminal bar also have stories of stressful clients and difficult litigants. I think of prosecutors who have to look at victims of families who have been ravaged senselessly by a criminal defendant. Talk to a district attorney who prosecutes child abuse cases and they will tell you about the hurt they see on the faces of the children and their parents.

On the other side of the coin are the public defenders and private defense attorneys who feel the tremendous burden of ensuring that their clients are respected by the system and treated fairly. I know of the pressures of running a business and the pressures associated with defending the criminally accused. I have listened to cries of mothers hoping that their young son won't spend a lifetime behind bars.

The stress that I feel, and something that I believe is applicable to all lawyers, reminds me of a passage from *To Kill A Mockingbird* by Harper Lee. Given that this month's edition focuses on criminal law, a discussion of this book seems most apropos.

As most people know, it tells of the story of a Southern lawyer, Atticus Finch, who is appointed to represent Tom Robinson, a black man accused of raping a white woman. When the town learns that Atticus is going to defend Tom Robinson as vigorously as possible, many are incensed. However, even though Atticus does a masterful job showing that Tom Robinson is innocent of the crime, Tom is convicted anyway.

Shortly after Tom Robinson is convicted, Atticus is at home with his family. Although he is despondent and frustrated by the conviction and the prevailing racism prevalent in his community, Atticus reflected on the events that just occurred. When Atticus' son, Jem, spoke about the trial and the conviction to Miss Maudie, a neighbor of the Finch family, Miss Maudie explained to Jem about the difficulty of what it means sometimes to be a lawyer. In the 22nd chapter, we find this poignant passage:

Suddenly she spoke: "Don't fret, Jem. Things are never as bad as they seem."

---

Indoors, when Miss Maudie wanted to say something lengthy she spread her fingers on her knees and settled her bridgework. This she did, and we waited.

“I simply want to tell you that there are some men in this world who were born to do our unpleasant jobs for us. Your father’s one of them.”

“Oh,” said Jem. “Well.”

“Don’t you oh well me, sir,” Miss Maudie replied, recognizing Jem’s fatalistic noises, “you are not old enough to appreciate what I said.”

Just as for Atticus, we as lawyers have to do “unpleasant jobs.” In Atticus’ case, he had to endure the hatred of the townsfolk as he defended a black man accused of raping a white woman in the Deep South. It’s easy to say that Atticus did the right thing because Tom Robinson was in fact innocent. But what if Tom Robinson had been guilty? Those “unpleasant jobs” mean having to represent

people whom we don’t always like. Representing people who commit heinous acts of violence vigorously demands a great deal of perseverance and diligence, but it certainly isn’t pleasant.

At the same time, one could say the same thing of our prosecutors. There are cases where the victims of crimes are actually more repugnant than the defendant. I have often thought that in some murder cases the only difference between the defendant and the victim is who the “better shot” was. It’s easy to stand up for a victim of a crime who is pure and innocent, but it takes the same level of perseverance and diligence to stand up for those who are not.

What I am saying is that Miss Maudie was right; all of us lawyers are the people who do the “unpleasant jobs.” I am proud to be a part of them.

---

*Chad Firetag is an Assistant Public Defender for the Law Offices of the Public Defender, Riverside County.*



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# GANG INVOLVEMENT WITH SEX TRAFFICKING

by Opal Singleton

Human Trafficking is the world's fastest growing criminal enterprise and "is an estimated \$32 billion-a year global industry." This important information is taken from a report on Human Trafficking issued by California Attorney General, Kamala D. Harris in 2012.<sup>1</sup> "After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking."<sup>2</sup> "Transnational gangs have recently expanded from trafficking guns and drugs to trafficking human beings."<sup>3</sup> "Domestic street gangs set aside traditional rivalries to set up commercial sex rings and maximize profits from the sale of young women....Traffickers use social media and online tools to recruit victims and, in the case of sex trafficking, find and communicate with customers."<sup>4</sup>

In 2014, Attorney General Harris issued an eye opening report entitled "Gangs Beyond Borders" outlining activities of "transnational organized crime" and MS-13 (Mara Salvatrucha) and MS-18 were identified as Transnational gangs.<sup>5</sup>

Local law enforcement throughout all of Southern California will tell you that local gangs are working together with rival gangs to claim sex trafficking territory. As a January 27, 2014 headline reads: "Sex Trafficking Overtakes Drugs As San Diego County Gang's Top Cash Source." According to the FBI statement in the article, gangs are making more money selling people than they are selling drugs.<sup>6</sup>

Over the 2014 holiday, yet another headline reads: "Feds: Gang lured schoolgirls to sex trade | UTSanDiego.com."<sup>7</sup> The article described a case that covered a five state area (including Riverside County) with 100 victims rescued and 22 pimps arrested. One girl was 12 years old and was recruited from a middle school. Many of the victims were high school students who had been recruited by (gang girl recruiter) in Grossmont High School. School officials had been trained to watch for signs of teens being "in the life" and recruiting on the campus. Some parents had been edu-

cated to watch their teen's activity on social media for signs of grooming and recruiting.

In September 2014, Long Beach had a similar headline that read as follows: "91 arrested in Southern California sex trafficking crackdown."<sup>8</sup> In these cases, 91 pimps were arrested and 22 girls (ages 13 to 17) were recovered. These large cases illustrate just how prolific the challenge is. Day after day, there are smaller cases of one or two pimps, a bottom girl (a female gang recruiter) and two to five victims. These cases don't receive the same public attention but they are part of a larger trend of gang members working together to dominate sex trafficking territory.

Child sex trafficking is often a transient crime. For example, a perpetrator may pick up a girl in Corona and move her to Rialto, a short 30 minute trip. To facilitate that recovery might involve the Corona Police Department, Riverside County Sheriff's Department, Rialto Police Department and the San Bernardino County Sheriff's Department. In a few hours or a day, the victim may be taken to Long Beach for forced prostitution, adding the Long Beach Police Department or Los Angeles County Sheriff to the collaboration.

Riverside County is fortunate to have an excellent human trafficking task force. Currently they have over 100 open cases of potential human trafficking. They have recovered or assisted 169 victims since their inception and have participated in many cases in collaboration with LA, Orange, San Diego, and San Bernardino Counties.

RCAHT (Riverside County Anti Human Trafficking Task Force) is a collaboration of Law Enforcement, (Sheriff, Police Departments), the District Attorney's Office, The U.S. Attorney's Office, Probation, Child Protective Services, Public Health Dept., Mental Health Dept, as well as two NGO's (Non Government Organizations). Operation Safe House provides services for victims of trafficking. Million Kids serves as the Training and Outreach Coordinator for RCAHT and has conducted tens of thousands of education sessions for government officials, corporations, civic groups, faith based organizations and school administrators as well as parents and students. RCAHT was formed in 2010 through a grant from the California Office of Emergency Services.

