

## Defense In McStay Murder Trial Reaches Crescendo And Then Rests

By Mark Gutglueck

The defense in the McStay Family murder trial rested yesterday, having put on its case over a period of ten weeks, one week longer than the prosecution had taken to lay out its basis for alleging that Charles Merritt was the perpetrator of the brutal 2010 killings. The final barrage of testimony represented a major breakthrough for the defense,

during which it was able to turn the testimony of a highly reputable expert witness originally retained by the prosecution to its cause to not just refute but virtually obliterate a primary element of the narrative of the defendant's guilt. On a separate issue, however, the defense suffered a setback when the prosecution located and brought in a surprise rebuttal witness who un-

dercut the alternate narrative the defense had heretofore successfully propounded to the effect that it was not Merritt but rather another of Joseph McStay's business associates who had killed him along with his wife and two young sons.

Outside the jury's view there were additional elements of drama, as the defense made a sally against one of the prosecutors while call-

ing for a discontinuation of the proceedings before the current jury or the outright dismissal of the case, with Judge Michael Smith ultimately rejecting the defense's motion for a mistrial together with its accusation that the case's senior prosecutor, Supervising Deputy District Attorney Britt Imes, had hidden exculpatory evidence.

According to the prosecution, Charles

"Chase" Merritt, driven by financial desperation that grew out of his unbridled gambling addiction and utter lack of fiscal discipline, engaged in a series of thefts from Earth Inspired Products, a company owned and operated by his business associate, Joseph McStay, Sr. Through that company, Joseph McStay was selling high end decorative water features — ar- See P 2

## Barstow Latest SBC City Looking To Get In On The Marijuana Bonanza

Barstow city officials have taken up backroom discussions of whether the city council should outright, using its own authority, pass an ordinance that would permit entrepreneurs trafficking in marijuana to operate in their city, including ones selling the drug, cultivating it or refining it for intoxicative or medical purposes, or, in the alternative, place

a measure on the ballot that would allow the city's voters to determine whether such commercial activities should be allowed in the city.

If the city council or the voters adopt such an ordinance, it will reverse the policy that has been in place in the railroad town with regard to marijuana availability and use for more than a century and the official ban

on the substance the city has maintained throughout its 71-year history.

Barstow is not alone among California or San Bernardino County cities now seeking to come to terms with the social revolution, which has been brewing for over half of a century but has only manifested as a codified reality within the last two-and-a-half years, relating to the use

of cannabis, and the legal acceptance of it.

The plant has long had its advocates and users who have extolled its relative virtues as an intoxicant in contrast to alcohol.

In the latter years of the 1800s and the early years of the 20<sup>th</sup> Century, a significant segment of the U.S. population was growing intolerant toward the use of anything

inducing inebriation.

The temperance movement, which targeted in the main alcohol, was gathering momentum. In 1907, the poison act essentially rendered marijuana an illegal substance and from that point forward for well over sixty years the laws restricting it intensified. A century ago, the 18<sup>th</sup> Amendment to the U.S. Constitution was See P 7

## Uncommonly Heavy May Rain Results In Five Times Normal Dam H<sub>2</sub>O Release

Significantly heavier rainfall than has historically been the case in May has resulted in the Orange County Flood Control District releasing a substantially greater amount of water from the Seven Oaks Dam than is normally the case at this time of year.

At times the water release through the 1,623-foot long tunnel outlet running through the base of the structure reached 700 cubic feet per sec-

ond, more than five and a half times the normal flow of 125 cubic feet per second done during normally scheduled six-day release periods.

Seven Oaks Dam is a 2,980-foot-long arched embankment structure that at its apex is 550 feet above the Santa Ana River and 650 feet above its deepest foundations. Forty feet wide at its crest and more than 2,200 feet wide at its base, Seven Oaks has a gross storage

capacity of 145,600 acre feet, with 113,600 acre feet reserved for flood control and the remainder for sediment accumulation. At full pool, the reservoir lies at an elevation of 2,604.4 feet and has an area of 780 acres. Water releases are controlled by the aforementioned 1,623-foot length tunnel base outlet as well as a 500-foot wide ungated overflow spillway located south-east of the dam.

Situated proximate to the San Andreas Fault, the dam is designed to withstand an 8.0 Richter Scale earthquake.

Standing at the headwaters of the Santa Ana River, the dam collects runoff from a 176 square mile area or 209 square miles when the drainage area of Baldwin Lake is included. During deluges, Baldwin Lake's overflow is vectored into the Santa Ana River system.

Given that the Santa

Ana River wends its way through San Bernardino, Riverside and then Orange County before reaching the Pacific Ocean, and the area along its banks in Orange County serves as a major water source in Orange County, Orange County has historically taken an interest in preserving and securing its downriver flow. Generations ago, Orange County acted to tie up much of the property See P 20

## Senior U.S. Military Intelligence Officer Loses Life In Desert Road Crash

One of the nation's most dynamic military intelligence officers died on May 19 from injuries he sustained in a head-on collision that occurred three days previously along a treacherous stretch of one the county's two-lane desert roads.

Colonel Alexander Merz, 50, the deputy director of Special Programs with the Office of the Under Secretary of



Alexander Merz

Defense for Intelligence, was driving a 2018 Nissan Versa northbound

on Old Woman Springs Road near Olive Road around 4:40 p.m. May 16 when Twentynine Palms resident Anthony Wilson, 27, driving a 2019 Ford F150 southbound, crossed over a solid yellow line to pass slower traffic. Wilson, moving at a rate of speed exceeding 70 miles per hour, collided with Merz's vehicle.

Wilson was able to make his way out of the

wreckage. A responding ambulance transported him to the Desert Regional Medical Center in Palm Springs. Merz initially survived, but was totally immobilized. Responding firefighters had to use the jaws of life to extract him from the tangle of metal, glass and plastic he was encased in. Merz was transported by helicopter to Desert Regional Medical Center, where he was even-

tually placed on life support. Doctors were not able to save him.

An Air Force colonel with expertise relating to a multitude of electronic intelligence collecting strategies, devices and methods, Merz's assignments had included assuming civilian identities and traveling to foreign destinations where he was himself engaged in or facilitated efforts by oth- See P 20

## WVWD Hands Brosowske Quarter Of A Million Dollars Annual Sinecure



Jeremiah Brosowske

In a move widely perceived within San Bernardino County's political and governmental circles as an egregious act of blatant cronyism, the West Valley Water District in Rialto earlier this month conferred upon Hesperia City Councilman Jeremiah Brosowske a job that will provide him with a quarter of a million dollars in total annual compensation.

Brosowske, the 28-year-old wunderkind of San Bernardino County politics, was hired to serve as West Valley's assistant general manager at an annual salary of \$189,592 augmented by \$62,500 in benefits. Brosowske has no experience, no training, holds no certificates or licenses, and possesses no expertise in water operations.

Even among the county's crop of current and former elected officials, a culture in which the provision of payoffs, kickbacks and backroom accommodations which commonly involve multiple layers of quid pro quos wherein some of those elected officials are provided with employment by another governmental entity in exchange for the governmental entity or agency they represent extending employment to other elected officials, amazement was expressed at the audacity of See P 3

## Alleging Merritt Killed McStay Family In Their Home, Prosecution Staked Case On Video It Said Depicted His Truck from front page

tificial waterfalls and fountains – which he and Merritt designed and which Merritt manufactured out of steel, glass, rock and other components based upon the specifications outlined by the company's customers and passed along to Merritt by McStay. The prosecution's theory, presented during the initial nine weeks of the trial that began on January 7 of this year, is that Merritt fraudulently obtained access to the QuickBooks accounting system McStay had set up for the Earth Inspired Products enterprise and on February 1 and February 2, 2010 wrote himself \$7,495 worth of checks.

When he learned of what Merritt was up to, either shortly before or perhaps even on February 4, 2010, Joseph McStay traveled to Rancho Cucamonga, where Merritt was then living, and confronted him about his larceny, threatening to alert authorities, prosecutors allege. After Joseph McStay later that afternoon returned to the home he shared with his family in Fallbrook in north San Diego County, the prosecution's theory continues, Merritt that evening drove to the McStay residence, where he slaughtered the McStays, using a three-pound sledgehammer to bash their skulls in.

Merritt then secreted the bodies for two days, in the meantime again fraudulently accessing Joseph McStay's QuickBooks account for Earth Inspired Products, the prosecution maintains, and on February 4, 2010, February 5, 2010 and again on February 8, 2010 issued himself checks made out to himself for a total of \$23,855. On February 6, 2010, Merritt transported the corpses up into San Bernardino County's High Desert, an area with which Merritt was familiar from having grown

up in Hesperia where he attended Apple Valley High School for three years in the 1970s, according to prosecutors. There, in a remote area between Victorville and Oro Grande he buried all four of his victims along with the murder weapon in two six-foot long, two-foot wide and 18-inch deep graves he dug in a wash off a rarely-traveled dirt road, according to the prosecution.

To confuse the situation, throw authorities off his track and delay a serious investigation into the matter, the prosecution maintains, Merritt then drove the McStay family's 1996 Isuzu Trooper, which yet contained the child seats for Gianni and Joseph, Jr., to San Ysidro, where he left the vehicle in a shopping center parking lot roughly a quarter of a mile from the Mexican border.

Placing Merritt at the McStay Home located at 3473 Avocado Vista Lane in Fallbrook on the evening of February 4, 2010 is a central and crucial element of the highly circumstantial case against Merritt. The prosecution team, consisting of Supervising Deputy District Attorney Britt Imes, Supervising Deputy District Attorney Sean Daugherty and Deputy District Attorney Melissa Rodriguez, have consistently sought to sell to the jury that at 7:47 pm on the night of February 4, 2010 a security video camera at the home of Jennifer Mitchley, who lived one door up and across the street from the McStay home in the 3400 block of Avocado Vista Lane, caught fleeting images of a portion of Merritt's truck. This implicates Merritt in the murders, the prosecution maintains.

The security video, however, is problematic on multiple score. Black and white and of relatively low quality which is exacerbated by the consideration that its video data was compressed in order to be digitally stored, reducing the quality further, as the action captured occurred some two hours and 21 minutes after that day's 5:26 pm sunset. Moreover, the primary video

camera was mounted on the Mitchley home's front porch relatively high on the Mitchley home's front porch and angled in a way that was intended to take in activity in the front yard. Thus the camera's visual field only incidentally captures the street area. What is more, because of the height at which the camera is mounted, the roof overhang above the porch cuts what would have been a slightly further extension outward from the visual field, such that the top part of the camera's panorama ends roughly half way out into the street. In this way, the entirety of the vehicle, shrouded in darkness, is not entirely visible, with something approaching one third or more of its top portion left out of the video. Despite the video's limitations, the prosecution believed an exacting forensic examination and analysis would bear out its theory and assertion that the vehicle was in fact Merritt's truck, damning evidence that places him at the scene where and when the prosecution maintains the murders took place.

To carry the day, the prosecution had been banking on Dr. Leonid I. Rudin, one of the world's leading forensic photogrammetrists, being able to offer testimony that would leave no doubt that Merritt was at the McStay residence that fateful night.

Dr. Rudin's credentials are impeccable.

Possessing a PhD and a master of science degree in computer science and imaging science from Cal Tech as well as a master of science degree in applied mathematics, he is a faculty member at the California Institute of Technology, UCLA, and University of Paris IX École Normale Supérieure, France. Rudin is the founder of Pasadena-based Cognitech, Inc., the world's first forensic video processing and photogrammetry software and hardware design company. Arguably the world's leading authority on image/video processing and analysis, Rudin holds over 20 patents, including ones for a system and method

for pattern detection and camera calibration, registration and comparison of three-dimensional objects, a video data compressor with a very high data rate, a real-time three-dimensional videoing system, a system and method for determining geo-location(s) in images, a system and method for image and video search, indexing and object classification, registration and comparison of three dimensional objects in facial imaging, video demultiplexing based on meaningful modes extraction, a system and method for three-dimensional estimation based on image data, object recognition based on two dimensional images and three dimensional models, image frame fusion by velocity estimation using region merging and an apparatus for enhancing signals such as images, speech, remotely sensed data, medical, tactile, radar and audio, and other patents issued and in continuance by the US Patent Office.

Recognized during the 2000 Queen Elizabeth II Forensic Committee Conference for his work in furthering the science of human identification and the recipient of the 2010 American Technology Award for his fundamental contribution to three dimensional geospatial photogrammetry, Rudin is of note within the legal community for having advanced the application of science in the context of criminal justice based upon his having derived the first usage of peer-reviewed and published fundamental techniques for imaging, video processing and forensic three dimensional photogrammetry ever approved by the U.S. Court of Appeals to obtain a conviction. Caltech singled him out for its De Prima Mathematics Award for applying mathematics to benefit the justice system.

Upon being contacted by the prosecution, which called upon him to assist it in nailing down a crucial element of the case against Merritt by using his expertise to make a determination that it was indeed the defendant's

## The San Bernardino County

# Sentinel

Published in San Bernardino County.  
The Sentinel's main office is located at 10788 Civic Center Drive in Rancho Cucamonga, CA 91730  
A Fortunado Publication in conjunction with  
Countywide News Service  
Mark Gutglueck, Publisher

**Call (951) 567-1936**  
**to learn of locations where the Sentinel is available or to provide news tips**

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truck on Avocado Vista Lane that winter evening in 2010, Rudin agreed to take on the case. In addition to bringing his talent to bear, Rudin went further, offering and making good upon that offer to do the work pro bono, for no pay whatsoever, which is his routine practice through which he seeks to contribute to the US Justice System.

Merritt's defense team, consisting of James McGee, Rajan Maline and Jacob Guerard, anticipating that Dr. Rudin was on the verge of coming into the courtroom and offering a determination that would prove absolutely devastating to their client, requested an evidentiary hearing outside the presence of the jury to go over with a fine-tooth comb what Rudin was prepared to testify to and what the basis for that anticipated testimony would be. Judge Smith granted the request, and on February 5, 2019, without the jury present, the hearing was held. During that hearing, Rudin previewed his findings and the methodology he had used, together with the video, photographic and photogrammetric evidence he had evaluated along with the exhibits he had generated. During that hearing Rudin testified that, based upon the materials and data provided to him to that point, though he could not conclusively say that the image on the Mitchley video matched Merritt's truck, he could not reject that they were one and the same either. At the conclusion of the hearing, Judge Smith, over the defense's objection, ruled that Rudin

could testify.

