

SBC DA Ramos Making Run For California Attorney General In 2018

San Bernardino County District Attorney

has laid the groundwork for a 2018 run for California Attorney General. A recent addition to the internet, the website <http://www.joinmikeras.com/> heralds Ramos's 2018 bid, providing visitors to the site with information about Ramos's philosophy, history and stated accom-

plishments.

The website celebrates Ramos as a prosecutor "seeking justice for victims. Mike Ramos is working every day to get things done on the issues that matter most to victims of crime and their family members."

In this regard, Ramos is represented as a bulwark against unlawful gang activity. As San

Bernardino County's top prosecutor, Ramos is quoted: "The rise of criminal streets gangs in this county is a real threat to our communities, but I refuse to allow these local terrorists to determine how we live our daily lives. Coming down hard on gang crime and keeping our citizens safe will always be an important mission



Mike Ramos

of this office."

The website invites

those interested to get involved in the campaign by taking action and donating to his campaign war chest. "Together, we can make great strides addressing issues that impact public safety," the web site states. "The strength of any campaign is in the power of the people who come together because they believe in some-

See P 3

SB Mayor Rebuffed By Council On Chief-of-Staff Continuation



Michael McKinney

San Bernardino Mayor Carey Davis will be without a chief of staff as of January 1, pursuant to a vote of the San Bernardino City Council on Monday.

The council voted 5-2 against renewing the city's contract with the consulting firm MICA-PR to serve in the capacity of chief of staff. MICA-PR is owned and managed by Michael McKinney, such that McKinney for the past eight months, since shortly after Davis assumed office in March, has been the de facto chief of staff.

Only council members Rikke Van Johnson and Virginia Marquez, the two members of the council remaining strongly aligned with Davis, voted to extend MICA-PR's contract. The city's contract with MICA-PR, at an annual rate of \$125,000, ran until December 31, with two one-year extension options.

Davis's reliance on McKinney for guidance thus far in his tenure as mayor has created some difficulty for Davis, who has enjoyed reasonably good relations with the rest of the council otherwise.

McKinney is not an uncontroversial figure. Through MICA-PR, he was involved, along with entrepreneur See P 8

Defense Seeks, Prosecution Opposes Supreme Court Review Of Colonies Case Rulings



Stephen Larson

The defense in the Colonies Lawsuit Settlement Public Corruption

Case has cited the prosecution's own previous filings with the California Supreme Court to convince the Supreme Court to again consider several pithy legal questions arising out of the matter.

The case, which revolves around charges of conspiracy, bribery, extortion and the corruption of public officials,



Melissa Mandel

involves the activity leading up to the November 26, 2006 vote by the

board of supervisors to confer a \$102 million settlement on the Colonies Partners to bring to an end litigation brought against the county of San Bernardino and its flood control division over drainage issues at the company's Colonies at San Antonio residential and Colonies Crossroads commercial subdivisions in northeast Upland.

In 2010, prosecutors told a grand jury that Jeff Burum, one of the managing principals in the Colonies Partners, with the assistance of one-time sheriff's deputies union president Jim Erwin, first threatened and coerced then-supervisors Bill Postmus and Paul Biane into supporting the lawsuit settlement along See P 2

Perspectives Differ On Congressman Cook's Cadiz Water Project Change

Touted Economic Benefit Is A Canard

By Ruth Musser-Lopez

Some labor representatives and even more corporate interests have hailed Congressman Paul Cook's flip-flop on the Cadiz water project as a good thing. They say his recommendation, contained in his clandestine September letter to the Department of the Interior which was not released to the public

Commentary

until two days after the election, calling for the Bureau of Land Management to drop its effort to carry out strict environmental review of the project will allow what they consider to be an economically beneficial project to proceed. This position that these proponents take blurs the distinction between environmental issues and economic issues. Because of this See P 6

Project Is Environmentally Safe & Economically Advantageous

By Richard Sierra, Business Manager, Laborers International Union of North America, Local 783

Recently, Congressman Paul Cook sent a

Guest Commentary

letter to the US Department of the Interior recommending against any further federal environmental review of the water project proposed by local renewable re-

sources company Cadiz, Inc. This new position of support by Congressman Cook is a logical and positive change; one that promotes economic growth, jobs and safe water resource conservation. It is a welcome development for those of us fighting for sustainable economic development in the Inland Empire.

The Cadiz Valley

Water Conservation, Recovery and Storage Project is a \$1 billion infrastructure development designed to capture millions of acre-feet of groundwater that would otherwise be lost to natural evaporation. It will deliver that water to San Bernardino County-based customers and others throughout Southern California.

Last year, Congressman Cook re- See P 6

Passenger Traffic At Ontario International Airport Continues To Increase

The number of passengers at Ontario International Airport rose 4.11 percent from January 2014 through October 2014, compared to the same period last year, according to airport officials.

The passenger numbers were particularly good for October. The airport saw a 7.68 percent jump for the month of October, the largest

increase this year.

Airlines at Ontario International served 3,422,524 travelers compared to 3,287,423 travelers during the same ten month period in 2013.

"2014 is shaping up to be a good year for Ontario Airport," said Jess Romo, the airport's manager. "We've taken great care to support the airlines and other businesses on the field so that as

the economy improves, the financial environment here at Ontario International Airport may foster continued growth. We also recognize the need to balance positive financial results with the equal need to make the airport experience pleasant and relaxed for our travelers."

International traffic continues to grow with International carriers,

AeroMexico and Volaris, serving 71,705 passengers, a 66.4 percent increase over the same period in 2013. Both provide a total of seven nonstop flights each week between Ontario and Guadalajara, Mexico. Volaris announced earlier this month that daily service to Guadalajara will be offered during the Holiday season, beginning December

17th and continuing at least through the end of the year.

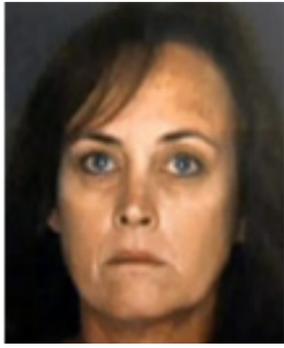
"If we continue to see the healthy operations through the end of the year, we hope this provides an opportunity for carriers to reexamine market potential for increased service or new routes in the future. We also hope local and regional travelers will continue to sup- See P 3

Oakes Pleads Guilty In RUSD Embezzlement Case

A former Rialto Unified School District Accountant has pleaded guilty to embezzling \$1.8 million and now faces eight years in County Prison.

Judith Oakes, 50, of San Bernardino pleaded guilty today to nine counts of Public Officer Crime (PC 424).

Oakes faces 8 years in County Prison when she is sentenced Jan. 8, 2015. Under the agreement, Oakes will be required



Judith Oakes

to pay \$1,845,137.81 which she embezzled from July 2005 to Aug. 2013. She will be making her first payment of

\$339,002.58 following pronouncement of judgment.

"After so many years of theft, the victims can now feel confident that justice was served today," said Deputy District Attorney Jason Liso, who prosecuted the case. "Hopefully this sends a strong message that our public servants will be held accountable for their actions when they decide to abuse the public trust."

On August 7, 2013, Oakes was arrested by Rialto Police and booked into West Valley Detention Center in Rancho Cucamonga after she was recorded on video stuffing school lunch money into her bra. Oakes; arrest touched off a series of audits and investigations at the district and triggered the eventual resignation of superintendent Harld Cebrun.

Prosecution Opposing Defense's Request For Supreme Court Review Of Colonies Case Rulings *from front page*

with their board colleague Gary Ovitt. Prosecutors further alleged that after the vote was made Burum provided separate \$100,000 bribes to Postmus and Biane as well as Ovitt's chief of staff, Mark Kirk, in the form of donations to political action committees

the three set up and controlled. In February 2010, that grand jury indicted Postmus and Erwin on a variety of political corruption, bribery, perjury and conspiracy charges. They pleaded not guilty to those charges but the following year Postmus pleaded guilty to 14 charges against him and turned state's evidence. He then testified before a second grand jury, which on May 9, 2011 handed down a superseding 29-count indictment that

renamed Erwin and indicted Burum, Biane and Kirk.

