

Inside the Law

The Monthly Newsletter from
San Bernardino County District Attorney
Michael A. Ramos

November 2011



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DISTRICT ATTORNEY



MOCK TRIAL OFFERS STUDENTS A GLIMPSE OF CRIMINAL JUSTICE SYSTEM



Last Tuesday, nearly 325 students from 27 high schools participated in the first round of the 30th Annual San Bernardino County Mock Trial program. The event was held at three courthouses across the county: [San Bernardino Superior Court](#), [West Valley Superior Court](#) in Rancho Cucamonga, and [Victorville Superior Court](#).

This year's case, People v. Buschell, is a murder trial that features a pretrial argument on the Second Amendment. Students will portray the primary courtroom characters on both sides of the case before a real judge.

The competition, which is co-sponsored by the [San Bernardino County District Attorney's Office](#) and the San Bernardino County Superintendent of Schools, will continue Nov. 8, 15, and 29 at 5 p.m.

Supervising Deputy District Attorney Mary Ashley, who is the Mock Trial Coordinator for the San Bernardino County District Attorney's Office, believes that mock trial promotes an interest in the criminal justice system, as well as an

FEATURED RESOURCES



IDENTITY THEFT UNIT

As [identity theft](#) escalates, the District Attorney's Office will aggressively prosecute these offenders and continue to work for the victims of crime.

Contact Numbers:

Central Identity Theft Unit
909-387-6450

Rancho Cucamonga Identity Theft Unit
909-945-4201

Victorville Identity Theft Unit
760-243-8600

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opportunity for students to learn about the Constitution.

“The students also learn public speaking, critical thinking and the art of legal argument in a ‘realistic’ environment where they receive constructive feedback and praise from the judiciary and attorneys,” Ashley said.



After the preliminaries, the top four teams will advance to the semifinals on Dec. 6 and 7 at 5 p.m. The semifinals will be held at the San Bernardino Civil Court House. The finals are scheduled for 9 a.m. on Dec. 10, at the Foothill Law and Justice Center in Rancho Cucamonga.

The winner of the county competition will advance to the state finals on March 23-25 in Sacramento.

“This is also a chance for the members of the legal community to volunteer their time towards the education and development of the children in our community,” Ashley said. “The program’s continued growth and success is a testament to the importance of emphasizing the value of education and of being positive role models for our future leaders.”



CONVICTIONS

RASHEDAH ORNAE SMITH, 16, of Barstow was tried as an adult and convicted by Deputy District Attorney Connie Lasky for the murder of a 15-year-old girl at a party. The victim was involved in an argument when Smith obtained a knife, approached the victim from behind, and stabbed her in the chest, penetrating her heart. She is facing a sentence of 16 years to life.

FRANK MENDOZA GONZALEZ, 36, of Barstow was convicted by Deputy District Attorney Sean Daugherty for the murder of the defendant’s neighbor. Defendant Gonzales had an ongoing dispute with his neighbor when he decided to end it by going to the victim’s home and shooting him in the abdomen with a rifle. He was sentenced to 79 years to life.

CARLOS BRISENO, 46, of Montclair, was convicted by Deputy District Attorney William Wooten of attempted voluntary manslaughter after a meeting with his estranged wife last year erupted into violence and he ran down the woman with a SUV outside a Chino auto parts store. Briseno was also found guilty of assault with a deadly weapon and inflicting corporal injury on a spouse or cohabitant. He faces a maximum of 7 years when sentenced Nov. 30.



Judge Bryan F. Foster of the Superior Court of San Bernardino County is one of 20 judges and commissioners volunteering this year. There are also 54 attorneys who volunteer as scorers, 30 attorneys who coach, 4 attorneys who help coordinate events, and for the final competition the District Attorney and Public Defender participate as the final scorers with an Appellate Court Justice presiding.

LEAD DDA GRADUATES FROM COUNTY LEADERSHIP ACADEMY



Lead Deputy District Attorney Reid Robsahm receiving his Certificate of Completion from San Bernardino County Human Resources Director Andrew Lamberto.

On Tuesday, October 18, Lead Deputy District Attorney Reid Robsahm graduated from the San Bernardino County Management & Leadership Academy (MLA).

“I wanted to take advantage of the opportunity to increase my professional skills and advance my career with the district attorney’s office in a supervisory position,” said Robsahm.

In 1996, the San Bernardino County Board of Supervisors, Administrative Office and department heads established the MLA to provide comprehensive management and leadership training to County employees.

