

# The San Bernardino County Sentinel

News of Note  
from Around the  
Largest County  
in the Lower  
48 States

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## Prosecution Presents Homicide Detectives' Early Interview With Merritt

By Mark Gutglueck

Jurors considering the capital case against the accused murderer of the McStay family this week were provided with the first red meat of the trial in the form of a more than two-and-a-half-hour-long audio recording of Charles Merritt's first contact with law enforcement relating to the matter less than two weeks after the family's

disappearance and before those deaths were confirmed. Yet unclear is whether this presentation of what has been the most riveting evidence so far will prove out as nourishment for the prosecution or sustenance to the defense.

After two weeks of laying the foundation of its case through the presentation of dry, often repetitious and occasion-

ally gruesome detail, the prosecution in the third week of the murder trial made its first move to cinch the case's disparate elements into a tableau implicating Charles "Chase" Merritt in the horrific killings.

While Merritt was at the center of the opening statements offered by Supervising Deputy District Attorney Sean Daugherty and defense

attorneys James McGee and Raj Maline on the first day of the trial January 7, in much of the testimony of the 15 witnesses called to testify in the first ten days of the trial the focus moved to the circumstance surrounding the family's mysterious February 2010 disappearance from their north San Diego County home and the grisly aspects of the discovery

of their remains in and around two shallow graves in the desert not too distant from the I-15 Freeway north of Victorville. References to Merritt were sporadic or non-existent in some of that testimony. In many of those instances where Merritt loomed as a subject in the questioning of and responses from witnesses, there has been little in the way **See P 2**

## CVUSD Will Not Appeal Upholding Of School Prayer Ban To U.S. Supreme Court

The newly-composed majority of the Chino Valley Unified School District Board of Trustees last week voted to forgo appealing to the U.S. Supreme Court a string of decisions at the trial court level and before the Ninth Circuit Court which directed the school board and its members to discontinue the practice of engaging

in prayer and Christian advocacy during their public meetings.

Previously, the school board majority of James Na, Andrew Cruz and Sylvia Orozco had prevailed in making a decision to contest a lawsuit brought against the district by the Freedom From Religion Foundation on behalf of two named plaintiffs, Larry

Maldonado and Mike Anderson, and 21 unnamed plaintiffs. When Federal Judge Jesus Bernal ruled against the district in that litigation, the same board majority sought to appeal the matter to a higher court.

The suit, filed on November 13, 2014 in Federal Court in Riverside, asserted the plaintiffs were alienated or intimi-

dated at school board meetings because of the insistence of some district officials that they had a right to engage in so-called Christian witnessing, including "prayers, Bible readings and proselytizing" in the course of those meetings.

The plaintiffs asked for an injunction against the intrusion of religious-

ity into the conducting of district business.

Although all board members and the district collectively were identified as defendants, the suit cited Na and Cruz for their routine practice of quoting Biblical passages and making other religious references.

In January 2015, Orozco, Na and Cruz succeeded in **See P 3**

## Legal Action Wrings Haz-Mat Compliance Vow From UP

The Union Pacific Railroad Company will take greater care in handling the hazardous freight it hauls through San Bernardino County and at the Inland Valley and two desert rail yards it maintains as the result of a lawsuit settlement brought against it.

That lawsuit, a so-called toxic tort/environmental action filed as a civil rather than a criminal complaint against the Union Pacific

Railroad as the primary subsidiary of Omaha, Nebraska-based Union Pacific Corporation, had four plaintiffs: the district attorney's offices of Placer, Nevada, San Joaquin and San Bernardino counties. The matter was filed as a multi-jurisdictional dispute in Placer County Superior Court and heard in the courtroom of Placer County Superior Court Judge Alan Pineschi in Roseville.

**See P 7**

## San Bernardino Sells Its Share Of Historic Del Rosa Mutual H<sub>2</sub>O Co. For Less Than \$2,300

The San Bernardino City Council this month sold its 13.48 percent interest in the historic Del Rosa Mutual Water Company to the San Manuel Band of Mission Indians.

The city's interest in the water district provided it with an entitlement to a percentage of the water access that existed as a consequence of the company's long-established pumping of water from the local wa-

ter table, thereby redounding its claim to water usage under a 1969 decision that permits local water purveyors to draft from the local aquifer in a manner that is deemed to be a responsible utilization of the regional water source, subject to restrictions in the event the water table is subject to overdrafting.

City officials did not address the advisability or lack thereof of retaining a minority interest

in the water resource the Del Rosa Mutual Water Company represents. Nor did the city seek competing offers for shares it held in the company. Rather, it relied on a confidential valuation of the water shares made by the purchaser. That valuation made no allowance for the extension of the city's existing water pumping allowance under the 1969 decision, nor did it preview the future value **See P 5**

## Rowe Hires Seven Into 3<sup>rd</sup> District Communications, Policy and Field Posts

San Bernardino County's recently installed Third District supervisor, Dawn Rowe, has fleshed out her staff with seven people, but has yet to determine who will serve as her chief of staff.

Next week at its regular meeting on Tuesday, the board of supervisors will be asked to ratify Rowe's hiring of Jim Miller as a beginning

level field representative; Elaine Villa as slightly better paid beginning level field representative; Heather Perry as an extremely well-paid beginning level field representative; Claire Cozad as a handsomely paid policy advisor; Joshua Imeri-Garcia as a well-paid constituent services representative; Suzette Rowe as a well-paid communications ad-  
vi-

sor; and Dillon Lesovsky as a comparatively poorly-paid policy advisor.

The official title conferred upon Miller is to be field representative I. He will be paid an annual salary of \$26,669, with benefits of \$1,018 for a total annual compensation of \$27,687.

Villa is to hold the title of field representative I. She will receive an annual salary of \$26,499,

with benefits of \$11,882, for a total annual compensation of \$38,381.

Perry is to hold the title of field representative I but will make substantially more than her colleagues Miller and Villa, receiving a salary of \$47,653, and benefits of \$33,152, with a total annual compensation of \$80,805.

Cozad will be cataloged with the county

human resources department as a policy advisor II, and will pull down a salary of \$80,080 and benefits of \$51,004 for total annual compensation of \$131,084.

Imeri-Garcia is categorized as a constituent services representative, rating a salary of \$41,454 and benefits of \$25,909, for a total annual compensation of \$67,363.

Swallow is **See P 20**

## McBride's Call For Ambulance Coverage In Trona Exposes Supervisors' Graft Links

The San Bernardino County Board of Supervisors along with their predecessors have long done their level best to give a single ambulance company and its corporate successor a competitive advantage over other emergency transport providers as a reward for the generosity that consortium has demonstrated in endowing the supervisors' political campaign coffers going back decades. Nevertheless, at the prompting of County Executive Officer Gary McBride, all five of the county's current supervisors are on a trajectory to break down next week and enter into an agreement with an ambulance company that has not lined their pockets.

In the late 1970s, Terry Russ, Homer Aerts, Steve Dickmeyer and Don Reed, all of whom operated ambulance companies on the west and central portion of San Bernardino's Inland Valley and had been competing against one another for years, consolidated into one entity, Mercy Ambulance, streamlining their dispatch service, and better coordinating with local fire and police departments. Through efficiencies, economies of scale and the sharing of resources, they were able to overwhelm the other ambulance operators they were in competition with, lower their prices, and induce most of those competitors to either go out of business, move elsewhere, merge with them or sell out to them. After pooling their money and initiating a program **See P 3**



## Prosecution Plays Interview With Detectives In Effort To Implicate Merritt In McStay Family Murders from front page

of pointed indication that he was anything other than a business associate who was among the first of the circle of people around the McStay family to take note of their vanishing and look into what had occurred.

Having laid that groundwork to bring the jury into the context of the case, Daugherty, Supervising Deputy District Attorney Britt Imes and Deputy District Attorney Melissa Rodriguez this week initiated what they hope will prove to be a convincing illustration of their theory of Merritt's guilt. That theory holds that while Merritt was participating with Joseph McStay in the manufacturing of high end decorative water fountains and artificial waterfalls, he was pilfering thousands of dollars from Joseph's company through fraud and embezzlement to feed his insatiable gambling addiction. When Joseph McStay learned of what Merritt was up to, either shortly before or perhaps even on February 4, 2010, Merritt sojourned from his Rancho Cucamonga home to the McStay residence in Fallbrook that evening, prosecutor's maintain, where he slaughtered Joseph McStay, his wife Summer, their four-year-old son Gianni and three-year-old son Joseph, Jr., using a three-pound sledge hammer to bash their skulls in.

Merritt then secreted the bodies for two days, in the meantime fraudulently accessing Joseph McStay's QuickBooks account for the decorative water features business they were involved in, known as Earth Inspired Products, the prosecution maintains, and on the following day, February 5, 2010, issued himself two checks, both backdated to February 4. He then embarked on a gambling binge at a number of casinos throughout Southern California,

according to his accusers, breaking only to take the lifeless corpses of the McStay family up into San Bernardino County's High Desert, an area with which Merritt was familiar since having grown up in Hesperia and attended Apple Valley High School for three years, and buried all four along with the hammer he had used to bludgeon his victims in shallow graves he dug in a wash off a rarely-traveled dirt road. To throw authorities off his track, confuse the situation and delay a serious investigation into the matter, the prosecution maintains, Merritt drove the McStay family's 1996 Isuzu Trooper, which yet contained the child seats for Gianni and Joseph, to San Ysidro, where he left the vehicle in a shopping center parking lot less than a half mile from the Mexican border.

Since Daugherty outlined the case against Merritt during the trial's opening statements, more than half of the direct examination of witnesses has been handled by Imes, with certain witnesses being questioned by Daugherty or Rodriguez. The precise direction of the prosecution has not always been clear, as Imes more than either of his colleagues has from time to time dwelt on specific issues that have seeming significance that he has not fully explicated but which his manner hints holds the prospect of being elucidated upon later in the trial to the defendant's detriment. One such example is Imes' recurrent inquiries relating to Merritt's use of padlocks, as he has asked on more than one occasion about them, suggesting without any explanation so far that there will be some revelation in later testimony or the presentation of evidence tying the use of padlocks or at least a padlock to the murders. The prosecution team has so far succeeded in sustaining an air of mystique about the case, conveying to the jury and courtroom observers that there is much more to come as they wade through the somewhat tedious pro-

cess of providing not just a backdrop to the story but a bedrock of facts that they assert tie Merritt to a murderous course of action that is not only plausible but which leaves no other credible interpretation. In this way, Daugherty, Imes and Rodriguez seem to be promising the jury that if its members will merely indulge them in setting the stage for the tale to be told, they will be more than adequately rewarded for their patience. Still the same, Imes, Daugherty and Rodriguez have yet, in the testimony presented so far, to go beyond mere suggestion of what they believe occurred, and the defense has aggressively contested elements of the prosecution's presentation along several tangents, including continuously questioning specifics in the timeline of events, the certainty of witnesses and discrepancies between what several of the witnesses have testified to over the last three weeks and their previous statements to investigators or, in the case of the investigators themselves, what they wrote in their own reports.

With the courtroom darkened on Monday for the Martin Luther King Holiday, the prosecution spent all of Tuesday and half of Wednesday further laying the groundwork for its narrative. It started with the conclusion of testimony begun last week from David Joe Sequeida, an employee of Metro Sheet Metal in Azusa, the son of the business's owner, who was a supplier of sheet metal used in the fabricating of the water fountains and waterfalls that Merritt built and Joseph McStay sold to customers under the auspices of Earth Inspired Products, as well as landlord of the foundry where that fabrication took place. Thereafter followed the relatively brief testimony of the offroad motorcyclist, John Bluth, who on November 11, 2013 while biking in the desert north of Victorville came across a portion of Joseph McStay, Jr.'s skull which had been dug up by animals.

Bluth then alerted authorities to what he had found, thereby leading to the discovery of the McStay family's graves. Also testifying Tuesday were San Bernardino County Sheriff's Department then-Homicide Detective Gary Hart, who was dispatched to the gravesites scene on November 11, 2013 as well as San Bernardino County Sheriff's Department Sheriff then-Homicide Detective Jose "Armando" Avilla, who was assigned to oversee the excavation of the grave containing Summer McStay and Gianni McStay, which was designated as grave B by the investigative team.

Testifying Wednesday morning was Dr. Alexis Gray, the forensic anthropologist who was at the gravesite to observe the excavation as well as identify and distinguish human remains from animal remains found scattered outside the graves.

Beginning with the court's afternoon session on Wednesday, the prosecution moved to take the proceedings and the case it is pursuing against Merritt to the next level by playing for the jurors the recording of an interview with Merritt conducted by two San Diego County Sheriff's Department homicide detectives on February 17, 2010, 13 days after the day prosecutors allege Merritt killed the McStay family. Those investigators, Troy DuGal and Suzanne Fiske, were yet pursuing the matter as a multiple missing persons case, pursuant to the San Diego Sheriff's Department's protocol of bringing the homicide division into missing person cases ten days after a person has or persons have last been seen. Although there was no hard evidence to suggest the family or any of its members were dead and there were grounds, later mistaken it turned out, to suggest the family had gone to Mexico, DuGal, as the lead detective on the matter, was at that point concerned that the matter might involve multiple homicides. He and Fiske had come to Rancho Cucamonga,

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where Merritt lived, on February 17, 2010 after Fiske had contacted Merritt to arrange to speak with him about the McStay family's disappearance.