Rudin was scheduled to appear as a witness on February 19, but that date came and went and the prosecution did not call him to the witness stand. Instead, on March 4, the prosecution elected to have San Bernardino County Sheriff's Department Sergeant Ryan Smith, who is no blood relation to Judge Michael Smith, testify with regard to his non-scientific observations and the conclusion he had personally reached that the image on the Mitchley video is a match to the Chevrolet work truck Merritt was driving in 2010. Smith, who as the case officer on the McStay family homicides and the sheriff's department liaison with the district attorney's office on the matter, was questioned by Imes as three dimensional depictions, known as FARO scans, of Merritt's truck were displayed in conjunction with stills from the Mitchley video on the courtroom's overhead visual monitors, some of which were side-by-side comparisons Sergeant Smith had prepared to accompany his testimony. He testified that there was similarity with regard to the front of the images of the vehicles as well as a close similarity with regard to the back of the vehicles, including the exhaust pipe.

Sergeant Smith also testified that a light visible on the side and near the rear of the vehicle in the image captured on the Mitchley video that was not present on the FARO scan of Merritt's

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## Prosecution Ditched Its Expert Witness When He Wasn't Able To Back It On Its Truck Video Supposition from page 2

truck was probably not a light but rather the reflection of a light in the neighborhood mirroring off of a feature on the truck, quite possibly the latch handle to one of the storage compartments.

As the last witness before it rested on March 11, the prosecution called Eugenio Liscio, an authority on three-dimensional forensic reconstruction and an instructor at the University of Toronto and the president of the International Association of Forensic and Security Metrology, to offer testimony with regard to whether Merritt's truck was a match to the vehicle seen on the Mitchley video. He replaced Rudin as the prosecution's expert witness on the topic. The jury, which was in no way privy to what had taken place at the February 5 evidentiary hearing, had heard no mention of Rudin at all during the trial and was entirely unaware that the prosecution had substituted in Liscio, who was paid \$14,000 for his re-

port and his testimony, to take Dr. Rudin's place.

Under direct examination by Imes, Liscio said that the low lighting conditions and low resolution of Mitchley's video camera as well as glare from the bright lights of the vehicle limited his ability to make measurements down to a certain range. Nevertheless, Liscio testified, he found numerous similarities between the vehicle seen on the video and Merritt's truck. Liscio said "The headlamps are consistent with the 2000 Chevrolet truck" and that the headlight pattern of the Merritt's Chevrolet truck matched up with the headlight pattern of the vehicle in the video.

Liscio, just as Sergeant Smith before him had, said that the light toward the back of the vehicle seen in the Mitchley video was probably a reflection, most likely from the latch handle on one of the truck's cargo storage bins. He said this was supported by the consideration that the brightness of the light changed in intensity, becoming more and more dim until it disappeared altogether for four frames of the video before reappearing and gradually growing brighter. "I'm calling

it an illuminated spot," said Liscio. "It doesn't appear as a constant light."

Other features of Merritt's truck were, Liscio said, "consistent with what we see in the video."

With regard to the profile of the vehicle, Liscio said, "The outline of the bottom of the vehicle seems to be consistent with the shadows and dark spots in the video."

Because of the relatively poor quality of the video he had to work with, Liscio said that in making his comparisons to the much more precise and crisp images on the FARO scan the consistencies in the images he noted fell "within a reasonable margin of error." Liscio nevertheless asserted that based upon the available data Merritt's truck could not be excluded as a match to the vehicle captured in the February 4, 2010 7:47 pm drive-by on the Mitchley video.

Under aggressive cross examination by McGee, Liscio said he was not definitively stating that the vehicle seen in the Mitchley video was Merritt's truck but merely recognizing that was a possibility that could not be eliminated from consideration by the jury. "I think I said that there are other ve-

hicles that could be, or fall into, this category, so vehicles of a similar nature, same form, geometry, same box at the back [match]," Liscio said. "If there is one that had exhaust pipe and brake lights and headlights and bumper, and somebody put a side light on there, that is possible. And it's possible it's another vehicle. So, I'm not saying that this is your client's vehicle. All I'm saying is that the vehicle in question is consistent with my report and that if there's another vehicle that looks similar, that is possible. I can't make an identification and say it is."

Called to the witness stand this week by the defense, Rudin said that during the course of the time from 2015 until 2019 when he was engaged in his forensic evaluation of the evidence in the case while working with the prosecution, he had consistently expressed that there was a critical need to supplement the computational forensic study he was doing of the available imagery with what he called a live reprojection validation experiment. The methodology he proposed to use in that experiment, he said, was the "gold standard" used to identify and validate the identification of three dimensional shapes of people and objects, in-

cluding vehicles that are captured on a video. He said such an experiment was needed to cross-validate or reject any computational findings. The live reprojection validation experiment would normally have consisted, Dr. Rudin said, of driving and/or positioning Merritt's truck through the same space occupied by the vehicle and posed in the same relative orientation to the original surveillance camera along the stretch of Avocado Vista Lane situated between the McStay and the Mitchley homes. The newly captured images would then be compared to the video frames in the Mitchley video. Dr. Rudin explained that live reprojection is usually done with the evidence video frames semi-transparently overlaying the live video, so that the match of the corresponding features is registered, if and when the proper position and orientation of the vehicle is achieved. Since the Mitchley video was made at night, and the captured video only depicts the vehicle front lights, some partial frontal details and a "mystery rear light," the experiment would then consist of positioning the vehicle along its traveled path in such a way as to match or coincide with as closely as possible all features visible in the

video and overlaying the "same features" visible in the Mitchley video, he said. This would entail simultaneously matching the two vehicles' front lights and the rear latch, using the corresponding light pattern features in the evidence video overlay. If the corresponding features could not be matched simultaneously no matter how the vehicle was positioned/oriented, then the "best" position/orientation would be taken and the disparity error would be computed, Rudin said. Rudin proposed conducting the experiment using specialized crime scene live reprojection software that has been developed by his scientific team and which was previously used in another criminal case investigation involving a vehicle. Rudin proposed that both the defense and prosecution be present and observe the experimental procedure. "I was shortly after told to 'stand down' by the prosecution and 'to stop all case work,' and later the defense stated that the prosecution controls the white truck [i.e., Merritt's truck], and that the truck is not in moving condition," Rudin told the *Sentinel* after his testimony was concluded. "Hence, only the prosecution can provide

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### Should County And Local Government Make A

## U-Turn?

A radio program broadcast in the Inland Empire has taken up the questions of whether county and local municipal government is on the right path or whether it would be best for all concerned that our elected leadership get the message and make a U-turn.

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A weekly one hour radio show, *You Turn* focuses primarily on local government, its size, spending, and growth. The radio hosts attract guests who can provide insight on the operation of government, the elected officials who head it, and the echelon of senior government managers who run it on a day-to-day basis. Are our political leaders dedicated and conscientious public servants who are looking out for the taxpayer and ensuring that the best interest of the public at large is being tended to? Or are those we have elected engaging in self-serving aggrandizement and violating the public trust as they enrich themselves and their cronies? Tune in to *You Turn* Radio from 2 p.m. to 3 p.m. on Sundays and find out!

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### Water District Officials Mum On Why They Gave Inexperienced & Unlicensed Applicant \$250,000 Assistant Manager's Post from front page

advancing Brosowske into a position with a pay grade and responsibility level which so excessively exceeds his qualification and skill level.

Word spread immediately that Brosowske's hiring into the post represented a tangible payoff in exchange for a vote or votes Brosowske has made or is now expected to make in his position and capacity as a council member in Hesperia.

In the face of the firestorm of controversy engendered by Brosowske's hiring, those responsible for the action, including General Manager Clarence Mansell, current Assistant

General Manager Ricardo Pacheco, Human Resources and Risk Manager Deborah Martinez, Board of Directors President Michael Taylor and board members Clifford Young, Don Olinger, Kyle Crowther and Greg Young have hunkered down into a crouch and are not fielding public or press inquiries into the matter. Twenty-three calls/messages from the *Sentinel* to the various officials with the district at their district office phone numbers or outside private or business lines this week went unanswered and unreturned. In particular, Mansell was unwilling

to specify what skills or ability Brosowske possessed which justified his hiring.

Of issue in the controversy is that the position Brosowske was given is an essentially do-nothing job. His assignment as assistant general manager is vague under the terms of his employment agreement and, with the leave of the general manager, he is free to come and go as he chooses. Though the employment agreement references "certain services," nowhere in the contract are those services or his duties specified or explained.

"[The] District desires to engage the services of Mr. Brosowske as an assistant general manager of the district," the agreement states. "Mr. Brosowske represents

and warrants that he has the skill and ability to serve as assistant general manager and wishes to accept such employment. Mr. Brosowske shall render certain services to [the] district as assistant general manager. Mr. Brosowske shall be an assistant general manager of the district and shall report to the general manager and perform such duties and services as shall be necessary and advisable to manage and conduct the business of the district, subject at all times to all applicable law(s) and board decisions, as well as the consent, approval and direction of the board. Mr. Brosowske will devote his full time and attention to the performance of his duties

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### Using Photogrammetry & Height Preserving Projection, Scientist Compared Vehicle Images from page 3

the white truck and the crime scene location availability for the experiment. I personally believe that had both sides sincerely cooperated in the interest of truth, the experiment I proposed is feasible, and it would yield the final word of forensic evidence to clarify: 'Is the evidence video consistent with the white truck?'

On the witness stand, under direct examination by McGee, Rudin went over how making a rock solid determination one way or the other whether the vehicle on the Mitchley video did or did not correspond with the images of Merritt's truck eluded him. At the time of the February 5 evidentiary hearing, he said, he had yet to conclusively reject the possibility that they were one and the same. McGee asked him about his testimony in February.

"I said I could not reject at that time," Rudin said.

"After that hearing, you kept working, didn't you?" McGee asked.

"I kept thinking," Rudin replied.

"And you kept doing further analysis?" McGee asked.

"I just realized mathematics doesn't lie," Rudin said. "We were getting short measurements, and I was trying to interpret it in my mind [how] there was the truck on the ground and I realized it's not the truck on the ground. Then I went and confirmed it by other means."

Dr. Rudin's reference to the truck on the ground pertained to the consideration that the rear side running light on Merritt's Truck was measured by Dr. Rudin to be 5.17 feet from ground (taken from the available three dimensional truck model), while what appears to be the rear side running light on the vehicle in the Mitchley video is measured by Dr. Rudin to be 4.37 feet

from the ground, if the truck is at the curb, or less than 4.37 feet if the rear of the truck is away from the curb. Thus, for the rear side running light of Merritt's truck to be at the level of 4.37 feet above the street, the back tires of the truck would have needed to be at least 0.8 feet underground, Rudin said. This measurement ruled out that the identified light feature on the video could possibly be the rear side running light on Merritt's truck.

"And that was after you testified in February?" McGee asked.

"It was within a week after that, roughly," Rudin said.

"Did you inform the prosecution of this?" McGee asked.

"Objection, relevance," Imes said.

"Sustained," Judge Smith ruled.

"Violates the court's previous ruling," Imes added.

"Sustained," Judge Smith said.

"Were you told to stop working?" McGee asked.

"Objection," Imes again registered a protest, "relevance; violates the court's ruling."

"Sustained," Judge Smith said.

"Were you ever called as a witness in the trial before us today?" McGee asked.

"Objection; relevance; violates the court's ruling," Imes said.

"I think it's obvious he wasn't called before today," Judge Smith said, providing the jury with the information McGee was trying to get before them.

"You were following the trial after that hearing date, correct?" McGee asked.

"Objection; leading; assumes facts not in evidence," Imes said.

"Sustained," Judge Smith said.

"Did you follow what witnesses were called through the trial after February?" McGee asked.

"Not for about a month," Rudin replied.

"Did you discover that a Mr. Liscio testified in this case?" McGee asked.

"Yes, I did," Rudin said.

"Did you watch his testimony?" McGee asked.

"Originally, I just listened to it on YouTube," Rudin said. "There was no visual part available of it."

"After listening to that testimony, did you call me?" McGee asked.

"Yes, I did," Rudin said.

"Why'd you call me?" McGee asked.

"For several reasons," Rudin said.

"Like?" McGee prompted him.

"Number one, I was surprised that something called a live reprojection validation experiment was not done," Rudin said. "I wanted to see. I had already been turned down by the prosecution on this request in writing and so I knew there was no point in asking them, so I called you hoping that maybe you would see the reason and do that."

Earlier in Dr. Rudin's testimony, McGee had sought to illustrate the methodology that Rudin had used by walking him through the analysis he had done of the McStay family's Isuzu Trooper in seeking to determine if it matched the vehicle on the Mitchley video. That method involved Rudin making an exacting comparison of the two images, the first being a FARO scan of the McStay family's vehicle. A FARO scan is a three-dimensional photograph which provides precise dimensions of the object depicted. On that FARO scan, Rudin demarked ten feature points of the vehicle, which included the four corners of the passenger side headlight, the passenger side tail-light and the two interior corners of the driver side headlight. Rudin thereafter superimposed the Mitchley video on the FARO scan, using a software program created by his scientific team at Cognitech, Inc. that aligned the images in such a way that the lateral angle, attitude [that is, upward-or downward tilt] and distance from which the vehicle in the Mitchley video is reproduced in the angle, attitude and distance from which the Isuzu Trooper was viewed. Early in

making the comparison, Rudin indicated, the features appeared to correspond with what he he termed minimal "error," meaning that to that point, the Trooper could not be excluded as a match for the vehicle seen on the video. In measuring the wheel base, however, Rudin said Isuzu Trooper was 9.15 feet and the vehicle in the video pegged at 9.758 feet.

"So, 9.758 versus 9.15, so there is roughly 0.6 feet, which means just like that it's not it," Rudin said.

McGee also noted that the Isuzu's tail pipe was on the driver's side of the vehicle, which distinguished it from the vehicle on the Mitchley video. Having shown how Rudin's methodology for making an exclusion worked, McGee turned to Merritt's vehicle, which Rudin referred to as "the white truck," based upon the color it had been painted by 2014 when the San Bernardino County Sheriff's Department located it and temporarily seized it from its then-owner to subject it to a series of measurements as well as photographic, video and three dimensional surveys and recordation.