In 2012, RCAHT participated in a case where the victim, a 15 year female, was recruited by another girl in a Riverside high school. It was later determined that a female gang associate was placed within a Riverside high school for the purpose of recruiting other girls into prostitution. The nature of

1 See <https://oag.ca.gov/human-trafficking/2012>, Harris Report at page 5.

2 *Ibid.*

3 Harris Report at p. i

4 Harris Report at p. 5

5 See [http://oag.ca.gov/sites/all/files/agweb/pdfs/toc/report\\_2014.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/toc/report_2014.pdf).

6 See <http://www.kpbs.org/news/2014/jan/27/sex-trafficking-overtakes-drugs-san-diego-county-g/>.

7 See <http://www.utsandiego.com/news/2014/dec/11/gang-east-county-girl-prostitution-indict-tycoon/>.

8 See <http://www.sfgate.com/crime/article/91-arrested-in-Southern-California-sex-5781049.php>.

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human trafficking is that it can very quickly go from luring and enticement to acts of forced prostitution. Because of this case, RCAHT and Million Kids have led the nation in high school training programs. Gangs are joining together to groom and recruit teens through social media, schools and peers. Education is the critical element to prevention. RCAHT and Million Kids have worked tirelessly to form a strong collaboration with the Riverside County Superintendent of Schools and Office of Education to ensure education administration is trained to recognize and report cases where young people may be at risk.

*Million Kids serves as the Training and Outreach Coordinator for Riverside County Anti Human Trafficking Task Force and Opal Singleton is the President and CEO. Follow Million Kids (Riverside) on Facebook to stay current on cases of sex trafficking in Southern California and contact us at [Osingl405@aol.com](mailto:Osingl405@aol.com) for an educational presentation about preventing sex trafficking in the Inland Empire.*



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# PROSECUTE TORTURERS

by Dean Erwin Chemerinsky

Dick Cheney, John Yoo, Jay Bybee and all who planned and carried out the torture after 9/11 should be criminally prosecuted. The Senate Intelligence Committee's report describes horrific, sadistic brutality inflicted on prisoners. It also leaves no doubt that both United States criminal statutes and international treaties were violated. Those responsible should be punished, including to send a clear message that the United States will not condone or engage in torture.

The 499-page report that was released on December 8, describes in detail what was done. It is sickening and saddening. The report tells of a man chained to a wall in the standing position for 17 days and of detainees kept awake for nearly 180 hours in standing or stress positions. The report documents repeated waterboarding, which international law has long defined as torture, including one man who was waterboarded 183 times. It tells of detainees being immersed in ice baths and of the killing of an Afghan, Gul Rahman, who died of suspected hypothermia in November 2002 after he was beaten, stripped naked from the waist down and left chained to a concrete floor in near-freezing temperatures. The report details forced rectal feeding, which is described as intensely painful and obviously enormously degrading.

The responses to this have been astounding and deeply distressing. The phrase "enhanced interrogation" has repeatedly been used. That is a euphemism that minimizes what occurred. It was – and should be called – torture.

Those responsible have denied that anything wrong was done. Dick Cheney said that the report was "full of crap." He has said that he would "do it again in a minute." "People have been very concerned about waterboarding, calling it torture," Cheney said. "First of all it was not deemed torture by the lawyers, and secondly it worked."

As to the former, the memo written by John Yoo (now a Berkeley law professor) and Jay Bybee (now a federal court of appeals judge) was repudiated by the Bush administration when it came to light. More importantly, no lawyers can authorize violations of statutes and international law.

As to the latter claim, that the torture worked, the Senate Intelligence Committee report carefully refutes this and describes how all of the relevant information was gained from other sources. In fact, it long has been thought that torture is unlikely to produce useful information. Those being tortured will say anything to end the pain.

But even if the torture gained useful information, it still was illegal and wrong. The federal criminal statutes and the treaty that prohibit torture do so whether it is effective in obtaining information or not. The law reflects the view that torture is abhorrent and unacceptable and cannot be engaged in. Period.

The Federal Torture Act states that whoever "outside the United States" commits or attempts to commit torture shall be imprisoned for not more than 20 years "and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life." The Act defines torture broadly as an "act intended to inflict severe physical or mental pain or suffering upon another person within his custody or physical control."

Additionally, the United States is one of 156 nations that have ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is an international human rights treaty that prohibits torture and defines torture in language almost identical to the federal criminal statute.

President Obama should appoint a special prosecutor to investigate and initiate prosecutions of all of those who planned and carried out the program of torture. At the same time, the international criminal court should begin its own investigation and proceedings. The position of the United States, now and always, should be that those who plan, authorize, and engage in torture will be criminally punished.

The reaction of some conservatives has been to criticize the release of the report, saying that it will harm our credibility internationally and even inspire terrorist acts against the United States. But in a democracy, the people need to know what their government is doing to hold it accountable and to decide policy in the future. The embarrassment is from what was done, not the report about it.

Of course, this tarnishes America's image at home and abroad. We all should be truly ashamed of our government for doing this. It will make it far harder to insist that other nations follow international law and refrain from such behavior. How can the United States insist that other nations respect the law when they have American prisoners, when we so blatantly violated the law with these foreign prisoners?

It is for precisely this reason that there need to be criminal prosecutions of those who planned and carried out torture. It will send the message to the world that we know that what was done was wrong and those responsible will be held accountable.

*Dean Erwin Chemerinsky is a Distinguished Professor of Law and the Raymond Pryke Professor of First Amendment Law at the University of California, Irvine School of Law.*





# WHAT IS THE RIVERSIDE YOUTH COURT?

*by Officer Ryan J. Railsback*

The Riverside Youth Court is an innovative approach to juvenile justice and acts as an early intervention for first time offenders of misdemeanor crimes. It is designed to give youth between the ages of 10 and 17, who have broken the law and admitted their guilt, a second chance. Those who are eligible for the program will have their case heard in a real courtroom with youth serving as prosecuting and defense attorneys, court clerks, bailiffs and jurors. A real adult judge will preside, but the youth jury will determine the sentence.

The Riverside Youth Court is also designed to educate youth about the juvenile justice system. Through direct participation, youth court addresses the juvenile's responsibility for his/her behavior and holds the juvenile accountable to his/her community and peers. Involvement in youth court, either as a respondent or as a volunteer, increases his/her respect for the judicial process.

Cases dealing with misdemeanor crimes that have been committed within the city limits are referred directly to the Riverside Youth Court from the Riverside Police Department and/or Riverside County Probation Department. Once a juvenile is referred to youth court, the juvenile and his/her parent will meet with youth court staff to review the program requirements and sign all required paperwork. To be eligible for youth court, the juvenile must first admit guilt and his/her parent must consent in writing to his/her child's participation in the program.