Prosecutors played the audio recording for the jury because they believe it, or certain elements of Merritt's responses to the detectives' questions on it, evince guilt on Merritt's part. The two-hour-42-minute-and-26-second long interview was conducted at the clubhouse of the Homecoming apartment complex where Merritt resided because his girlfriend and their children were in their apartment suite.

The audio was the first time that Merritt, 61, has been heard by the jury. Throughout the trial, he has been seated at the defendant's table, in a dress shirt, actively engaged in his defense by listening intently to the prosecution's witnesses, occasionally making notes as that testimony unfolds and passing them to his defense counsel. For the most part, Merritt, who is somewhat professorial in his aspect and bearing, has evinced a calm and even demeanor and maintained his equanimity during the proceedings.

The prosecution believes that the DuGal/Fiske interview furthers its case, primarily upon the strength of a handful of times during Merritt's exchange with the investigators when he slips into the past tense when speaking about Joseph McStay and his family. This, the prosecutors maintain, is a strong telltale indication

that Merritt - at a point where virtually all of the McStay family's relations, friends and associates still considered the family to be missing and while there was no concrete indication or confirmation that they were dead - had guilty knowledge of the murderous events he had engaged in.

While Merritt's use of the past tense perhaps supports the interpretation the prosecution suggests, on some of those occasions Merritt is responding to questions posed to him in the past tense by the detectives. On a few others he slips into the past tense in recounting how Joseph McStay had conducted his business while he was previously present to do so. In a few instances, Merritt uses the past tense in a way that seems unprompted.

Other elements of the interview conversely lend themselves to the suggestion that Merritt had no involvement in the disappearance or murders of the family. Moreover, Merritt's vocal presence on the recording and his informal and sometimes friendly back and forth with the two detectives humanizes him in a way that is in seeming contrast to the monstrous image that has attended him since his arrest and the accompanying depiction of him as a sociopath who used a hammer to savagely bash in the brains of the wife and two young children of his business partner to avoid being held to account for a string of relatively minor thefts.

*Continued on Page 4*



## County Chief Executive Officer Exposes Board of Supervisors' Graft *from front page*

of making substantial political contributions to local politicians at both the city and county level, Russ, Aerts, Dickmeyer and Reed then used this newfound political clout and influence to have both the county board of supervisors and various city councils "regulate" the ambulance industry, which included essentially adopting as the minimum requisites for an ambulance operation within their jurisdictions the vehicle, equipment and employee training standards Mercy had in place. The politicians were able to do something so blatantly in the interest of their political donor by asserting that these actions enhanced public safety.

Thus, Mercy Ambulance established a political hammerlock on the region. Keeping up its pace of donations to the county's top local elected officials, the consortium gobbled up ever more key franchises, making its operation yet more lucrative. In turn, the company would use a percentage of the profits it was generating to increase the scope of its political contributions. In return, the grateful politicians ensured that Mercy retained its competitive advantage over its rivals, giving Mercy plum franchises in the county's most heavily populated areas. While what Mercy established fell slightly short of being an outright monopoly, it was at that point capable of controlling the local ambulance market at will. It then began raising its prices, making up for the rate cuts it had instituted to obtain market dominance and then raising its service rates to a point where customers were openly complaining about being gouged.

As Mercy grew, so did the scope of its operations and its power. The company added helicopters to its line of service and extended its reach all over 20,105-square mile San Bernardino County

— a land area the size of four New England states. But as Russ, Aerts, Dickmeyer and Reed aged and grew wealthier, they began, slowly at first, to disengage from and then inevitably pulled out of the stressful emergency response business entirely. A first step in that direction was selling off — at considerable profit — the Mercy Air wing. Thereafter, they sold or let their heirs take on the ground ambulance fiefdom that Mercy represented, and they withdrew into a retirement of luxury and comfort.

It was at that point that American Medical Response came into San Bernardino County as the new kid on the block. As Mercy withdrew, American Medical Response filled the vacuum, simultaneously taking a leaf out of Mercy Ambulance's playbook, and it too made hefty political contributions. Over time, favored status would be conferred upon American Medical Response in San Bernardino County that would rival that of Mercy Ambulance a generation before. American Medical Response ultimately bought out Mercy Ambulance, thereby inheriting Mercy's ambulance service kingdom.

Along the way, the county's corrupt political establishment was able to manipulate the entity formed to oversee emergency service provision issues in San Bernardino County and both Mono and Inyo counties, known by the acronym ICEMA, short for the Inland Counties Emergency Medical Agency. With the permission of the boards of supervisors in Mono and Inyo counties, the San Bernardino County Board of Supervisors acts as the governing body of the Inland Counties Emergency Medical Agency, which was chartered "to ensure an effective system of quality patient care and coordinated emergency medical response by planning, implementing and evaluating an effective emergency medical services system including pre-hospital providers, specialty care centers and acute care hospitals."

Seamlessly, the board of supervisors capitalized on that authority to lock in the advantages that had already been extended to the ambulance company endowing its members with campaign cash, deriving for themselves an even more lucrative stream of kickbacks.

For decades the county's supervisors shamelessly indulged in the arrangement. When challenged they would repeat the refrain that the provision of ambulance service is an expensive undertaking, and that a select company, the one giving them the money they needed to campaign with, needed to be protected from the vicissitudes of competition, or else it would go out of business, leaving the county's residents without ambulance service.

Last year, the 2017–2018 San Bernardino County Civil Grand Jury in its final report recommended that the county undertake to solicit bids for the provision of emergency ambulance support in a wide range of so-called "exclusive service areas" for the first time in 37 years. According to the grand jury report, "The primary ambulance service provider has continued to be a contracted provider to the county for 34 years." Obliquely and politely, without directly referencing the degree to which hefty campaign contributions from American Medical Response have bought influence on the board of supervisors, the grand jury report raised the issue of the favoritism shown toward American Medical Response over the years and the way in which the company has been allowed to adhere to older and lower standards that were in place when it obtained the ambulance service franchise it now has while the county is insisting that the companies that would compete with American Medical Response hew to higher and more expensive standards. Moreover the report further referenced the way in which American Medical Response has been allowed to monopolize all of the

high population areas of the county where a high profit in operating is guaranteed, with no requirement that the company ensure coverage in the more remote and less populated areas. The low-profit or no-profit areas are serviced by American Medical Response's competitors. In many cases, those competing companies are sustaining losses that are in danger of putting them out of business.

This has laid bare how the members of the board of supervisors have neglected those remote areas and disregarded the safety of their constituents who live and work there.

A case in point is the county's extreme northwest end, where Liberty Ambulance is the franchised emergency transport and advanced life support provider.

County Chief Executive Officer Gary McBride in a report dated next Tuesday, January 29, is requesting that the board of supervisors "terminate the existing financial agreement with Progressive Ambulance, doing business as Liberty Ambulance, effective January 30, 2019, and approve a new financial agreement with Progressive Ambulance, doing business as Liberty Ambulance, for the delivery of advanced life support ambulance services in San Bernardino County Non-Exclusive Operating Areas 24 and 25, including the Trona area, for the period January 30, 2019 through January 29, 2020, with two additional one-year options to extend the agree-

ment, in the amount of \$500 per call, for a total amount not to exceed \$125,000 per year."

McBride explained, "On February 13, 1996, the board of supervisors approved a non-financial contract with Progressive Ambulance, Inc., doing business as Liberty Ambulance Services, Inc. Contract No. 96-115, to provide advanced life support services in the San Bernardino County Non-Exclusive Operating Areas 24 and 25, including the Trona area. The geographical area located in Areas 24 and 25, including the Trona area, is extensive, covering the northwest corner of the county. This area is a very low population density area, with the total number of calls totaling approximately 250 in 2018. This extremely low volume can be challenging for advanced life service providers who are required to provide 24/7 coverage, as is the case for Progressive Ambulance. As a result of the Areas 24 and 25 challenges, combined with more recent changes seen in the emergency medical services reimbursement that has resulted in decreased revenues, Progressive Ambulance has communicated to the county its concerns regarding its ability to continue to provide advanced life services in Areas 24 and 25, including the Trona area, under the non-financial agreement approved by the board on February 13, 1996. If Progressive Ambulance was to terminate service, Areas 24 and 25, including the Trona area, would be left

with no public or private advanced life service ambulances in close proximity to respond to emergencies."

The current population of Trona is around 1,900.

Rather than make arrangements to have American Medical Response extend its service into the northwest corner of the county as a condition of maintaining its preeminent position as the county's dominant ambulance service provider and risk angering his political masters on the board of supervisors by cutting into the profit margin of one of the supervisors' major campaign donors, McBride more politically elected to usher the board of supervisors instead toward having the county's taxpayers underwrite the guaranteed provision of ambulance service in Trona.

McBride said he recommended terminating the existing non-financial agreement with Progressive Ambulance and entering into a \$150,000 per year arrangement with the company "in order to ensure that advanced life service continues uninterrupted in Areas 24 and 25 while the county explores a permanent solution to the problem."

"This agreement can be terminated by either party, for any reason, with a 90-day notice," McBride stated. "The county will continue to explore all options to ensure that the long-term safety of the public is maintained."

*-Mark Gutglueck*

## Chino School District Will Forsake Prayer

*from front page*

having the district bypass the law firm which normally represents the district in court, which in private was recommending that the district simply settle the matter by complying with the several demands in the Freedom From Religion Foundation's suit. Instead, the district retained, at a token cost of \$1, the Sacramento-based Pacific Justice In-

stitute to defend the district in the civil lawsuit.

The Pacific Justice Institute, founded and led by Brad Dacus, touts itself as a public interest law firm that "handles cases addressing religious freedom, including church and private school rights issues, curtailments to evangelism by the government, harassment because of religious faith, employers attacked for their religious-based policies [and] students and teachers' rights to share their faith at public schools."

Na and Cruz confidently predicted that the district would not sustain any costs or liability as a consequence of defending against the suit.

Na, Cruz and Orozco had reliable moral support from the congregation at Chino Hills Calvary Chapel, a church led by the Reverend Jack Hibbs, where all three worshiped. Hibbs evinces a denominationalist attitude, which holds that Christians have a duty to take over public

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## Interview With Detectives Cuts Both Ways from page 2

The interview was conducted under circumstances in which DuGal and Fiske held both a psychological and situational advantage over Merritt in that he had at the time a felony warrant for his arrest due to his having failed to report to serve 23 days remaining on a 46-day sentence on a commercial burglary conviction after he had served the first 23 days, was granted a furlough so he could maintain his employment status, and then failed to report back to complete the remainder of his sentence. At various times throughout the recording DuGal and Fiske can be heard using a classic good cop-bad cop routine in pressuring Merritt to cooperate with them or adjust and revise his responses. On the recording it is revealed that prior to the interview it was Fiske, at that point functioning in the role of good cop, who had succeeded in reaching Merritt to schedule the meeting for the interview, which she had indicated pertained to the situation involving the McStays while telling Merritt she knew there was a warrant issued for his arrest. Fiske, the recording reveals, told Merritt that she and her investigative partner wanted to conduct the interview with him and that she was willing to not effectuate his arrest if he cooperated by meeting with her and her partner, but that she could not speak for DuGal, though she indi-

cated she would speak to DuGal about that issue and she would get back to Merritt about that before the interview took place. She then failed to get back to him. Merritt, despite suspecting that he would be arrested by her partner upon meeting with DuGal and Fiske, did not flee the interview.

During the interview, Merritt said he was prepared to speak with them "even if you did make the decision to arrest me. This is just too important to put off. Joseph's life is at stake. My little bullshit with this felony is a lot less important than Joseph and his family."

One way in which the interview with DuGal and Fiske appears to clear Merritt rather than implicate him is that he tells the detectives that the family's flight to Mexico doesn't seem likely to him. When the detectives query him on the subject, Merritt says, "Joseph's mom keeps saying they went to Mexico and caught a plane to wherever," but Merritt says he is not so convinced. "I don't think Joseph would take those kids into Mexico for any reason unless - there is a possibility it would be into Tijuana, maybe you know how you just go over and go to the little square there, maybe there, but I don't think Joseph would take them in there."

In this way, Merritt's statement is inconsistent with the prosecution's contention that Merritt drove the Isuzu Trooper to the border to mislead investigators as to the family's actual where-

abouts.

DuGal asked what he thought had happened to the family.

"I haven't formed any opinion because Joseph doesn't have any enemies," Merritt said. "Everybody liked Joseph. He has no financial problems that I know of. Things were tight because of the economy but over the last couple of months things have started to pick up. Everything was looking really promising and Joseph didn't have that much of a problem financially anyway. I know for sure his bills are paid."

DuGal asked what would happen if Joseph McStay did not return.

"My business is done," Merritt said, indicating he had been highly dependent on Joseph to generate the job orders from customers for the waterfalls he built, and that Joseph handled virtually all of the financial transactions relating to incoming money.

Detective DuGal asked if he had anything to gain from McStay disappearing.