Rudin said that as he had done with the Trooper, he had demarked ten feature points on the truck. "That's what I call a ten point configuration," Rudin said. In making those demarcations Rudin marked near the top left point of the headlight on the passenger side, the top right point of the headlight on the passenger side, the bottom right of the headlight on the passenger side, the bottom left of the headlight on the passenger side, the passenger side of the front bumper, an electrical plug box on the left side of the bumper, the Chevrolet decal on the grill of the truck, the left top of the driver side headlight, the bottom left of driver side headlight and the light on the rear of the truck on the passenger side.

"You did not mark around the parking lights, correct? McGee asked. "You only marked around the headlight."

Rudin said he had not "because we can't see anything like this in the Mitchley image."

"In the evidence video?" McGee sought to clarify.

"Yeah," Rudin said. Rudin said the running lights were not visible on the Mitchley video. Rudin testified that running lights were visible on a video the sheriff's department made of Merritt's truck while it was running at night.

On Merritt's truck, the rectangular headlights are wider than they are tall and are positioned above and distinguishable from the running lights, which are roughly one third as tall as the headlights but somewhat wider than the headlights, extending toward the outer edge of the front of the truck and around the side an abbreviated distance. On Merritt's truck, the running lights automatically illuminate when the headlights are turned on and cannot be shut off unless the headlights are also shut off. The headlights on the vehicle in the Mitchley video are also rectangular and wider than they are tall, but they have no accompanying running lights.

Rudin testified that the prosecution never showed him the video of Merritt's truck running at night with its lights on when he had been working for the prosecution on an analysis of whether Merritt's truck matched the vehicle shown on the Mitchley video.

"You were not provided this video, were you?" McGee asked.

"No," Rudin said.

In his use of projection mapping, Rudin said he superimposed the rear marker light of Merritt's truck with the light that is apparent at the back end of the vehicle in the Mitchley video. Rudin said it was possible to have the vehicles line up in the projection mapping and that having the two vehicles occupy the same space in correspondence with one "turns out not to be possible from the point of view of reality." For Merritt's truck and the Mitchley video vehicle to have their taillights in the same position on the

street in the 3400 block of Avocado Vista Lane, Rudin said, the back end of Merritt's truck would have to be "pushed underground. I can't match it. I can't match it on the ground so I have to push it down. So it turns out we made a measurement later pushing [the truck] one foot down into the ground."

"If it has to be pushed into the ground for it to fit would it be excluded?" McGee asked.

"It should be excluded, yes," Rudin said.

McGee explored with Rudin what had driven him to continue to examine the issues relating to the inclusion or exclusion of Merritt's truck as a match to the vehicle on the Mitchley video after the February 5 evidentiary hearing, at which the prosecution had been given clearance by Judge Smith to proceed with Rudin's testimony stating that Merritt's truck could not be ruled out as a possible match to the vehicle that had driven out of the McStay home's driveway the night of February 4, 2010.

"For many reasons, I was not satisfied with either computational result," Rudin testified. "It was kind of a borderline on both ends. It was first borderline non-reject and then it was a borderline reject. The error can come computationally, even in the best possible method. There are complications. There are errors. So my data was not perfect. No computation is perfect. So the only way to resolve this in my mind is to do something very simple. Anybody can understand it. If you have a video with a truck and the camera is still there and it hasn't moved – and if it's moved we have enough math to fix that – so why not put the truck right there in just the way that we thought it was and find the position so the patterns match or don't match and we exhaust all the possibilities? We record that and we know, if we're lucky and we find it, okay then we cannot reject it, of course. So, maybe if we cannot find it [a match], it's because our driver is not

*Continued on Page 6*

## Politician Brosowske Gifted Pay Grade Far Above His Skill Level from page 3

and to district business affairs. Mr. Brosowske shall report to the general manager and district's offices for work under one of the district's approved work schedules and at such other times as may be necessary to discharge his duties, except when away on district business, or as otherwise excused such as vacations and holidays. Notwithstanding the foregoing, Mr. Brosowske agrees that he will report to work when necessary to district's operations, regardless of regularly scheduled hours to the extent such attendance is reasonably possible. Mr. Brosowske may devote a reasonable amount of time to professional water district and community related activities, so long as the time devoted to these other activities does not interfere with the performance of his duties to the district. Participation at those professional and other organizational activities will be subject to review and approval by the general manager. This agreement shall in no way be interpreted as prohibiting Mr. Brosowske from making passive personal investments and/or attending to such other personal business affairs, provided that such personal investments and/or private business affairs in no way interferes and/or conflicts with his duties and responsibilities as assistant general manager and/or the needs and best interests of the district."

The agreement specifies a six-month probationary period for Brosowske, who is designated as "at-will" employee. If he is terminated with cause cited, he will be provided no severance stipend. If terminated without cause cited, he is entitled to a severance stipend equal to three to six months salary. The agreement calls for the district supplying Brosowske with a cell phone, laptop computer, iPad, either a district vehicle or \$600 per month

vehicle allowance, holiday and vacation pay, sick leave, life insurance, medical coverage, dental coverage, vision coverage, travel expenses, and educational and/or tuition reimbursement up to \$5,000 annually.

Attempts by the *Sentinel* to get West Valley General Manager Clarence Mansell to clarify what Brosowske's approved "district work schedule" consists of or what services Brosowske is to perform were met with no response.

According to an individual highly knowledgeable about district operations, Mansell was ordered by the board to hire Brosowske along with Logan Olds, the former general manager of the Victor Valley Wastewater Reclamation Authority. Olds recently left his longheld post with the Victor Valley Wastewater Reclamation Authority. Olds was hired into an assistant general manager position with West Valley as well, at a somewhat higher salary level than Brosowske of \$210,000. There has been no controversy over Olds' hiring, as he has the education, training, certification, licensing and experience that relates to a water district's operations that would seem to justify his assumption of that position. The hiring of Olds and Brosowske, the one-time district insider told the *Sentinel*, was orchestrated by business and development interests that are heavily active in both the Victor Valley and Rialto/Lytle Creek areas, and are major donors to the campaigns of politicians in those areas. The generosity of those business owners toward politicians and public officials has gone beyond political donations to them, the one-time official said. Thus, several of those politicians, which include a majority of the West Valley board and Brosowske, are "owned" by those interests. The arrangements made by those interests in convincing the West Valley officials to provide the West Valley assistant general manager's job to Brosowske, he said, was a means of solidifying

the hold on Brosowske.

Mansell was not in favor of hiring Brosowske, but had no choice, the former official said. "There were probably 17 other prospects for that position, all with real, hands on experience in water operations or financial management," he said. "Clarence would have rather hired any of them before hiring this kid. This wasn't a decision made on the merits. Hiring Logan [Olds] and him [Brosowske] were a package deal."

While the West Valley Water District has a "Transparency" page on its website, the page does not provide access to the board members' campaign disclosure documents to allow their campaign donors to be instantly checked against the campaign donors of elected officials elsewhere, including those in the Victor Valley. The page provides the facility to download and print a public records request application, but the district requires that the application be submitted in writing through traditional physical rather than electronic mail.

Brosowske told the *Sentinel* that he anticipates his function will essentially relate to public relations with the district.

"My job at West Valley Water District will mostly be overseeing external affairs and customer service," he said.

His talent is such that the district will be getting what it is paying for, he said, and the district was fortunate to land him rather than the other way around. "I had many employment opportunities and chose this one because of its location and ability to grow in the water industry," he said. "I currently serve as a member of the Hesperia Water Board in a term that coincides with my council seat."

He was not just given the job, Brosowske insisted, and his broad area of expertise in public affairs was what appealed to the district. "I was put through an extremely difficult interview process." Brosowske said. "As you already know, I was a policy advisor to Supervisor Curt Hag-

man. I helped Supervisor Hagman craft water and development policy. I was the executive director to the San Bernardino County Republican Party. I oversaw all operations of the party with the media and operations. As you noted, I have working relationships across San Bernardino County. However, my relationships with West Valley Water District Board Members has been extremely limited. This interview process was extremely difficult and included a personal interview and a board closed session."

Brosowske stood assertions that he had gotten the job solely on the basis of his political position and political connections on their head, saying. "If I did not hold any elected office this likely would not be a news story. Unfortunately people with political agendas chose to attack every aspect of my life, including how I make my living. It's unfortunate that people would use my employment as a way to attack myself or board members of the West Valley Water District."

Brosowske grew up in Apple Valley and attended Victor Valley College, where he was elected to the Associated Student Body Council and Senate, serving in the post of parliamentarian and ultimately rising to the position of ASB vice president. After being thoroughly involved in campus politics at Victor Valley College, Brosowske was drawn into what has been a continual life in politics, Republican politics specifically. He became involved in a number of election or reelection campaigns. In 2014, he was hired at the age of 23 by then-County Republican Party Chairman Kurt Hagman into the post of executive director of the San Bernardino County Republican Central Committee. He continued working on campaigns, including his own unsuccessful run in 2016 for a position on the Republican Central Committee.

Bill Postmus thereafter took Brosowske under his wing and sought

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to vicariously relive his political heyday through the younger man.

Postmus, himself a boy wonder of San Bernardino County Republican politics who in 2000 at the age of 28 was the fourth youngest person in county history to be elected to the board of supervisors and in 2004 acceded to the dual positions of chairman of the board of supervisors and chairman of the San Bernardino County Republican Central Committee, went on to be elected as county assessor in 2006 before his political career exploded in scandal. Despite his fall from grace, Postmus was able pull a multitude of strings and last summer the Postmus Cabal succeeded in having the Hesperia City Council appoint Brosowske to fill out the remaining time on Russ Blewett's term on the city council following Blewett's death in May 2018. Again, with Postmus' guidance, Brosowske managed to be elected outright to the Hesperia City Council in November. Later that month, Postmus was sentenced to three years in state prison based on 14 felony convictions on a host of political corruption charges, including bribery, solicitation of bribery, conflict-of-interest, public conflict-of-interest, misappropriation of public funds and criminal misuse and misdirection of public funds. He remains incarcerated. A major portion of Postmus' formula for political success was his recognition that individuals and business interests whose fortunes could be impacted by political decisions are willing to spend substantial amounts of money to influence the political decision making process. Postmus was very effective in having those individuals and interests had money over to him, dressed up, usually, in the form of political contributions. Using the political war chest at his disposal, Postmus while

he was in office promoted his own candidacies and also used the money at his disposal and his fundraising ability to become a virtual king-maker.

Brosowske's acceptance of the West Valley assistant general manager's position is making a substantial cross section of San Bernardino County politicians nervous because of the way it is focusing public attention on elected officials with one governmental entity holding employment with another governmental entity, including a number of cases in which they have parlayed their holding of elected position into obtaining a government job. This so-called double-dipping, critics say, creates a circumstance in which those officials are reluctant to hold the line on public employee raises and employment benefits, as the approval of such raises and increased benefits in the jurisdictions where they have authority can and does redound to the raising of pay and the increasing of benefits in the jurisdictions where they are employed, what can be categorized as either an indirect or direct conflict of interest. Public conflicts of interest are felonies in California. Within San Bernardino County, in 21 of its 24 municipalities – the cities of Chino Hills, Ontario, Rancho Cucamonga, Fontana, Rialto, Colton, San Bernardino, Loma Linda, Grand Terrace, Redlands, Big Bear Lake, Highland, Yucaipa, Twentynine Palms, Needles, Barstow, Victorville and Hesperia and the towns of Apple Valley and Yucca Valley – there is at least one member of the city council or the mayor who is a public employee or public pension recipient. In addition, several of the cities have council members or mayors whose spouses work for a public agency or public entity.

-Mark Gutglueck

## Prosecution Stopped Him From Doing Live Reprojection Validation Experiment, Scientist Says *from page 4*

good enough but there are many good drivers out there. We have done those experiments before. That's called live reprojection. We created a software that helps you find that position, helps the driver go where he needs to go because we know where our computation takes us. So, we can guide the driver. This takes an hour or two, max. In February I understood for the first time that a) the truck is available and b) the camera is still there and it's possible to go there. Once I knew that, I am a scientist and the basis of science is experiment. The theory should follow by experiment, and in this case experiment would be the crown jewel of this whole process. That's why I called you."

"When you wanted to do the reprojection, you were just trying to be thorough, right?" McGee asked.

"Because that's science," Rudin said.

"You wanted to be thorough," McGee said.

"I wanted to be logical," Rudin said.

"You wanted to be accurate," McGee said.

"Scientific," Rudin responded.

"You wanted to be complete," McGee said.

"Scientific" Rudin said. "That's the word. If you can do an experiment, you have to do an experiment. That's science. It's like the ABC

of science."

"And when you said you wanted to do that to be thorough and accurate and complete, you were told no," McGee said.

"In slightly different words," Rudin said. "We don't have time. This kind of thing. Somewhere in my emails [from the prosecution] it says. 'We're not going to do it.'"

Rudin testified he had listened to Liscio's testimony and looked at the video element of Liscio's presentation and concluded parts of it were inaccurate along with his conclusion that Merritt's truck could not be ruled out as a match for the vehicle seen on the Mitchley video.

Dr. Rudin said that Liscio had created a projection matrix combining a three dimensional daylight image of the laser scanned Avocado Vista Lane streetscape and the daylight image from the Mitchley video and then did a calibration of the camera, which in part was finding the camera's position and orientation relative to the three dimensional laser scan of the street and then used this camera position and orientation in his video animation simulation of Merritt's truck positioning. Liscio then compared it, through projection, to the Mitchley security video camera recording. In doing that, Liscio's projection matrix had failed to properly account for the camera position, evidenced by mismatch of roof overhang above the Mitchley security video camera that obscured the upper part of the vehicle in the video, Rudin said.

"When he actually determines that position of the camera and orientation of the camera, and I think calibration parameters that go into that of which the main ones are focal length and something called optical center, then he shows the image and then he shows the overhang from the 3D scan and they don't match," Rudin said. "Now that's like a warning flag to any photogrammetrist. That means there is an error in our projection method. He should have matched those correctly. Somehow he didn't. He used some software that wasn't specifically for that."

When Rudin asked the prosecution for the latest available three dimension laser scan of the street scene in the 3400 block of Avocado Vista Lane that he needed to run an examination with everything calibrated correctly, he was turned down, he said.