The case is then scheduled for an adult judge trial or a peer jury trial. Currently, the program operates using the peer jury trial model, but will begin incorporating the adult judge trial model for certain cases in the near future. If the case is tried with the adult judge model, a youth defense attorney will represent the juvenile. The prosecutor will also be a youth attorney; adult attorneys will be available to mentor the youth attorneys prior to the trial. In this model, each youth attorney makes an opening statement, the juvenile testifies and is cross-examined, both attorneys recommend a disposition, and the jury considers the facts of the case. The jury deliberates until it reaches a consensus in determining a fair disposition for the juvenile respondent. The peer jury model does not use youth attorneys. Instead, the members of the jury are presented with the facts of the case in advance and prepare relevant questions. Each juror may ask ques-

tions directly to the juvenile respondent. The deliberation process is the same as it is in the adult judge model.

The primary function of the Riverside Youth Court is to determine a fair and restorative sentence for the juvenile respondent. Dispositions will include mandatory future jury duty and community service, along with one or more of the following: letters of apology, essays, educational workshops, counseling, drug testing, jail tour, curfew restrictions, and other creative dispositions given by the teen jury.

Each juvenile respondent will have 3 months to complete their disposition. When completed, the respondent's case will be closed and no criminal charges will be filed in the traditional juvenile justice system. In other words, the case record will be destroyed and never go on the juvenile's official criminal record.

All youth court volunteers receive training in the juvenile justice system, the concept of restorative justice, and the deliberation process. Each volunteer will receive 6 hours of community service for attending the training and an additional 3 hours of community service each time he/she participates in a court session. Training classes are held several times each year.

The Riverside Youth Court convenes twice a month on the 2nd and 4th Wednesdays and handles 6 to 10 cases each session. The recidivism rate for participating respondents is around 7 percent and saves the juvenile justice system tens of thousands of dollars each year.

The Riverside Youth Court is managed and coordinated by the Riverside Police Department, but would not be successful without the involvement from Riverside County Juvenile Court, Riverside County Probation Department, Riverside County District Attorney's Office, Riverside County Public Defender's Office, Riverside Unified School District, Alvord Unified School District, Riverside County Bar Association, and Greater Riverside Chamber of Commerce. But even more importantly, the Riverside Youth Court program thrives through the ongoing commitment from the judges of Riverside County Superior Court and the numerous teen volunteers.

For information about the Riverside Youth Court, visit [www.rpdonline.org/youthcourt](http://www.rpdonline.org/youthcourt), or contact the youth court coordinators at (951) 826-2534.

*Ryan J. Railsback is a 17-year veteran with the Riverside Police Department. He is currently assigned to the Community Services Bureau as the Youth Court Coordinator.*



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# RIVERSIDE COUNTY DISTRICT ATTORNEY: MICHAEL HESTRIN

by Sophia Choi

Who is the Clark Kent of Riverside County? I have heard from more than enough people that newly elected Riverside County District Attorney Michael (“Mike”) Hestrin looks like Clark Kent. Even jurors commented to him after trial that he reminds them of Clark Kent. And, much like Superman, Mike Hestrin is ready to fulfill his role as District Attorney, fighting for the safety of the community and for justice.

Although most of us may know Mike Hestrin in his official capacity as Riverside County District Attorney, there is great curiosity in the Riverside community to know more about him at a more personal level. I have been very fortunate to know Mike for several years now, and I have yet to see him without a smile on his face. Despite his successes, he is a person of great humility.

Mike Hestrin has ties with Riverside County since birth as he was born in Palm Springs, California, where he lived for several years with his parents and his sister. His father, originally from Minnesota, became a California resident and was a Palm Springs police officer. His mother was from Mexico, but she and her family moved to Coachella Valley in the 1950s. When Hestrin was seven years old, he and his family moved to rural Wyoming as his father became a Marshal in Wyoming. Wyoming was a great place to be a kid for him as he learned to hunt and fish and even hunted his own food. To this day, Hestrin enjoys fishing, particularly fly fishing.

What brought Mike Hestrin back to Riverside? Although different career paths were considered, each step ultimately brought him to the Riverside County District Attorney’s Office. As a child, Hestrin wanted to become a police officer like his father. However, his parents saw it in him that he was meant to become an attorney as they told him he liked to argue. Hestrin majored in history and received his Bachelor’s Degree in 1993 from the University of Arizona.

In 1994, Mike Hestrin came back to California to attend law school. He received a joint Juris Doctorate degree and a Master of Arts degree in Latin American Studies in 1997 from Stanford University. Hestrin then decided to broaden his experience and became a reporter in Mexico for a weekly paper published in English. He



*District Attorney Michael Hestrin*

lived in Guadalajara, Mexico, which is in the state of Jalisco, with his family, which was an incredible experience for him. As Hestrin grew up speaking Spanish, living in Mexico was enjoyable as he did not have to struggle with language barriers.

With his proficiency in Spanish and Portuguese and his interest in other cultures and countries, Hestrin pondered going into international law practice. However, his fate as a prosecutor was determined during his last year at Stanford Law when he became involved in a legal clinic. Stanford Law worked

with the Santa Clara District Attorney’s Office, allowing law students to prosecute under the supervision of deputy district attorneys. Hestrin’s participation in this clinic persuaded him to pursue a career as a prosecutor, and this step in his life ultimately led him to his current position as the District Attorney of Riverside County. After graduating from law school, Hestrin returned to Riverside County, moving back to Palm Springs. As a Stanford Law grad, Hestrin had many career options. However, he wanted to establish his career in Riverside County, and, right after graduating law school and passing the California Bar Examination, Hestrin joined the Riverside County District Attorney’s Office and remained there as a career prosecutor.

Mike Hestrin became well-known in the community for his excellent trial skills. Having done over 100 jury trials, including about 34 murder trials and seven death penalty cases, Hestrin was quite the seasoned and well-respected prosecutor. The most memorable case he prosecuted was for the Esperanza fires, in which Hestrin successfully prosecuted Raymond Lee Oyler, who was a serial arsonist that murdered five firefighters. Hestrin was recognized and honored as Outstanding Prosecutor of 2010 by the California District Attorney’s Association, Statewide Prosecutor of 2009 by the California District Attorney’s Investigator’s Association, and Countywide Prosecutor of the Year in 2003, 2005, and 2010. Although his record for prevailing at trial is near perfect, Hestrin never lost focus of his purpose: to fight for justice and to fight for the victims of crimes. It was not about winning or losing for Hestrin; it was truly to seek justice.