"I have nothing to gain," said Merritt.

DuGal asked him if he had assisted the family "go somewhere. You didn't participate - nothing to do with the disappearance, whether it's good or bad?" DuGal asked.

"No, in any way shape or form," said Merritt. "I don't know of anybody that has anything to gain by Joseph being gone. I think everybody that I know has everything to lose, everything. This business stems almost solely around Joseph. He

does all of the business."

Merritt confirmed that he and Joseph McStay had met at the Chick-fil-A fast food restaurant in Rancho Cucamonga not too distant from his home in the early afternoon of February 4 and that they had discussed issues relating to two of the waterfall projects they were working on and that there had been an exchange of checks relating to the ongoing work. To a question from DuGal that seemed to suggest that Michael McStay, Joseph's brother, was present at the meeting, Merritt indicated that Michael was not there and that the meeting had involved only him and Joseph. He said that the meeting lasted a couple of hours and that it could possibly be documented as occurring because he thought Joseph might have used his credit card to pay for their meals.

Merritt said he and one of Joseph McStay's other professional associates, Dan Kavanaugh, were scrambling to keep Earth Inspired Products intact during Joseph McStay's absence.

"Dan is now trying to send me some emails and wanted me to try to salvage some of the jobs that they are trying to send back, you know, because we they can't get a hold of Joseph, they're pissed off, things like that, and projects people are calling in for, saying, 'We're ready to do them, can you get a hold of us,' and I'm trying to call them but I can't do what Joseph can do. There's no way. I manufacture. I'm a builder. I can't sell

them."

"So in Joseph's absence are you going to be able to maintain the business, though?" Detective DuGal asked.

"If he's gone permanently?" said Merritt, seeking clarification on the question.

"No, within the next six months?" asked DuGal.

"I don't know," said Merritt. "I don't know. Dan is coming here. I don't know. I have my doubts, because there's just too much to do. Joseph did all the drawings. He was on the phone with customers ten hours a day, every day, all day long. I don't know anybody that can step into his shoes and know what he knows, all the contacts he has for the types of pumps and lights and everything that he knows just isn't there now. I can still build waterfalls. I'm pretty sure I'll survive, if I have to go get a job at Home Depot. I'm not sure we'll be able to make the waterfall company continue. It depends a lot on Dan, if he can step up and get some stuff done and he says he's trying, he's working on it, he's trying to get some sales done."

Of note is that Merritt's defense team believes that it was Kavanaugh who murdered the McStay family, and that San Bernardino County Sheriff's Department investigators ignored that possibility. Kavanaugh asserted an alibi, namely that he was in Hawaii when the McStay family disappeared. According to Merritt's legal team, however, airport records

do not verify that Kavanaugh had boarded a flight for which he had a ticket. Merritt's defense attorney's suggest that the purchase of the never-used airline ticket was part of Kavanaugh's effort to construct a false alibi. DuGal's questions of Merritt, however, indicate that San Diego County authorities were suspicious of Kavanaugh's alibi as early as February 2010.

"Dan's in Hawaii?" asked Detective DuGal.

"Dan's flying here today," said Merritt.

"But you're sure he's in Hawaii?" asked DuGal. "How long has he been in Hawaii?"

"As long as I've known Joseph, as far as I know," said Merritt.

"So, two-and-a-half years?" asked DuGal.

"I think so," said Merritt. "I've never known him to not be in Hawaii. I've never met Dan."

The defense attorney's theory is that Kavanaugh killed Joseph McStay and his family because he was embittered over Joseph McStay cutting him out of the Earth Inspired Products operation and its money flow.

Merritt told DuGal and Fiske he had talked to Kavanaugh directly "only over the last week. I never talked to him before this happened to Joseph. I had never talked to Dan, ever. I've known of his existence. I knew his role in Joseph's business. I knew Joseph had almost paid him off and I think he was paying him \$50,000 for his part in the business. I think that was the number. I'm not sure

*Continued on Page 6*

## City Of San Bernardino Sells 13.5 Percent Of Water Company For Less Than \$2,300 *from page 3*

possession of the shares would represent under any of a variety of water use restriction scenarios that might result as a consequence of the over-drafting of the regional water table. Moreover, in making the sale, the city ignored a standing offer for the purchase of the shares at twice what San Manuel offered for them and ultimately paid.

Slightly more than 117 years ago, in December 1901, The Del Rosa Water Company was formed by the individual owners of East Twin Creek water rights, which extended back into the 19th Century. Upon the company's formation, the individual owners of water rights

of East Twin Creek conveyed all of their rights in water, water distribution, and easements to the new water company.

Because the Del Rosa Water Company began diverting water from East Twin Creek before 1914, it established a pre-1914 appropriative water right, a benchmark in the entitlement to water use in California based upon an historical usage pattern. Once established, appropriative water rights cannot be lost and a protocol in state law exists to restore appropriative water rights in the face of efforts to render them inapplicable.

In January 1922, the Del Rosa Water Company reincorporated under the name of the Del Rosa Mutual Water Company with a capital stock of \$58,500 divided into 5,850 shares.

Initially the Del Rosa Water Company diverted water from the East

Twin and Waterman Canyon creeks. In 1929 the flow from East Twin Creek was supplemented by water pumped from two wells.

In the early 1930s, the Del Rosa Mutual Water Company, represented by attorney Ralph Swing, was the plaintiff in a major water rights lawsuit that was brought against D.J. Carpenter, Isabel Turner, George Mason, J.B. Jeffers, L.R. McKesson, the National Thrift Corporation of America, the National Thrift Corporation, California Consolidated Water Company and California Consumers Company, the Arrowhead Springs Company and Arrowhead Springs Corporation that was settled by a stipulation of those rights on October 19, 1931.

Throughout the first six decades of its existence, the Del Rosa Water Company/Del Rosa

Mutual Water Company was primarily engaged in the provision of irrigation water, with only a small fraction of its diversion being utilized for domestic use.

In 1943 the company was providing water to irrigate over 1,400 acres of citrus groves, at which time it was diverting 1,154 acre-feet of water annually.

In 1950, the Del Rosa Mutual Water Company was irrigating 800 acres of citrus groves as more of the water was being utilized for domestic purposes.

In 1965 a valve was installed in the line east of Mountain Avenue. Subsequently, the San Bernardino County Water District supplied the area east of the valve from its domestic and agricultural water-supply system. The Del Rosa Mutual Water Company yet maintained connections into

that area that could be actuated through a series of valves. The company added a third well in 1967, at which point only about 100 acres were irrigated by Del Rosa Mutual Water Company water. On those 100 acres were olive groves, Christmas tree groves, deciduous fruit orchards, and pasture, according to oral communication involving the East San Bernardino County Water District at that time. Beginning in that time-frame or shortly thereafter, East Twin Creek water not used for irrigation was applied into the

East Twin Creek spreading grounds below 40<sup>th</sup> Street to recharge the groundwater basin, with the water-spreading activity being carried out under the supervision of the Del Rosa Mutual Water Company.

In 1967, 4,423 shares of the original 5,850 shares were outstand-

ing, with the East San Bernardino County Water District, City of San Bernardino, and 15 individual owners holding 3,403, 500, and 520 shares, respectively. The City of San Bernardino acquired the shares it held between 1960 and 1966.

In the 1960s, the company was named in a general water rights adjudication lawsuit. Although it was later dismissed from that litigation, the Del Rosa Mutual Water Company was determined to have, based upon a five-year survey of its water use, an annual minimal pumping allocation of 845 acre-feet per year at that time. Ultimately, that water rights litigation was terminated with what is termed the 1969 Western Judgment. Prior to the judgment, the City of San Bernardi-

*Continued on Page 7*

## CVUSD Gives Up On Effort To Take School Prayer Issue To The U.S. Supreme Court *from page 3*

office and promote their religious beliefs.

The case went before Federal Judge Jesus Bernal, who on February 18, 2016 issued a ruling in which he rejected the Pacific Justice Institute's arguments that the district's policy of celebrating the beliefs of a majority of the board did not violate the plaintiffs' rights to attend district board meetings and participate in other district and school functions without being subjected to an intensive round of religious advocacy. Bernal ordered the Chino Unified School District Board to discontinue its overt and constant references to Christianity during its public meetings and refrain forthwith from inserting religion into official proceedings.

"The court finds... permitting religious prayer in board meetings, and the policy and custom of reciting prayers, Bible readings, and proselytizing at board meet-

ings constitute unconstitutional government endorsements of religion in violation of plaintiffs' First Amendment rights," Bernal wrote. "Defendant board members are enjoined from conducting, permitting or otherwise endorsing school-sponsored prayer in board meetings."

Bernal awarded the Freedom From Religion Foundation's legal team \$202,425.00 in attorney's fees and \$546.70 in costs to be paid by the district.

Despite that setback, Na, Cruz and Orozco, buttressed by Hibbs and the parishioners at Calvary Chapel, resolved to fight on, dispensing with the representation of the Pacific Justice Institute, and voting on March 7, 2016 to retain, with board members Irene Hernandez-Blair and Pamela Feix dissenting, to retain another Christian advocacy attorney, Robert Tyler of the Murrieta-based law firm Tyler & Bursch, to handle the appeal of Bernal's ruling.

Tyler pursued the appeal by reasserting the school board's right to proselytize during public forums, hinging his argument on the basis of the 2014 5-4 U.S. Su-

preme Court decision in the case of *Town of Greece v. Galloway*, which held that public officials can open public meetings with prayers — even explicitly Christian ones — if the government agency does not discriminate against minority faiths when choosing who may offer a prayer and the prayer does not coerce participation from nonbelievers. Tyler contended that the district and its school board were merely seeking to preserve its invocation policy at board meetings. However, the three-judge panel of the U.S. 9th Circuit Court of Appeals considering the appeal — consisting of Judges M. Margaret McKeown and Kim McLane Wardlaw and Colorado District Judge Wiley Y. Daniel — looked at the actuality of what had been occurring at Chino Valley Unified School District Board meetings. The Freedom From Religion Foundation demonstrated that what Na and Cruz, and to a lesser extent Orozco, were engaged in was not simply offering up a homily at the opening of the meeting but rather subjecting those in attendance with recur-

rent diatribes to adopt a Christian belief system. Moreover, it was demonstrated that the invocations in virtually every case, with only the rarest of exceptions, were Christian in character. The panel accordingly found unpersuasive Tyler's characterization of Na and Cruz's action as simply offering a non-denominational dedication at the opening of the meetings. Rather, the panel concluded, Tyler was seeking to minimize the extent to which Na and Cruz subjugated those present at the board meetings to what was tantamount to Christian indoctrination. On July 25, 2018, the 9th Circuit panel upheld in its entirety Bernal's 2016 ruling. The 9th Circuit panel said the Chino Valley School Board must desist in incorporating prayers, proselytizing and the citation of Christian Scripture as elements of its meetings.

Undeterred by both resounding defeats in Riverside Federal Court in 2016 and before the Ninth Circuit panel in San Francisco, the devoutly religious faction of the Chino Valley school board last summer resolved to petition

the United States Supreme Court to reconsider the case for allowing celebrations of Christian belief to remain as an intrinsic element of school district functions. Before proceeding with the petition to the Supreme Court, it was decided, again in a 3-to-2 vote, to ask the full Ninth Circuit Court for a rehearing of the case, on the outside chance that the entirety of the circuit court's 25 currently-active judges might reverse the panel. There are a total of 29 positions on the 9th U.S. Circuit Court of Appeals, though there are four seats currently vacant.

While the full 9th Circuit was mulling that request, the 2018 election cycle was ongoing. Incumbent board members Orozco and Pamela Feix had opted not to seek reelection, with Orozco vying instead for a position on the Chino City Council, ultimately unsuccessfully. On November 6, Christina Gagnier and Joe Schaffer were elected to the board, and in December supplanted Orozco and Feix.

Ultimately, the full 9th U.S. Circuit determined not to take up the matter and second

guess Judges McKeown, Wardlaw and Daniel. The district has accrued a further liability of roughly \$147,000 in legal fees that it must pay the Freedom From Religion Foundation on top of the almost \$203,000 that Bernal awarded in 2016, bringing the district's costs in the Quixotic effort to \$350,000.

Last week at its January 17 meeting, the board came out of a closed executive session before the 7 p.m. start of the public portion of the meeting. Patricia Kaylor, the administrative secretary to the board of education announced, "The board took action to rescind the direction given to legal counsel on August 1, 2018, to file a writ petition to the United States Supreme Court for a review of the Ninth Circuit Court ruling and cease any further litigation in the matter involving the Freedom From Religion lawsuit. This includes any filing of or petitioning for cert with the U.S. Supreme Court on a motion by Irene Hernandez Blair seconded by Christina Gagnier, with a vote of Blair, Shaffer, Gagnier voting yes and Cruz and Na voting no."