All four pleaded not guilty and the case, known as People vs. Biane, et al, has been contentiously litigated all along.

After the 29-count May 2011 indictment was handed down, defense attorneys filed demurrers challenging the sufficiency of the case on a host of legal, factual and technical grounds. In August 2011,

Judge Brian McCarville granted several of those demurrers, throwing out a number of the charges. The prosecution appealed McCarville's ruling to the Fourth District Court of Appeal, a move which was matched by defense attorneys, who asserted that McCarville should have dispensed with even more of the charges than he actually did. The Fourth District Court upheld McCarville on all but one of his rulings favoring the

defense and, in addition, threw out even more of the charges. Prosecutors then filed a last-minute appeal of the Fourth District Court's ruling with the California Supreme Court, arguing the case itself, involving the alleged bribing of public officials and a creative approach in providing those bribes, merited the Supreme Court's review. The prosecution at that point asserted the California Supreme Court should review the Fourth District Court of

Appeal's rulings because the matter represented a "high-profile public corruption case...important... to the citizens of California [that] is being closely watched, and will be used as a benchmark to inform the conduct of both public officials and those seeking to influence them as to what acts they can commit without subjecting themselves to prosecution."

The California Supreme Court elected to consider the case and, after a year-long delay, reinstated the charges and sent the matter back to the trial court, where it is being heard by Superior Court Judge Michael A. Smith.

Earlier this year, defense attorneys filed a series of five motions with Smith seeking the dismissal of the entirety of the case, based on a number of grounds, including statute of limitations, lack of probable cause, jury misinstruction, prosecutorial misconduct in having raided the defense camp and seizing privileged materials crucial to the defense, along with prosecutorial and investigator misconduct. In his first ruling on those motions, entered on July 24, Smith granted the dismissal of the issue at the heart of the case, a single conspiracy charge against each of the defendants, upon which the primary narrative of the case was hinged, including 43 overt acts. Smith granted that motion on his interpretation of the law that held conspiracy charges are subject to a

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Continued on Page 4

CVUSD Sued Over Board's Constant Religious References

The Chino Valley Unified School District has been sued by the Freedom From Religion Foundation and more than 20 unnamed local plaintiffs over the district's practice of engaging in Christian prayer and Bible readings at school board meetings.

The suit seeks the discontinuation of prayer and religious references during the conducting of official district business.

Referenced specifically in the suit are board president James Na and trustee Andrew Cruz, who are said to pepper their discussions of issues at board meetings with Christian homilies and scripture readings.

The suit was filed by Andrew Seidel, an attorney for Madison, Wisconsin-based Freedom

From Religion Foundation on behalf of several unnamed local plaintiffs.

Seidel said he wants the district to discontinue preaching by the board's members and their promotion of religion.

According to Seidel, the religious references went well beyond invocations, which have been deemed acceptable by the courts, to create an atmosphere in which individuals who do not profess the Christian faith felt uncomfortable.

For some time, some members of the public who attend board meetings and other district events have remarked upon the degree to which religious references were becoming a part of official proceedings.

Pastor Jack Hibbs of

the Calvary Chapel of Chino Hills denounced the lawsuit as the work of the Devil and his agents seeking to remove God from the public education process. The Calvary Chapel of Chino Hills has both junior high and high school ministries.

Chino Police Chief Miles Pruitt said he believes his rights and beliefs are being abridged by those who would

prevent him and others from engaging in prayer at school functions.

One parent said she did not begrudge anyone his or her own beliefs, but felt that district officials were creating a circumstance in which members of the public who attended district meetings and events felt they were ostracized if they did not profess Christian beliefs.

Airport Passenger Traffic Up from front page

airport available service at Ontario International," Romo said.

The 3.96 million passengers the airport had in 2013 was substantially below the 7.2 million that flew into and out of the airport in 2007. The

airport's performance numbers declined with the onset of the recession in 2007. Because the airport did not rebound quickly, even as other Southern California regional airports such as those in Orange County and Long Beach did, Ontario city officials

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Ramos Running For Attorney General from front page

thing bigger, something achievable. Together, anything is possible."

A link on the website allows donors to make contributions by credit card.

On the page's biographical link, the reader is informed that Ramos was first elected in 2002,

and that he was "innovative and persistent in his fight to protect victims' rights" from the outset of his tenure in office and assumed chairmanship of the "Death Penalty Initiative Reform Committee," a collective effort to prevent the death penalty from being banned in California and instead "speed up the execution of the 733 pris-

oners California holds on its death row at San Quentin."

The website further states that "Mike has also been an outspoken advocate against Human Trafficking at the local and state level" and that he "campaigns heavily in favor of Proposition 35 which voters overwhelmingly passed in 2012" and created a Human Trafficking Prosecution Unit. In an effort to further reduce the demand for victims of human trafficking, he also began releasing the names and photographs of defendants convicted of solicitation in San Bernardino County.

One of the site's webpages touts Ramos's efforts at gang affiliation prevention.

"I know from my years in law enforcement in and out of the courtroom, that if we only focus on adult offenders, we will never effectively address the crime problem," Ramos states on the webpage. "Most adult criminals started by getting into trouble as juveniles and eventually dropping out of school. It is in those early years when we have the best chance of steering them back on course. A ten percent increase in graduation rates would reduce murder and assault

rates by about twenty percent. The San Bernardino County District Attorney's Office takes truancy very seriously. We know that it is often the "gateway" to juvenile delinquency and, later, more serious adult crime. Making sure that kids go to school and stay in school is very important to me for two reasons."

The quotation of Ramos continued, "One is because as district attorney of San Bernardino County I want kids to stay out of trouble and out of the court system. The best way to do this is by making sure kids stay in school. The second reason is that, since I served seven years on the Redlands' School Board, I know how important a good education is to a child's future. Successful students generally make productive, law-abiding citizens in the long run. If we don't invest in education programs now, we'll have to pay more to incarcerate later."

In a video posted on the website, Ramos said he was opposed to Proposition 47, which reduced drug possession crimes from felonies to misdemeanors because it "takes away the initiative for people to attend drug programs." Proposition

Forum... Or Against 'em

Observations from a Decidedly Continental Perspective

By Count Friedrich von Olsen



With so many untoward reports about our county's smallest and most remote city drifting into my ears, curiosity beseeched me to have my chauffeur Anthony fill up the Bentley with the requisite amount of petrol and we embarked on the more than three hour trek from the chalet down the north side of the San Bernardino Mountains, past Lake Silverwood and through Summit Valley to the I-15 and thence out the I-40 to Needles. Along this last part of the journey, I had Anthony pull over so I could remove myself from my usual position in the back seat to instead ride up front and take in an unobstructed view of the panorama. Once so nestled, I must admit falling into something of reverie, harkening back, no doubt, to the passages in the adventure books imported from America that were read to me by my governess more than seven decades ago, which celebrated the Chisholm Trail and the Wild West. For a time, it seemed I was perched atop a stagecoach, ranging across the boundless Southwest...

Ultimately, we reached our destination. It gives me no pleasure to report that the tales of Needles' current state were accurate, actually an understatement. The city, where the railroad came across the Colorado River in the late 1800s, was once, I am informed, the second largest city in the county and a grand one at that, having a special status conferred upon it by the railroad. The city, now numbering fewer than 5,000 mostly bedraggled souls, has lost luster. Indeed, for the most part it has fallen into an appalling state of disrepair...

I cut right to the heart of the matter and troubled Anthony to escort me to the Needles City Council Meeting, where the now fallen city's public affairs are trotted out for display and decision-making. It was at this meeting that three of the council's members – Terry Campbell, Linda Kidd and Shawn Gudmunson – would make their final full appearance as

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47, Ramos said, amounts to "a get out of jail free card. This approach is not the answer."

Ramos's declaration of his intent to run for state attorney general comes four years before that election will be held. He was reelected to a fourth term in office as San Bernardino County District Attorney in June. Kamala Harris was reelected California Attorney General this year as well. Under California's term limits, she cannot seek reelection in 2018.