*Judge Christian (Rick) Thierbach swears in District Attorney Michael Hestrin*



*Michael Hestrin and former District Attorney Grover Trask*



*John Aki and Michael Hestrin*



*Greg and Kelly Bennett with Michael Hestrin*



*Michael Hestrin and family*



*Jacqueline Carey-Wilson presides over the induction ceremony of new District Attorney Michael Hestrin. Also on the podium (L-R): Kelli Catlett, Grover Trask, Michael Hestrin, Benilda Hestrin, Judge Christian (Rick) Thierbach, and Rev. Thomas Burdick*



*Mike Marlatt and Michael Hestrin*

*Photographs courtesy of Jacqueline Carey-Wilson & Katie Wilson*

Hestrin also served as the President of the Riverside County Deputy District Attorney Association (“RCDDAA”) through which he learned about the County and its budgeting. Hestrin noted that RCDDAA and management are on the same team, as the goal of both is to strive to be professional and fair, and that it is necessary to work together to always find an agreeable resolution when any issues arise.

Hestrin sees the benefit of working with various associations to achieve the “best justice.” He realizes the importance of having connections outside of criminal courts. Hestrin intends on cooperating with the Riverside

County Bar Association to collaborate on various levels. He will also work on revamping the Riverside County District Attorney’s Office and its training programs.

When we see Mike Hestrin, we usually see him with John Aki, who is now an Assistant District Attorney. Hestrin and Aki have been very close throughout their careers together in the Riverside County District Attorney’s Office, having started in the office together and having been in the Homicide Unit together for 10 years. John Aki was very instrumental during Hestrin’s campaign, and he will work closely together with Hestrin within the office.



*Michael Hestrin and his father, Jerry*



*Michael Hestrin and his sister, Michelle Wong*



*Michael Hestrin and his mother, Cecilia*



*Michael Hestrin, his wife, Benilda, and his daughters Brandi and Alejandra (L-R)*

The campaign for District Attorney was a long and strenuous one, but it was a beneficial process to Hestrin. His campaign manager was Tobin Holmes, son of Retired Judge Dallas Holmes. Holmes orchestrated Hestrin's campaign, and Hestrin commented on how crucial it was for him to listen to Holmes' directions for campaigning successfully. The support he received from numerous people kept him going, especially his wife Benilda. Hestrin commented that campaigning was hard for both him and his spouse. Hestrin was always preoccupied, even campaigning by phone from home. He also had door-to-door campaigning. Throughout the whole process, Benilda was there to support and encourage him. When Hestrin received the election results, the first thing he did was to hug his wife.

Many people knew Hestrin when he was an eligible bachelor, so there are many people curious to know how he met his wife. Hestrin was in San Diego with friends after he finished a big trial, meeting Benilda with whom he has now been married for three years. He and his wife each have a daughter around the same age. Mike and Benilda live in Temecula. They have a black Labrador and a German Shepherd that they take jogging in the early morning. Hestrin enjoys spending time with his wife whenever he can.

Hestrin's hobbies generally involve outdoor activities, such as hiking and fishing. Some may be surprised to hear that another hobby is cooking, especially cooking Mexican and Spanish cuisines. He enjoys all kinds of music, but jazz and country (influenced by having lived in Wyoming) in particular. Another hobby is teaching. Hestrin has been Adjunct Professor of American Government, Criminal Law/Procedure, and Latin American History at Azusa Pacific University. He was also an Adjunct Professor of Constitutional Law at California Southern Law School in Riverside. As he loves teaching and interacting with students, Hestrin will continue to teach one night per week at Azusa Pacific University. Hestrin also loves watching college football, and his favorite color is red for obvious reasons (it is the color for the University of Arizona and for Stanford University).

When asked if there is any notable person that is inspiration to him, Hestrin replied, "Sandra Day O'Connor," who is a retired Associate Justice of the United States Supreme Court. Like Hestrin, O'Connor has ties to Arizona, graduated from Stanford Law School, and served as a prosecutor at a point in her life. However, it was not these similarities that inspired Hestrin but rather O'Connor's down to earth approach to law. Hestrin commented that the law has to work for everyday people, and he is motivated to effectuate the same approach.

Hestrin has officially started his duties as Riverside County District Attorney on January 5, 2015. He expects to implement a number of changes and to take the office in a new direction. He will focus on the administration of justice, serving the needs of the County in a professional and efficient way. We look forward to watching justice be served by the Clark Kent of Riverside County.

*Sophia Choi, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside. She also serves as a Director-at-Large on the RCBA Board of Directors.*



# CALIFORNIA'S NEW EVIDENCE STANDARD NEEDS A MAKEOVER

*by Michael Semanchik*

Since 1989, more than 1,500 people have been exonerated of crimes they did not commit nationwide. What was once thought of as a unique, uncommon, unfortunate circumstance is now reported almost daily across the country. Advances in science, as well as our understanding of eyewitness testimony, false confessions, and the uncovering of police and prosecutorial misconduct, have catapulted wrongful convictions into the spotlight. California alone has 150 exonerations, including 4 from death row. And, if not for one of the toughest new evidence standards in the country, California would have many more.

California's standard for reversing a conviction when an inmate presents new evidence to the court is extremely high. As it stands today, a defendant seeking a reversal under the new evidence standard must first prove the evidence they are presenting is, in fact, new. This is common in most states, and the reason is pretty obvious. The justice system favors finality and respects a jury's decision in a criminal case. Where California's standard runs afoul of the majority of other states is that California also requires a defendant to completely undermine the prosecution's case, and the evidence must point unerringly to innocence. As will be discussed, this is often an impossible standard to meet and consequently, leaves many innocent inmates in prison.

One does not have to think hard about a situation where strong new evidence might cast serious doubt on the prosecution's case, but does not completely undermine it. For example, there may be eyewitness testimony placing a defendant at the scene of a murder, but DNA tests suggest a different defendant deposited several hairs and left blood behind. Similarly, many instances of new evidence may cast serious doubt on a case, but not point unerringly to innocence. In other words, there may be a 5% chance the evidence points to some other explanation (not innocence). Let's put this in practical, real-life terms.

D gets convicted of murdering V after two hung juries. In the initial investigation and trial, investigators discovered a watch near V's body. When presented with a picture of the watch, D thought it may have belonged to him, but later realized he was mistaken. The prosecution argued the watch belonged to the murderer. Additionally, the prosecution put on evidence of an extramarital affair between D and V, including numerous lies told by D to co-workers about the affair. After a few mistrials, D gets convicted. Without a doubt, the most compelling evidence against D was the watch. As the prosecutor told the jury in closing, there is

nothing more compelling than the murderer's watch found next to the body.