*-Mark Gutglueck*



## In 2010 Interview Played For Jury, Merritt Heard Cooperating With Investigators Seeking McStay Family from page 4

about that. But I know that he had only \$2,000 left to pay and Joseph was going to then own Earth Inspired Products and just pay him to run the website instead of them being partners because up until he paid him off he was going to be his partner. I know that. We talked about that all the time. Joseph was always afraid: Six, seven months ago, Joseph and Dan had a spat. I don't know how deep it was or anything. It was six or seven months ago, I think. They decided at that time that Joseph was going to pay him for his part of the business and for what he had done to build the website because Dan is extremely adept at website building and he's like a big hacker from what I know of from him personally when I talked to him over the last week. I was talking to him the other day and I said something about him knowing the web and he said, 'Yeah, I'm not a person you want to piss off on the web.' I said, 'Yeah, Joseph told me there is a lot you can do. You could shut the website down.' Joseph was afraid he was just going to push a button and the website would be gone because that's what Dan said when they clashed. Dan said, 'This is what I want. I don't want to continue working this website.' So, Joseph made a deal with him to buy his part of it because Dan wasn't making enough money. I don't even know what it was, but I know a while back they decided Joseph was going to buy him out and was just going to run the website. That's the extent of it that I know of."

In response to questioning by DuGal and Fiske about his efforts to contact Joseph McStay in the days after he went missing, Merritt said that he tried to reach him on "Friday [February 5, 2010] by telephone.

I probably tried every day and a few times on Tuesday and Wednesday [February 9 and 10]. Joseph's mom may remember the exact day. I believe I drove to Joseph's house on the ninth or tenth. I knocked on the door, rang the doorbell. His white car [the Isuzu Trooper] wasn't there. Their dogs were barking."

Merritt said that in the backyard he saw that "the water dish inside the shed was empty. They had no water. I filled the water dish."

He said it was clear something was amiss because "They never kept them [the dogs] outside. I would not see Joseph leaving his dog outside."

The part of the interview recording which the prosecution presumably deems valuable to its case comes some three-quarters of the way into the interview, at roughly the 1 hour and 59 minute and 30 second mark, when Fiske, who all along had been playing the role of the good cop, suddenly transitioned into being the bad cop. Ignoring that DuGal had several times framed his questions in the past tense, Fiske zeroed in on Merritt's occasional use of the past tense in referring to Joseph McStay.

"Do you have any knowledge or information that indicates to you that they are dead?" Fiske asked.

"No," Merritt responded.

At that point Fiske pounced. "'The reason I ask is because you have used the past tense about Joe a couple of times,'" Fiske said, "You said, 'Joe was.' Typically, people don't do that, if they think people are alive. Any explanation as to why you may have done that?"

"Not really, I just... Nah, I..." Merritt said, for the first time in the interview struggling to come up with words.

"Do you understand what I am asking?" Fiske asked, tacitly accusing Merritt in being involved in the family's demise.

"Of course. I completely understand," said Merritt. "But no, I've never really even thought of him as possi-

bly being — well, I can't say I haven't thought of him as possibly being dead, because I have, but I don't like to think of it that way, of course."

Fiske did not relent, but pressed on, saying, "It is interesting. We deal with families of people who have passed all the time. Oftentimes we will notify them their loved one is dead and they will still use the present tense. You used the past tense a couple of times, which is real unusual."

"Yeah," said Merritt. "I have no idea. I'm not sure what I used the past tense in context with, but I have no idea why."

"You said, 'Joe was my best friend,'" Fiske said.

"Oh," Merritt said. "I did."

"You did," said Fiske.

"I don't know why," said Merritt.

"Did you guys have a falling out at all?" Fiske asked.

"Never," said Merritt. "Never."

"So, it wouldn't be like, 'He was my best friend, but now we're just...'" Fiske said.

"No," Merritt interrupted her before she finished the question. "Absolutely not. Joseph is..."

"Still your best friend," Fiske said.

"Oh yeah," Merritt said. "Definitely."

Merritt described Summer McStay as "verbal." He said that Joseph had told him that his brother Mike and Summer "couldn't get along."

He said that Joseph referred to Summer as "My little Colombian girl." He said that many of Joseph's friends did not like Summer. "Everybody that loves Joseph - I can't say everybody - but most of the people who love Joseph dislike... Summer."

"Why is that?" asked Fiske.

"Because she has always treated Joseph -" Merritt began, and then said, "Everybody told Joseph don't marry her."

"Why," asked Fiske.

"Because she's a pain in the butt," said Merritt. "She's just very, very difficult. He would always say, 'No, no, she's just Colombian. He always talked about her being Colombian as something

positive."

Despite the attitude of others toward Summer, Merritt said, Joseph was absolutely committed toward her. "He definitely loved her," Merritt said.

Merritt described Joseph McStay as generous. "Joseph is just a super-nice guy," said Merritt. "He'll give you the shirt off his back. He'll do anything for you."

Merritt said the financial arrangements in the business between him and McStay were very casual.

"Mine and Joseph's running tab is he owes me \$10,000, I owe him \$15,000, he owes me \$5,000, I owe him \$15,000," said Merritt. "It just goes."

During the interview, Merritt indicated to DuGal and Fiske that he had access to Joseph McStay's QuickBooks account for Earth Inspired Products and had upgraded that accounting system, by which checks were issued, from an earlier version to QuickBooks Pro.

Merritt told DuGal and Fiske that in the days after the McStay family first dropped out of sight, he had a greater degree of concern over what might have befallen them than others apparently did and that his own wife voiced greater concern than had Joseph McStay's mother and brother at that point. "My wife is still chewing my ass out about me not calling the police," Merritt said. "Mikey and his mom kept saying, 'I know Joseph, and he probably just wanted to be away from California or whatever, and they're probably on vacation and they'll be back.' And Mikey said 'Well, if they took a ten-day vacation, which most vacations are, they'll be back no later than Sunday and so on.' And I was just like, 'Just call the police. I told his mother, 'It's not going to hurt anything. It's not going to cost anything.' And that day, on Saturday [February 13], I told Mikey, I said, 'What if Joseph did go to the mountains and he drove off a cliff? And he's gone 200 feet down a ravine and nobody sees the car down there for

two or three weeks?' I said, 'You should call them now.' That's when he said, 'We'll wait until tomorrow. Today's the absolute last day.'"

Merritt told DuGal and Fiske that on February 13, 2010, after arranging to go to the McStay's residence in Fallbrook with Michael McStay, he had to meet Michael McStay and his wife and children at a gas station in Fallbrook because Michael McStay at that point had never been to his brother's house. Merritt said that after they got to the McStay residence that day, they each went around the neighborhood to check with nearby residents if any of them knew about the family or where they had gone. Merritt said that upon Michael McStay arriving at his brother's home and taking stock of the situation, the seriousness of the circumstance seemed to dawn on him. "Mikey was walking around, kind of talking to himself," Merritt said. "He didn't seem to be in very good spirits. He was upset, which I can understand why."

Merritt said Michael McStay gained entrance to his brother's family residence by going through the he window to the home's office at the back of the house.

"Did you go in?" asked DuGal.

"Yeah, he went to the sliding glass door, let me in the sliding glass door, and then I went to the front door and let his wife and kids in because they had to go to the bathroom pretty badly," Merritt said.

Merritt's statement clashed with the testimony provided by Michael McStay during the first week of the trial. Michael McStay said that Merritt did not enter the house, even though he had opened the sliding glass door to let him in, and that Merritt explained his reluctance to go inside because he had an outstanding arrest warrant.

Merritt said he did not go upstairs while he was at the house on February 13.

Merritt also told the investigators that the

light on the desk in Joseph McStay's home office was on when they were there on February 13, 2010, which he said was consistent with Joseph McStay's custom. "I can tell you beyond a shadow of doubt, I know for a fact that light, I've never seen it off. He always left it on because his kids get up in the middle of the night and they get water out of the refrigerator and he always left that light on so they didn't fall down the stairs."

Merritt gave a description of the house's interior, and to Fiske's question about where the family members slept, Merritt said he believed all four members of the family slept together in the house's master bedroom upstairs.

Throughout the interview, there was little hesitation in Merritt's responses to questions and he gave the impression of being candid, consistent and calm, even in the face of sometimes pointed questioning. He did not dodge any questions, nor overly rely on a lack of memory in seeking to avoid making an answer.

With a single exception, on those occasions where he paused or hesitated in answering, Merritt seemed to be searching his memory for the detail or details he then provided in a matter-of-fact manner. When Fiske was pursuing one line of inquiry, that which pertained to whether Joseph McStay or he had any business dealings in Mexico, Merritt did make an uncharacteristic delay in providing his answer.

"Did he [Joseph McStay] have anybody he did business with in Mexico or near the Mexican border?" Fiske asked.

"Not that I know of," said Merritt, with no delay.

"Did you have anyone that you did business with?" Fiske asked.

"No, none," Merritt responded immediately.

"When was the last time you were down by the Mexican border?" Fiske asked.

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## City Practically Gives Its Interest In Water Company Away from page 5

no's prescriptive rights were limited to less than 15,000 acre-feet per year. However, any stake the city had in a mutual water company such as Del Rosa supplemented those rights. The Western Judgment in essence removed the 15,000 acre-feet per year annual pumping limitation on the city, clearing it to draw as much water from the underlying groundwater basin as it required to meet demands in its service area, subject to reductions in the event that the water table became subject to an overdraft or drawdown. The Del Rosa Mutual Water Company was subject to a similar regime, as were other parties and local water purveyors in keeping with the basin's safe-yield standards and obligations established in the judgment.

The Del Rosa Mutual Water Company's well[s] remained active in the years after the Western Judgment. In 1999, the company drafted 1,961 acre feet; in 2000, 1,950 acre-feet; in 2001, 1,935 acre-feet; in 2002, 1,985 acre-feet; in 2003, 1,985 acre-feet; in 2004, 2,700 acre-feet; in 2005, 1,950 acre-feet; and in 2006, 1,900 acre-feet.

The Del Rosa Mutual Water Company's single highest annual water diversion total historically was a combined 2,718 acre feet in 1969.

Currently throughout California, the cost of water runs at anywhere from \$970 per acre-foot to \$4,300 per acre-foot, depending on location, means of production or derivation and delivery costs.

Assuming a \$1,000 per acre foot cost on water locally, the Del Rosa Mutual Water Company, operating at its full historic capacity, appears to have the potential to generate roughly \$2.7 million in water sales annually.

By earlier this decade Campus Crusade for Christ had come into possession of 3,729 shares of the 4,310 total

shares of the Del Rosa Mutual Water Company that were outstanding. In April 2016, Campus Crusade for Christ sold those shares to the San Manuel Band of Mission Indians, making the tribe the majority shareholder in the company. The City of San Bernardino held the remaining 581 shares.

In May 2016, the San Manuel Tribe requested a meeting with the San Bernardino City Water Department to discuss the Del Rosa Mutual Water Company, specifically the potential purchase of the city's shares. San Manuel expressed interest in acquiring the city's shares to become the sole owner of the Del Rosa Mutual Water Company. It was agreed that San Manuel would commission a valuation of the Del Rosa Mutual Water Company to determine the company's value.

Robert Krieger of Krieger & Stewart Engineering Consultants carried out a confidential valuation of the Del Rosa Mutual Water Company Water Shares done at the behest of Rodney Garton, the operations and development manager for Arrowhead Springs, an entity wholly owned by the San Manuel Band of Mission Indians.

According to Krieger, one of the company's original four foot-by-five foot dimension wells, located in East Twin Creek which was dug in two phases of 42 feet in 1912 and 18 feet in 1919 to a depth of 60 feet, was operated until 2007 when it was destroyed by the Metropolitan Water District during construction of the pipeline portion of the Inland Feeder, following condemnation of and securing the permanent easement for the Inland Feeder Project. The dug well is no longer visible, according to Krieger. The company is still in possession of two groundwater extraction wells, known by the nomenclature of #3601809 and #3601810, which are separate steel-cased wells with vertical pumps. The wells were constructed in the groundwater basin downstream of the original diversion. Both wells stopped pumping

in the 1960s, according to Krieger, with records terminated in 1966 for #3601809 and terminated in 1981 for #3601810. "For all practical purposes, these wells stopped producing groundwater in the mid-1960s, years before the diversion ceased," Krieger stated in the valuation document. "The water company's physical plant, except for a few unusable remnants, has been damaged or destroyed and serves no useful purpose. None of the plant components are salvageable or worth salvaging."

According to Krieger, "The assets of the water company are the organization itself, a single parcel of land, and appropriative water rights, both surface water and groundwater. The surface water rights derive from historic pre-1914 riparian water right diversions, and the groundwater rights derive from historic groundwater extractions."

According to Krieger, "Organization value herein is considered the cost of organizing the water company in accordance with California Corporation Code 14300 et sequentes, and the preparation of articles of incorporation, corporation bylaws, and rules and regulations. I opine the organization value to be \$4,000. I have conferred and confirmed with two separate water attorneys about formation requirements and preparation of the related documents. The estimated organization value is current to reflect current market value, even though the water company was organized in 1901 and reorganized in 1922."

With regard to land value, Krieger said, "James Smothers inspected and valued the water company's single land parcel, 2.0 acres identified as Assessor's Parcel Number 0270-111-02, on October 12, 2017 at \$13,000, as reported in his appraisal report dated October 25, 2017. He classified the site as vacant land (open space and watershed) with improvements consisting of a concrete pad, perimeter fencing, and

asphalt paving being in average condition."