Those participating in MLA gain theoretical and practical knowledge of public service management and leadership

PEOPLE V. CHARLES GREGORY CALLION

BY DDA ANDREW TURK

Victims Michael Corrales and Jonathan Ortiz, both 17, and Jeffrey Ortiz, 16, were driving south on I-215 in the Grand Terrace area in the early morning hours of July 24, 2005, when a Chevy Suburban driven by the defendant slammed head on into the Saturn driven by the victims. Callion was on the wrong side of the freeway driving in the fast lane and evidence showed he never applied his brakes prior to impact. Michael Corrales died at the scene. Jonathan Ortiz was mortally wounded in the crash and died at the hospital a few hours later. Jeffrey Ortiz, the backseat passenger, suffered a broken arm, broken leg, and punctured intestine. Although he survived, it took almost 2 years for him to walk unaided and he still suffers pain and a loss of full movement.

Callion had been convicted 6 times for DUI in the prior 15 years. He was on probation out of Riverside County for a DUI at the time of the collision. The jury did not hear that, in addition to the convictions. In the 15 years before the crash Callion had also been arrested for DUI at least 11 times in 4 counties under the names Callion, Callison and Collison. Those cases are pending because he failed to appear for his court dates. In the cases where he was convicted, he only managed to complete one substance abuse or alcohol class.

Callion was seriously injured in the

practices, with specific emphasis on understanding their application within San Bernardino County.

“I gained insight into how the overall structure of the county operates and how to be an effective leader. I also learned how other departments are organized and how they function,” said Robsahm. “The classes gave me a new perspective and how to be forward thinking. I am very thankful to management for the opportunity and the privilege to attend the MLA training over the last six months.”

CHILD ABDUCTION UNIT: Recovering children, wherever they may be

CHILD ABDUCTION UNIT



Being a part of the Child Abduction Unit (CAU) allows Deputy District Attorney Kurt Rowley to make childhood a little more stable for children.

“Parental separation is usually hard enough on them,” said Rowley. “Being used in a parental game of ‘keep-away’ makes it harder. In many cases, the parties are not evenly matched in terms of power to enforce their rights. We are the equalizers.”

And being equalizers means having to sometimes travel far and wide. In recent years, the CAU has had child-recovery cases involving such diverse places as Indonesia, Panama, Sri Lanka, Austria, Syria, and Germany, to name a few.

Rowley, who has been with CAU for five years, admits that there is never a “typical” day of work, and while they have had several recoveries (132 in the last five years), one story in particular stands out for Rowley.

“One dad kept his eleven-year-old boy here in California long after his ‘time’ was up. The boy was allowed to lounge around all day and eat whatever he wanted. He gained

collision and was unable to do any of the Field Sobriety Tests. The CHP officer did a manual trap with the Preliminary Alcohol Screening (PAS) device, but that only showed a .012—a point the defense tried to say had great significance. However, the blood result 1.5 hours after the crash was .16. The jury never heard from one witness who had a stroke and couldn’t testify, but the defendant was observed to have made a U-turn on the freeway about a minute prior to the collision.

The Defense in this case concentrated their argument on a rising blood alcohol theory based on the mouth trap PAS result and supposed inadequate police investigative techniques. In the end, the jury returned a verdict after about 3.5 hours convicting Callion of two counts of 2nd degree murder, two counts of gross vehicular manslaughter with priors, and two counts of DUI with injury, great bodily injury and multiple victims.

Callion is set to be sentenced on January 20, 2012, and faces a maximum exposure of 38 years to life in prison.

CHIEF’S CORNER

Chief Deputy District Attorney Gary Fagan of the Special Units Division Speaks Out.

The District Attorney Special Unit Division engages in the some of the most complex and specialized litigation and litigation support in the District Attorney’s office. The division is staffed by

weight rapidly—and dangerously. Indeed, he required hospitalization,” said Rowley. “Using an international treaty, we returned the boy to Panama and the arms of his mother—the custodial parent. Since then, reports are, that his health has improved, thanks in part to the influence of his step-father, a professional soccer coach. Maybe we did some good there.”

The following information is meant to provide a brief description of those issues related to child abduction:

Note: In these FAQ’s, the word “parent” also includes a legal guardian.

What is child abduction?

Under California law, child abduction basically means violating another person’s right to physical custody or visitation of a child. This can be done by taking, enticing away, keeping, withholding, or concealing the child.

Can a parent abduct his or her own child?