In addition to his early declaration of candidacy, Ramos embodies other potential strengths as a candidate for state attorney general. He is a Hispanic Republican, a relative rarity in Cali-

fornia. His ethnic identification could attenuate the advantage a Democratic opponent might otherwise have over him in 2018, given that an overwhelming number of Latino voters in California are registered Democrats. And while Republicans are the state's minority party, he has built political bridges to the Democrats, in particular Harris and Governor Jerry Brown, the former attorney general, whose office co-prosecuted with the San Bernardino County District Attorney's Office some high profile cases. Ramos and Harris endorsed one another in this year's election.



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Supreme Court Review Of Colonies Case Decisions Sought from page 2

strict three-year statute of limitations rather than the four years alleged by the prosecution. Because the last overt act of the conspiracy, that is, the final deliveries of the alleged bribe money in the form of the contributions to the political action committees, occurred in June and July of 2007 and the indictment did not come until May 2011, Smith concurred with the pleadings of Burum's attorney, former federal judge Stephen Larson, that the statute of limitations had been exceeded.

Larson and the defense camp seemed to be making headway with Smith's next ruling, which likewise was based on statute of limitations grounds, that sought the dismissal of twelve other charges in the case. Larson cogently argued that the statute of limitations on those charges had likewise been exceeded in that the victim, i.e., the county and its officials, knew of or had strong grounds to suspect as early as 2006 that the illegal activity described in the indictment had taken place, thus making the May 2011 indictment too late given the three-year statute of limitations. Smith granted that motion but then attenuated that defense victory by granting the prosecution the opportunity to amend the complaint to clarify that both law enforcement officers and county officials had no substantial indication that the alleged crimes had occurred until November 2008. Prosecutors in August availed themselves of that option by filing an amended indictment with that clarification, preserving those charges.

When Smith turned to the motions for dismissal based on lack of probable cause, jury misinstruction, prosecutorial misconduct and investigator misconduct, he uniformly denied those motions, allowing that portion of the case relating to mis-

appropriation of public funds – Penal Code Section 424 – to proceed, as well as sustaining the charges of tax fraud and perjury against Erwin that were based upon his not having properly reported having received gifts from Burum. Smith did dismiss another set of perjury and tax fraud charges against Erwin, Biane and Kirk relating to the contributions to the political action committees they controlled, ruling such political donations cannot be considered income to the founders of the political action committees (PACS) or those in control of them. Smith also dismissed conflict-of-interest charges against Burum and Erwin, reasoning that Burum was never a public official and Erwin was not one at the time of the events in question.

In all, Smith threw out eleven of the 29 charges, but left nearly two thirds of the case, consisting of 18 of the counts, intact.

In response, both the prosecution and defense again sought to second guess the trial court, appealing Smith's decisions to the Fourth District Court of Appeal. For its part the prosecution, consisting of Supervising Deputy California Attorney General Melissa Mandel and San Bernardino County deputy district attorneys Michael Abney, Lewis Cope and Reza Sadeghi, has indicated it wants the single conspiracy charge against each defendant thrown out by Smith reinstated. In his first filing with the appellate court, Larson on September 16 filed a writ of prohibition, challenging every ruling Smith made in favor of the prosecution relating to the motions to dismiss the charges against Burum. On September 26, Larson followed the writ for prohibition with a writ of mandate to the Fourth Appellate District Court in Riverside.

The Fourth Appellate Court, however, summarily dismissed both of Larson's writs on October 14.

After an already

pitched battle, with both sides fighting tooth and nail to scratch each others' eyes out with regard not only to the facts of the case but both plainly understandable as well as arcane elements of law, Larson is refusing to give up an inch of legal ground and has now appealed the Fourth Appellate Court's summary dismissal to the California Supreme Court.

The prosecution is hoping the Fourth Appellate District Court will reverse Smith and allow the conspiracy charges, around which so much of the case revolves, back in. Mandel, Abney, Cope and Sadeghi are looking forward to moving the case, now more than three-years old and dealing with events from eight and nine years ago, to trial. Accordingly, in response to Larson's appeal of the Fourth Appellate Court's summary dismissal, they asserted that the Supreme Court should simply refuse to entertain Larson's appeal because the issues involved do not constitute matters worthy of the court's scrutiny.

In their answer to Burum's petition for review by the California Supreme Court, Supervising Deputy California Attorney General Melissa Mandel and San

Bernardino County Deputy District Attorney Michael Abney assert, "This is the wrong case for this court to consider the issues presented in Burum's petition for review, because the issues arose within the framework of the trial court's comprehensive analysis of evidence presented to a grand jury during four weeks of testimony, resulting in more than 2700 pages of transcript and 266 exhibits. As such, review of the trial court's fact-based rulings will not serve to guide future courts analyzing different evidence. Moreover, the petition seeks clarification of a recent decision of this court before its holding has been applied or interpreted by any appellate court, and it seeks intervention in this case before any of the issues have been decided by the Court of Appeal. At this stage in the proceedings, there is no chance of a different outcome even upon review and transfer, because Burum's failure to create an adequate record precludes consideration of his claims on the merits."

Mandel and Abney continue, "Burum seeks the exceptional remedy of a second grant of pretrial review by this state's highest court, but

granting his extraordinary request at this time will unnecessarily delay his trial with no resultant development in the law. The right time and proceeding to consider Burum's claims is once the Court of Appeal has a complete record of the proceedings in the event of a post-judgment appeal. In the interim, it is time for trial in this important public corruption case."

Mandel and Abney assert that the case of "People vs. Paul Biane, et al is now in its second phase, having been sent back to the trial court by the Supreme Court late last year. As such the case is "less than a year old" Mandel and Abney maintain, and thus it is not ripe for review by the California Supreme Court. "No appellate court has yet considered or interpreted its holding, including the Court of Appeal here which summarily denied Burum's petition for writ of prohibition," according to Mandel and Abney. "This court's intervention is premature without any indication that appellate courts will apply People vs. Biane in a manner that triggers Burum's concerns. Further, the claims raised in the petition are unlikely to arise in future cases

in light of the guidance provided by People vs. Biane. This court [i.e., the California Supreme Court] has already found the allegations in the indictment sufficient to allege Burum aided and abetted bribery. Now, Burum asks this court to review the trial court's findings that the evidence supported those allegations. That endeavor is unworthy of a grant of review."

Noting that "Burum claims the requirement of 'additional conduct' beyond the mere offer of a bribe is an element of the crime" was needed to establish that he had engaged in facilitating bribery, and that "as such, the absence of a grand jury instruction on the issue invalidates the indictment" and that Burum has claimed "the trial court erred in finding sufficient evidence of additional conduct in the grand jury record," Mandel and Abney assert that "The record reveals the trial court engaged in an extensive, fact-specific analysis, and reached a different conclusion than Burum about the sufficiency of evidence of additional conduct. The court found the grand jury record established two categories of 'ad-

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Glimpse Of SBC's Past Robert Carlisle

By Mark Gutglueck

Robert S. Carlisle, a Southerner by birth and sentiment, was blessed with striking good looks, intelligence, energy and

Mexican land grant on what had been part of the San Gabriel Mission and what today is part of Chino and Chino Hills. The bulk of his es-



Robert Carlisle

good business sense. He was well respected, wealthy, popular and politically successful. He also possessed a flash temper and he may well have been a murderer.

Carlisle was born in Kentucky around 1830. Little is known of his early life or ancestry. There is no dispute that he was well educated. He had come to California from Kentucky, settling at first not in San Bernardino County or Southern California, but in San Jose. He remained there until he was 26 or 27, at which time he came to Southern California.

His timing was good. In 1856, Colonel Isaac Williams, who had fought on the American side during the 1846-1848 Mexican American War and distinguished himself at the Battle of Chino, died. After California was annexed to the United States, Williams had been rewarded with the sum of \$80,000 for his contribution to the war effort, a vast amount of money in those days. Williams was the owner of the Rancho Santa Ana Del Chino, a 22,193-acre

tate was left to his two daughters, Maria Merced and Francesca. Their mother was a daughter of Don Antonio Maria Lugo and sister of Jose Maria Lugo, Jose Del Carmen Lugo and Vicente Lugo, who, among them, owned the large San Bernardino Grant. Maria Merced married Sheep farmer John Rains. On May 13, 1857, Robert Carlisle wed Francesca Williams. He was twenty-seven and she was sixteen.