According to Krieger, "The water company can produce and put to beneficial use whatever quantity of water it needs; therefore, the water company has the right to divert or extract from the Bunker Hill Basin its theoretical base period allocation or more if need be. Regardless of whether the water company has a pre-1914 water right within the Bunker Hill Basin, it can divert or extract whatever quantity of water it can put to reasonable and beneficial use without limit or restriction. As a consequence, its appropriative right has no value since it is unnecessary for the water company to exercise its appropriative water right in order to divert or extract water from the groundwater basin. I hereby opine that the pre-1914 appropriative water right, although it may exist, has no value."

Saying he was defining "market value in the present context [as] what a willing and informed buyer under no obligation to buy will pay, and what a willing and informed seller under no compulsion to sell will accept after fair and voluntary dealing, taking into account all of those factors which such willing and informed persons would consider in light of industry customs, Krieger concluded, "In my opinion, the value of outstanding shares of common stock is \$3.94 per share and, based on common stock ownership, the San Manuel Band of Mission Indians' 3,729 shares of common stock has a value of \$14,692.26 and the City of San Bernardino Municipal Water Department's 581 shares of common stock has a value of \$2,289.14."

That valuation, dated August 23, 2018, made no allowance for the Del Rosa Municipal Water Company's status as an historical entity engaged in the drafting of water from the Bunker Hill Basin which provides it with an entitlement and licensing to operate at its three existing well sites and the privilege to sink further wells within the

confines of its traditional geographical overlay, wherein rich water resources are available.

Though the water department gave indication it would conduct due diligence in order to provide the complete scope of its position, no independent appraisal of the water company or its assets was carried out on behalf of the department or the city. No opinion independent of that provided by Krieger, whose consulting company was reportedly paid more for the valuation than the \$2,289.14 he deemed the city's 581 shares of Del Rosa Mutual Water Company common stock to be worth.

In the staff report/request for council action that accompanied the placement of the action item on the consent calendar of the mayor and council's January 2 meeting which called for "approving the sale of the city's Del Rosa Mutual Water Company shares to the San Manuel Band of Mission Indians" both City Manager Andrea Travis-Miller and San Bernardino Municipal Water Department General Manager Miguel Guerrero parroted verbatim in large measure Krieger's valuation in recommending that the city council go along with making the sale.

Travis-Miller and Guerrero included Krieger's valuation as an attachment to the report.

"Krieger & Stewart Engineering Consultants (K&S) completed the attached valuation this past August," Travis-Miller and Guerrero stated in the report/request for council action. "The Del Rosa Water assets are the organization itself, a single parcel of land, and appropriative water rights, both surface water and groundwater. K&S valued the organization at \$4,000 and the land at \$13,000. K&S determined that the company has no water rights value because of the Western Judgment."

Travis-Miller and Guerrero then adopted Krieger's conclusion as their own. "The total value of Del Rosa Water is \$17,000 or \$3.94/share," the report/request

for council action states. "The value of the city's shares is \$2,289.14."

Neither the city nor the municipal water department sought offers for the shares, merely accepting the San Manuel tribe's offer of \$2,289.14. In their the report/request for council action, Travis-Miller and Guerrero stated, "In consultation with outside counsel, water department staff has done its due diligence and has determined that the K&S valuation of Del Rosa Water is fair and accurate."

Travis-Miller placed the sale of the shares on the consent calendar for the mayor and council at its January 2 meeting. The consent calendar is reserved for issues deemed non-controversial and unworthy of public discussion, all of which are grouped together for collective routine approval with one vote.

Prior to the vote San Bernardino County *Sentinel* Publisher Mark Gutglueck made a public offer to purchase the city's 581 Del Rosa Mutual Water Company shares at twice what the San Manuel Tribe had offered, \$4,578.28. Neither the city nor the council responded to Gutglueck's offer, and instead the council voted to make the sale to the San Manuel Tribe for \$2,289.14.

## Union Pacific Settlement from front page

The Union Pacific's J.R. Davis Yard, formerly known as the Roseville Marshalling Yard, is located in Placer County and is the largest rail yard on the West Coast, according to Union Pacific.

The heavy legal lifting in the suit was done by Placer County Deputy District Attorney Beverly Crue, who was assisted by prosecutors from the other three counties, including San Bernardino County Deputy District Attorney Rick Lal, who works in the San Bernardino County District Attorney's office's consumer and environ-

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Public Notices

NOTICE OF PETITION TO ADMINISTER ES-TATE OF NELSINE MARIE DAWKINS

Case No. PROPS1800965  
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may other-wise be interested in the will or estate, or both, of NELSINE MARIE DAWKINS

A PETITION FOR PROBATE has been filed by PEARL R. TORRES in the Superior Court of California, County of SAN BERNARDI-NO.

THE PETITION FOR PROBATE requests that PEARL R. TORRES be ap-pointed as personal representa-tive 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 obtain-ing court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested per-sons unless they have waived notice or consented to the pro-posed 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 peti-tion will be held on January 28, 2019 at 8:30AM in Dept. No. S36P located at 247 W. Third St., San Bernardino, CA 92415.

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 CREDI-TOR 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 gen-eral personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mail-ing 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 at-torney knowledgeable in Cali-fornia 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 No-tice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Pro-bate Code section 1250. A Re-quest for Special Notice form is available from the court clerk.

Petitioner:  
PEARL R. TORRES  
7292 PALMER HOUSE



Public Notices

DRIVE  
SACRAMENTO, CA  
95828  
Published in the San Ber-nardino County Sentinel Janu-ary 4, 11, 18 & 25, 2019.

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180013914

The following person(s) is(are) doing business as: Wisdom Tree Counseling, 10601 Civic Center Dr #100-L, Rancho Cucamonga, CA 91730-3878, Jeraleen M Peterson, 4228 N 3rd Avenue, San Bernardi-no, CA 92407

Business is Conducted By: An Individual  
Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT.

A registrant who declares as true in-formation, 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/Jeraleen M Peterson  
This statement was filed with the County Clerk of San Bernardino on: 12/7/2018

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

Began Transacting Business:  
3/13/2013

County Clerk, s/DOM

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180013823

The following person(s) is(are) doing business as: We Care Phar-macy, 590 N Sierra Way, San Ber-nardino, CA 92410, OM Pharmacy Services Inc, 14819 Meadows Way, Eastvale, CA 92880

Business is Conducted By: A Corporation

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Vatsal Prabodh Kothari  
This statement was filed with the County Clerk of San Bernardino on: 12/6/2018

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

Began Transacting Business:  
N/A

County Clerk, s/SH

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Ber-nardino County Sentinel 1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180014574

The following person(s) is(are) doing business as: Elohay Enter-prises, 6452 Caledon Pl, Alta Loma, CA 91737, Xciomara V Williams, 6452 Caledon Pl, Alta Loma, CA 91701

Business is Conducted By: An Individual

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Xciomara V. Williams  
This statement was filed with the County Clerk of San Bernardino on: 12/27/2018

I hereby certify that this is a correct copy of the original state-

Public Notices

ment on file in my office.  
Began Transacting Business:  
N/A

County Clerk, s/TM  
NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Ber-nardino County Sentinel 1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180013908

The following person(s) is(are) doing business as: Active Recovery and Wellness, 17975 Caraway Ct, San Bernardino, CA 92407, Bran-don R Hadnot, 17975 Caraway Ct, San Bernardino, CA 92407

Business is Conducted By: An Individual

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Brandon R Hadnot  
This statement was filed with the County Clerk of San Bernardino on: 12/7/2018

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

Began Transacting Business:  
N/A

County Clerk, s/EF

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180013835

The following person(s) is(are) doing business as: Unconditional Support, 1025 N Tippecanoe Unit 137, San Bernardino, CA 92410, Victor D Turner, 1025 N Tippecanoe Unit 137, San Bernardino, CA 92410Tysheka D Meeks, 1025 N Tippecanoe Unit 137, San Bernardi-no, CA 92410

Business is Conducted By: A General Partnership

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Victor Turner  
This statement was filed with the County Clerk of San Bernardino on: 12/6/2018

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

Began Transacting Business:  
N/A

County Clerk, s/JV

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Ber-nardino County Sentinel 1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20180013872

The following person(s) is(are) doing business as: Professional Iphone and Ipad Repair, 12594 Central Ave, Chino, CA 91710, Eduardo P Centeno, 4651 Viaggio Cir., Ju-rupa Valley, CA 92509

Business is Conducted By: An Individual

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Eduardo P. Centeno  
This statement was filed with the County Clerk of San Bernardino

Public Notices

on: 12/7/2018  
I hereby certify that this is a correct copy of the original state-ment on file in my office.

Began Transacting Business:  
10/15/2013

County Clerk, s/TM  
NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Ber-nardino County Sentinel 1/4/2019, 1/11/2019, 1/18/2019, 1/25/2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF CORINNE D. PANDO

Case No. PROPS1801197  
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may other-wise be interested in the will or estate, or both, of CORINNE D. PANDO

A PETITION FOR PRO-BATE has been filed by Marina Meza in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Ma-rina Meza be appointed as per-sonal representative to admin-ister 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 obtain-ing court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested per-sons unless they have waived notice or consented to the pro-posed action.) The inde-pendent administration authority will be granted unless an inter-ested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the peti-tion will be held on January 28, 2019 at 8:30 AM in Dept. No. S37 located at 247 W. Third St., San Bernardino, CA 92415.

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

IF YOU ARE A CREDI-TOR or a contin-gent 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 gen-eral personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mail-ing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal au-thority may af-fect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAM-INE 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 No-tice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Pro-bate Code section 1250. A Re-quest for Special Notice form is available from the court clerk.

Attorney for petitioner:  
DAVID A XAVIER ESQ  
SBN 102045  
LAW OFFICES OF  
DAVID A XAVIER  
401 S MISSION DR  
SAN GABRIEL CA 91776  
CN956760 PANDO Pub-lished in the San Bernardino County Sentinel Jan 11, 18 & 25, 2019

Public Notices

ORDER TO SHOW  
CAUSE FOR CHANGE OF  
NAME CASE NUMBER  
CIVDS1900816

TO ALL INTERESTED  
PERSONS: Petitioner: Ju-dith April Abou Fares filed with this court for a decree changing names as follows: Judith April Abou Fares to Ju-dith April Aboufares

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 sched-uled to be heard and must ap-pear 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: 02/28/2019  
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 Bernardi-no, CA 92415-0210, San Ber-nardino

IT IS FURTHER OR-DERED that a copy of this order be published in SAN BERNARDINO COUNTY SENTINEL in San Bernardi-no County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: Jan 10, 2019  
Michael A. Sachs  
Judge of the Superior Court.

Published in SAN BER-NARDINO COUNTY SEN-TINEL On 01/11/19, 01/18/19, 01/25/19, 02/01/19

ORDER TO SHOW  
CAUSE FOR CHANGE OF  
NAME CASE NUMBER  
CIVDS1900580

TO ALL INTER-ESTED PERSONS: Peti-tioner: Marisol Aguayo filed with this court for a decree changing names as follows: Jazmine Mariah Walker to Jazmine Mariah Aguayo

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 sched-uled to be heard and must ap-pear 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: 02/21/2019  
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 Bernardi-no, CA 92415-0210, San Ber-nardino

IT IS FURTHER OR-DERED that a copy of this order be published in SAN BERNARDINO COUNTY SENTINEL in San Bernardi-no County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Dated: Jan 10, 2019  
Michael A. Sachs  
Judge of the Superior Court.

Published in SAN BER-NARDINO COUNTY SEN-TINEL On 01/11/19, 01/18/19, 01/25/19, 02/01/19

Public Notices

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20190000277

The following person(s) is(are) doing business as: Supervised Visitations Pro Parents Alba, 1517 N. 3RD. Ave, Upland, CA 91786, Alba L Vargas, 1517 N. 3RD. Ave, Upland, CA 91786, Cesar Marin-rodas, 1517 N. 3RD. Ave, Upland, CA 91786

Business is Conducted By: A General Partnership

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Cesar Marinrodas  
This statement was filed with the County Clerk of San Bernardino on: 01/08/19

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

Began Transacting Business:  
N/A

County Clerk, s/JV

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Bernardi-no County Sentinel  
1/11/2019, 1/18/2019, 1/25/2019, 02/01/2019

FBN 20190000352

The following person(s) is(are) doing business as: Z1 MOTOR GROUP 577 N D ST. UNIT 112C SAN BERNARDINO, CA 92401

Mailing Address: 706 W. AR-ROW HWY CLAREMONT, CA 91711

ARMANDO A. IRAHETA  
706 W. ARROW HWY CLARE-MONT, CA 91711

Business is Conducted By: AN INDIVIDUAL

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Armando A. Iraheta  
This statement was filed with the County Clerk of San Bernardino on: 1/09/2019

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

Began Transacting Business:  
N/A

County Clerk, Deputy

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

Published in the San Bernardi-no County Sentinel on 1/11, 1/18, 1/25 & 2/01, 2019.