Yes. The law focuses mainly on the rights of the left-behind parent, not the rights of the abducting parent. If one parent has a right to joint physical custody or to visitation, then any interference with that right by the other parent—or anyone else—is considered child abduction.

What if the other parent takes or keeps my child but we have never been to court?

If you are the child’s natural parent as defined by California law, you may be the victim of child abduction. A natural parent automatically has a right to physical custody of his or her child. Of course, the other parent also has a right to physical custody, so in most cases you will need to obtain a court order before your rights can be enforced.

What if my custody rights are based on court orders from another state or country?

Court orders from other states or countries normally are enforceable in California. So, if you live in California, it is considered child abduction for someone to deprive you of custody or visitation, even if your rights are based on court orders from another state or country.

What if I have abducted a child to protect him or her from harm?

It depends on whether or not you have a legal right to custody.

If you do **not** have a legal right to physical custody of the

senior deputy district attorneys, senior district attorney investigators and senior office staff.

The division contains 14 specialized units each addressing a specialized area of prosecution. It is the only district attorney division that engages in both criminal prosecution and civil litigation in the name of the People of the State of California. The attorneys in the division appear in cases in every part of the county as well as the court of appeal, California Supreme court and the federal district courts. What we do:

Sexually Violent Predator/ Mentally Disordered Offender Unit

This unit acquires civil court orders committing highly dangerous mentally ill violent sex offenders and mentally ill violent offenders to secure state medical hospitals to protect the public from further victimization.

Cold Case Homicide

This unit specializes in the investigation and criminal prosecution of homicide cases that have not been solved and have gone “cold,” acquiring closure for victim’s families and accountability for perpetrators.

Child Abduction

This unit locates and

child, you should immediately contact law enforcement or a child protective agency to report the danger. You may not withhold the child any longer than necessary to contact law enforcement or a child protective agency.

If you have a legal right to physical custody, you may withhold a child for a longer period of time, if necessary to protect the child. But you must also follow these steps required by law—

1. You must file a “Good Cause” report with the district attorney as soon as reasonably possible.
2. You must also seek a court order granting you custody. Your request must be filed with the court as soon as reasonably possible.

Can the Child Abduction Unit help me when my child is abducted out of state? What if my abducted child is in another country?

CAU has located and recovered children from all over the United States and the world. The United States and many other countries have signed a treaty to return abducted children found within their borders. It is called the Hague Convention on the Civil Aspects of International Child Abduction. We assist in enforcing the Hague Convention when a child has been abducted to or from San Bernardino County.

Does the Child Abduction Unit help recover children in their teens?

Generally speaking, CAU helps recover children who are age 14 or younger. Exceptions depend on the circumstances of the case.

INTEGRITY IS KEY INGREDIENT FOR SENIOR INVESTIGATOR



The following is an interview with Senior Investigator Maurice Landrum of the Real Estate Fraud Division, who has been with the San Bernardino County Bureau of Investigation for seven years.

Describe a typical day.

Being assigned to the Real Estate Fraud Prosecution Unit as a Senior District Attorney Investigator is a challenge. We are

recovers children who are abducted to deprive a parent of custody rights. It has recovered dozens of children throughout the United States, Mexico, Canada and Europe. It criminally prosecutes abducting parents.

Real Estate Fraud

This unit investigates and prosecutes fraudulent activity connected to real estate transactions including loan fraud, notary fraud, mortgage and loan modification fraud, securities fraud, identity theft, fraudulent transfers of property and financial elder abuse in real estate transactions.

Lifer Parole

This unit attends parole hearings at prisons throughout the state when prisoners for life crimes such as murder are being considered for release on parole.

Asset Forfeiture

This group specializes in identifying and seizing assets procured from criminal activities such as narcotics trafficking and stripping the perpetrators of these assets. They work with our other economic crime units to identify assets that can be seized for victim restitution.

Special Prosecutions

This group uses criminal

blessed with some great Deputy District Attorneys in our unit. A typical day for me involves interviewing victims, witnesses, conducting surveillance, and procuring search warrants. My mission has always been to work hand in hand with our Prosecutors and bring those Predators to justice that prey upon our victims here in San Bernardino County.

What is the most memorable case you worked on?

I have worked on numerous cases, which, I considered memorable. However, my most recent case, identified as the Home Recovery Trust Case, was labor intensive and challenging. My primary Defendant Luis Miguel Macias, incorporated as Home Recovery Trust (HRT) and Lamar Equities. My victims, predominantly Spanish speakers contacted his company to save their homes from Foreclosure or being sold at Public Auction. However, my suspect never intended to help the victims, what he did was devised a scheme to have the victims sign a Quitclaim Deed, transferring their properties into the Michael Martinez Trustee.