Now, fast-forward to the present day. D asks for DNA testing on the watch. The DNA on the watch comes back to V's stepson, G, who had a rocky relationship with V. D is excluded from the watch. Assume for the purposes of this example, DNA testing is considered new (not available at the time of trial). Would the discovery of the stepson's DNA completely undermine the prosecution's case? Probably not. The prosecution's case included other circumstantial evidence that, although may have an explanation, cannot be completely undermined. Would the discovery of the stepson's DNA point unerringly to innocence? Certainly, the prosecution argued at trial the watch belonged to the murderer. Nonetheless, the prosecution would be able to argue the stepson's DNA is inconsequential and arrived on the watch through some other means not associated with V's murder, leaving its significance open to error. Thus, in California, finality wins and D's conviction would remain intact despite the problematic watch evidence used against him.

In 39 of the 50 states, D would be granted a new trial and his conviction would be reversed. Why? The vast majority of the states have a standard similar to the following: "In order to gain a new trial upon newly discovered evidence, a defendant must establish that it is so material that it would probably produce a different verdict, if the new trial were granted." In the case of D, the prosecution would be left with a very circumstantial case. Further, given it took multiple trials, it would be difficult to argue this was not a "close case." The watch was clearly material, consisting of 13 of 29 of the prosecution's exhibits, and it was the only physical evidence linking D to the crime. At the very least, in most states, D's conviction would be reversed, and it would proceed back to a new trial. The prosecution could then re-prosecute, and this new piece of evidence would be factored in to a case where the state must prove beyond a reasonable doubt the defendant committed the crime.

It is time for California to catch up with the rest of the country and allow our justice system to correct the mistakes it has made. Our system is not perfect and probably never will be as long as humans are involved.

*Michael Semanchik is a Staff Attorney at the California Innocence Project.*





# VETERANS ENRICHMENT & TRANSITION PROGRAM: AN ADVANTAGEOUS SOLUTION TO ALL

by Alberto D. Recalde

For many, the pursuit for justice in a criminal case concludes with the plea or verdict and the pronouncement of judgment. Each party has fulfilled their statutory and constitutional duty and the parties move on. What occurs after the deputy escorts the defendant through the corridor is often beyond the scope of parties in the case.

However, according to the Bureau of Justice Statistics, an average of 70% of those defendants will be rearrested within 3 years.<sup>1</sup> In an attempt to abate these recidivism rates, treatment courts have sprung up in Riverside County and across the state to rehabilitate the defendant post sentencing. For treatment courts, the journey begins at sentencing and attempts to mold the behavior and motivations of the defendant. The concept is simple: Monitor, educate, and modify the defendant's behavior which led to the criminal conduct thereby reducing the likelihood of future offenses.

Riverside County offers a variety of treatment courts that have received several state and national recognitions. Among the newest programs is the Veterans Court which was established in 2012. Participants in the program agree to a minimum 12 or 18 month program with weekly court appearances geared towards helping veterans with Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Substance Abuse, or Sexual Trauma related to their military service.

While great programs and services are available to participants once released from custody there are times when a release directly from custody into the community or an intensive program is not in the best interest of the public or the defendant. Specifically, the prosecution may believe the defendant needs to be removed from society for a period of time and the defendant believes the time sought by prosecution is too lengthy. In either case, the defendant would likely linger in custody merely serving their time without making meaningful progress on their lives, behavior, and attitude until they are released into the same environment that cultivated their criminal behavior.

Until recently, the Residential Substance Abuse Treatment (RSAT) Program was the primary program to assist with rehabilitation of defendants while in custody.

<sup>1</sup> See <http://www.bjs.gov/content/reentry/recidivism.cfm>.

However, while substance abuse can be a major component contributing toward recidivism, RSAT does not address the broader spectrum of behavioral issues that lead to criminal conduct with veteran specific materials in a military setting. Also, while RSAT is an effective program to consider, it is not a program that was designed specifically for veterans.

In 2014, that all changed. The Riverside Sherriff's Office, in a collaborative effort with the Veterans Court and numerous other public agencies, established the Veterans Enrichment & Transition Program (VET). Located in Banning at the Smith Correctional Facility, it is a minimum 13 week in custody program that utilizes evidence-based practices to address the needs of the veteran population. The program relies on Moral Reconation Therapy and Interactive Journaling coupled with individual and group therapy. Participants are given assignments and therapy designed to readdress the participant's assessment of goals and acceptable strategies and behaviors to reach those goals. This occurs in a highly structured setting reminiscent of the structure required in a military setting.

The program runs 24 hours a day, 7 days a week. The veteran must demonstrate their commitment to change through positive behavior in their thoughts, the words they say, and their actions. The program goes beyond the



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aspects of the RSAT Program and focuses on job readiness, transition planning and connecting to resources, healthy relationships, recovery maintenance, self-understanding, managing civilian life, and substance dependency.

A transition facility is also available which allows an opportunity to preview aspects of the program. During that time, the staff is also able to assess the veteran's ability and willingness to comply with the treatment offered. Placement in the transition facility does not require a plea or sentence to the VET Program. Rather, it is open to any qualified veteran on a space available basis.

To formally enter and graduate from the VET Program and begin the treatment modules, the defendant must be sentenced to a minimum of 270 days which allows for fluctuations of space availability and the progress of the veteran. The program also has an aftercare program available to the participant if they are not already sentenced to Veterans Court or other structured program upon release.

A structured in custody program such as the VET Program can accomplish public safety by continued confinement, a rigorous and supervised curriculum designed to help the veteran, and reduced incarceration costs with the prospect of rehabilitation of the veteran.

The VET Program should be considered for any defendant who has served in the U.S. Armed Forces and may be used as common ground to satisfy the interests of all parties involved. As attorneys, the pursuit for justice does not have to end at sentencing; rather, it could be the start of a new, more fulfilling, and prosperous life.

*The information in this article can be found in the VET Program Participant Information Booklet, published November 1, 2014 by the Riverside County Sheriff's Department.*

*Alberto D. Recalde, Deputy District Attorney, has been with the Riverside District Attorney's Office since 2006. He has worked in the Forensic Mental Health Unit for five years and has been with the Veterans Court since its inception.*



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# TRYING TO BREAK GRIDLOCK WITH AB 109

## REALIGNMENT

by Robert L. Rancourt, Jr.

On April 5, 2011, Governor Brown signed Assembly Bill 109 (“AB 109”), the “2011 Realignment Legislation Addressing Public Safety.” This legislation, effective October 1, 2011, implements probably the most significant change to the state criminal justice system in decades.<sup>1</sup>

### Congestion Leads to AB 109

Some say it was the enactment of the Three Strikes Law, some argue it was replacement of indeterminate sentencing with determinate sentencing, and still other people say it was the “War on Drugs,” but for whatever reason and most probably a combination of them and others, California prisons grew significantly in the 1980s and 1990s, expanding from 12 prisons containing approximately 23,000 inmates in 1980 to 33 prisons containing approximately 161,000 inmates by 2000 (an inmate population explosion of 554%!). As pressures on the state prison system mounted, lawsuits alleging violations of the Eighth Amendment’s Cruel and Unusual Punishment Clause for inadequate healthcare and severe overcrowding worked their ways through the courts. Eventually, on May 23, 2011, the U.S. Supreme Court ordered the state to reduce its prison population from 190% to 137.5% of original design capacity (approximately 46,000 inmates) by June 27, 2013 (currently extended to February 2016). AB 109 was the state’s response.