FBN 20180014271

The following person is do-ing business as: JASMINE ROSE EVENTS 10184 6TH ST. STE. 8 RANCHO CUCAMONGA, CA 91730 CHRYSTAL J. MCWIL-LIAMS 16250 HOMECOMING DR. UNIT 1260 CHINO, CA 91708 ASHLEY ROSE MCWIL-LIAMS 16250 HOMECOMING DR UNIT 1260 CHINO, CA 91708

Business is Conducted By: JOINT VENTURE

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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 state-ment becomes Public Record upon filing.

s/Ashley Rose McWilliams  
This statement was filed with the County Clerk of San Bernardi-no on: 12/18/2018

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

Began Transacting Business:  
N/A

County Clerk, s/

NOTICE- This fictitious busi-

Public Notices

ness 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 & Profes-sions Code).

Published in the San Bernardi-no County Sentinel on 1/11, 1/18, 1/25 & 2/1, 2019.

ORDER TO SHOW  
CAUSE FOR CHANGE OF  
NAME CASE NUMBER  
CIVDS1901030

TO ALL INTEREST-ED PERSONS: Petitioner: Mayra Leticia Morales filed with this court for a decree changing names as follows: Anthony Jacob Montano Mo-rales to Anthony Jacob Morales

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: 02/28/2019  
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 Divi-sion, 247 W Third Street, Same as above, San Bernardino, CA 92415-0210, San Bernardino

IT IS FURTHER OR-DERED 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: Jan 11, 2019

Michael A. Sachs

Judge of the Superior Court.

Published in SAN BER-NARDINO COUNTY SEN-TINEL On 01/18/19, 01/25/19, 02/01/19, 02/08/19

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20190000695

The following person(s) is(are) doing business as: JDS Stone De-sign, 1094 W 9th St., Upland, CA 91786, Jose D Sanchez Cuevas, 1094 W 9th St., Upland, CA 91786

Business is Conducted By: An Individual

Signed: BY SIGNING BE-LOW, I DECLARE THAT ALL INFORMATION IN THIS STATE-MENT IS TRUE AND CORRECT. A registrant who declares as true in-formation, 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/Jose D Sanchez Cuevas  
This statement was filed with the County Clerk of San Bernardino on: 1/16/2019

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

Began Transacting Business:  
3/1/2017

County Clerk, s/DOM

NOTICE- This fictitious busi-ness 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 & Profes-sions Code).

1/18/2019, 1/25/2019, 2/1/2019, 2/8/2019

FICTITIOUS BUSINESS  
NAME STATEMENT FILE NO-  
20190000634

The following person(s) is(are)



Public Notices

doing business as: Enchanted Creek Ranch, 43623 Stone Creek Rd, Temecula, CA 92590, Ruben Plascencia, 10401 E Riverside Dr, Ontario, CA 91761Dilia Mercado, 6018 N Reno Av, Temple City, CA 91780  
Business is Conducted By: A General Partnership

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/Ruben Plascencia  
This statement was filed with the County Clerk of San Bernardino on: 1/15/2019

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/SOM  
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).  
1/18/2019, 1/25/2019, 2/1/2019, 2/8/2019

FICTITIOUS BUSINESS NAME STATEMENT FILE NO-20190000591

The following person(s) is(are) doing business as: RC Trucking, 885 E Winchester Drive, Rialto, CA 92376-3765, Randy J Torres, 885 E Winchester Drive, 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/Randy Torres  
This statement was filed with the County Clerk of San Bernardino on: 1/14/2019

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/RS  
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).  
1/18/2019, 1/25/2019, 2/1/2019, 2/8/2019

FBN 20190000541  
The following person is doing business as: THE STUFF EMPANADA 10855 TERRA VISTA PARKWAY APT 7 RANCHO CUCAMONGA, CA 91730 ANDREAS J GREEN JR 10855 TERRA VISTA PARKWAY APT 7 RANCHO CUCAMONGA, CA 91730 [and] ANDREAS J GREEN SR 7920 PERLITE AVE RANCHO CUCAMONGA, CA 91730  
Business is Conducted By: CO-PARTNERS

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/Andreas J Green Jr  
This statement was filed with the County Clerk of San Bernardino on: 1/14/2019

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/  
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

Public Notices

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 on 1/18, 1/25, 2/1 & 2/8, 2019.

FBN 20190000714  
The following person is doing business as: P&L TRANSPORT 4973 HILLTOP RD. PHELAN, CA 92371

Mailing Address: PO BOX 294476 PHELAN, CA 92329  
BOE L MOSIER 4973 HILLTOP RD. PHELAN, CA 92371  
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/Boe L Mosier  
This statement was filed with the County Clerk of San Bernardino on: 1/17/2019

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/  
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 on 1/18, 1/25, 2/1 & 2/8, 2019.

FBN 20180012872  
The following person(s) is(are) doing business as: BENDER SIGN COMPANY 34924 VICKEY WAY YUCAIPA, CA 92399 MATTHEW A BENDER 34924 VICKEY WAY YUCAIPA, CA 92399  
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/MATTHEW A BENDER  
This statement was filed with the County Clerk of San Bernardino on: 11/13/2018

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/EF  
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 on 11/16/2018, 11/23/2018, 11/30 & 12/07, 2018.

Corrected: 1/18, 1/25, 2/1 & 2/8, 2019.

FBN 20190000065  
The following person is doing business as: READY PACKS 12584 ATWOOD CT #1124 RANCHO CUCAMONGA, CA 91739 KRAIG O GLOSTER 12584 ATWOOD CT #1124 RANCHO CUCAMONGA, CA 91739  
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/Kraig O. Gloster  
This statement was filed with the County Clerk of San Bernardino on: 1/03/2019

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

Began Transacting Business:

Public Notices

N/A  
County Clerk, s/  
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 on 1/04, 1/11, 1/18 & 1/25, 2019.

NOTICE OF PETITION TO ADMINISTER ESTATE OF DEACON RYAN MORIN

Case No. PROPS1900017  
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of DEACON RYAN MORIN

A PETITION FOR PROBATE has been filed by Danielle E. Morin in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that Danielle E. Morin 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 Feb. 26, 2019 at 8:30 AM in Dept. No. S37 located at 247 W. Third St., San Bernardino, CA 92415.

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: JOHN C CARPENTER ESQ  
SBN 155610  
CARPENTER ZUCKERMAN & ROWLEY  
8827 W. OLYMPIC BLVD. BEVERLY HILLS CA 90211-3613  
CN956811 MORIN

Public Notices

Published in the San Bernardino County Sentinel Jan 25, Feb 1, 8, 2019

NOTICE OF SALE OF REAL PROPERTY AT PRIVATE SALE  
Case No. PROPS1700200  
Superior Court of the State of California, for the County of San Bernardino. In the matter of the Estate of JULIA PRIEGO MARISCAL, also known as JULIE MARISCAL PRIEGO, Deceased.

Notice is hereby given that the undersigned will sell at private sale, on or after February 11, 2019, at the office of LONG BEACH LAW, INC., APLC, 782 Pacific Avenue, Long Beach, CA 90813, to the highest and best bidder, and subject to confirmation by said Superior Court, all right, title and interest of said Deceased at time of death, and all right, title and interest the Estate has acquired in addition to that of said Deceased in and to all the certain real property situated in the City of Rancho Cucamonga, County of San Bernardino, State of California, described as:

Parcel 1:  
That portion of the Southeast one-fourth of the Southwest one-fourth of the Northwest one-fourth of said section, said point of beginning being on the North line of Arrow Route Highway; thence North 145 feet; thence West 60 feet, thence South 145 feet; thence East 60 feet to the point of beginning.

EXCEPTING all State and County Highways.  
Parcel 2:  
That portion of the Southeast one-fourth of the Southwest one-fourth of the Northwest one-fourth of said section, said point of beginning being on the North line of Arrow Route Highway; thence North 145 feet; thence West 60 feet; thence South 45 feet; thence East 60 feet to the true point of beginning.

EXCEPTING all State and County Highways.  
Parcel 2:  
That portion of the Southeast one-fourth of the Southwest one-fourth of the Northwest one-fourth of said section, said point of beginning being on the North line of Arrow Route Highway; thence North 145 feet to the true point of beginning; thence continuing North 45 feet; thence West 60 feet; thence South 45 feet; thence East 60 feet to the true point of beginning.

EXCEPTING all State and County Highways.  
Assessor's Parcel No. 0208-312-40-0-000  
Said real property is commonly known as: 9832 Arrow Route, Rancho Cucamong, CA 91730.

Subject to all matters of record. Taxes, rents, insurance and interest shall be prorated as of the date of recording the conveyance.

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. Deposit to be in the form of a cashier's check, official bank check, or U.S. Postal Money Order payable to the Estate of JULIE PRIEGO MARISCAL, Deceased or to escrow.

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

Public Notices

hereof and before date of sale. The personal representative reserves the right to reject any and all bids. All bids must be presented on California Association of Realtors' form #Probate Purchase Agreement".

This property is to be sold on its "as is", "where is" condition, with no warranty expressed or implied, and no termite report or repairs will be furnished by the personal representative. However, the personal representative reserves the right to pay for modest repairs, termite work, or credit Buyer for repairs required by the Buyer's lender, including, but not limited to, FHA or VA requirements, or to pay non-recurring costs, in an amount not to exceed \$5,000.00, or to otherwise compensate the Buyer, through escrow, at the personal representative's sole discretion.

TEN PERCENT OF AMOUNT BID TO BE DEPOSITED WITH BID, UNLESS WAIVED BY THE PERSONAL REPRESENTATIVE.

SALE IS SUBJECT TO THE RIGHTS OF TENANTS-IN-POSSESSION, IF ANY.

THE TOTAL COMMISSION AWARDED BY THE COURT SHALL BE SPLIT 50/50 BETWEEN THE LISTING BROKER AND THE SELLING BROKER.

Dated: January 16, 2019  
ERIKA AGOSTO & OSKAR MARISCAL, Personal Representative of the Estate of JULIE PRIEGO MARISCAL, Dec'd

REBECCA BIRMINGHAM  
782 PACIFIC AVENUE  
LONG BEACH CA 90813 (626) 621-6300  
CN956852 MARISCAL  
Published in the San Bernardino County Sentinel Jan 25, Feb 1, 8, 2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF TRINIDAD LEON HERNANDEZ, CASE NO. PROPS19000044

To all heirs, beneficiaries, creditors, and contingent creditors of TRINIDAD LEON HERNANDEZ and persons who may be otherwise interested in the will or estate, or both: A petition has been filed by GLORIA LEON ROJAS in the Superior Court of California, County of SAN BERNARDINO, requesting that GLORIA LEON ROJAS be appointed as personal representative to administer the estate of TRINIDAD LEON HERNANDEZ.

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 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 FEBRUARY 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

Public Notices

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.

Attorney for the Petitioner: JENNIFER M. DANIEL 256360 THE LAW OFFICES OF JENNIFER DANIEL 220 NORDINA STREET, REDLANDS, CA 92373 Telephone: (909) 792-9244

Published in the San Bernardino County Sentinel 1/25, 2/1 & 2/8, 2019

NOTICE OF PETITION TO ADMINISTER ESTATE OF MARY ROBERTA S. GLASS, CASE NO. PROPS1800983

To all heirs, beneficiaries, creditors, and contingent creditors of MARY CYNTHIA GLASS and persons who may be otherwise interested in the will or estate, or both: A petition has been filed by MARY CYNTHIA GLASS in the Superior Court of California, County of SAN BERNARDINO, requesting that MARY CYNTHIA GLASS be appointed as personal representative to administer the estate of ROBERTA S. GLASS.

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 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. 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 MARCH 05, 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.

Attorney for the Petitioner: JENNIFER M. DANIEL 256360 THE LAW OFFICES OF JENNIFER DANIEL 220 NORDINA STREET, RED-

Public Notices

LANDS, CA 92373 Telephone: (909) 792-9244

Published in the San Bernardino County Sentinel 1/25, 2/1 & 2/8, 2019

FBN 20180014454  
The following person is doing business as: GARRIDO AUTO 1680 S E ST STE B-106 SAN BERNARDINO, CA 92408 HORACIO GARRIDO 1680 S E ST STE B-106 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/Horacio Garrido

This statement was filed with the County Clerk of San Bernardino on: 12/21/2018

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/  
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 on 1/18, 1/25, 2/1, 2/8 & 2/15, 2019.

FBN 20190000759  
The following person is doing business as: KINGLY PROTECTION SERVICE 12080 MORNING STAR RD. APPLE VALLEY, CA 92308 DAMIUNTE T WALKER 12080 MORNING STAR RD. APPLE VALLEY, CA 92308  
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/Damiunte T. Walker

This statement was filed with the County Clerk of San Bernardino on: 1/18/2019

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/  
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 on 1/25, 2/1, 2/8 & 2/15, 2019.