Following a year or so of residence in Los Angeles, Robert and Francesca returned Santa Ana Rancho Del Chino. Robert managed that holding with considerable efficiency, as he oversaw the work of about one hundred Indians who had comfortable adobe quarters near the main ranch adobe.

By virtue of his popularity and business acumen, Robert Carlisle in 1862 was elected supervisor for the First Supervisorial District in San Bernardino County. He assumed office on November 17, 1862, succeeding Richard Varley, and four days later,

on November 17, 1862 he was selected by his colleagues to serve as chairman of the board. He held the position of board chairman for the remainder of the time he was on the board. he served until November 1864.

It was on the very day that he took office, November 17, 1862, that his sister-in-law's husband, John Rains, disappeared.

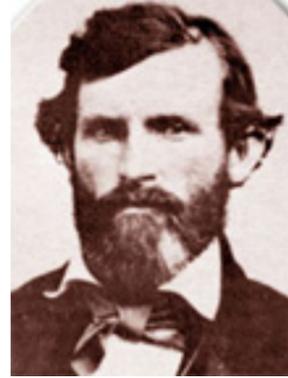
John Rains had used the dowery he had received from the estate of Isaac Williams to purchase Rancho Cucamonga, a spread of ground that covers a substantial amount of present day Rancho Cucamonga. Rains built a fired brick home that is still extant on Vineyard Avenue just north of Foothill Boulevard. Rains built the Rancho into a successful business, entailing vineyards and a winery, as well as a stage station. Rains' abode became "the social center of the community," and he enjoyed political prominence of his own, as in 1860 when he traveled to Charleston, South Carolina to serve as a delegate to the Democratic National Convention.

His success with the Rancho allowed him to make investments elsewhere, including securing part ownership of the Bella Union Hotel in Los Angeles.

By 1862, just as Robert Carlisle's already bright prospects were brightening, those of John Rains were taking a turn for the worse. Rains had overextended himself with some of his business ventures and to hold everything together, he borrowed against his rancho. On that fateful day, November 17, 1862, John Rains departed for Los Angeles - a city which then boasted a population of some 4,500 - and overnight at the Bella Union Hotel that evening before finalizing some further financing arrangements, including the signing of some loan

and collateral documents the next day. He departed for the metropolis in a wagon pulled by a team of his best horses. Rains never arrived at his destination.

On November 19, 1862 the team of horses found its way back to the rancho. They were no longer hitched up to the wagon. Curiously, this



John Rains

did not trigger any immediate action. On November 21, the same day that Robert Carlisle attended his first board of supervisors meeting in San Bernardino as a member of that august panel and was named chairman of the board, a group of travelers arrived at the rancho, intending to see Rains. When they were told that he was missing and of the return of his unhitched wagon team, a search was initiated.

The two day delay in starting the search was a remarkable one and has been problematic for historians. Rains commonly sojourned to Los Angeles, where he had a substantial investment and business to attend to.

On November 28, 1864 his body was found near Azusa, amid cacti some 400 feet off the road. There were obvious signs that violence had attended his last minutes of earthly existence. According to the *Los Angeles Star*, it appeared as if he had been lassoed and yanked from his wagon perch. His right arm was mangled from the elbow down and its upper portion had been pulled out of its shoulder socket. He was shot twice in the back, once in the side and on the left side of his chest.

It was a violent era in

a violence-prone place. At that point, there had been 50 murders in and around Los Angeles over a period of about a year. Rains was known to have been assertive and to have something of a temper but did not seem to have any lasting enemies. He seemed to have been a victim of a random act of violence or larceny, perhaps by a highwayman on a remote span of the road to Los Angeles.

As Maria Merced's brother-in-law as well as a leading local official, Robert Carlisle led the effort to find Rains' killer and bring him to justice. Early on, he settled upon one of Rains' ranch hands, Ramon Carrillo. But Carrillo had an iron-clad alibi, having been in Los Angeles and seen by multiple witnesses at the time Rains was thought to have met his grim end. Carlisle twice brought Carrillo before a court, but both times those charges were dismissed. Carlisle made accusations against a few others, using what even for that time were heavy-handed tactics to obtain two confessions, both of which fell apart under further examination by others. Ultimately, every case Carlisle sought to put together against those he said he suspected of having committed the murder failed to pan out. The only conviction growing out of Rains' death and its investigation was that obtained against Manuel Cerradel, one of Carrillo's compadres. When deputies who came to arrest him as a suspect in Rains' death at Carlisle's urging, Cerradel flew into a rage and attacked the deputies. He was exonerated of anything related to Rains' death, but drew a ten year sentence in San Quentin for his violence against the deputies. Before he could pay his debt to society, Cerradel was set upon by a band of vigilantes who apparently were convinced

he did have something to do with Rains' demise. After Cerradel had been escorted to a ship in San Pedro Harbor that was to take him to San Quentin, a vigilante group boarded the steamer, overpowered the small party of attendant guards and hung Cerradel from the ship's mast. Cerradel was then bound up, weighted



Maria Merced Rains

down with bricks that were tied to his legs and unceremoniously thrown into the harbor.

Cerradel's death may have sated some of the bloodlust that had been enkindled in the citizenry of Southern California by Rains' murder, but less primitive minds knew that his murderer remained on the loose.

Indeed, not a few locals held abiding suspicions that Rains' murderer was none other than Robert Carlisle. In utilizing the classic criteria detectives utilize in ferreting out the perpetrators of crime - motive, means and opportunity - Carlisle comes across as a prime suspect.

On November 17, 1862, the day Rains disappeared, Carlisle was scheduled to be on hand in San Bernardino for his swearing in as one of San Bernardino County's newly elected supervisors. He departed from Rancho Santa Ana Del Chino, ostensibly to keep his appointment at that honorific but never showed up. He was never able to adequately explain his whereabouts on that day.

During the weeklong search for the missing Rains toward the end of November 1862, Carl-

Continued on Page 8

Cadiz H₂O Project Is Good *from front page*

requested that the 43 mile pipeline portion of the project that will be constructed beneath existing railroad right of way be reviewed under the National Environmental Protection Act (NEPA). The project had already been approved under the more stringent requirements of the California Environmental Quality Act (CEQA), the most extensive environmental law in the country. But, at the time, these approvals were being challenged in state Superior Court.

Early in the project

development process, the Arizona and California Railroad granted the project access to its right of way located near Route 66 to construct the pipeline and will receive water supplies from the project. This is similar to how railroads grant easements for other utilities, including fiber optic cable and natural gas and petroleum pipelines. In fact, existing rights-of-way are often the preferred route for infrastructure development rather than building new paths across open public land where species could be affected.

Approval of the project followed nearly a decade of extensive scien-

tific study and review by numerous government agencies throughout San Bernardino County of all aspects of the Project including the development of the pipeline in the railroad right-of-way. The Environmental Impact Report received comments from thousands of individuals, numerous environmental organizations and local and federal agencies.

The project approvals required monitoring by the County of San Bernardino, in order to guarantee that water quality and aquifer levels meet standards agreed upon in the ground water management plan. The aquifer will be monitored

regularly, with results reported online. The county has authority to reduce or stop pumping if the project exceeds the agreed upon levels.

Then, last month, the Superior Court issued its judgments in the outstanding CEQA cases, wherein Cadiz, Inc. and its public agency partners prevailed on all counts. The court's decision verified the Environmental Impact Report and made no changes to the permits or project description.

Following these decisions, Congressman Cook wrote his letter and stated that, "Further developments have changed the dynamics

surrounding the project, calling into question the need for federal environmental review and signaling a need for the project to move forward."

The project's supporters couldn't agree more. The Cadiz water project is supported by Chambers of Commerce and labor organizations; it is expected to create nearly 6,000 jobs over the four year project construction, of which a minimum of 50 percent will be reserved for San Bernardino County residents and 10 percent will be set aside for military veterans. The project will spend 80 percent of its capital cost in San

Bernardino County by working with county-based vendors of materials and services. Project labor agreements have been approved between Cadiz and the Laborers International Union, Local 783 and the Union of Operating Engineers, Local 12.