Those Quitclaim Deeds were then recorded at our Recorder’s Office. The start up fee was anywhere from \$2,500 to \$3,500. They also signed an agreement to make monthly payments to HRT, after being told their money was being deposited into a Trust Fund to show the bank they had the ability to make payments. In the meantime, HRT would file fraudulent Bankruptcy against the victim’s property to postpone the pending foreclosures. This scam started in 2009. It was not brought to our attention until August of 2011. Up until that point, based on bank records from HRT procured from a search warrant I wrote, Luis Miguel Macias had taken in over 5 million dollars. He personally withdrew a little over 1 million dollars based on withdrawal slips signed by him.

During this time, there were over 450 fraudulent Quitclaim Deeds filed in San Bernardino County alone. My investigation revealed there were additional victims in Riverside, Los Angeles, Orange, Ventura, and Kern Counties, as well as victims in Nevada and Arizona. With the help of my Prosecutor and support by Senior Investigators Tina Greco and Michael Leibrich, I filed on and arrested 10 suspects, who all pleaded guilty. We recovered approximately \$350,000 in restitution for the victims.

Why you believe that the Bureau of Investigation is a necessary component to carrying out the mission of the District Attorney’s Office?

The Bureau of Investigation plays a vital role in the Mission of

and civil prosecution to enforce consumer protection laws, unfair competition laws, and environmental crimes such as air and water contamination, improper use, storage and disposal of hazardous and toxic materials. They also prosecute occupational deaths, major frauds and embezzlements, including tax and securities fraud, Ponzi schemes, and other highly complex cases.

Gang Injunction

This unit acquires civil injunctions and restraining orders on gang members to create gang-free safety zones in gang-infested communities.

Appellate Services-Staff Development

This group represents the district attorney’s office in all appellate courts and provides the legal research and training support for the entire district attorney’s office.

Welfare Fraud

This unit prosecutes all public assistance fraud throughout the county. These prosecutions include perjury in applications, failure to disclose income, fraudulently claiming dependents and fraudulently claiming eligibility for assistance. The unit also prosecutes in

the District Attorney Office. Having over 28 ½ years of law enforcement experience has taught me one thing: It is imperative to hold those responsible for committing crimes accountable. My values system is simple. In order to be effective as a law enforcement officer, you must have Integrity in everything you say and do, a reverence for the law, respect for people, service to our community, and a commitment to leadership. These are the values that have paved the way for me to succeed at the Los Angeles Police Department, as well as here at the District Attorney's Office. My primary job is to help prepare and organize our complex cases, so our Prosecutors can successfully close the deal and bring closure for our victims.

Why do you do this job?

I do this job because I truly enjoy helping people and putting bad guys in jail. If I had a chance to start my career all over again, I would still chose law enforcement. You will never get rich, but the satisfaction of knowing you are making a difference in one person's life is awesome.



SOCIAL MEDIA SPOTLIGHT: BEHIND THE SCENES

Go behind the scenes of the San Bernardino County District Attorney's Office and learn about those dedicated to carrying out the day-to-day operations of the office.



[Go behind the scenes of the San Bernardino County District Attorney's Office and learn about Automated Systems Analyst II Charles Bodily.](#)



[Go behind the scenes of the San Bernardino County District Attorney's Office and learn about Investigative Technician III Miki Marhoefer.](#)



[Go behind the scenes of the San Bernardino County District Attorney's Office and learn about Restitution Specialist Sandra Perez.](#)

home service assistance fraud.

Automobile Insurance Fraud/Organized Automobile Insurance Fraud Interdiction

These two units combine to investigate and prosecute automobile insurance fraud committed by policy holders such as driver switching, staged accidents, cases where the vehicle owners arrange to have their cars stolen or burned to claim insurance benefits; instances in which insurance brokers embezzle premiums, and cases where medical and legal service providers commit billing fraud.

Workers' Compensation Insurance Fraud

This unit investigates and prosecutes workers who claim work injuries when injured elsewhere, fraudulently claim disabilities, and fraudulently fail to disclose prior injuries or income. The unit also investigates and prosecutes businesses who fraudulently fail to have workers' compensation insurance for their employees or who fraudulently misrepresent their business activities to commit insurance premium fraud. The unit also investigates and prosecutes billing fraud by medical service providers.

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