FBN 20190000604  
The following person is doing business as: ANAYA'S TRUCKING 609 ½ N CAMPUS AVE UPLAND, CA 91786 WENSESLAO ANAYA 609 ½ N CAMPUS AVE UPLAND, CA 91786  
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/Wenseslao Anaya

This statement was filed with the County Clerk of San Bernardino on: 1/15/2019

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/  
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

C N B B 3 2 1 0 3 0 1 9 2 7 M T  
FILE NO.2019000496  
FICTITIOUS BUSINESS  
NAME STATEMENT  
The following person (s)  
is (are) doing business as:  
REDLANDS SMP  
108 ORANGE ST STE #106  
REDLANDS, CA, 92373  
Full name of registrant (s) is (are)  
FRANCISCO J. CANIZALES  
108 ORANGE ST STE #106 RED-  
LANDS, CA 92373. The business is  
conducted by: an Individual. I de-  
clare that all information in this state-  
ment is true and correct. (A registrant  
who declares as true information,  
which he or she knows to be false,  
is guilty of a crime.) This statement

C N B B 3 2 0 1 9 0 3 1 9 2 3 I R

C N B B 3 2 1 0 9 3 1 9 1 M T  
FILE NO. 20190000221  
FICTITIOUS BUSINESS  
NAME STATEMENT  
The following person (s)  
is (are) doing business as:  
BROTHERS GOUR-  
MET JAM'S & JELLIES.  
298 S. SECOND AVE  
UPLAND, CA. 91786  
Full name of registrant (s) is (are)  
CHAD E. BUFLER 298 S. SEC-  
OND AVE UPLAND, CA 91786.  
The business is conducted by: an  
Individual. I declare that all infor-  
mation 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

CNBB32019031915CH  
FILE NO.20190000220

C N B B 3 2 1 0 9 0 3 1 9 1 2 C H  
FILE NO. 9019000260  
FICTITIOUS BUSINESS  
NAME STATEMENT

The following person (s)  
is (are) doing business as:

ATTRACTIVE GLASS,  
29786 HAVENWOOD LANE  
HIGHLAND, CA, 92346

Full name of registrant (s) is (are)  
TREVOR M. BAITY 29786 HAVENWOOD LANE HIGHLAND, CA 92346. The business is conducted by: an Individual. 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.) This statement was filed with the County Clerk of Los Angeles County on 01/07/2019. The registrant (s) has (have) commenced to transact

C N B B 3 2 0 1 9 0 3 1 9 0 9 1 R  
FILE NO. 2019000279  
FICTITIOUS BUSINESS  
NAME STATEMENT  
The following person (s)  
is (are) doing business as:  
MOHAVE DESERT LAKE HOUSE.  
26769 LAKEVIEW DR  
HELENDALE, CA, 92342  
P.O. BOX 465  
HELENDALE, CA, 92342  
Full name of registrant (s) is (are)  
ELIZABETH ESPERICUETA 26769  
LAKEVIEW DR HELENDALE, CA  
92342. The business is conducted by:  
an individual. I declare that all infor-  
mation 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.) This statement was filed with  
the County Clerk of Los Angeles  
County on 01/08/2019. The registrant  
(s) has (have) commenced to transact  
business under the fictitious busi-  
ness name or names listed above on  
N/A. NOTICE-The 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 au-  
thorize the use in this state of a Fic-  
titious Business Name in violation of  
the rights of another under Federal,  
State, or common law (See section  
14411 at seq. Business and Profes-  
sion Code). First filing 01/08/2019,  
01/25/2019, 02/01/2019, 02/18/2019  
SAN BERNARDINO COUNTY  
ELIZABETH ESPERICUETA CNB-  
B320190319091R

C N B B 3 2 0 1 9 0 3 1 9 0 4 M T  
FILE NO. 20180014605  
FICTITIOUS BUSINESS  
NAME STATEMENT  
The following person (s)  
is (are) doing business as:  
S O N G H A M M E R ,  
17847 PINE AVENUE  
FONTANA, CA, 92335  
Full name of registrant (s) is (are)  
DUSTIN L. MILLER 17847 PINE  
AVENUE FONTANA, CA 92335;  
BENJAMIN S STEWART 111 E.  
MANFIELD ST. RIVERSIDE, CA  
92507. The business is conducted  
by: a General Partnership. 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.) This statement was filed  
with the County Clerk of Los An-  
geles County on 12/28/2018. The











## Motorcycle Rider Describes Discovering McStay Child's Skull In The Desert *from page 6*

Eleven seconds elapsed before Merritt said, "Probably..." and he then delayed another seven seconds before saying, "I want to say a year ago. I went to Tijuana."

"About a year ago," said Fiske.

"Yeah," said Merritt.

"Have you been down to San Ysidro or Mexico since?" Fiske asked.

"No, uh-uh," said Merritt.

"Not at all?" said Fiske.

"Not at all," said Merritt.

After a slight pause Merritt said, "The only time, the reason I went into Mexico is specifically, I specifically went there to get, specifically, something specifically."

"What kind of thing?" asked Fiske.

"Viagra," said Merritt.

"Okay," said Fiske.

"You can get Viagra there over the counter. So, about a year ago, I went there and got Viagra. . .," said Merritt.

During the interview, Merritt came across as being straightforward, sincere and earnest in wanting to assist DuGal and Fiske in getting to the bottom of the family's disappearance. He seemed intent on being as accurate and factual as he could in his responses and he did not seize any of several opportunities to cast suspicion on any of the various people in Joseph McStay's orbit. When pressed, he offered, with what seemed to be slight understatement and polite reservation or reluctance, derogatory information about others as those issues came up in the course of the questioning.

Based on tension apparent in his voice, the only nervousness discernible came when there was discussion with regard to Merritt's outstanding warrant, and whether DuGal and Fiske would or would not take him into custody as

a consequence of it. That level of tension did not seem to be provoked in Merritt by any of the other questioning or discussion throughout Merritt's encounter with the two detectives.

At two points during the interview, Merritt talks about his own young son, referring to him as "my little guy" and saying, "He's a perfect little kid. I'm partial, of course." The emotion and affection he expresses for his own offspring, not distant in age from the McStay children, comes across as absolutely genuine and seems incongruous with the suggestion that just 13 days before he had bludgeoned the children of the man he called "my best friend."

Indeed, if Merritt is guilty as the prosecution is alleging, his performance during the interview with DuGal and Fiske demonstrates he is one cool customer.

Unclear at this point, beyond the discrepancy between Michael McStay's testimony that Merritt did not go into the McStay residence on February 13 and Merritt's statement that he did, are what further contradictions exist between Merritt's statements to DuGal and Fiske and evidence to be presented later in the trial which could serve to boost the prosecution and undercut the defense. The prosecution is playing its cards close to the vest, and holds in reserve material, including records of financial transactions and further recorded interviews of Merritt with investigators which it is anticipated will be presented to the jury.

In the day-and-a-half of testimony that came before the playing of the audio recording of DuGal's and Fiske's interview with Merritt, five witnesses had been heard from. Tuesday morning, David Sequeida, who was in the midst of his testimony on January 17 when the court recessed until this week, was again on the stand. On January 17, Sequeida had testified that a loosely-knit partnership of sorts had existed between his father's busi-

ness, Metro Sheet Metal, which supplied the sheet metal and the foundry where fabrication could take place; Merritt, who built the waterfalls and water fountains; and Joseph McStay, who marketed the water features that were produced.

On Tuesday morning, Sequeida testified that the venture involving Joseph McStay, Charles Merritt and Metro Sheet Metal lasted less than a year. Sequeida acknowledged that during the time Merritt was working at the Metro Sheet Metal premises, located in Azusa, he had befriended Merritt "but I never invited him to my house or anything like that."

"At some point in your relationship there was a falling out, correct?" Raj Maline, one of Merritt's defense attorneys asked.

"With me and Chase, no. It was my father," said Sequeida, who characterized the problem as arising over a disagreement with Merritt in regards "to him working in the shop."

"You were afraid that if he were to get hurt, that would expose your company to some liability, correct?" asked Maline.

"Of course," said Sequeida, who further indicated that he and his father had misgivings over Merritt's use of Metro Sheet Metal's equipment.

"I tried to rein in his activity because he was not familiar with the equipment and at best he was a butcher when it came to stainless steel," said Sequeida. "He didn't know how to work stainless steel."

Maline probed about a "shouting match" involving Merritt that occurred at the Metro Sheet Metal factory. Sequeida said that argument involving Merritt was with his father and that he had not been involved in it. "I was always trying to keep the waters calm and continue working," Sequeida said.

Sequeida said that after that confrontation between Merritt and his father, he did not want Merritt around.

"He wasn't to be trusted," said Sequeida.

To Maline's suggestion that he held a grudge against Merritt, Sequeida said, "No."

To Maline's question, Sequeida said he was not aware of the percentage split between McStay, Merritt and Metro. Sequeida said he did not know the exact arrangement between McStay and Merritt with regard to the Earth Inspired Products, but that "Chase [Merritt] said they were partners."

The "type of relationship Chase had with Joseph" Sequeida said, "didn't concern me."

Sequeida testified that he was looking forward to the venture involving his father's business, Merritt and McStay, and that it was lucrative, at least "when it started out."

Sequeida acknowledged that "Chase came up with a diffuser that was of use in the waterfall fabricating process." He said that at one time Metro Sheet Metal "did all the stainless steel work, the trough that held the pump and the water, all the the up-rights everything that would hold the glass in place" on the waterfalls.

On January 17 Sequeida gave testimony to indicate that Merritt's productivity in the fabricating process had begun to slip toward the end of the arrangement between Metro Sheet Metal, Merritt and McStay. On January 21, however, he acknowledged that during that period Merritt was installing the completed projects all over the country and that he had installed a waterfall custom-built for Paul Mitchell in New York during that timeframe.

"It wouldn't be so far-fetched for Chase to be gone for several days if he had to go and install the Paul Mitchell one in New York, correct?" Maline asked.

"If he had to go install that, correct," said Sequeida.

Sequeida testified that Merritt did not have free access to the Metro Sheet Metal shop or a key.

Sequeida injected into his testimony that he had "a conversation about gambling" with Merritt and that "he men-

tioned on one occasion that there was a system" Merritt could use in placing his bets to ensure he could make money before Maline foreclosed that avenue of inquiry.

Maline sought, and to some degree succeeded in wringing from Sequeida an indication that his father's dispute was less with Merritt and more with Joseph McStay, and that his father wanted to cut ties with Joseph McStay rather than Chase because of the dispute over money.

"Joseph wasn't telling your father what the selling price of the fountains were," said Maline "Do you remember that?"

"Yes, there was some issue with that," said Sequeida.

"And your father was upset because he wasn't able then to quote an appropriate amount so he could make whatever profit he wanted to make," said Maline.

"He just felt he wasn't being forthcoming with what the fountains were being sold for, where his price should be," said Sequeida.

"Your father was angry about that," said Maline.

"Describe angry," said Sequeida.

"He called Joseph a crook," said Maline.

"It's possible. My dad does fly off the handle, yeah," said Sequeida.

When Maline asked about Dan Kavanaugh, Sequeida said, "I did not hear that name until the Joseph McStay family went missing."

Sequeida said he was present for conversations between Dan Kavanaugh and his father after the McStay family's disappearance and "at the end because there were some issues with the Saudi Arabia job." The Saudi Arabia job was a large scale waterfall project that was entering production just as the McStay family disappeared.

On redirect examination, Supervising Deputy District Attorney Brit Imes asked Sequeida, "Do you remember any time when the defendant was in or around Metro Sheet Metal him being injured in any way on stainless or a machine or anything like that?"

"No, sir," said Sequeida.

"Suffering any cuts, broken bones, things dropped on his head?" asked Imes.

"No, sir," said Sequeida.

"What jobs did you have to work on due to the defendant's absences?" Imes asked.

Sequeida said he could not describe the jobs, per se, because he knew the assignments "by job numbers."

"You said the defendant was not to be trusted," said Imes. "Why?"

"His lack of experience utilizing the equipment," said Sequeida. "His welding skills weren't consistent with what we wanted to put our name on."

Judge Michael Smith, who is presiding over the trial, asked Sequeida if he knew what project a check from Earth Inspired Products pertained to that McStay had entrusted to Merritt to be delivered to Metro Sheet Metal which Sequeida had previously testified had not been received. Sequeida said he did not know.

The next witness was John Charles Bluth, who confirmed he was dirt bike riding when he came across the top part of a skull, which subsequent testimony from others established was determined to be that of Joseph McStay, Jr.

Bluth said he was riding alone on his Kawasaki in the desert on November 11, 2013 in the area of Stoddard Wells Road and Quarry Road, looking for a motorcycle trail which he failed to spot. "I thought I'd passed the trail but I wasn't sure so I kind of went up a ways and off the road and circled back to angle towards it," said Bluth. "Well, I didn't find it, the trail, that is. On the way back to the dirt road, I stumbled across the remain."

"So you saw something that attracted your attention?" Imes asked.

"Yes," said Bluth.

"At the time did you know what it was?" asked Imes.

"A bone," said Bluth.

"Did you know what

*Continued on Page 18*



## McStay Family Graves Described from page 17

kind of bone?" Imes asked.

"No, not for sure," said Bluth.

"What about it attracted your attention to make you stop and go 'Hey, what's that?'" asked Imes.

"It looked out of place," said Bluth.

He said he stopped and put his bike on its stand and looked at it. "I thought it might be human," he said, and called 911.

He said he did not handle the bone but "turned it over with a stick."

After a deputy responded, he showed the bone to the lawman, he said.