"I wanted to prove that and when I asked for the latest laser scan of the street, I was denied to get it," Dr. Rudin said. Of the foundation that Liscio had laid for his analysis, Dr. Rudin said, "When I look at this, that's already wrong. If that is wrong, then everything else is questionable. That's number one. Upon going further 'down the road' that Liscio had taken more problems revealed themselves, Rudin said. Liscio used a software program called 3D Studio Max to engage in a form of projection mapping that involved what Rudin said was a compromised form of single frame metrology, since 3D Studio Max was not designed for forensic single frame metrology comparison of precise spatial measurements but rather is a flagship three dimension animation software. Rudin said Liscio thereafter "re-created" a sequence of images using the projection matrix, the three dimensional laser scan of the vehicle, and the three dimensional laser scan of the street. "So he basically animates this vehicle and he moves it by hand. He moves it and moves it and moves it and this projection

mapping at the same time projects it into the video, and he moves it until he thinks it matches the light. He then draws two circles [around the headlights], and the circles are to show how well you match the 3D model lights [on Merritt's truck] with the visible pattern of the front lights [emanating from the vehicle in the Mitchley video]. Then he says, 'Here is our best result' and then he does some kind of analysis, which I also disagree with, and then he says, 'Okay, it matches.'"

Rudin continued, "What's wrong with this? First of all, the mapping is wrong. But let's assume the mapping is right. What else is wrong? Moving this by hand doesn't give you the best position possible. He doesn't have the math. It wasn't provided to him by his off-the-shelf software. His method does not provide a best possible position, therefore he cannot estimate the best possible error. But you say, 'Why do I care? If I can position in such a way that everything perfectly matches, then it's fine anyway.' If you're lucky enough in three dimensional space to find the right position that gives you zero error, that's wonderful. But his error is not zero. He's drawing these two circles. Nobody draws circles. People use points. The way to measure error is not by drawing circles and saying, 'What's the distance between them? Is it preserved?' That's what he's doing. One can be putting circles on the other end of the car and still having the same distance. Then what? Is that a good thing? I don't think so."

Liscio's analysis, Rudin opined was "not thought through very well."

The discrepancy between the positioning of the lights in Liscio's comparison of the video to the three dimensional scan of Merritt's truck was significant, Rudin said. "His circle slid just halfway out of the driver side light," Rudin said. "Now, that's a huge error in my book. That would be like, I don't

know, a 15-20 pixel error. If you allow this error, you can match anything to anything."

Beside finding fault with Liscio's conclusion that the vehicle seen in the Mitchley video could not be ruled out as matching Merritt's truck based on the Canadian scientist's projection matrix error, Dr. Rudin said Liscio's analysis from the standpoint of photogrammetry multi-point matching theory was deficient as well.

It was strikingly apparent to him, Rudin said, that Liscio never applied his analysis to a video frame that utilized three logical features – the two headlights and what Rudin referred to as the "rear mystery light" and which Liscio called "an illuminated spot" – simultaneously present. Rather, Rudin maintained, Liscio engaged in a matching effort that used a frame lifted from the Mitchley video in which the house's overhang was blocking the illuminated spot and thus had only the two headlights visible within it. Defining a frame that had all three features as a "complete data frame," Rudin said "Not using the best information available in the evidence data is in itself forensically indefensible."

Rudin testified that the photogrammetric analysis that used just the two front lights was "under-constrained," meaning that the computation lost two equations out of six equations in the photogrammetric matching procedure. With four equations, Rudin said, the two headlights on Merritt's truck can be almost perfectly matched to the video evidence, with just a small error. By removing the third point at the rear of the vehicle from the analysis, Rudin said, such sparse data is left as to make any conclusion virtually meaningless. In seeking to match three points, Rudin said, there are six equations and three unknowns which are the vehicles' on-the-ground positions, consisting of the x,y coordinates and the vehicle orientation angle. This system of equations, Ru-

din said, is far more robust mathematically and will yield a much larger error on the third point when a force-match is attempted with any two other "wrong" points. Using this analytical approach, Rudin said, is more suitable in determining whether Merritt's truck matches the vehicle on the Mitchley video because if the vehicles are not the same, by forcing the two sets of headlights to match, the illuminated spot would "stick out."

Rudin pointed out that Liscio in his testimony used the illuminated spot "by itself" to match it to Merritt's truck's back storage compartment latch. In doing that, Rudin said, Liscio used another incomplete data frame from the video in which the headlights were not visible.

"First, with one light you can match anything," Rudin said. "Everybody knows this. With teeny tiny error, you can match any two points. It is bringing the third point" into correspondence simultaneously with the first two points that determines whether the objects actually correspond with one another, Rudin said. When the third point on Merritt's vehicle – the taillight – was put into synchronization with the taillight on the Mitchley video vehicle, Dr. Rudin said, an impossibility occurred, accordingly to his now applied method of what he calls "height preserving projection with rigid constraints," which is abbreviated HPP. On April 24, 2019 Rudin provided both the defense and the prosecution with his paper/brief entitled "Photogrammetric Comparison of Vehicles with Height Preserving Projection," which contained an errors table.

Referring to Merritt's truck as "the white truck," Rudin said, "One can use standard photogrammetry method to project each chosen 3D point from the white truck 3D model back into the 3D street crime scene [i.e., the 3400 block of Avocado Vista

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## Barstow On Verge Of Legalizing Marijuana Sales *from front page*

ratified by the 36th State, triggering a prohibition on alcohol that lasted in the entirety of the United States from 1920 to 1933. Corresponding with prohibition was an era of intense gangsterism, which flourished in large measure because a subset of the criminal element catered to that portion of the public that wanted to indulge in the use of alcohol despite the official sanction against it. When the ban on alcohol was lifted, the restrictions on cannabis remained in place and for more than 80 years a subculture that was almost as pervasive and even more sophisticated in many respects than the one that facilitated the continued use of alcohol during the 13 years of prohibition developed within American culture to sustain the availability of marijuana. At an official level those participating in that network were considered elements of a criminal subculture, encompassing anyone who used the drug and possessed it in relatively minute quantities for personal use, as well as those who sold it and those who transported it, grew it or imported it into the country from outside the country. Those members of the subculture who were caught by law enforcement at whatever level of their involvement were subject, almost uniformly throughout the United States, to increasingly harsh, sometimes brutal and even draconian efforts to suppress marijuana at a multitude of governmental levels, both state and federal. By the 1970s, fully one-third of the adult population was using cannabis, even as police, prosecutors and the courts were engaging in efforts, at a cost of billions of dollars, to arrest, prosecute and imprison marijuana users and those who made it available.

In 1996, California's voters provided the first indication of the sea change in attitude within the general population toward marijuana when

the Proposition 215, the Compassionate Use of Marijuana Act, passed statewide. It called for allowing marijuana to be dispensed to anyone who obtained a prescription for the drug from a li-

censed physician. While doctors for patients suffering from maladies and conditions in which the drug was of some remedy indeed wrote out prescriptions for what were ostensibly legitimate

purposes, medical marijuana prescriptions very soon became a means by which that portion of the population seeking to be able to use cannabis recreationally without being subjected to arrest,

prosecution and imprisonment indulged in its use. Simultaneously, the political establishment and reactionary elements utilized that portion of the act that allowed local governmental entities to

regulate or outright ban dispensaries selling the product from locating within their jurisdictions keep most of the cities and counties marijuana-free zones. Most cities and counties in the state had city councils or county governing boards composed of elected officials who yet considered marijuana to be anathema to a well-ordered society and community. Those officials, in league with zealous opponents of cannabis, used their dominant political authority to employ local law enforcement agencies to prevent marijuana purveyors from establishing a toehold in their communities. Routinely, medical marijuana distributors would set up dispensaries or clinics, in some cases straightforwardly or in others surreptitiously or by obtaining a business license by representing the operation as health food store or spa, reap a considerable but short-lived profit that would in most cases offset the considerable start-up costs, and then be shut down by code enforcement or zone enforcement or law enforcement action. In due course, these entrepreneurs would move on to reinvent their operation at a different location in the same jurisdiction or perhaps another jurisdiction, repeating the process. In some cases, emboldened clinic operators would reinvest their profits in legal action challenging the efforts by local authorities to shut them down, occasionally succeeding

*Continued on Page 19*

## Sentinel's Letter To Barstow Councilman Harpole

Councilman Harpole...

This is Mark Gutglueck with the San Bernardino County *Sentinel*.

I am writing with regard the city's contemplated change of policy with regard to allowing the commercial sales of marijuana in Barstow. I have sent a similar letter to the city's spokesman, Anthony Riley. I am writing this to you specifically because of your status as someone who spent his career in law enforcement.

The liberalization of the way in which marijuana and those possessing it, smoking it, buying it, selling it, growing it is not endemic to Barstow but has been occurring in many places in California. My questions would be equally applicable elsewhere. Nevertheless, Barstow appears to be on the brink of an epochal or generational change with regard to not only its toleration of this substance but its own active involvement with regard to it.

For generations, just about anything related to marijuana could land you in jail or prison. If you were caught in possession of a minute quantity you could count on being arrested and going to jail; it would not be unheard of that you might go to prison. If you possessed it in any quantity or possessed it in a small quantity but had it packaged into smaller quantities, you could very well be deemed to be in possession of it for the purpose of selling it and would definitely go to prison. Smoking it would get you into jail or perhaps prison.

The justification for this previous stance was that marijuana is anathema to a civilized society in that it is a pernicious narcotic and those who were involved with it were criminals and moral reprobates.

Even after the voters of California in 1996 passed Proposition 215 to allow the drug to be used for medical purposes, Barstow and its officials prohibited the operation of businesses intent on selling the product as medicine.

Now, the city is contemplating allowing marijuana to be sold, not only for medical use but for its intoxicative effect, what is referred to as recreational use. Moreover, the city is considering involving itself in this commercialization by arranging a taxing scheme on the marijuana trade that will take place within its jurisdiction.

How does the City of Barstow and how do its officials justify this change?

If marijuana possession, use and sales were deemed felonies, punishable by prison, and the city and its officials felt applying corrective action such as arrest, prosecution and incarceration to be morally justifiable, how does it and they now conclude allowing that activity to occur is okay?

If the sale of marijuana was deemed a felony that mandated prison time in large measure because an individual profiting by trafficking in human misery was considered unacceptable, how is it that the city and city officials now stand ready to participate in a financial free-for-all and be recipients of a windfall involving the sale of marijuana? What does this say of the city's ethics? What does this say of city officials' ethics? What does this say of the morality of the city and its officials? Does the prospect of revenue generation trump the concept of public morality in Barstow?

If the city's position is now that a more enlightened age has dawned and the standards applied in

the past were wrong such that throwing people in prison for their involvement with marijuana was a misguided exercise of public authority that is now apparent with the current enlightenment, what measures should now be taken with regard to redressing the infliction of punishment on those imprisoned for involvement with it in the past? On this issue in particular, I would like to get your perspective as a former law enforcement officer. You would know better than I the degree to which the enforcement of marijuana laws occupied your attention, time, energy and efforts when you were an active member of the police department. I can only guess. My guess is that arresting people for smoking it, possessing it and selling it was something you did at least a few times during your career. Given Barstow's geographical position as a major crossroads in California from the central part of the state into the southern part of the state and through which a substantial number of people travel from outside the state into the state or from inside the state to outside the state, a fair amount of illicit marijuana must have passed through Barstow while you were on watch as a law enforcement officer. How now do you justify to yourself having engaged in applying the authority of arrest and initiating the prosecutions of individuals that had the potential or actual effect of subjecting them to incarceration while you are now engaged in arranging for the city to avail itself of revenues to be generated from the sale of marijuana? Do you see a contradiction here? Do you have any sort of personal moral dilemma or feel any qualms with regard to this? If the city moves to allowing marijuana to be sold within its confines and then takes a percentage of that money being spent on the drug through taxes, what would you say to someone you arrested for marijuana use, or marijuana possession or marijuana sales who went to prison who accuses you of hypocrisy? What relationship do you see between the law and morality? When you were enforcing the law, did the morality of the law have any significance to you? That is, did you consider all laws to be moral ones? Did you differentiate between laws you found justifiable and ones you did not? Or did you consider the law to simply be the law, and its morality or lack thereof to be immaterial? Is there, in your view, a correspondence between morality and the law? Do you consider all laws to be moral?

I don't know whether you are willing to engage with me and the *Sentinel* on this subject or not. Again, I recognize that Barstow is not unique in its current and past prohibitions against marijuana nor is it the only jurisdiction in California making, or contemplating making, a 180 degree flip on this issue. Nevertheless, there is the perception of a significant contradiction in the public policy now under consideration, and I hope you understand and can respect my effort to have Barstow's city officials explain and justify their collective action. As a former law enforcement officer, you bring an even more poignant perspective to this issue than many other city officials, and that is why I am endeavoring to deal with you directly with regard to this.

Thank you for whatever perspective you can provide me and the *Sentinel's* readership.

...Mark Gutglueck

Councilman Harpole did not respond.



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s/ Jeimy P Ramirez Figueroa  
This statement was filed with the County Clerk of San Bernardino on: 3/26/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 3/29, 4/5, 4/12 & 4/19, 2019 Corrected 5/3, 5/10, 5/17 & 5/24, 2019.

FBN 20190003528

The following entity is doing business as: YOGURTLAND Franchise No. CA278 9844 SIERRA AVE FONTANA, CA 92335 CHOPRA INVESTMENT GROUP, LLC 20355 VIA SAN SOVINO PORTER RANCH, CA 91326

Mailing Address 20355 VIA SAN SOVINO PORTER RANCH, CA 91326

State of Inc/Org./Reg: NE-VADA

Business is Conducted By: A LIMITED LIABILITY COMPANY

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ NITIN PAUL CHOPRA  
This statement was filed with the County Clerk of San Bernardino on: 3/22/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 01/20/2017

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 3/29, 4/5, 4/12 & 4/19, 2019 Corrected 5/3, 5/10, 5/17 & 5/24, 2019.

FBN 20190003527

The following entity is doing business as: YOGURTLAND Franchise No. CA292 13325 MAIN ST SUITE 107 HESPERIA, CA 92345 CHOPRA INVESTMENT GROUP, LLC 20355 VIA SAN SOVINO PORTER RANCH, CA 91326

Mailing Address 20355 VIA SAN SOVINO PORTER RANCH, CA 91326

State of Inc/Org./Reg: NE-VADA

Business is Conducted By: A LIMITED LIABILITY COMPANY

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ NITIN PAUL CHOPRA  
This statement was filed with the County Clerk of San Bernardino on: 3/22/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 01/20/2017

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in

**Public Notices**

the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 3/29, 4/5, 4/12 & 4/19, 2019 Corrected 5/3, 5/10, 5/17 & 5/24, 2019.

FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20190005245

The following person(s) is(are) doing business as: South Pacific Truck and Trailer Repair, 9135 Tangelo Ave, Fontana, CA 92335, Mailing Address: 1313 Kingsmill Ave, Rowland Heights, CA 91748, Epifanio D Rodriguez, 9135 Tangelo Ave, Fontana, CA 92335

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Epifanio D Rodriguez  
This statement was filed with the County Clerk of San Bernardino on: 4/26/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 2/28/2014

County Clerk, s/GM

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 5/3/19, 5/10/19, 5/17/19, 5/24/19

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS1912671

TO ALL INTERESTED PERSONS: Petitioner: Hiwote Wokru filed with this court for a decree changing names as follows:

Kidus Zewdu Yohannes to Nathaniel Zewdu Yohannes

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

Notice of Hearing: Date: 06/06/2019 Time: 8:30 a.m. Department: S16

The address of the court is Superior Court of California, County of San Bernardino, San Bernardino District - Civil Division, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210, San Bernardino

IT IS FURTHER ORDERED that a copy of this order be published in the THE SAN BERNARDINO COUNTY SENTINEL in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: June 6, 2019 Michael A. Sachs Judge of the Superior Court. Published in San Bernardino County Sentinel on 5/3/19, 5/10/19, 5/17/19, 5/24/19

NOTICE OF PETITION TO ADMINISTER ESTATE OF LULLY ESCOBAR

CASE NO. PROPS1900422

To all heirs, beneficiaries, creditors, and contingent creditors and persons who may be otherwise interested in the will or estate, or both of LULLY ESCOBAR:

A petition for probate has been filed by BENJAMIN ESCOBAR in the Superior Court of California, County of SAN BERNARDINO. The petition for probate requests that BENJAMIN ESCOBAR be appointed as personal representative to administer the estate of LULLY ESCOBAR.

**Public Notices**

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. The petition will be granted unless good cause is shown why it should not be.)

The petition is set for hearing in Dept. No. S35 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on June 20, 2019 at 08:30 AM

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Attorney for Petitioner: JENNIFER M. DANIEL 256360

LAW OFFICE OF JENNIFER DANIEL

220 NORDINA STREET, REDLANDS, CA 92373

Telephone: (909) 792-9244

Published in the San Bernardino County Sentinel May 10, May 17 & May 24 2019.

NOTICE OF PETITION TO ADMINISTER ESTATE OF MARIO MALACARA, aka MARIO MALCARA VALADEZ, aka MARIO MALACARA V.

CASE NO. PROPS1900419

To all heirs, beneficiaries, creditors, and contingent creditors and persons who may be otherwise interested in the will or estate, or both of MARIO MALACARA, aka MARIO MALCARA VALADEZ, aka MARIO MALACARA V.R.:

A petition for probate has been filed by BRENDA CECILIA CONTRERAS in the Superior Court of California, County of SAN BERNARDINO. The petition for probate requests that BRENDA CECILIA CONTRERAS be appointed as personal representative to administer the estate of MARIO MALACARA, aka MARIO MALCARA VALADEZ, aka MARIO MALACARA V.R.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without court approval. Before taking certain very important actions, however, the

**Public Notices**

personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. The petition will be granted unless good cause is shown why it should not be.)

The petition is set for hearing in Dept. No. S37 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on June 27, 2019 at 08:30 AM

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Attorney for Petitioner: NATALIE A. ALVARADO SAMUEL CROWE & ASSOCIATES

1131 W. SIXTH STREET, SUITE 101 ONTARIO, CA 91762

Telephone: (909) 391-9393

Published in the San Bernardino County Sentinel May 10, May 17 & May 24 2019.

NOTICE OF PETITION TO ADMINISTER ESTATE OF LEROY HISAO ISHIGO

Case No. PROPS1900415

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of LEROY HISAO ISHIGO

A PETITION FOR PROBATE has been filed by Clarence Ishigo in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Clarence Ishigo be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on June 17, 2019 at 8:30 AM in Dept. No. S36 located at 247 W. Third St., San Bernardino, CA 92415.

**Public Notices**

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner: JAMES A BUSSE JR ESQ SBN 225244

THE LAW OFFICES OF JAMES A BUSSE JR INC 3937 ELM AVE LONG BEACH CA 90807 CN960237 ISHIGO May 10,17,24, 2019

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS1913574

TO ALL INTERESTED PERSONS: Petitioner: Karen Thuc Te filed with this court for a decree changing names as follows: Karen Thuc Te to Ngim Thuc Quach

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

Notice of Hearing: Date: 06/17/2019 Time: 8:30 a.m. Department: S16

The address of the court is Superior Court of California, County of San Bernardino, San Bernardino District - Civil Division, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210, San Bernardino

IT IS FURTHER ORDERED that a copy of this order be published in the SAN BERNARDINO COUNTY SENTINEL in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: May 6, 2019 Michael A. Sachs Judge of the Superior Court.

Published in The San Bernardino County Sentinel on 5/10/19, 5/17/19, 5/24/19, 5/31/19

ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS1913859

TO ALL INTERESTED PERSONS: Petitioner: Jovanna Fernanda Alcaraz-Cardenas

**Public Notices**

filed with this court for a decree changing names as follows: Jovanna Fernanda Alcaraz-Cardenas to Giovanna Fernanda Alcaraz-Cardenas

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

Notice of Hearing: Date: 06/17/2019 Time: 8:30 a.m. Department: S17

The address of the court is Superior Court of California, County of San Bernardino, San Bernardino District - Civil Division, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210, San Bernardino

IT IS FURTHER ORDERED that a copy of this order be published in the SAN BERNARDINO COUNTY SENTINEL in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: May 6, 2019 Michael A. Sachs Judge of the Superior Court.

Published in The San Bernardino County Sentinel on 5/10/19, 5/17/19, 5/24/19, 5/31/19

FICTITIOUS BUSINESS NAME STATEMENT FILE NO- 20190004902

The following person(s) is(are) doing business as: Chef D's Catering, 963 N. Lilac Ave, Rialto, CA 92376, Daniel Franco, 963 N. Lilac Ave, Rialto, CA 92376

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Daniel Franco  
This statement was filed with the County Clerk of San Bernardino on: 4/19/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 4/01/19

County Clerk, s/HDC

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

5/10/19, 5/17/19, 5/24/19, 5/31/19

NOTICE OF PETITION TO ADMINISTER ESTATE OF DORIS J. DONNELLY

CASE NO. PROPS1900436 To all heirs, beneficiaries, creditors, and contingent creditors and persons who may be otherwise interested in the will or estate, or both: A petition has been filed by GREGORY ALAN DONNELLY in the Superior Court of California, County of SAN BERNARDINO, requesting that GREGORY ALAN DONNELLY be appointed as personal representative to administer the estate of DORIS J. DONNELLY. Decedent died intestate. (The petition requests authority to administer the estate under the Independent Administration of Estates Act. This will avoid the need to obtain court approval for many actions taken in connection

**Public Notices**

with the estate. However, before taking certain actions, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. The petition will be granted unless good cause is shown why it should not be.)

The petition is set for hearing in Dept. No. S36 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on June 25, 2019 at 08:30 AM

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Petitioner: GREGORY ALAN DONNELLY 5443 NEWBURY AVE. SAN BERNARDINO, CA. 92404 Telephone: 909-402-0917

Published in the San Bernardino County Sentinel 5/17, 5/24 & 5/31, 2019.

NOTICE OF PETITION TO ADMINISTER ESTATE OF:

Mario Malacara, aka Mario Malacara Valadez, aka Mario Malacara V.

NO. PROPS1900419

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Mario Malacara, aka Mario Malacara Valadez, aka Mario Malacara V.

A PETITION FOR PROBATE has been filed by Brenda Cecilia Contreras, in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Brenda Cecilia Contreras be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S37 at 8:30 a.m. on June 27, 2019 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

IF YOU OBJECT to the

**Public Notices**

granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner: Natalie A. Alvarado SAMUEL CROWE & ASSOCIATES

1131 W. Sixth St., 101, Ontario, CA 91762 Telephone: 909-391-9393 Published in the San Bernardino County Sentinel on: 5/17/19, 5/24/19, 5/31/19

FBN 20190005662 The following entity is doing business as: DT INTERNAL MEDICINE 1680 PLUM LANE REDLANDS, CA 92374 DENISE TOWNSEND 1245 COUNTRY PL REDLANDS, CA 92374

Business is Conducted By: AN INDIVIDUAL

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Denise Townsend This statement was filed with the County Clerk of San Bernardino on: 5/07/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 5/17, 5/24, 5/31 & 6/7, 2019

FBN 20190005012

The following entity is doing business as: INSITE 1264 S WATERMAN #45 SAN BERNARDINO, CA 92408 WANDALYN L LANE 1264 S WATERMAN #45 SAN BERNARDINO, CA 92408

Business is Conducted By: AN INDIVIDUAL

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Wandalyn L. Lane This statement was filed with the County Clerk of San Bernardino on: 4/23/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new

**Public Notices**

fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 5/17, 5/24, 5/31 & 6/7, 2019

FBN 20190004743 The following entity is doing business as: BOYER DESIGN ENGINEERING 23504 CREST FOREST DRIVE CRESTLINE, CA 92325

Mailing Address: PO BOX 3258 CRESTLINE, CA 92325 DANY D KINSLOW 180 DELLE DRIVE CRESTLINE, CA 92325 DAN Y WATERMAN #45 SAN BERNARDINO, CA 92408 WANDALYN L LANE 1264 S WATERMAN #45 SAN BERNARDINO, CA 92408

Business is Conducted By: AN INDIVIDUAL

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Dan Kinslow This statement was filed with the County Clerk of San Bernardino on: 4/17/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 5/17, 5/24, 5/31 & 6/7, 2019

NOTICE OF SALE OF REAL PROPERTY AT PRIVATE SALE Case No. PROPS1900167 Superior Court of the State of California for the County of SAN BERNARDINO

in the matter of the estate of CLIFFORD RAY WHITE, deceased

Notice is hereby given that the undersigned will sell at private sale on JUNE 15, 2019

at the office of LAW OFFICE OF MICHAEL C. MAD-DUX

1894 S. COMMERCE-ER DR. W., SUITE 108 SAN BERNARDINO, CA 92408 (909)890-2350

to the highest and best bidder, and subject to confirmation by said Superior Court, all right, title and interest of CLIFFORD RAY WHITE at time of death, and all right, title and interest in the estate has additionally acquired in and to all the certain real property situated in the County of SAN BERNARDINO State of California, described as follows:

LOT 18, TRACT NO. 4821, AS SHOWN BY MAP ON FILE IN BOOK 62, PAGES 10 AND 11 OF

MAPS, RECORDS OF SAID COUNTY; APN 0133-111-18-0-000

Commonly known as: 878 PRIMROSE STREET, RIALTO, CA 92376

Terms of sale are cash in lawful money of the United States on confirmation of sale, or part cash and balance upon such terms

and conditions as are agreeable to the personal representative.

Ten percent of amount bid to be deposited with bid.

Bids or offers to be in writing and will be received at the aforesaid office at any time after the first publication hereof and before

date of sale. Dated: 05/22/20 19

JEROLD LEBYRON WHITE

Personal Representative of the estate of said deceased.

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Published in San Bernardino County Sentinel on 5/24, 5/31 & 6/07, 2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF TAMMI RAE WOLOSUK, CASE NO. PROPS1900454

To all heirs, beneficiaries, creditors, and contingent creditors of TAMMI RAE WOLOSUK, and persons who may be otherwise interested in the will or estate, or both: A petition has been filed by DEANNA M. GAGE in the Superior Court of California, County of SAN BERNARDINO, requesting that DEANNA M. GAGE be appointed administrator to administer the estate of TAMMI RAE WOLOSUK.

The petition requests that the decedent's wills and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

The petition requests full authority to administer the estate under the Independent Administration of Estates Act. This will avoid the need to obtain court approval for many actions taken in connection with the estate. However, before taking certain actions, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action.

The petition is set for hearing in Dept. No. S37 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on JULY 2, 2019 at 08:30 AM

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Filed: MAY 22, 2019 Petitioner: MELISA HARNITCHEK 3705 HEMLOCK DRIVE SAN BERNARDINO, CA 92404 Telephone: (909) 883-7707 IN PRO PER Published in the San Bernardino County Sentinel 5/24, 5/31 & 6/7, 2019

AMENDED ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS1911633 TO ALL INTERESTED PERSONS: Petitioner: JO ANN LEVY filed with this court for a decree changing names as follows: JO ANN LEVY to JOANNE LEVY

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without

published in the San Bernardino County Sentinel 5/24, 5/31 & 6/7, 2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF ARTHUR EDWARD KNUCKEY, JR aka ARTHUR EDWARD KNUCKEY, CASE NO. PROPS1900477

To all heirs, beneficiaries, creditors, and contingent creditors of ARTHUR EDWARD KNUCKEY, JR aka ARTHUR EDWARD KNUCKEY, and persons who may be otherwise interested in the will or estate,

**Public Notices**

or both: A petition for probate has been filed by MELISA HARNITCHEK in the Superior Court of California, County of SAN BERNARDINO, requesting that MELISA HARNITCHEK be appointed as personal representative administrator to administer the estate of ARTHUR EDWARD KNUCKEY, JR aka ARTHUR EDWARD KNUCKEY.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

The petition is set for hearing in Dept. No. S37 at SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT - PROBATE DIVISION 247 W. 3rd STREET SAN BERNARDINO, CA 92415-0212 on JULY 15, 2019 at 08:30 AM

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery of the notice to you under Section 9052 of the California Probate Code.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Section 1250 of the California Probate Code.

Filed: MAY 22, 2019 Petitioner: MELISA HARNITCHEK 3705 HEMLOCK DRIVE SAN BERNARDINO, CA 92404 Telephone: (909) 883-7707 IN PRO PER Published in the San Bernardino County Sentinel 5/24, 5/31 & 6/7, 2019

AMENDED ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NUMBER CIVDS1911633

TO ALL INTERESTED PERSONS: Petitioner: JO ANN LEVY filed with this court for a decree changing names as follows: JO ANN LEVY to JOANNE LEVY

THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without

**Public Notices**

a hearing. Notice of Hearing: Date: 07/08/2019 Time: 8:30 a.m. Department: S16

The address of the court is Superior Court of California, County of San Bernardino, San Bernardino District - Civil Division, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210, San Bernardino

IT IS FURTHER ORDERED that a copy of this order be published in the San Bernardino County Sentinel in San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: May 22, 2019 Michael A. Sachs Judge of the Superior Court.