The project is good for the local economy, local water needs and is a good example of local resource management. Congressman Cook's position is a welcome and hopeful development for those who would like to see the project finally get underway.



Cadiz H₂O Project Is Damaging *from front page*

they come to the conclusion that the project is good on both scores. They are doubly wrong.

Speaking to the environmental impact of the project, thoughtful and intellectually honest analysis of the project by United States Geological Survey scientists and other experts shows that pumping billions of gallons of water from the desert to Orange County will not conserve water in the desert. In fact, it will deprive the desert of the very elixir of life needed to sustain economic ac-

tivity: water. The claim that by pumping water from deep within the water table will prevent evaporation on the surface of the desert would be laughable were it not so environmentally damaging. Same as anywhere, including the coast, surface evaporation occurs at the surface of the desert. This will continue, regardless of whether water is being sucked out from the water table hundreds of feet belowground or not. A huge host of species too numerous to list here which are highly dependent upon water being present in springs and other manifestations

of water near the surface will be irrevocably harmed by withdrawing the water from the water table which feeds these springs.

The Cadiz Valley Water Conservation Recovery and Storage Project is a misnomer. It was prepared and pushed onto us by predatory attorneys, not scientists. It will not conserve water in the desert. It will steal it. This is a treacherous precedent-setting project that privatizes now public water and changes California law that currently requires ground water to be used above the aquifer it is from and not be transported away.

Proponents of the project engage in sleight-of-hand when they attempt to mislead the public by changing the focus away from the environmental effects to the supposed economic benefit of the project. With regard to this alleged economic benefit, let us be clear: there is no lasting economic benefit to the desert or its citizens from this project. And whatever temporary economic benefit the project represents is dwarfed by the long-term economic disadvantage it represents.

While it is true that for the relatively short duration that project's infrastructure will be

constructed there will be some temporary jobs created, these jobs will be gone as soon as the pipeline is completed. Once that pipeline is in place it will convey billions of gallons of water from the desert to a location more than 230 miles away. By the time it is clear that too much water has been pumped, it will be too late to reverse the damage. Any future economic benefit in the East Mojave Desert or within its sphere will be much more difficult to pursue because of the lack of water. As water that the East Mojave Desert aquifer possesses is sucked out and sent to

Orange County to enrich a business based in Los Angeles, those wishing to pursue projects in the desert will be confronted with the reality that water, already a precious commodity today, will be even more scarce and more expensive in the future. The paltry tax revenue from the Cadiz project is offset by greater lost revenue from potential business not developed here, including agribusiness, that fail or cannot come to fruition due to lack of water. After the Cadiz water project is in place, local well owners will need to drill even deeper at their own expense to reach the desert's overdrafted water supply. We will not have the water to build the economy or increase jobs here--we can blame the labor union bosses teaming up with Orange County and Los Angeles County corporate interests and Paul Cook for that.

Contrary to what Cadiz proponents assert, the California Environmental Quality Act (CEQA) does not have authority to grant Right-of-Way's. The authority to grant a right-of-way on federal land is the Department of Interior's through its agent Bureau of Land Management. If the sole benefit of the water pipeline was to service the railroad, then definitely the pipeline would be for a railroad

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Defense Seeking Second Supreme Court Review Of Colonies Case

from page 4

ditional conduct.' First, the evidence established that Burum used threats, coercion and intimidation to compel the recipients to accept bribes, which was additional conduct beyond his offer of a bribe, such that when the offer of a bribe seemed not to be sufficient, 'the evidence supports the Grand Jury's finding of probable cause that Mr. Burum then applied additional pressure to accept the bribe and subsequently vote on the settlement by the use of threats, intimidation and coercion.' Second, the court cited the testimony of Adam Aleman that Burum suggested a sophisticated plan for the recipients to hide the payments by creating political action committees that the board members secretly controlled, which was additional conduct that aided and abetted the receipt of bribes by individuals who might otherwise have been concerned about the crimes being discovered."

Adam Aleman was a staff member working in Postmus' office.

In making their pitch to the California Supreme Court to review the case, Burum's legal team, according to Mandel and Abney, "provided 'selected excerpts' of the grand jury transcript totaling 325 pages of a record which was at least 2716 pages long. The inadequacy of the record

precludes the possibility of a different result upon review and transfer. Burum's real complaint is the manner in which the trial court applied those holdings to the facts of his case. Review should not be granted to reconsider the trial court's factual findings following its exhaustive review of the voluminous evidence provided to the grand jury. Nor is such review by the Court of Appeal available at this pretrial stage, because of the inadequacy of the record."

Mandel and Abney assert that the "omitted portions of the trial court's ruling belie Burum's interpretation. In fact, the trial court did not find that any bribe would suffice as an act unauthorized by law. Rather, the court found the bribe in this case created a financial interest in the settlement, in the form of an expectation of kickbacks from the settlement proceeds, which was the unlawful act upon which the misappropriation charge was based."

In his rebuttal to the prosecution's answer to the petition to the California Supreme Court, Larson wrote "The fundamental flaw in the People's answer to defendant Jeffrey Burum's petition for review is exposed by comparing the following two statements, both made by the People, to this court, about this case: [1] 'This is the right case for this Court to offer guidance on these important issues, and it comes at the right time.' [2] 'This is the wrong case for this Court to consider the issues pre-

sented in Burum's petition for review....' The People made the first statement in 2012 when seeking review of the trial court's dismissal of all bribery charges against Mr. Burum, and it led to this court's decision in *People v. Biane*."

According to Larson, "Nothing has changed between the People's statements in 2012 and their statements now—except for the party seeking review."

At issue, according to Larson, is "the same question for which the People successfully sought review in 2012, albeit in a different procedural context: When can an alleged bribe-giver be charged with aiding and abetting the receipt of the same bribe?"

The Supreme Court two years ago, Larson said, "answered that question for purposes of the charging phase. But on remand, the trial court failed to correctly apply the standard established by this court in *People vs. Biane* in the context of a Penal Code section 995 challenge to the grand jury's probable cause finding."

Penal Code Section 995 allows a defendant who has been indicted to petition the court to dismiss or set aside an indictment if the court determines the defendant has been indicted without reasonable or probable cause.

"The trial court's misapprehension of *People vs. Biane* in that context is more than enough reason for this court to again take up the predominant legal issue in this case, and to pro-

vide needed guidance that will benefit not only these parties, but assure that future grand juries and courts correctly apply this court's standard at the pivotal probable-cause stage of a criminal proceeding," according to Larson. "Moreover, because of the important nature of the legal issues being addressed in this complex and novel prosecution, this remains the 'right case' at the 'right time' for the court to address the other two issues raised by Mr. Burum in his petition: The knowledge element of Penal Code section 424; and the remedy for grand jury misinstruction in the context of a Section 995 motion."

Penal Code section 424 pertains to misappropriation of public funds, which Burum and the other defendants are charged with. It is Larson's contention that Penal Code Section 424 was inappropriately applied to his client and the other defendants. In his writ to the Fourth Appellate Court which was summarily dismissed, Larson asserted a Penal Code Section 424 offense "must necessarily involve intent," which he said his client and the other defendants lacked. "The trial court mistakenly held that the People's admitted failure to instruct the grand jury on the intent element of Section 424 was harmless error," Larson and another attorney working for Burum, Dennis Fischer maintain. "The factual record did not support a finding of probable cause as to the Section 424 charge."

In his petition for review to the California Supreme Court, Larson wrote, "The second question raised in this petition is whether a defendant can be indicted for aiding and abetting an alleged misappropriation of public funds (Penal Code § 424) where the grand jury received no evidence that the public official 'knew' that a portion of the appropriation was without authority of law. The People's primary argument against review of

this issue is that it is a 'disguised' attempt to seek review of the trial court's factual findings. [W]hen the trial court applied the law it had misinterpreted to the evidence that had been presented to the grand jury, it incorrectly held that a finding of probable cause on the bribery charges necessarily satisfied the knowledge element for the Section 424 charge. What Mr. Burum asks this court to review is the first stage of the trial court's incorrect ruling: The misinterpretation of the law regarding the requisite knowledge for a Section 424 violation. That issue is an important one. There had to be probable cause that the supervisors knew, at the time of their vote, that they were appropriating a portion of the settlement funds for themselves in violation of the authorizing laws governing their conduct. Failing to understand this specific probable cause requirement, the trial court improperly based its ruling on the mere fact that the grand jury had found probable cause 'that [the supervisors'] vote would be unlawfully influenced by the bribe that they were receiving,' theorizing that this demonstrated knowledge that 'the acceptance of a bribe in exchange for a vote was not authorized by law.' In essence, the trial court borrowed the grand jury's finding of probable cause for bribery and grafted it onto the knowledge requirement for the Section 424 charge. But that is not the standard articulated in *People vs. Paul Biane*, et al, and it is not consistent with the knowledge requirement."