### The New Felony Detour

Before AB 109, a felony was defined as a crime punishable with death or by imprisonment *in the state prison*. When imprisonment in the state prison was the penalty specified for the crime, the court could select a term of imprisonment of, usually, 16 months, two years, or three years (unless the crime itself specified a different range). In felony cases in which the court found cause to impose a lesser sentence, criminal proceedings or the execution of sentence could be suspended and the offender could be placed on probation with a possible term of incarceration in the county jail for *up to one year*.

AB 109 redefined a felony as a crime punishable with death, by imprisonment in the state prison, or by *imprisonment in a county jail*, making a term of incarceration in the county jail for more than a year a possibility and

shifting some responsibility for housing convicted felons sentenced to imprisonment from the state to the county. Incarceration in the state prison remains a sentencing option in certain circumstances, and, when an offense may be punished in the county jail, AB 109 gives the court the option to suspend any portion of time during which the defendant could be placed on conditional supervised release with the county probation department for the suspended amount of time. If the offender violates any term of supervision, he or she may be returned to the county jail to serve some or all of the remaining suspended period of time.

More serious crimes or offenders remain subject to imprisonment in the state prison. A person with a prior or current “strike” conviction (a violent or serious crime under the Three Strikes Law) or certain aggravated white collar offense and someone required to register as a sex offender is ineligible for incarceration in the county jail (“realigned” sentence). That is, the conviction(s) must involve nonviolent and non-serious offenses, and the defendant must be a non-sex-offender-registrant, thus giving birth to the “non – non – nons” nickname for someone eligible for a realigned sentence.

Additionally, AB 109 dramatically changed the law concerning return to imprisonment of offenders released on parole after serving a term of imprisonment who violate their parole terms. Previously, after a defendant served his or her term in state prison, he or she was conditionally released to be supervised by a state parole agent on specified conditions for a year or more, during which time the parolee could be returned to state prison for violating parole for up to one year. Under AB 109, most people released from state prison are instead to be supervised by the county and incarcerated in the county jail for violations for up to six months, and a new option called “flash incarceration” authorizes return to the county jail for up to 10 days for minor violations. The state, however, continues to handle the relatively small number of parolees who were sentenced to a life term of imprisonment, who were paroled for a “strike” offense, and high-risk sex offenders, mentally disordered offenders, and anyone paroled before enactment of AB 109.

Some other changes also were implemented, such as increased “good conduct” credits for days served in jail

<sup>1</sup> See California Penal Code Section 1170(h).

and the use of electronic monitoring or other forms of supervised release pending trial. Altogether, AB 109 was designed to divert responsibility for more low-level felony offenders from the state system to the county and to give the county more flexibility in handling them. This realignment reduces prison populations in favor of alternative sentencing in the community for less serious current offenses.

## How Is This New Route?

A recent Rose Institute of State and Local Government report finds that realignment has caused the ratio of state versus county responsibility for inmates and conditionally-released offenders to have fallen from 41% in 2010 to 28% in 2012.<sup>2</sup> The same study notes that county probation departments have gone from having 48% to 61% responsibility for offenders, and overall incarceration itself as a sentencing term has shrunk from 36% to 31% of total cases. A Department of Corrections and Rehabilitation report in 2013 found that AB 109 had diverted about 25,000 low-level offenders and parole violators from state prison to county-level incarceration.<sup>3</sup> The same report showed that state prison annual admissions has fallen post-realignment from approximately 60,000 to less than 36,000 per year.

We are traveling a new road that by any measure clearly has served the purpose of decreasing the state's prison population. Still, already there are "potholes" that many urge need attention.

Some see it as unduly arbitrary or irrational that only the current offense of which the offender is convicted or for which state parolees are leaving prison is considered—in fact determinative—to include or exclude an individual from state imprisonment or supervision by state parole versus county post-release community supervision. Pointing to post-realignment examples of low-risk and moderate-risk sex offenders now reporting to county probation officers, these critics say that the offender's criminal history should be considered in who is eligible for state prison sentences or state parole supervision.

Arguing that proponents of AB 109 overlooked the reality that county jails were constructed to house inmates for a maximum stay of a year, another concern is that inmates with long-term sentences should be housed in state prisons rather than county jails. Serving lengthy sentences in county jail can deprive an inmate of adequate mental and medical healthcare, treatment and programming services, sufficient recreational time and space, regular visitation, and other benefits and rights that are regularly and better

maintained in state prisons. To meet these needs, these critics believe that county jails would need to overhaul, at a minimum, the medical and mental health provision protocols and facilities that they offer, requiring more funding beyond current realignment funding for sheriffs. Proponents of this view feel that realignment should be modified to cap county jail sentences at three, five, or seven years. The District Attorney, for example, supported legislation to transfer to state prison any jail inmates with sentences of more than three years, but that measure was defeated in April 2013. Others counter that placing such a limit would slow the decline of California's prison population, which is a primary purpose of realignment.

Some argue that parolees should remain eligible for a return to state prison for a year rather than the six-month county jail term provided by AB 109. These people believe that if repeated, technical, short-term incarcerations do not sufficiently penalize a parolee, then more serious imprisonment in state prison for longer would better promote compliance with parole conditions. These individuals cite county jail overcrowding with sheriffs exercising their early release authority as aggravation of the situation because these offenders sometimes are one of the first groups to be released early. Other individuals say length and type of incarceration bear little relevance to parole compliance rates and that anything that diverts more inmates to state prisons thwarts the purpose of realignment and court-ordered prison population reductions.

## Is the Gridlock Cleared?

When Governor Brown signed AB 109, he called it "a bold move in the right direction."<sup>4</sup>

Is the gridlock cleared? Certainly, state prison populations have decreased, and many will argue that with greater flexibility and local control, the punishment is better suited to the offender and his or her crime. While the Attorney General reports that 2013 statewide crime levels are down overall, few would persuasively argue that AB 109 is the reason. Rather, the 2013 prison system report shows that AB 109 did not materially affect crime rates, just the place and length of incarceration of many inmates and almost all parolees. Time will tell, but it doesn't look like we're getting off this freeway—or realignment "detour"—any time soon.

*Bob Rancourt is a Deputy Public Defender with the Law Offices of the Public Defender, County of Riverside, where he has worked for 12½ years. He also sits as a judge pro tempore for the Riverside County Superior Court.*



<sup>2</sup> See <http://roseinstitute.org/prison-realignment/>.