Published in San Bernardino County Sentinel on 5/24, 5/31, 6/07 & 6/14, 2019

NOTICE OF SALE OF ABANDONED

PERSONAL PROPERTY NOTICE IS HEREBY GIVEN that under and pursuant to Section 1993.07 of the California Civil Code, the property listed below believed to be abandoned by: MOHAMMAD ALCHABAOUN, an individual dba REFRESHED ENTERPRISES

Who last known business address was:

10825 7th Street, Unit C, Rancho Cucamonga, CA 91730 Will be sold at public auction on:

Date: June 11, 2019 Time: 10:00 a.m.

Place: 10825 7th Street, Unit C, Rancho Cucamonga, CA 91730

Preview: 8:00 a.m. until start of auction

Description of Property: EXHIBIT "A" INVENTORY

Large amount of new inventory and product including 175 Twist Boards, 6 LED USB desk lamps, wireless earbuds, tactical flashlights, foot massagers, 50 boxes of pillows, 23 boxes of sheets sets, car handles, 8 boxes of shoe care products, magic mugs, 2 product inventory bags, 440 boxes of LED light up sneakers, 10 boxes Legos, 556 boxes Fidget Spinners plus 3 office chairs and projector screen Terms of sale are: cash in lawful money of the United States, money order or cashier's check, with sale going to the highest bidder in competitive bidding, the property must be paid for and removed by the purchaser at the time of sale. Cost of advertising and sale will be paid for from the proceeds of sale.

Dated: May 15, 2019 Richard L. Seide, Esq. 901 Dove Street, Suite 120 Newport Beach, CA 92660-3018 Tele: (949) 474-8000 CN960578 CISS-003 May 24,31, 2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF:

Leonard J. Arellanes NO. PROPS1801140 To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of Leonard J. Arellanes

A PETITION FOR PROBATE has been filed by Debbie Arellanes Rojas, in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Debbie Arellanes Rojas be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take

**Public Notices**

many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S36P at 8:30 a.m. on June 17, 2019 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner: Marcella Lucente 337 N. Vineyard Ave, Suite 217

Ontario, CA 91764 Telephone No: 909-972-8458

Published in the San Bernardino County Sentinel on: 5/24/19, 5/31/19, 6/7/19

FICTITIOUS BUSINESS NAME STATEMENT FILE NO-20190006073

The following person(s) is(are) doing business as: Sav-On Auto Sales, 1325 S Auto Plaza Dr #140, San Bernardino, CA 92408, Mailing Address: PO Box 8021, Redlands, CA 92375, Batroun Auto Sales, 1325 S Auto Plaza Dr #140, San Bernardino, CA 92408

Business is Conducted By: A Corporation

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ George Awad This statement was filed with the County Clerk of San Bernardino on: 5/11/19

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/DOM

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

5/24/19, 5/31/19, 6/7/19, 6/14/19

FICTITIOUS BUSINESS NAME STATEMENT FILE NO-

**Public Notices**

20190006112 The following person(s) is(are) doing business as: Vivo & Associates, 16160 Sereno Lane, Chino Hills, CA 91709, Mailing Address: PO Box 252, Chino Hills, CA 91709, Rene Vivo, 16160 Sereno Lane, Chino Hills, CA 91709

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Rene Vivo This statement was filed with the County Clerk of San Bernardino on: 5/20/19

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/KNH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

5/24/19, 5/31/19, 6/7/19, 6/14/19

FBN 20190004937

The following entity is doing business as: FULL CIRCLE 152% [and] BEEYOND PREPARED [and] HEAVENLY INSPIRATIONS MINISTRY [and] REAL DEAL 9901 NIAGARA AVE FONTANA, CA 92335

Mailing Address: POST OFFICE POX 311200 FONTANA, CA 92331

FULL CIRCLE 152% 400 S RAMONA AVE #212R CORONA, CA 92879

Business is Conducted By: A CORPORATION

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Patricia Gonzalez This statement was filed with the County Clerk of San Bernardino on: 4/22/2019

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/SH

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

Published in the San Bernardino County Sentinel 5/3, 5/10, 5/17 & 5/24, 2019.

FBN 20190004665

The following person is doing business as: CASA CORTEZ, 2209 S EUCLID AVE ONTARIO, CA, 91762 [and] MAILING ADDRESS 1910 S SULTANA AVE ONTARIO, CA, 91761; ANNET A BARAJAS 1910 S SULTANA AVE ONTARIO, CA 91762

The business is conducted by: AN INDIVIDUAL.

The registrant commenced to transact business under the fictitious business name or names listed above on: N/A By signing, I declare that all information in this statement is true and correct. A registrant who declares as true information which he or she knows to be false is guilty of a crime (B&P Code 17913). I am also aware that all information on this statement becomes Public Record upon filing.

s/ ANNET BARAJAS Statement filed with the County Clerk of San Bernardino on: 04/15/2019

I hereby certify that this copy is a correct copy of the original statement on file in my office San Bernardino County Clerk By/Deputy Notice-This fictitious name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).

Published in the San Bernardino County Sentinel 05/10/2019, 05/17/2019, 05/24/2019, 05/31/2019 CNBB192019611R

FBN 20190005475

The following person is doing business as: PEP PERFORMANCE TUNING. 10825 SILICONE AVE MONTCLAIR, CA, 91763; JAIME N ORTIZ 2851 S. SILICONE AVE COLTON, CA 92324

The business is conducted by: AN INDIVIDUAL.</













## Merritt's Truck Does Not Match Image On Video, World's Leading Photogrammetrist Says *from page 6*

Lane] through the evidence video, assuming its height is correct, as measured in the vehicle laser scan. If the vehicle holds its shape, we 'don't reject.' If the vehicle 'shape shifts,' we 'reject.' Shape shift is observed when any pairwise distances change from what they were in the white truck 3D model."

Rudin demonstrated computational results using his HPP method in a sequence of images with overlaid measurements, which were provided to the defense and prosecution prior to his testimony.

Though the prosecution did not provide him with an updated laser scan, Rudin said, he utilized the one available from 2015. Using height measurements of the "matching points" from the three dimensional laser scan of Merritt's truck and then photogrammetrically computing where each of those points should land/project independently onto the street in front of Mitchley's home, Rudin inserted that projection into the Mitchley video, while preserving the respective heights of the truck and the vehicle. This assured that all projected points were consistent, with the vehicle being placed on the road and not in the air or under the ground. All pairwise distances of the projections into the three dimensional street scene were measured and compared to their pairwise distances from the three dimensional laser scan of Merritt's truck.

Had Merritt's truck indeed matched the three dimensional scan of the vehicle visible in the night video, the pairwise distances would have preserved their length when they were "relocated" between the three dimensional model of the truck and the three dimensional model of the street, Rudin said, "up to some small computational error."

Dr. Rudin selected four points on the three dimensional model of Merritt's truck – three from the front, consisting of two headlights' corner points and one 'bumper box' point, and a fourth point at the center of the 'rear hinge' on the three dimensional model of Merritt's truck. Since the prosecution stated the rear hinge corresponds to the bright point in the video described by Liscio as the "illuminated spot," Rudin used this correspondence as the fourth matching three dimensional model video pair.

When the new pairwise distances were measured, the corresponding four pair lengths did not preserve, Rudin said, with disparities observed ranging from six percent to ten percent. Rudin said his method's geometrical interpretation was that in order to maintain the given heights from Merritt's three dimensional truck model and keep the truck on the road, the vehicle points "shape shifted" when reprojected to the street three dimensional model, which, Rudin pointed out, "is impossible in rigid objects like vehicles. The disparity range of six percent to ten percent is unacceptably high, exceeding an average expected computational error."

Rudin provided his HPP measured rigidity disparity errors table to the court as proof of his analysis.

Accordingly, Rudin said "The decision is to reject the match between the white truck 3D model and the evidence video."

Dr. Rudin's testimony, which began on Tuesday and lasted to Wednesday, was interrupted twice while the court dealt with two other issues, one which involved testimony before the jury by a rebuttal witness for the prosecution along with another matter that was handled outside the presence of the jury.

Lauren Knowles, the one-time girlfriend of Dan Kavanaugh, was called to the witness stand on Tuesday prior to Dr. Rudin having finished with his testimony, largely because she had to travel some distance

to comply with the subpoena for her to appear. Knowles' relevance to the case stemmed from her relationship with Dan Kavanaugh.

Kavanaugh was another of Joseph McStay's business associates who had assisted McStay in promoting Earth Inspired Products by utilizing his expertise with computer technology to ensure that the Earth Inspired Products website zoomed to the top of various search engines' result lists in reaction to web surfers searching for information regarding water features or artificial waterfalls. Judge Smith, prior to the trial, had severely curtailed the way in which Merritt's defense team was to reference Kavanaugh during the trial, rejecting its request to portray Kavanaugh as an alternate suspect in the killings and pursuing on Merritt's behalf what in legal terms is called a third party culpability defense. Nevertheless, over the course of the trial, through seeming force of will, creative maneuvering in the questioning of witnesses as well as going right up to the limitations of what they were permitted to broach in terms of references to Kavanaugh and then ultimately proceeding outside the bounds Judge Smith imposed in granting the prosecution's motions in limine greatly circumscribing what areas the defense could go into relating to Kavanaugh, both McGee and his colleague Raj Maline managed to drag in one piece of damning evidence after another implicating Kavanaugh. Among that evidence was that for roughly a year, Joseph McStay was making payments to Kavanaugh in an effort to buy out whatever interest Kavanaugh claimed he had in Earth Inspired Products so that McStay could reassume control of his company's website; evidence consisting of internet activity on Kavanaugh's personal computer in San Diego suggesting that Kavanaugh was actually in Southern California in the crucial late January/early February 2010 timeframe that included

the weeks just before and the week of the McStay family murders; testimony from PayPal's custodian of records augmented by digital data unearthed by a forensic computer analyst showing that six days after the McStay family's disappearance Kavanaugh hacked into Joseph McStay's PayPal account on February 10, 2010 to change the password to the account and over the next three days transfer from McStay's account to his own \$7,900; proof that by late February 2010 Kavanaugh commandeered control of Earth Inspired Products; financial records showing that between February 2010 and December 2010 Kavanaugh bled \$206,064 out of Earth Inspired Products; and legal documents accompanied by the testimony of the lawyer who drew up those documents indicating that after running Earth Inspired Products into the ground Kavanaugh in July 2011 sold the company, which technically he did not own, for \$20,000 and the purchaser's agreement to indemnify him with regard to the lawsuits pending against the company that had been filed because of Kavanaugh's failure to deliver projects for which he had received payment. In this way, the defense team had established that Kavanaugh had a motive for killing Joseph McStay. By further suggestions that Kavanaugh was in California at the time of the murders rather than in Hawaii as he had claimed, the defense also insinuated that he had the means and opportunity to have engaged in the murders as well.

On the witness stand Tuesday afternoon, Lauren Knowles was questioned by Supervising Deputy District Attorney Sean Daugherty. She testified that "Dan Kavanaugh was my boyfriend" between March 2009 and the end of their relationship in November 2011. Having established that, Daugherty asked if at any point the couple had traveled to Hawaii.

Knowles said they had gone to the Aloha State in early January 2010 "beginning right

after New Years" and that they stayed there "a little over a month," returning, she said, "in the middle of February."

She said they were on the island of Oahu and initially stayed in a converted garage but after a week or so had rented a room on the North Shore from a man she identified as "Larry Haynes."

Knowles testified that during their time in Hawaii they were together the whole time. "I was with him every day," she said of Kavanaugh.

Daugherty asked about her postings on social media at the time, and thereafter displayed on the courtroom's overhead monitors some of those postings, made under the name Lo Lo Mi Kno Kno, which included photos.

Knowles identified those as "a couple of pictures I uploaded on Facebook," which she said were uploaded either on "the same day or the next couple of days" after they were taken. One indicated a date of January 11, 2010 that referenced North Shore Oahu. She said she and Kavanaugh were depicted in the photo. Another photo posted on January 11 she said was taken by Kavanaugh.

Daugherty then displayed another posting made on February 4 which included a photo of herself, Kavanaugh and three others which she said was taken on the North Shore.

Daugherty asked her about her return from Hawaii. She said she "went with Dan on the same flight" and that Kavanaugh "paid for his own [ticket]. My mom paid for mine." She said the trip home took place "after Valentine's Day."

Daugherty then displayed a boarding pass bearing her name with the date of February 17.

"Did Mr. Kavanaugh return on the same flight with you?" Daugherty asked.

"Yes," Knowles said.

She said she had last seen Kavanaugh in person in 2012 and that she had blocked him from her Facebook page when he attempted to contact her last year.

During his brief cross examination of the wit-

ness, Merritt's co-defense council Raj Maline pressed her on her claim to have been with Kavanaugh throughout their stay in Hawaii. When she said that was the case, Maline displayed an email she had sent to Kavanaugh on January 28, 2010 in which she inquired, "When are you coming back?"

Knowles said she did not recall the email, and when Maline asked her where Kavanaugh had gone, she said, "It was probably something like the store."

Maline asked about the resistance the defense team's investigator had encountered upon trying to communicate with her previously when she was living with her mother in Santa Rosa. She said her mother had told her a detective had come by but that she had not gotten back to anyone because she did not have contact information.

Maline used the opportunity of her being on the stand to ask her, "Did you tell your mother you were afraid of Dan Kavanaugh?"

"He makes me uncomfortable," Knowles responded.

Maline then angled toward establishing that Kavanaugh's economic outlook picked up considerably after the McStay family went missing.

"When you were in Hawaii, did you have a lot of money to spend?" Maline asked.

"I never had any money," she said. "Dan was in charge of the funds, and I never asked him how much money he had."

With the answers to Daugherty's questions having already established that the couple was living in a garage during a portion of their Hawaiian vacation and that Kavanaugh did not have enough money to pay for her return ticket, Maline emphasized that further. "Do you recall telling the [sheriff's] detective [who in 2014 was looking into the family's deaths] that when you were in Hawaii... he [Kavanaugh] had no money when you lived out there?"

*Continued on Page 17*

## Kavanaugh Was In Hawaii With Her, Former Girlfiend Testifies from page 16

“Yes,” Knowles acknowledged.

Maline went on to Kavanaugh’s financial circumstance once they returned to California. “What about after you got back from Hawaii?” he asked. “Did Dan spend money frivolously?”