Pointing out that "The People actually concede instructional error on the Section 424 charge," Larson asserts "Review is needed to instruct this trial court and future courts that there must be a specific finding that the defendant knew the appropriation of funds was without authority of law and that lack of evidence of such knowledge cannot be cured by evidence demonstrating

knowledge of some other alleged wrongful conduct."

Pointedly, Larson told the California Supreme Court that the prosecution was exercising out and out unprincipled intellectual dishonesty and legal discrimination by delaying the progression of the case to trial through filing an appeal of its own while asserting that the defense was retarding justice by also engaging in the appeal process.

"The People argue that Mr. Burum is 'seek[ing] the exceptional remedy of a second grant of pretrial review by this state's highest court,' and that 'granting his extraordinary request at this time will unnecessarily delay his trial,'" Larson wrote in his reply in support of the petition for review. "This argument merely confirms that the People are promulgating a double standard regarding appellate review. Two years ago, the People sought review in *People vs. Biane*, et al precisely because they asserted that the legal issues involved in this case were important enough for the highest court of California to consider despite the resulting delay. And now, at the same time they seek to block review here, they have chosen to pursue an appeal of the trial court's dismissal of the conspiracy count. The People display no concern for a speedy trial when faced with adverse rulings in their case against Mr.

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Council Rebuffs SB Mayor On Chief-of-Staff Extension
from front page

Scott Beard, in a 2013 effort to recall the entirety of the San Bernardino City Council and city attorney James Penman. That effort failed to

qualify recall questions against then-mayor Pat Morris, Johnson, Marquez, councilman Fred Shorett, and then-councilmen Robert Jenkins and Chas Kelley, but did get adequate valid signatures on petitions to force recall questions against councilwoman Wendy McCammack

and councilman John Valdivia, as well as Penman. The committee that sponsored the recall, San Bernardino Residents for Responsible Government, founded by Beard and directed by McKinney, raised and spent over \$154,000, much of it put up by Beard, on the recall. The recall ques-

tion against Valdivia failed but McCammack and Penman were removed from office.

Despite being recalled in the November 2013 municipal election, McCammack placed first among ten candidates vying for mayor that year. Davis finished second. With no single

candidate garnering a majority of the vote, a runoff was held. McKinney served as Davis' political consultant during that campaign. Davis defeated McCammack in the runoff election, which was held in February.

The affable Davis, an accountant, was a

political neophyte unacquainted with the rough-and-tumble of politics, holding office or the bare-knuckled nature nor the subtleties of governance. He turned to McKinney, who had been largely responsible for his successful

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Robert Carlisle
from page 5

Carlisle, who was in charge of the effort, instead of staying in the wild along the road to Los Angeles to maintain a thorough scouring of the places Rains might have been, Carlisle returned to his home where one evening he held a festive party.

Then there was the matter of his comportment toward his sister-in-law after her husband's death. Carlisle hectored, bamboozled and bullied Maria Merced into granting him power of attorney over the Rains estate.

Added to the obvious misdirection toward ultimately false suspects during the murder in-

vestigation that followed the discovery of Rains' body, Carlisle's behavior is at best extremely curious.

In time, the theory that Rains had been killed because of his secessionist sympathies and affiliations took hold. Carlisle, in looking after his sister-in-laws affairs, became deeply involved in the settlement of John Rains' estate. This led to a bitter dispute with the King Brothers of El Monte and Los Angeles, with whom Rains had business dealings, including shared ownership of the Bella Union Hotel.

On November 21, 1864, Carlisle was replaced on the board of

supervisors by Henry Suverkrup. By that point, Carlisle's land holdings had grown from the 22,193 acres of Rancho Santa Ana Del Chino to some 46,000 acres, which included much of the land he had managed to swindle from Maria Merced Rains.

More than seven months after he had left the board of supervisors, on July 5, 1865, Carlisle had come to Los Angeles to attend the wedding of merchant Solomon Lazard and his bride, Caroline Newmark, the daughter of Joseph Newmark, who established the Los Angeles Hebrew Benevolent Society and the city's first Jewish cemetery. The wedding

party was held at the Bella Union Hotel. In attendance at the party was Los Angeles County Undersheriff Andrew King, one of the King Brothers. Though Andrew King was at that time a Los Angeles County official, he previously had



Andrew King

been San Bernardino County's constable. In addition to the bad blood

between Carlisle and the King Brothers over Rains' business holdings with them and their interference in his management of his sister-in-law's estate, Carlisle had accused Andrew King of indolence in the investigation of Rains' murder. That night in the crowded saloon on the ground floor of the hotel, there was a heated exchange between the two men, and Carlisle, who perhaps was drunk, slashed the lawman across his right hand and opened up a gash on his chest with a Bowie knife. Friends separated the two men, but Carlisle threatened, according to later testimony, to kill "any and all" of the King

Brothers.

Carlisle did not have the good sense to leave Los Angeles after this contretemps and instead spent the night at the Bella Union. The next day, two of the King Brothers, Houston and Frank, came into the hotel to confront Carlisle. A gunfight ensued. Carlisle was fatally wounded, but not before he had himself shot and killed Frank King. Carlisle's funeral was held in the Bella Union. Houston King was charged with the murder of Carlisle. At Houston King's murder trial in 1866, he was acquitted.



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Supreme Court Review Requested
from page 7

Burum, but loudly decry his attempts to seek appellate review of incorrect legal rulings in their favor under the guise of wanting to advance this case to trial. In doing so, the People display a fundamental lack of fairness and an eagerness to obtain an unconstitutional tactical advantage.”

Larson continued, “Moreover, the People’s ‘delay’ argument is moot given that two of Mr. Burum’s co-defendants have recently been de-

clared indigent by the trial court, leading to their previously retained counsel being relieved, and new counsel being appointed by both the trial court and the Court of Appeal, a development the People fail to mention in their answer. Given the complexity of this case and the hundreds of thousands of pages of discovery produced by the People, this will significantly delay any trial regardless of whether this court grants review. In the totality of these circumstances, it is far more important for this court to review the legal issues at stake

here now, rather than have the parties and the trial court spend years preparing for and conducting a criminal trial only to find that the legal premises on which the trial was based were incorrect and require reversal. In fact, there is no better case for the Court to not only clarify the rule established in *People vs. Biane, et al*, but also to provide much needed instruction on these two other critical legal issues.”

The California Supreme Court is due to decide on or before December 26 whether it will consider the matter.

Airport Passenger Traffic Up
from page 3

have faulted the city of Los Angeles and its corporate arm that runs Ontario Airport, Los Angeles World Airports, for Ontario International’s stagnating passenger numbers.

Since 1967, Ontario Airport has been managed by Los Angeles pursuant to a joint powers authority. That management agreement was entered into because Los

Angeles was able to use its control over gate positions at Los Angeles International Airport to induce airlines to use Ontario Airport, a medium-hub, full-service airport approximately 35 miles east of downtown Los Angeles. Ontario Airport flourished under Los Angeles’ management in the late 1960s, 1970s, 1980s, 1990s, and early to mid 2000s. In 1985, after the airport met performance criteria specified in the original joint operating

agreement, the Ontario City Council deeded the airport to the city of Los Angeles for no consideration.