<sup>3</sup> See [http://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/Realignment\\_1\\_Year\\_Report\\_12-23-13.pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/Realignment_1_Year_Report_12-23-13.pdf).

<sup>4</sup> See [http://gov.ca.gov/docs/AB\\_109\\_Signing\\_Message.pdf](http://gov.ca.gov/docs/AB_109_Signing_Message.pdf).

# CRIME AND PUNISHMENT: THOUGHTS ON THE RELATIVE NATURE OF CRIME AND PUNISHMENT AFTER THE PASSAGE OF PROPOSITION 47

by Juanita E. Mantz

“Come writers and critics who prophesize with  
your pens  
And keep your eyes open, the chance won’t come  
again  
And don’t speak too soon, the wheel’s still in spin  
And there’s no telling who that it’s naming  
Oh, the loser will be later to win  
For the times they are a changing.”

Bob Dylan from “The Times They Are a Changing.”

I don’t usually write about my job as a Deputy Public Defender. For one, you would simply not believe some of the things I see. The courtroom is a surreal, odd place and a heartbreaking one as well.

But, sometimes, I have to try and make sense of the criminal justice system even though it does not make sense most days. It tries to. The Penal Code codifies criminal statutory law and the law appears to become objective. But, upon close inspection this “objective” law is often nonsensical and subjective. It is ultimately people doling out the justice and as a result, justice becomes random.

This year, I have learned what the word relative means in practice because everything is relative. Most days, I do a job working within a broken system. One day, a petty theft with a strike prior can send a young man with a lower than average IQ to prison for five years and after the passage of Proposition 47, that same crime is worth no more than six months. The things we think of as wrong, immoral and illegal as a society, and the punishment those crimes merit, change with the wind. Don’t misunderstand me. I am overjoyed that the recent Proposition 47 passed making most simple drug possession and petty theft crimes misdemeanors. (See California Penal Code § 1170.18.) The problem is that it took too long.

Why did Proposition 47 pass? I think it took us seeing as a society that building more jails and prisons is too expensive. We are creating bands of misfit toys and we need islands to house the misfits in. Those islands cost millions and the upkeep costs billions. It took us seeing as a society that programming works because maybe, just maybe, these misfits can be fixed or helped. Or God forbid that I utter the word, rehabilitated? When one looks at AB

109, which realigned the prison system in conjunction with Proposition 47, Bob Dylan’s famous verse that “the times they are a changing” seems more than fitting.

I believe in the goodness of people. I am an eternal optimist, and that is how I do this difficult job. Despite all of the misery I see, I have witnessed numerous instances of redemption in my years as a Deputy Public Defender in Drug Court, Mental Health Court and now in Department 63. You can call me a fool or a true believer, but please don’t ever call me cynical.

I believe, sincerely, that people will do the right thing if given the right opportunities. But if people only have bad choices to choose from, they will make bad choices. Do rich people often steal from the supermarket? The answer is no because they have the money. People steal when they are desperate. When I was struggling to get by in law school and I didn’t pay my bills, it was because I did not have the money. I could not get a private loan to save my life. And when I didn’t have money for food, I clipped coupons and borrowed money from family and friends. I was lucky I had family and friends to borrow grocery money from. I didn’t have to make a bad choice. Not everyone is so lucky.

In the end, Proposition 47 makes the punishment fit the crime. And, that is why I believe that Proposition 47 is right and just.

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*Juanita E. Mantz graduated from USC Law in 2002 and came to the Riverside County Public Defender’s Office after practicing commercial litigation at large law firms in Texas and California. She is a four-time participant in the VONA summer writing workshops and is on the Publications Committee for the Riverside Lawyer magazine. This essay was published in a slightly different version on her blog at <http://www.wlifeofjem.com-jemmantz.blogspot.com/>.*





# OPPOSING COUNSEL: LORI MYERS

by Karen Wesche

Those who have seen Lori Myers scurrying efficiently between virtually every courtroom in downtown Riverside's Hall of Justice know her for her unending commitment to her many clients, her considerable knowledge on all matters criminal, and her bright smile. The source of her smile, you might ask? Lori considers it an honor to be a criminal defense attorney.

In a society and culture quick to condemn the work of criminal defense attorneys, those who have chosen this profession find that even fellow lawyers down play the importance of their role. At best, criminal defense attorneys are viewed in a rather grey area of social acceptability. Nonetheless, and to the benefit of our local criminal defendants, Lori has graciously chosen this area of the law.

Lori Ann Myers was born in Huntington Beach, California and grew up in Lake Forest, California, a suburb of Orange County. Prior to attending law school, she received a real estate license, which she still maintains. She received her law degree from Western State University College of Law. Since obtaining her law degree, Lori has practiced almost exclusively in the area of criminal defense. Working as a clerk for the Orange County Public Defender's Office in law school cemented her belief that criminal defense was her calling. Accordingly, Lori's first job as an attorney was with the Law Offices of the Public Defender in Riverside County.

Currently, Lori has a vibrant private practice, which includes representation of clients in the counties of Riverside, San Bernardino, Los Angeles, Orange and San Diego. She has tried multiple homicide cases and meets the State Bar requirements to represent clients charged in capital cases in which the death penalty is sought. She has tried, to verdict, cases involving sexual molestation, rape, driving under the influence, vehicular manslaughter, assault, robbery and gang allegations.

Lori's involvement in the community has included participation as a scoring attorney for various Mock Trial competitions and a volunteer with VIP Mentors. VIP Mentors, formerly called Volunteers in Parole, contracts with the California State Bar Association to provide volunteer attorneys who serve as mentors to parolees. The program helps facilitate a successful re-entry into society by providing the parolee with much needed guidance and advice from a reliable mentor.



Lori Myers

In addition to her private practice, Lori provides representation to indigent criminal defendants. The Public Defender has many cases in which a conflict of interest is present. In these situations, the defendant is still entitled to a defense attorney. The County of Riverside contracts with entities to provide defense attorneys to indigent defendants who cannot be represented by the Public Defender. Lori has been working within this system of court-appointed counsel for over seven years.

It is difficult to describe a typical day in the life of a criminal defense attorney. Lori is in court every day covering complex and varied aspects of numerous criminal cases, simultaneously. Hence, the aforementioned scurrying. While the court may be aware of and appreciate Lori's efficiency, her clients likely fail to realize just how busy she is. This is because she slows her pace when speaking to and advising clients. She speaks to her clients at their level, literally. She has been known to actually sit on the courtroom floor to speak to an in-custody client, eye-to-eye. Lori's clients are appreciative of her dedication to their defense and concern for their well-being as she creates attorney-client relationships built on mutual respect, dedication and a commitment to excellence.