“I think so,” Knowles said. “Yes.”

“Did you tell the detective that as well?” Maline asked.

“Yes,” she said.

“Did you wonder where Dan Kavanaugh got all that money when you got back?” Maline asked.

“Objection; relevance,” Daugherty said.

“Sustained,” ruled Judge Smith. “Calls for speculation and conclusion.”

The second interruption of Dr. Rudin’s testimony consisted of a hearing outside the presence of the jury in which Judge Smith considered three motions by the defense which called for the declaration of a mistrial, the recusal of Imes to prevent him from prosecuting the current case further or any future cases against Merritt, and to strike Liscio’s testimony.

Forming the basis of the defense’s motions was an accusation that Imes had engaged in misconduct through the commission of a so-called Brady rule violation. The Brady rule references the 1963 U.S. Supreme Court decision in the case *Brady v. Maryland*, in which the Supreme Court ruled that the prosecution’s suppression of exculpatory evidence, that is evidence favorable to a defendant, violates the due process standard in the U.S. Constitution. According to Merritt’s defense team, Imes suppressed information indicating that the vehicle on the Mitchley video was not Merritt’s truck by not explicitly informing the defense in February that Dr. Rudin had come to the conclusion that features and param-

eters of the video vehicle were inconsistent with those of Merritt’s truck.

Dr. Rudin, who at the conclusion of an evidentiary hearing on February 5 had been cleared by Judge Smith to testify on behalf of the prosecution that he could not rule Merritt’s truck out as being a match for the vehicle on the Mitchley video and was scheduled to go before the jury on February 19, had continued to work on that issue in the interim and was unable to validate a length correspondence between the video vehicle and Merritt’s truck. Rudin conveyed that to Imes, and it is the defense team’s contention Imes was less than straightforward in bringing that to the defense’s attention.

The prosecution, however, contends that in an email Imes sent to McGee between 10 am and 11 am on February 15, the prosecutor informed the defense attorney that Rudin was no longer prepared to testify that he could not reject the possibility of a match and had indicated some order of a problem with pixel space on the imaging of the truck. Imes also informed McGee that the prosecution was not going to call Rudin to the stand on February 19 as was originally planned, but that the scientist might be used as a rebuttal witness. Noting he did not have an understanding of much of what Rudin was saying, Imes invited the defense team to contact Rudin as it deemed appropriate.

Put on the witness stand, Rudin indicated that on February 13th and February 14th while he was traveling in Northern California, he had communicated with Imes by phone, indicating the degree to which he was migrating away from his earlier opinion that the video vehicle and Merritt’s truck could not be distinguished from one another. He testified as well that he sent a much more definitive text message to Imes after 11 am on February 15 in which he more explicitly and forcefully indicated that he had rejected a match between Merritt’s truck and the

vehicle on the Mitchley video.

The defense contended that the February 15 email in no case was adequate disclosure to meet the Brady standard of disclosure in terms of what Imes knew at the time he sent the email. Further, the defense maintained, Imes’ February 15 email did not meet the disclosure requirements it was bound by in terms of what Imes was informed of by the text message that was sent to him by Dr. Rudin roughly an hour after he sent the February 15 email to the defense.

After hearing from the defense team, examining the email, seeing the contents of Rudin’s February 15 text message to Imes, hearing testimony from Rudin, and listening to Supervising Deputy District Attorney Mark Vos, who advocated on Imes’ behalf, Judge Smith laid out his analysis of the situation.

Referencing the California Supreme Court’s decision in what he referred to as the Morrison case which relates to the parameters of the Brady requirements in California, Judge Smith noted that “the purpose is for the defense to have that information” but that the California Supreme Court held that the prosecution has no duty to conduct investigation for the defense. “Brady’s purpose is to prevent the prosecution’s ability to suppress evidence, not to provide the accused the right to criminal discovery,” Judge Smith said. “Brady does not displace the adversary system as the primary means to discover the truth, and the defense has the obligation to follow up and obtain information. So, when information is available to the defense at the time of trial or during trial there is no Brady claims for the prosecution’s failure to provide that because the defense has the information if they follow up to get that information. More importantly, the critical aspects of Brady have to do with whether evidence, potentially exculpatory evidence, is suppressed, and on that issue the Supreme Court

in Morrison said evidence is not suppressed if the defendant has access to the evidence – they said prior to trial here; it would be during trial – with the exercise of due diligence by the defense. And they go on to say in any event evidence that is presented at trial is not considered suppressed, regardless of whether or not it had been previously disclosed during discovery. So here, the first indication that Dr. Rudin had changed his opinion or felt there was a potential problem with his opinion was on February 13th or 14th in the telephone conversations with Mr. Imes. Mr. Imes fulfilled his Brady obligations at that point by almost immediately informing the defense that, number one, Dr. Rudin had continued to do further work on the issue since his testimony in the 402 [evidentiary] hearing, that, number 2, Dr. Rudin’s opinions and conclusions changed. Mr. Imes informed the defense Dr. Rudin indicated that he was unable to validate the overall length of the truck compared to the FARO scan length of the truck, therefore indicating that the length of the truck in the video was different than the length of Mr. Merritt’s truck, which would certainly be a factor which would suggest exclusion of Mr. Merritt’s truck. It did not match. Mr. Imes also informed the defense that in addition to that measurement issue, which Dr. Rudin indicated referenced the issue of the truck being, when it was placed in position where the software could match up with the video in order to make that match, that there was [a discrepancy]. Dr. Rudin indicated there was a problem with pixel space regarding the truck and Mr. Imes did not know the effect of that on the validity of the data. Mr. Imes said, ‘I only have a rudimentary understanding of this. I’m not the best conduit of all of that information, therefore you should feel free to contact Dr. Rudin if you want this explained further. And yes we’re not going to use him in our case in chief,’ which is certainly an in-

dications that his opinion had changed, [and] ‘We may only use him in rebuttal.’ So, at that point the defense is on notice that Dr. Rudin, number one, had done additional work; number two, had changed his opinion; number three, that the change in opinion indicated that Mr. Merritt’s truck would likely be excluded as the truck in the video due to the length of the truck not matching.”

Judge Smith continued, “So the defense had that information. They were free to follow up on that. They were free to contact Dr. Rudin. In fact, there was contact. The reality is they did obtain all of that information, and have Dr. Rudin testifying. In terms of ‘Is there any prejudice?’ I don’t see any prejudice. ‘Was any evidence suppressed?’ No, the evidence was not suppressed. The defense had access to that information prior to resting case, shortly after they began their case. They had ample opportunity to present it, and did present it. That, in my mind, still does not change the fact that Exhibit O, the more detailed text message was, number one, still exculpatory, and number two, should have been provided. But again, there was no suppression of information because the defense was already on notice that there was additional work and a change of opinion. So, while it [Rudin’s February 15 text message to Imes] still should have been provided, there was no suppression and in the court’s view, there was no prejudice. Therefore the motion for mistrial is denied. The motion to recuse Mr. Imes or any other prosecutors is denied. The motion to strike Mr. Liscio’s testimony is denied.”

McGee protested Judge Smith’s ruling, contending the defense team had not been given clear notice of the evidence against Merritt consisting of Rudin’s findings early on. Consequently, McGee said, when the evidence against his client subsequently changed in his favor, the defense was again deprived of ad-

equated notice. This has compromised Merritt’s right to a fair trial, McGee asserted, since the defense team was not armed with the disclosure that Rudin’s opinion had changed before Liscio testified, preventing the defense from using Rudin’s latest findings in the cross examination of Liscio. McGee said the defense had not been given an adequate opportunity to solicit defense experts and review evidence and information prior to testimony. McGee said the district attorney’s office was engaging in a “shell game” that amounted to prosecutorial misconduct.

Countering McGee were Supervising Deputy District Attorney Sean Daugherty and Supervising Deputy District Attorney Mark Vos, who asked Judge Smith for a finding clearing Imes of any accusation of prosecutorial misconduct. Smith refused that request, leaving open the potential of a future sanction against Imes, but said he would not hold any such hearing relating to that now and wanted to get Merritt’s trial proceedings un sidetracked so that testimony could proceed and the case, now nearing the five-month mark, could go to the jury.

With the jury once again in the courtroom, further testimony was heard from Dr. Rudin.

Rudin testified that “In all model matching methods, whether it is image processing, metrology or anything like physics, you have data on one end and a model on the other end. So, what you try to do is bring as much data into the model, because if you have too little data, anything can match. Your theory can confirm anything. So, you have to use all of it.”

Rudin appealed once more to have the prosecution and the defense support him in his quest to carry out the live re-projection validation experiment he has been requesting all along, saying it would be the surest way to validate once and for all whether Merritt’s truck matches the ve-

*Continued on Page 18*

## Cutting Edge Science Has No Validation, Prosecutor Suggests *from page 17*

hicle seen in the Mitchley video. He said that based upon the data he now has, he has to reject Merritt's truck as being a match to the vehicle in the security video.

During his cross examination by Imes, Dr. Rudin was shown one of his submitted exhibits, which included an image of a three dimensional model of Merritt's truck with the four selected feature points shown and designated as A, B, C, and D, along with another exhibit he had prepared, a height preserving projection reprojection of the points A, B, C, and D onto the vehicle in one of the frame's taken from the Mitchley video.

Imes questioned Rudin with regard to the three dimensional model exhibit of Merritt's truck, proceeding as if it represented the vehicle seen in the video, and asserted that the measurements of the vehicle corresponded exactly to the measurements of Merritt's truck, either not understanding that the exhibit was intended to show what the measurements should be if the Merritt truck is the vehicle seen in the Mitchley video, or purposefully blurring the distinction between it and vehicle in the Mitchley vehicle. This line of questioning created some degree of confusion by suggesting Merritt's truck and the video vehicle were identically configured and of the same dimensions.

In his redirect examination of Rudin, McGee presented all of the image pairs Rudin had prepared as exhibits, having him explain what each was, in an attempt to clarify the matter.

In cross examining Rudin, Imes elicited from him an acknowledgment that he was functioning at the extreme end of the forensic analysis envelope in applying his live reprojection validation experiment and height preserving projection with rigid constraints methodologies to the ongoing case relating to



***A still from the Mitchley video is seen on the left. Accused murderer Charles Merritt's truck is seen on the right. Prosecutors say the vehicles are one and the same. The defense, as well as the prosecution's own expert witness, the world's leading photogrammetrist, Dr. Leonid I. Rudin, disagree. Note that Merritt's truck has running lights below the headlights. No such running lights are apparent on the vehicle in the Mitchley video.***

Merritt's truck and its comparison to what is on the Mitchley video.

"According to you, those methods have never been used with evidence such as this to do this process, correct?" Imes asked.

"Not exactly like this, yeah," Rudin said. "But it's the same method mathematically. It's the same thing."

"And your measurement experiments you did since you testified in February, they've never been done either, correct?" Imes asked.

"Not exactly like this," Rudin said.

"Because when the judge asked you a question at the break on the record, you said, quote, 'It's a new method I dreamed up,'" Imes said. "Is that what you said?"

"That's the way mathematicians talk about it," Rudin responded.

"So, there is no way to validate or test to ensure that your measurements are accurate, correct?" Imes asked.

"Yes, there is, because point-per-point is exactly the same method that people use for human height, and that was validated," Rudin came back.

"However, you have no external validation," Imes said. "No one can recreate your work, right?"

"Sure they can," Rudin said. "Anybody who has a projection engine - that's what I call it, a projection engine - so anybody who has a single view metrology [a tool used for computer-based image modeling and rendering] can now use this method."

"But no one has reviewed your work in this case to judge its accuracy," Imes said.

"So, let me explain to you what's new," Rudin began. "I don't think I'm getting through. What's new here is that after I do the individual positioning -"

"I object as non-responsive," Imes interrupted Rudin and appealed to Judge Smith. "I asked him whether there was review of his work."

"Overruled," Judge Smith said. "He can explain his answer."

"There was a review in the sense of accuracy for each point," Rudin said. "But then I'm saying something that nobody else said before, that wait a minute, it should be a rigid constraint, because if it's the right vehicle, then the relationship between this point should be preserved. Yeah, that part is new, but it's obvious, like daylight, right? Vehicles don't shape shift. We don't have vehicles like that yet. Maybe we will in the future, but we don't have that. They're all made of rigid metal, and so the relationship should be preserved. Nobody observed that before, but if the points are properly located point-per-point, the computing distances between them is a trivial formula. I can write it for you on the board if you want me to, right now. That's Geometry 101. So, from that point of view, it's not new, but the realization of rigid constraint is completely new. So, it's up to you to call it validated or not validated. In my opinion it's completely validated.

I just spoke to a number of people in the forensic community and they think it's beautiful and it's right."

"None of those people reviewed your work to make sure it's accurate, did they?" Imes pressed.

"Well, I'm starting to send this thing all over the place, including the American Academy of Forensic Science, where it will be introducing extension of this work and so on," Rudin said.

"Because your goal that you testified to yesterday was if you could make this work, you could retire, correct?" Imes said.

"Well, you see, sir, what you are doing is you are impugning my character and my motives instead of arguing my methods and mathematics," Rudin said. "That is called ad hominem. It is a very dirty trick, used way back in Roman history."

"Isn't that what you said?" Imes asked, ignoring Rudin's protest. "Did you not testify yesterday, quote, 'If I could make this work, I can retire?'"

"I may have said something like this, but it's not the reason I am developing methods," Rudin said.

The last witness the defense brought before the jury was Sergeant Edward Bachman, who was recalled after previously testifying as a prosecution witness and then being extensively questioned by the defense during the presentation of its case.

McGee asked about Bachman having written a report about his review

of the Mitchley video in which he made notation of three important features.

"I found three distinctive things in the video," Bachman said. The first, he testified, was an electrical plug box on the front bumper. He said he believed that to be a significant element of the video because it was consistent with an electrical box on Merritt's truck's front bumper. The other noteworthy items were the vehicle's rear marker light and its exhaust pipe on the passenger side. Bachman said he used the three features to exclude the vehicle on the video as a match for the McStay family's Isuzu Trooper, as all three were not present on or in a position consistent with the Trooper.

"You said that is not present on the McStay's Trooper, correct?" McGee asked.

"Correct," Bachman said.

Having established that Bachman was fully aware of the rear marker light and where it was positioned on the vehicle seen in the Mitchley video, McGee then angled to determine why Bachman had not then for the sake of logic and consistency applied the lack of a rear marker light in that position on Merritt's truck to exclude Merritt's truck as matching the vehicle in the video.