Utilizing bond money it secured, revenue from Los Angeles International Airport operations and Ontario International Airport operations and that obtained from other sources, Los Angeles completed over \$500 million in improvements to Ontario Airport, including the addition of a second runway and the construction of two

Cadiz Water Project Is Detrimental
from page 6

purpose and allowed under the terms of the railroad’s right-of-way. Cadiz has argued such and now Colonel Cook who is not an attorney, not a scientist, but instead a corporate sponsored politician, sides with Cadiz. People should bear in mind that the recent court ruling dismissing the environmental lawsuits challenging the project was made by an Orange County Superior Court, which is hardly an equitable forum, since it is Orange County which stands to benefit from this project. That judgment is under review.

The Center for Biological Diversity and the National Parks Conservation Association filed independent appeals last week. In October, Tetra Technologies Inc. challenged four of the six judgments. All six of the challenged findings are now before the California Court of Appeals, Fourth District and are expected to be heard in 2015.

A lack of independent hydrology data in Cadiz Inc.’s California Environmental Quality Act document which is based only on Cadiz, Inc.’s contracted engineering firm’s findings, which are contradicted by the scientist at the U.S. Geologic Survey,

should be reason enough for the United States Department of the Interior to move forward on obtaining its own empirical data concerning annual natural recharge of the aquifer and how much water can be safely pumped from the desert basin.

We anticipate a more objective judgment from a court further removed from Orange County and that the environmental and water laws passed by the people of California will be upheld. Unfortunately, Cadiz, Inc. is planning to move ahead on implementation and pre-construction activities for its water-exploitation-and-export-to-Orange County plan.

modern passenger terminals.

The airport continued to expand, reaching its record performance mark in 2007, with the aforementioned 7.2 million passengers. Since that time, as Los Angeles World Airports has continued with an energetic improvement plan at Los Angeles International Airport, Ontario officials have become

increasingly strident in claiming Los Angeles is neglecting Ontario Airport. In June 2013, the city of Ontario sued Los Angeles, Los Angeles World Airports and the Los Angeles Board of Airport Commissioners. The suit maintains Los Angeles is purposefully giving Ontario Airport short shrift because it is pursuing a plan to generate more passengers and

revenue at Los Angeles International Airport. In the suit, Ontario is asking Riverside County Superior Court Judge Gloria Trask to void the agreement giving Los Angeles ownership and management control of Ontario Airport. Trask’s decision on a summary motion to return the airport to Ontario is pending.

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San Bernardino County Coroner Reports

Coroner case #701408918 On 11/28/2014, at approximately 9:30pm, twenty-one year-old Rialto resident Wynae Hill was walking southbound across Mill Street, east of Rancho Avenue, in San Bernardino when she was struck by an eastbound vehicle. Hill was transported to Arrowhead Regional Medical Center where she died from her injuries on 11/29/2014 at 05:14am. San Bernardino Police Department is investigating this traffic incident. [120214 0927 SY]

Coroner case #701408894 On Friday, 11/28/2014 at 4:55 PM, thirty year-old Pico Rivera resident Eric Daniel Luna was operating a motorcycle along the west-bound Interstate 10 Freeway. Just east of the Central Avenue off ramp in Montclair, Luna was thrown from his motorcycle and was struck by a passing truck. Luna was pronounced dead at the scene. The collision is under investigation by the California Highway Patrol.[120214 0919 SY]

Coroner case #701408880 On 11/28/2014 at 4:17 AM, California Highway patrol received a wireless 911 call reporting a pedestrian hit by a vehicle on Interstate 15, south of Halloran Summit. Emergency medical personnel responded to the scene to find thirty-eight year-old Montebello resident Rick Curtis dead at the scene. The California Highway Patrol is investigating the incident. [120214 0910 SY]

Coroner case #701408856 On Thursday, 11//27/2014 at 8:25 AM, the California Highway Patrol received a 911 call reporting a two-vehicle off-road collision had occurred near the area of the El Mirage Dry Lake bed. Upon arrival, CHP personnel found that Twenty-seven year-old Los Angeles resident Edgar Gerardo Arriaga-Gomez, had been traveling northeast on a four-wheel all terrain vehicle (ATV) , when he struck a second ATV that was also traveling northeast, but at a lower rate speed. Arriaga-Gomez was ejected from the vehicle/ He was pronounced dead on scene by San Bernardino County Fire Department. Both ATV operators were wearing helmets. The California Highway Patrol is investigating the incident. [120214 0843 SY]

Coroner case #701408822 On 11/25/2014 at 5:19 PM, San Bernardino County Sheriff Department deputies responded to a 911 call of a vehicle striking a pedestrian in the intersection of Mohawk Rd and Viento Rd, in Apple Valley. Deputies found, Sixteen year-old Apple Valley resident Sir Ivory Mitchell down. Mitchell was taken to a local hospital where he died of his injuries on 11/26/14 at 1:26 AM. The San Bernardino County Sheriff Department is investigating the incident. [120214 0835 SY]

Coroner case #701408682 On 11/21/2014 at 5:56PM, Upland Police Department received a 911 call reporting a pedestrian struck by a vehicle. Eighty-seven year-old Upland resident Ellen Easley was struck by a 1999 Jeep while crossing the street in the 1500 block of W. 7th Street. Easley was pronounced dead at the scene. The Upland Police Department is investigating the incident. [120214 0824 SY]

Coroner case #701408774 On 11/24/2014 at 9:55 PM, California Highway Patrol officers responded to a 911 call reporting a tractor trailer truck having struck a pedestrian in the area of eastbound I-10 east of Mountain View Avenue, in Loma Linda. Twenty-seven year-old Loma Linda resident Gamalil Sihotang was pronounced dead at the scene. The California Highway Patrol is investigating this incident. [120214 0813 SY]

REQUEST FOR PUBLIC ASSISTANCE (Coroner case #701407258)

Back on 9/29/14, 60-62 year-old Manuel Ramirez-Ramirez was struck by a vehicle while walking on Interstate 215, south of Rialto Avenue, in San Bernardino. Mr. Ramirez later died at Loma Linda University Medical Center. The San Bernardino Sheriff Coroner Division is requesting public assistance in locating Mr. Ramirez' family. He is also known as: Jesus Torres, Pablo Martinez, Jesus Torres-Mancias and Jose Perez. Mr. Ramirez' city of residency in unknown. Anyone with information about how to contact his family is asked to call the Coroner Division at (909) 387-2978. [111314 1518 SY]

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The Count from page 3

city officials, in that they had all three been voted out of office by the city's voters on November 4. This is the same council responsible for bringing in a fellow by the name of Rick Daniels as city manager last year, just as he was being shown the door as city manager in the Riverside County city of Desert Hot Springs, which was itself flirting with bankruptcy. The Needles council saw fit to provide Mr. Daniels with a salary double that of his predecessor, apparently on the basis of his claims he could rejuvenate the city's sputtering economy. Under Daniels' watch, the city has expended taxpayer money to hire an economic development director, but its economy has eroded yet further, with the one grocery store in town having closed in May. City residents now cross the river

Continued on Page 11

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Council Rebuffs SB Mayor On Chief-of-Staff Extension from page 8

campaign, for guidance. Originally McKinney was brought in, under the guise of MICA-PR, on a purchase order that does not require a council vote and subsequently was given the contract through December 31, which the Council supported on a 4-1 vote with 2 absences. In agreeing to the contract, the council signed on to the rather uncommon arrangement of hiring his firm in the capacity of chief of staff.

McKinney, whose affiliation with Beard is no secret, ruffled feathers from the outset. In the first several months he was in office, Davis enjoyed a honeymoon with the new council, which included newcomers Henry Nickel, Benito Barrios and Jim Mulvihill. Indeed, Davis, who leads the council but is not empowered to vote, headed a coalition that numbered Mulvihill, Shorett, Johnson and Marquez as firm and fast members on practically all issues and Nickel and Barrios on a majority of issues.

In recent months,

however, informed sources tell the *Sentinel*, McKinney's abrasiveness has offended more and more members of the council and, according to one of those sources, he has "run roughshod" over city manager Alan Parker. He has burned bridges with the city council members one by one, to the point that Davis's authority has eroded and the council is exerting its own influence.