After court, Lori is busy visiting clients in custody at the local jails, writing motions, preparing cases for hearings, corresponding with district attorneys, meeting with clients and answering countless phone calls from clients. Through it all, Lori finds time for non-court activities as well, not the least of which is spending time with her two Golden Retrievers.

People do not fall into this line of work. It is calculated. The genesis of the desire to represent the criminally accused is always rooted in a philosophy of justice and compassion. Add in a positive attitude, stellar work ethic, and a booming voice and you have just described the attorney with the bright smile, darting efficiently around the Halls of Justice. While Lori Myers considers it an honor to be serving the community of Riverside, her clients should quite certainly consider it an honor to be represented by her.

*Karen Wesche is a solo practitioner in Riverside. She currently contracts with VMB Attorneys to provide representation to criminal defendants.*



## Notice from the Riverside Superior Court

### To All Counsel in Complex Litigation Cases and Other Interested Parties:

The Riverside Superior Court is pleased to announce that it has added a new document to its website devoted exclusively to complex litigation that is heard in Department 5 at the Historic Courthouse in downtown Riverside.

In the document, the Court sets forth guidelines intended to assist counsel. Except to the extent that these guidelines repeat the substance of a statute, rule of court, local rule, or decisional law, nothing stated is intended to be binding on the parties unless and until it is incorporated into an order. Instead, the document describes some of the issues that the Court considers when dealing with particular types of complex litigation. It is hoped

that, by advising counsel in advance of some of the issues that are of concern to the Court, counsel will better be able to answer the Court's concerns and thereby speed the Court's management and decision-making of the case, saving the parties both time and money.

To view the document:

- Visit the Riverside Superior Court's website homepage at <http://www.riverside.courts.ca.gov/>;
- Click on Civil under the Divisions tab;
- Under Quick Links click on Complex Litigation

The direct link is <http://www.riverside.courts.ca.gov/civil/complexlitigation.pdf>.

The document will be updated periodically with additions or changes.



## It Is Time to Start Thinking About Nominations for RCBA Officers for 2015-2016

*(Term: September 1, 2015 – August 31, 2016)*

The future of the RCBA depends upon the quality of its leadership. Would you like to be nominated for election to an office on RCBA's Board of Directors? Or would you like to recommend for nomination a member of the association that you think would be an asset to the board?

**If so, please contact the Chair of the Nominating Committee, Kira Klatchko at [kira.klatchko@bbklaw.com](mailto:kira.klatchko@bbklaw.com) or (760) 568-2611, or any of the committee members listed below before February 20:**

Cheri Brettmann  
Garry Brown  
David Cantrell  
Sherry Collins  
Keith Davidson  
DW Duke

Stefanie Field  
Chad Firetag  
Paul Grech  
Chris Johnson  
Dwight Kealy

Robyn Lewis  
Lori Myers  
Barry O'Connor  
Kelly O'Reilly  
Carmela Simoncini

You may also contact Charlene Nelson, Executive Director of the RCBA, at (951) 682-1015 or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com).

At the March 13 general membership meeting, the President will announce the names of the candidates nominated by the Nominating Committee. (Ballots will be mailed out in May; election results will be announced in June.)



## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective February 28, 2015.

- Michelle M. Brooker (S)** – Law Student, La Quinta  
**Lisa Marie Cho** – Sole Practitioner, Riverside  
**Leeanne M. Eagleson** – Law Office of Leeanne Eagleson, Alta Loma  
**Robert F. Greer** – Feltman Gebhardt Greer & Zeimantz, Spokane WA  
**David V. Jafari** – Jafari Law Group Inc, Aliso Viejo  
**Chrystal B. James** – James & Wood LLP, Temecula  
**Marc Peter Kaplan** – Marc Kaplan Special Master, San Diego  
**Traci D. Luis** – Office of the Public Defender, Riverside  
**Carol M. McBirney** – Office of the Public Defender, Riverside  
**Lindsay V. McDowell** – Sole Practitioner, Temecula  
**Rebecca L. McKee** – Office of the City Attorney, Riverside  
**Tamara E. McVicker** – McVicker's Family Law Mediation Center, Lake Elsinore  
**Amanda B. Naples** – Law Office of Heather Cullen, Riverside  
**Ryan K. Richardson** – Sole Practitioner, Murrieta  
**Jonathan E. Shardlow** – Gresham Savage Nolan & Tilden, San Bernardino  
**Robert L. Simmons** – Public Service Law Corporation, Riverside  
**Lauren E. Vanga** – Sole Practitioner, Upland  
**Tiffany N. Yanez (S)** – Law Student, Orange

Renewal:

**Soloman A. Cheifer** – Anderson & Cheifer, Corona

(S) = Designates Law Student Member



## CLASSIFIED ADS

### Office Space – Grand Terrace

Halfway between SB Central & Downtown Riverside. 565 to 1130 sq ft., \$1.10/sq ft. No cams, ready to move in. Ask for Barry, (951) 689-9644

### Office Space – Downtown Riverside

Riverside Legal & Professional Center. Downtown Riverside walking distance to Courthouse. Private Executive Suite offices, virtual offices and conference rooms rental available. We offer a state of the art phone system, professional receptionist and free parking for tenants and clients. Accessible from the 91, 60 and 215 freeways. (951) 782-8089.

### Office for Rent – Murrieta

Receptionist/Secretary space optional. Professional law office. One window office 14x12 and one window office 12x12. Access to Fwy 15/215. For additional information contact gina@pickfordlaw.com.

### Conference Rooms Available

Conference rooms, small offices and the third floor meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlene or Lisa at the RCBA office, (951) 682-1015 or rcba@riverside-countybar.com.

### Looking for Attorney

Guardian Ad Litem is looking for the attorney who may have prepared a Will for a DENNIS A. MARROWS sometime in 2014. He was a resident of Moreno Valley but purportedly had a will done by a Riverside Attorney. If that was you please call Attorney William Sullivan at 951-734-4711 ASAP.



## ATTENTION RCBA MEMBERS

If you are not getting email updates/notices from the RCBA and would like to be on our mailing list, visit our website at [www.riversidecountybar.com](http://www.riversidecountybar.com) to submit your email address or send an email to [lisa@riversidecountybar.com](mailto:lisa@riversidecountybar.com)

The website includes bar events calendar, legal research, office tools, and law links. You can register for events, make payments and donations, and much more.



Riverside  
County **LAWYER**

**Riverside County Bar Association**

4129 Main St., Ste. 100, Riverside, CA 92501

RCBA 951-682-1015 LRS 951-682-7520

www.riversidecountybar.com rcbadrs@riversidecountybar.com

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DRS is the approved mediation service for the Riverside County Superior Court.  
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[www.rcbadrs.org](http://www.rcbadrs.org)