"Why did you not highlight that that light is missing from this side?" McGee asked, referencing the rear passenger side of Merritt's truck.

"Objection; assumes facts not in evidence,

that the light is missing," said Imes.

"Appears to be missing," Judge Smith said, amending the question.

"Why did I not note that it wasn't there?" Bachman asked

"Right," said McGee.

"I was noting consistencies in there," Bachman said, a tacit acknowledgment he had ignored, either inadvertently or deliberately, an indication that the vehicle in the Mitchley video was not Merritt's truck.

Judge Smith did not at first allow McGee to question Bachman about an award the department had been provided by the International Association of Police Chiefs for the department's work in "solving" the McStay family murder case by narrowing its investigative focus to Merritt and then arresting him in 2014.

After a sidebar conference with McGee and the other attorneys, Judge Smith allowed the questioning to proceed far enough to determine that Sheriff John McMahon, then-Lieutenant Chris Fisher and Bachman had received the self-nominated award on behalf of the department.

The prosecution called Sergeant Ryan Smith, who has testified a multitude of times previously in the trial, this time as a rebuttal witness. Sergeant Smith verified that on February 10, 2010, phone calls from Dan Kavanaugh's cell phone were placed to the San Diego County Sheriff's station in Fallbrook at 12:49 pm, 1:09

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## After Years Of Participating In the Criminalization Of Marijuana Use, Barstow Now Ready To Profit Big By Facilitating Its Sale

from page 7

by obtaining a usually temporary injunction to prevent enforcement action or their closure.

As marijuana remained under federal standards a Schedule I narcotic indistinguishable from heroin and cocaine, those yet determined to stem the rising marijuana tide in California endeavored to utilize authority from up the governmental evolutionary chain to reestablish that the revolutionary forces all about them were in fact nothing more than moral reprobrates and criminals. Either at the request of local authorities or in some cases on their own initiative, federal authorities, i.e., the U.S. Attorney's office working in conjunction with the FBI and the Drug Enforcement Agency, pursued federal cases against some dispensary owners, operators or their landlords, particularly in those cases where the operators were deemed to be particularly defiant, asserted challenges to federal law, or were particularly persistent in their operations.

Simultaneously, the San Bernardino County District Attorney's Office and in some cases the offices of various city attorneys sought to keep up. Initially what had been fewer than a dozen individuals willing to brave the legitimate marijuana sales frontier – running a medical marijuana dispensary in local venues where municipal ordinances did not allow for them – could be corralled into court and in some cases jailed and in all cases fined substantially in an effort to convince them to desist. By 2009 the number of illicit medical marijuana sales venues countywide had jumped to a score or more. By 2012 that number had zoomed to several hundred. At that point, the sheer volume of those willing to run

the marijuana distribution restriction gauntlet had come to overwhelm local civil authorities. In July 2014, San Bernardino City Attorney Gary Saenz, taking stock of the number of pot shops sprouting up in the county's largest city, offered his view that the cost and difficulty of shutting down dispensaries made enforcement of the city's ban on the enterprises "futile." Two years previously, Needles, lying at the extreme east end of the county on the shore of the Colorado River, the gateway to Golden State, was the first of the county's 24 cities to bow to the new social reality, clearing the way for five licensed marijuana dispensaries to operate in what, at 4,900 residents, is the county's least populous city.

Three years later, the City of Adelanto, led by then-Mayor Rich Kerr, became the second city to seek to cash in on the marijuana bonanza, enacting an ordinance by which the city was at liberty to permit large-scale indoor nurseries cultivating medical marijuana to operate within the city's industrial park.

Adelanto and Needles, however, were the dual exceptions in San Bernardino County, with the other 22 cities and the county maintaining the ban.

When 2016 dawned, the minority of social conservatives in San Bernardino County whose philosophy held that the only form of moral and legal intoxication was to be found in a bottle continued with their generation-long success in ensuring that those who felt differently would be effectively labeled as criminals. Before the year concluded, however, those marijuana prohibitionists would be overtaken by events. A statewide movement succeeded in achieving the passage, in the November general election, of Proposition 64, the Adult Use of Marijuana Act, which legalized, for those of the age of majority in the Golden State, the possession and use of marijuana for its intoxicative effect, and legalized the cultivation and sale of the drug for

the same purpose.

In one fell swoop the anti-marijuana crowd had been both discredited and ineffectualized as a driving social and legal force, at least in California.

Now ensuing that development is what many observers consider to be the hypocritical adaptation of the new ethos that is breathtaking in scope. Officials who for years or decades and until quite recently insisted that pot smoking was not only illegal but a severe moral failing and that those who profited by the sale of the substance were parasites feeding upon society and trafficking in human misery such that they were deserving of decade-long prison sentences are now in a headlong rush to get in on the ground floor of the new economy with marijuana at its core so their city's can cash in, like the drug dealers of just a few years ago, on the public's appetite for inebriation.

In addition to Adelanto and Needles, in the cities of San Bernardino, Montclair, Rialto, Victorville and Big Bear Lake as well as in the unincorporated county district of Bloomington there are now storefronts selling marijuana doing a booming business, with a percentage of the proceeds from those sales going to the gov-

ernment. Hesperia hosts businesses that deliver marijuana, and that city is also getting a piece of the action.

Word now comes that Barstow officials are likewise looking to fatten their city's coffers by consenting to host businesses which will retail marijuana for both medical and intoxicative purposes. That will be a shrewd move, those officials believe, as some 190,000 travelers headed to Las Vegas on average pass through Barstow on a weekly basis. It is calculated that the pot shops that set up operations in the 41.33 square mile, 24,000-population city could achieve gross sales nearing \$20 million annually. With its voters having passed Measure Q, a one cent per dollar sales tax override, last November, Barstow now has the highest sales tax in San Bernardino County at 8.75 percent. Of that 8.75 cents per dollar, Barstow is entitled to two cents. Thus, if Barstow hits the \$20 million marijuana retail sales mark annually, the city would reap \$400,000 in sales tax. Yet that would not be the full extent of what the city might realize. At present, the discussions being carried out envision the city collecting a 5 percent to 15 percent operational tax to be levied on can-

nabis-related businesses within its jurisdiction. That would bring in an additional \$1 million to \$3 million. One possible factor that might reduce the city's income from allowing the cannabis ventures to flourish would be that the sales tax would not be applicable to marijuana sold for medical as opposed to recreational purposes, as prescriptions are sales tax-exempt.

A criticism that has been levied at the city is that it has entrusted the formulation of city's marijuana policy to the city's Rules and Policies Committee, which is headed by Councilman Richard Harpole. Harpole spent just under 24 years with the Barstow Police Department, rising to the rank of lieutenant before retiring in 2008, at which point he was eligible for a pension, which currently stands at \$77,700 per year. A primary element of his assignment during his last several years with the police department was overseeing drug interdiction efforts. Thus, Harpole, who spent more than two decades in arresting and consigning those involved in the trafficking of marijuana to prosecution and conviction often on charges of crimes of moral turpitude related to the sale of marijuana

and the profiting therefrom, is now designing a policy by which the city will create opportunities for individuals to engage in the sale of marijuana and consequently make way for the institution with which he, Harpole, is affiliated, the City of Barstow, to profit therefrom.

Efforts by the *Sentinel* to obtain from Harpole his response to that criticism, as well as his perspective on the changing social and legal dynamics of marijuana use, marijuana availability and its legitimized commercialism were unsuccessful. Those efforts included a letter sent to Harpole by email and phone calls to his council office at Barstow City Hall.

In response to an inquiry made to the city on the subject, Anthony Riley, Barstow's official spokesman told the *Sentinel*, "The city council is scheduled to review and discuss two cannabis ordinances at the June 3, 2019 meeting. At this time, no decisions have been made on the outcome of cannabis in the City of Barstow, and it may be premature to request the position of council members on an issue they have yet to discuss in open session."

-Mark Gutglueck

## Sergeant Admits Fudging Report To Make Merritt Look Guilty from page 19

pm and 1:57 pm. From the same phone on the same day, calls were placed to the San Diego Police Department at 1:03 pm and 1:08 pm, Smith testified.

Smith's testimony was meant to suggest that relatively early after the McStay family disappeared, Kavanaugh had expressed concern about them.

Thursday, it appeared for a time that Merritt was on the verge of taking the stand to testify on his own behalf. Before he did so, however, his defense team asked Judge Smith, outside the presence of the jury, to consider preventing the

prosecution from questioning its client about his criminal record if Merritt did testify. Judge Smith then reviewed Merritt's arrest, criminal conviction, incarceration and probation record. This included a February 1977 conviction for burglary, a July 1977 conviction on a petty theft charge, an October 1978 criminal trespass conviction, a November 1978 burglary conviction, an April 1985 conviction for receiving stolen property, a February 1987 conviction for receiving stolen property, a May 1988 conviction on receiving stolen property, a June 1988 conviction on a parole violation, and an April 2001 conviction for burglary and grand theft. At the time of the McStay family murders, Merritt was

wanted on a probation violation warrant.

Smith, in discussing those convictions, said that if Merritt's convictions in the 1970s and 1980s when he was a relatively young man "twenty or thirty years prior to 2010 and 2019... were the only convictions and he had a clean record from 1979 or even 1989 onward, maybe those would not be as relevant. But when there is a continuing pattern of theft-related matters which included two state prison commitments and several grants of probation and the conduct continues, I think that is relevant in judging credibility. So, I would allow those to be used for impeachment purposes. My inclination would be that as to allowing facts of those instances

in to show common plan, scheme, motive would not apply in this case. The defendant in this case is charged with murder, not the theft of money or property from the McStays. So, a string of similar thefts to show he must be the person who did the theft in this case, assuming it was sufficiently similar, to do so doesn't really have much probative value on the issue of the homicides. Obviously, it adds significant prejudicial effect, so my inclination would be to not allow evidence as to the facts of any of those or other underlying instances."

Thereafter, in a private conference with McGee, Maline and the defendant's third co-counsel, Jacob Guerard,

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Grace Bernal's

# California Style Laid Back

Spring is out and Memorial Day Weekend is the way to kick off into a new fashion season. With that said, how do you unofficially start in with summer? Time for BBQs, day parties, and a long weekend. Getting dressed for this



casual holiday is always a breeze because comfort is key. My advice is dress in summer staples. Paired with lace up sandals, bleached

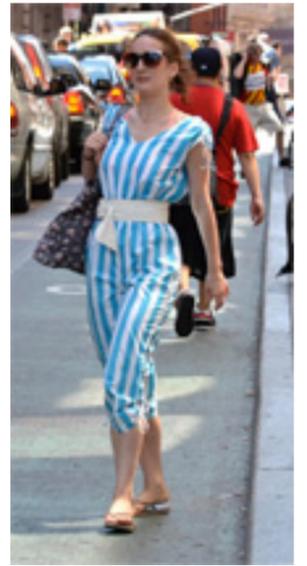


jeans are perfect, and work well with the fun of summer. There's also



the jumpsuit. A jumpsuit is always a fun piece to rewear. You can try a cotton tie front top with a satin skirt. It's all about

being laid back and finding your comfort zone outfit. Have fun!



*"Fashion is part of our culture, and it's about more than just a pretty dress."*

-Joan Smalls

As always, if there's anything you need, I'd love to hear from you: [Greygris@aol.com](mailto:Greygris@aol.com) or visit my page I Love Your Style on Facebook

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## Dam Dumps H<sub>2</sub>O After Heavy Rains from front page

around the headwaters. After more than a decade of planning and preparation involving the U.S. Army Corps of Engineers, the State of California, and the counties of San Bernardino, Riverside and Orange, a contract for Seven Oaks Dam was awarded in 1994, with the federal government picking up 70.47 percent of the cost, Orange County defraying 27.09 percent of the price of the undertaking, San Bernardino County chipping in 1.71 percent, and Riverside County laying out 0.73 percent. Cost overruns on the project raised its final price tag to \$450 million. Construction work began in May 1994 and continued until just before its dedication in

January 2000. To create the dam's embankment, earth was excavated from the Santa Ana River canyon immediately below the dam, the alluvial fan of the river north of Mentone, and a cut in

## Senior U.S. Military Intelligence Officer Killed In Collision On Isolated Stretch Of Desert Highway from front page

ers in clandestinely installing sensors and monitoring equipment which collected sound, video, vibrational and digital data. Most recently he had been billeted at the Defense Intelligence Agency operations center in Palm Springs. The dashing Merz had been twice deployed to the former Repub-

a ridge just southeast of the dam that now serves as the dam's spillway. Care must be taken in releasing water from the dam, as inundating the Santa Ana with too much flow can prove

lic of Yugoslavia. As a captain he did a tour of duty in Afghanistan during Operation Enduring Freedom and on two separate occasions, the second while he held the rank of major, he was posted to Iraq. The one-time commander of the 93rd Intelligence Squadron, Merz was vice commander of the 70th Intelligence, Surveillance and Reconnaissance Wing, supporting the National Security Agency and the Air Force with cryptologic intelligence. He served as director of intelligence, surveillance

and reconnaissance for Air Force Special Operations from June 2015 to June 2018. Merz was commissioned at University of Wyoming in December 1992 at the age of 23. Identified as an exceptional talent as a second lieutenant, Merz attended the National War College in Washington, D.C., the Naval Postgraduate School in Monterey and the Indian Defense Services Staff College, Wellington, India. He did tours at the Air Force Special Operations Command, Pacific Air Forces and the Joint

Analysis Center, a military intelligence analysis center in England run by the Defense Intelligence Agency. Old Woman Springs Road, also known as California State Route 247, runs from Yucca Valley at its southeast terminus and Barstow on its northwest extreme, with its major junctions being State Route 62 in Yucca Valley, State Route 18 near Lucerne Valley and I-15 in Barstow. Merz survived by his wife, Tristan, and three children, Josiah, Tessa and Jack.

can be dangerous to humans, as well. Trails that run along the river were closed during the water releases, which typically go for several days at a time. Additionally, before the water release

as well as during it the sheriff's department sent personnel to survey the run of the river at ground level and detailed its helicopters to fly above the river to locate, warn and remove elements of the county's homeless population who have camped down along the river's banks

-Mark Gutglueck

## Merritt Declines Testifying As His Defense Rests from page 19

faced with the prospect of being aggressively cross examined by the prosecution, Merritt elected not to testify. Shortly after making that announcement to the court, the defense rested.

-Mark Gutglueck