One example of the contretemps that now exists between McKinney and various city officials is his effort to keep the city contracted with Westbound Communications for public relations services. The consensus of the council and city administration was that the city should get out from underneath its existing sole-source vendor relationship with Westbound, an Orange County-based public relations firm, which employs Carrie Gilbreth to oversee its work in San Bernardino on behalf of the city. Sentiment appeared to be running in favor of a competitively-bid and analyzed contract. One of the key points in reconsidering what firm the city should be using is that a local

Many of us who watched cartoons from the 50's to the 80's, remember Wile E. Coyote always being outsmarted by the Road Runner! That bird was just so fast, and ran circles around that wild dog! The Greater Roadrunner, *Geococcyx californianus*, is known to run



17-24 miles an hour on land, and is the fastest running bird that can fly (but only for a short period of time, sometimes just seconds).

Preferring to sprint



rather than fly, this species was nicknamed the Ground Cuckoo because it made a habit of running along paths in front of horse drawn carriages! Being a member of the Cuckoo family, known for their curiosity, they won't hesitate approaching humans. The male

roadrunner's low dove-like coos in a descending pitch are quite attractive to the female roadrunners, along with a preet-preet call. Adding to its odd behavior, the male also performs a unique courtship, wagging its tail while bowing and tempting the female with a morsel of lizard or snake dangling from his beak.

Even though this bird prefers arid deserts and chaparrals in the Southwestern United States, we see the roadrunner in the San Bernardino Mountains at Wildhaven Ranch. To find cover while hunting, they can also be found in grasslands, brush habitat and at the edges of woodlands in Southern Cali-

fornia. The head, neck, back and wings are dark brown-black, heavily streaked with white, while the breast is mostly white. Its eyes are bright yellow with a barely seen streak of bare blue and red skin surrounding the eye. His crest

of black feathers can be raised or lowered for necessary displays to lure intruders away from nests, or simply to make a statement! The greater roadrunner is about 20-24 inches in length with a 32 inch wingspan, and it can alternate with several shallow rapid wing beats with long glides if flushed from a bush or crossing obstacles.

While the male collects the nest materials of sticks, grass, feathers, snakeskin or dung; the female builds most of the construction in low trees, in a bush or a cactus about 2 1/2 feet off the ground. Their diet varies from insects, spiders, lizards, snakes, small birds to small mice. Scanning for prey as they walk rapidly, they ascend on their target with great gusto, and may jump in the air to catch an insect! After capturing a small rodent, they will deftly smash the head against a rock and swallow it whole, many times its prey left hanging out of its mouth while being digested! Their lifespan is 7 to 8 years, a long time considering that their predators are species of hawks, skunks,

raccoons, cats, and yes, coyotes!

Quite the character, the greater roadrunner is important to the ecosystem by eliminating pests like mice and poisonous insects. Both predator and prey, this valuable



bird helps balance our natural environment while captivating humans by their comical antics in the wild! Recalling again the absurdly complex contraptions and elaborate plans to pursue his quarry, Wile E. Coyote never did get his Road Runner, while the latter would "beep-beep" out of grasp.

Hopefully, we can continue to conserve the habitat for this funny, unusual and special cuckoo bird!

Wildhaven Ranch is a wildlife sanctuary in the San Bernardino Mountains specializing in educating the public about one of our natural resources, wildlife, in our ecosystem. Visit it at www.wildhavenranch.org or call for tours at (909) 337-7389.

firm headquartered in San Bernardino would have a deeper understanding of the city, the region and local and regional politics. McKinney intervened when an effort was made to hold a request for qualifications (RFQ) recruitment process for public relations services going forward. McKinney, in an effort to keep the city contract with Westbound, with its corporate offices in the city of Orange, and Gilbreth intact, substituted in a less exacting request for proposals (RFP) recruitment process for the continuation of the public relations contract. The city coun-

cil demanded recision of the RFP and demanded the RFQ be issued per the council's order and an RFQ was reissued. Responses were received by the city and city manager Parker was said to have been holding back on a staff review of the responses until McKinney's future status with the city was made clear.

In the run-up to Monday's vote on renewing MICA-PR/McKinney's contract, things became testy. Beard apparently threatened some council members, Nickel among them, with an electoral opposition effort if they did not vote to keep McKinney in place as

Davis's advisor.

Fred Shorett, who was considered to be Davis's biggest ally on the council, was the councilman leading the charge to end McKinney's contract.

Davis has been described as something of a fish out of water when he must function within a political context with-

out the benefit of McKinney's guidance and talking points. The growing rift between the mayor and the council, which ironically came about because of the Davis's close association with McKinney, foreshadows a difficult time for Davis.

The Count from page 10

to shop, with a resultant loss of tax revenue from the city and California to Arizona...

While the departing council members could not resist congratulating

themselves for what they perceived to be a job well done, with outgoing Gudmunson and Campbell in particular touting their accomplishments during their tenure in office, some available

Continued on Page 12

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California Style Chunky Sweaters

By Grace Bernal



and hats decorating the streets of San Bernardino County. Yes, it's time again for the Christmas celebrations and all the festivities start off with



California has rain and we will probably see some white tips in our mountains. Everyone is running around in their umbrellas, boots,



shopping. The fashion is eye-catching, too, and everyone looks wonderful in cold weather attire. Start the holiday season



by keeping the spirit alive with a wonderful fashion piece suited for the cold weather. Not to be overlooked this season is the chunky sweater that come in various styles and colors. The chunky sweater collections are so much



fun because they can be worn to work, play, and even evening festivities. They are very helpful if



you want to cover up or accentuate. The choice is yours when it comes to how you wear the sweater. There are so many sweater deals out there, so if you haven't already, get out and find yourself the perfect one. Remember it's only going to get colder and the sweater will make your morning



hours a lot easier when deciding what to wear to work or play. Stay warm looking and feeling cozy in a chunky sweater.

"I'm a big cardigan sweater guy." ~James Franco



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The Count from page 11

fiscal data undercuts the basis of their pride. In 2005, the city had \$1.5 million in reserves. This year, the city had what the council calls a "balanced budget" of \$4.8 million, but its reserves have dwindled to \$360,000. Their biggest accomplishment, balancing the budget, from my observation, looks more like a shuffling maneuver than a balancing act, what with the laying off of critical electrical utility workers...

One indication of the city's dire financial circumstance consisted of its effort to utilize eminent domain to condemn the property of 14 of its residents and then seize it for what has not been a clearly enunciated purpose beyond the claim that it may be utilized as

part of the city's I-40 to Arizona 95 interconnect project. Included among those properties is land owned by the city's mayor, Ed Paget, who was the only member of the council reelected this year. Reelected is perhaps not the right term. He had no opposition in the race. While the city and its law firm, Best, Best and Krieger maintain that the land confiscation is being done for the betterment of the city, several of the landowners have pointed out that the city already owns the land necessary for the traffic signals and other road improvements and that the property is being taken for future speculative purposes. My own examination of the agreements the city is asking the owners of the condemned land to sign leads me to conclude that they were drafted to

provide the city with the future authority to take far more property than is needed for the completion of the interconnect project...

This apparent abuse of the city's authority is accompanied by what I can only describe as an effort to provide favorable status to a select group of the city's businesses, while ignoring, or in the case of the aforementioned landowners whose property is being confiscated, harming others. The group singled out for favorable treatment is the Needles Downtown Business Alliance. With Kidd being the lone dissenter, the entire city council voted to waive fifty percent of the city facility rental fees required of local 501C's including the Chamber of Commerce and Needles Downtown Business Authority. The

council further provided the Needles Downtown Business Authority, calling it a "local organization," with a reduction in fees at the Jack Smith Park boat launch. The council dangled, but ultimately did not offer the same, reduction to local residents. The council previously imposed a \$3 monthly flat tax on every utility user in town, rich or poor, making no

exceptions. This most recent giveaway of public funds to the council's favored private corporate 501C sixes rankled the voters, who in two years will be asked to reelect or jettison councilmen Tom Darcy, Tony Frazier and Jim Lopez..

Meanwhile, the personal affairs of these lions of the community charged with running the affairs of the public

are no more impressive than their public acts, at least in a few cases. One council member's business has severely cut back on the scope of its operations, laying off most of its employees, as it teeters on the verge of bankruptcy. Sadly, another councilman, according to sources, has a son in a Nevada jail, awaiting trial on a murder charge...

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