The deputy, he said, called the forensic team. The recording of Bluth's 911 call was played in court.

Gary Hart, who was a sheriff's homicide detective for 23 years and has now been promoted to sergeant, next testified. Hart said he was dispatched to the scene on November 11. Subsequently, according to Hart, an investigative team of four detectives and one sergeant arrived at the scene. What were believed to be remains were found, Hart said, but dusk was approaching and the investigators were running out of daylight. A deputy was stationed on high ground all night to make sure nobody touched the evidence, he said.

Hart testified that on November 12, roughly 15 sheriff's personnel returned to the scene and did a line search, walking in a methodical fashion across the desert floor, covering 64 acres over several hours. Hart said two graves were found and excavations were initiated. He said the excavations unearthed bones and clothes in the two graves and that the investigative team found animal activity near and around the area of the graves. Photos were displayed for the jury. Hart said he secured the site and Dr. Alexis Gray, a forensic anthropologist, was brought in to assist in the

excavation and the gathering of remains outside of the graves through her expertise in determining as human or animal the bones being collected.

Hart said a compass was used to orient the team as to direction and location, and as a way of marking items found. He said an awning was pitched over the gravesites to limit the excavation team's exposure to the sun. He said he noted the presence of deep and grooved truck tire marks at both graves.

Hart read an exhaustive list of bones found, which included a scapula, femur, ribs, fragments and many bones found outside the graves, including fingers found 84 feet from the grave. The bone item furthest from the grave was at a distance of 224 feet, Hart said.

Hart stated he had completed death investigations in the desert in the past in which the scattering of bones was consistent with this case.

Following Hart to the witness stand was Sergeant Jose Armando who in 2010 was a detective assigned to the department's homicide detail.

Avila said on November 11, 2013, he had been given a call to respond to the desert area north of Stoddard Wells Road east of Quarry Road and West of the I-15 "regarding human remains found." He said he understood that other department personnel had been at the scene on November 11 but that he arrived there the next morning between 6:30 a.m. and 7 a.m. where he participated in a briefing involving investigative personnel as well as those from the office's coroner's division. They set up a command post, Avila said. From aerial photos of the area taken that day displayed to the jury, Avila pointed out the area of the graves and the command post. Avila said a line search was conducted for evidence and that thereafter, "I was assigned to document the excavation of one of the graves." Avila identified that as "grave B," which contained the remains of Summer McStay and Gianni.

He said that the excavation of grave B had begun prior to his arrival and that some items had been recovered or removed from the grave prior to his arrival.

Avila said that during his presence "remains, basically skeletonized remains, bones, some clothing items" were removed from the grave. He said that "As the excavation continued, other items such as a phone case, and ultimately a sledge hammer" were unearthed from grave B. He identified for the jury photos of various stages of the progression of the excavation, ones depicting hair, bone fragments, portions of the skeleton and skull, as well as a pair of pants and panties subsequently determined to have been Summer McStay's that were removed from the graves. Also found and removed from the grave during his presence, Avila said, was a child's backpack.

"During the excavation, were there multiple bones recovered as the dig went through the dirt?" Imes asked.

"Yes," said Avila.

Avila said the ultimate depth of the grave was eighteen-and-one-half inches.

Imes displayed for the jury on the courtroom's monitors a photo of the head of the sledge hammer as it was being uncovered in the grave. Avila said it lay at a depth of about 17 inches. Avila said it was a "Stanley three-pound sledgehammer."

"Who was ultimately responsible for the collection, the documentation and the processing of all of the items that were removed from the gravesite?" Imes asked.

"That was a coroner's office responsibility," said Avila.

Avila said Sheriff's Crime Scene Specialist Heatherly Radeleff was responsible for processing the items removed from the grave.

On cross examination by Merritt's defense attorney, James McGee, Avila said he had assigned himself to monitor the excavation of grave B and had assigned Detective Edward Bachman to oversee the excavation of grave A.

On November 12, Avila said he was serving in the capacity of case agent in the investigation of the gravesites, in response to McGee's questioning.

McGee asked if Avila had assigned Becky Burnell to assist Bachman in the excavation of grave A. Avila said he did not remember who had assisted Bachman.

"Ms. Burnell - you said she was a volunteer?" asked McGee.

"Correct," said Avila.

"Did she have any expertise that would have allowed her to be in that crime scene?" McGee asked.

"I don't know that," said Avila.

"Did you let someone into your crime scene without knowing whether she could contaminate evidence?" McGee asked.

"Objection, argumentative," protested Imes.

Judge Smith sustained the objection.

Avila said that after the excavation of the grave was completed it was determined that the dimensions of the grave were 72 inches in length, approximately 20 inches in width at the middle and approximately 18.5 inches in depth at the deepest level.

"You said on direct [examination] that part of grave B was sunken below the regular ground level. Do you remember that prior testimony?" asked McGee.

"Yes, said Avila.

"And you also stated that part of the excavation process started before you arrived," said McGee.

"Correct," said Avila.

"Did you see grave B before the excavation started and that's when you saw the sunken area?" asked McGee.

"Yes, I did," said Avila.

"So, it was based on a prior observation before everything started?" said McGee.

"That is correct," said Avila.

Avila said that the excavation of the grave, in addition to progressing from the top to the bottom also progressed from the north side to the south side.

Under redirect examination by Imes, Avila in-

dictated that exhibit 748, which was provided by the defense, was in error and in contrast to exhibit 222, provided by the prosecution, in that the sweatpants and panties were listed as being a little left of center but that they were found at the top of the grave near Summer McStay's head. Avila said that a listing placing the sledgehammer at the south end of the grave was "inaccurate."

"Where do you recall it being seen in the grave?" asked Imes.

"It was just about the middle of the grave," said Avila. "It was east of the adult remains and above the child remains. The skull of the adult female was near the top of the grave..."

"The north end of the grave?" Imes asked for clarification.

"Yes," said Avila. "The child remains were toward the bottom half of the grave. The sledgehammer was located east of what I would estimate the torso of the adult female and above the skull of the child and a little bit east in the grave."

On recross examination, when McGee sought to get before the jury that exhibit 748 was not a list of the items in the grave as they progressed from the north to the south but from the top to the bottom, he encountered a series of objections from Imes that were sustained by Smith.

"When everybody was working the gravesite excavation in your presence, did you see that everybody had some type of gloves or protection on their hands when they were working that scene?" McGee asked.

"As far as I remember, yes," said Avila.

"So at no point you saw anybody with gloves off, touching anything with their bare hands?" asked McGee.

"That's correct," said Avila.

"As far as you could direct, everybody that was working that scene was trying to maintain the scene integrity of the evidence being removed. Is that a fair statement?" asked McGee.

"Yes," said Avila.

"And you saw no laps-

es in that the entire time you were there?" asked McGee.

"Not that I can recall," said Avila.

Dr. Alexis Gray, a forensic anthropologist who consults to the sheriff's departments and coroner's offices in San Bernardino, Riverside, Kern and San Diego counties and responded to the burial site on November 11, 12 and 13, 2013 testified on Wednesday morning, January 23. She had previously examined skeletal remains over 500 times and had encountered skeletal remains that had sustained blunt force trauma approximately 200 times.

Gray said she was requested to go to what was later determined to be the scene of the McStay family gravesites on November 11, 2013 and was called upon to make a determination as to whether the skull bone, later established to be that of Joseph McStay, Jr., was human on nonhuman.

She said she arrived there as members of the sheriff's department were securing the scene.

"In this case I determined the remains were human," she said.

Gray said she took photos of the scene upon arriving there. Upon examining the bone in question, she determined it was the "frontal" bone of a child. She asked, she said, "if we could then do a quick canvas because children's remains in particular get carried off quite easily by animals, so if we could preserve anything, now is the time."

She said they then "walked about in animal tracks and riverbeds, in those places where animals would carry remains to feed. We spread out some distance and then came across a femur of an adult, and then close to that, the gravesites."

Dr. Gray said she spent around two hours at the site that day and returned the following day near dawn where she waited for the other responding personnel, a total of between 20 and 30 people, she estimated. They did a briefing and

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## Mother Of Victim Overcome By Display Of Graphic Evidence At The Charles Merritt Trial *from page 18*

then walked into the area near the graves single file. Personnel were directed into teams by the homicide detective on scene and Robert Hunter, who was a supervisor in the sheriff's department's coroner's division.

Deputy District Attorney Melissa Rodriguez, who handled the direct examination of Gray, asked, "How do you and this team ensure that you're not going to contaminate anything with your own DNA?"

"I'm not sure that we don't," said Gray.

"Why?" asked Rodriguez.

"In an outdoor crime scene environment, it's impractical," said Gray. "It's impractical to imagine that we would suit up to get into a hole. In Europe, they do it that way. But here, we've never done it that way." Gray said she has already submitted a sample of her DNA to the Department of Justice so hers will not be confused with DNA analyses being done off evidence churned up at the crime scenes she is involved in processing. "DNA can be recovered in a lab from the remains or from anything if it's intact, but it's not something we would try to necessarily recover at that location."

Gray said the team made an estimate of the dimensions of the grave and then began to excavate, revising its estimate as they proceeded. She said that Hunter was observing the progress of the excavations of graves A and B, putting information about the progressions of the excavations into his report. Gray said she was involved primarily in the excavation of grave B, while the excavations of both graves were ongoing simultaneously.

Multiple photos of grave B were displayed on the courtroom's overhead and sidewall video displays. Gray testified that it was evident that

"some sort of canine carnivore, some coyote or dog, has pulled at the grave and changed it from what it was at the time of placement."

Gray identified from a series of photos presented to the jury body parts extracted from the grave as it was being excavated.

Gray said she was also engaged, while she was at the scene, in identifying items that were flagged by searchers walking the area around the gravesites.

She had to leave in the afternoon because of a class she had to teach that evening. She said she returned on November 13, and that the excavation of grave B was not completed. She said she did not participate in the further excavation of grave B, but instead went around to all of the flagged remains in the general area to ascertain which of those were and were not human. She said efforts were made to ascertain the distances of the human remains that were found from the graves. She said she observed for a short time the progress of the excavation of grave A.

Gray testified that she was present a few days later when autopsies on the recovered bodies were carried out and that she had participated in ensuring that the body parts were assembled and properly differentiated as to victim for the autopsy to take place.

Gray said some of the bones recovered had been exposed to the elements. She said the remains outside were dried out and bleached and that the bones in the grave that were protected were darker in color, somewhat moist and had some tissue yet clinging to them.

Photos of the four sets of remains as they were examined in the coroner's office were displayed for the jury. Extensive skeletal remains of Joseph McStay, Summer McStay and Gianni McStay were present. Very little of Joseph, Jr.'s remains were present, consisting of the top portion of his skull located by Bluth, three bones and four bone fragments,

indicating most of his body had been carried off by predators.

Rodriguez asked Gray about her observations with regard to blunt force trauma she observed relating to the remains. She said, "I observed a lot of trauma, mostly to the heads, but also to the legs of an adult."

After the playing of the audio recording was concluded Thursday morning, Sergeant Edward Bachman, who in 2013 was a homicide detective, testified that on November 11 he had been contacted by Homicide Division Sergeant John Gaffney, advising him that human remains had been discovered and he was directed to respond first thing in the morning to a location off of Stoddard Wells Road north of Victorville.

Bachman said after those arriving, including homicide detectives and coroner's office division personnel, were assembled, they "did a crime scene walk-through of where the skull was located." He said what was believed to be two gravesites had been located and that he was assigned to oversee the excavation of what was labeled as gravesite A.

Bachman testified that the grave was "sunken down below ground," which he approximated at roughly three inches at the north end, four inches in the middle and six inches at the south end of the grave. He said portions of what appeared to be a woven blanket were protruding from the grave.

Bachman said he and those he was working with started at the north end of the grave and used brushes and dust pans to remove layers of soil in a methodical fashion, putting the soil removed into buckets. The soil was then taken to sifters to make sure that no bone fragments or other items were missed. In short order, he said, they were encountering what they believed to be body parts, as well as a woven blanket which he said was "soiled with body decomposition fluids."

As they progressed, Bachman said, "Part of a human skull" came into

view. Bachman said they continued with the process and over a two day period found the skeletal remains lying on its side.

After Bachman's testimony, Heatherly Radeleff, a San Bernardino County Sheriff's Department crime scene specialist for 17 years, was called to the stand as a prosecution witness. She possesses, Radeleff said, expertise in crime scene investigation, crime scene processing, blood stain pattern interpretation, gunshot trajectory analysis, and evidence detection and enhancement.

Radeleff said that she received instructions on the night of November 11, 2013 to go on the morning of November 12, 2013 to the scene of a crime off of Stoddard Wells Road north of the city of Victorville to meet with detectives and assist with the excavation of some graves. She said that the removal of evidence from the graves was primarily under the control of the coroner's office and that she assisted by photographing and collecting the evidence but did not herself assist in the excavation of the graves and that she walked about the area documenting the scene after doing a walk-through of the area with the detectives.

Radeleff said she was on the scene from 8:01 a.m. to 4:46 p.m.

Radeleff said "I could see the freeway from the location" and that there "were more than one grave, more than one decedent and the three of them were completely buried." She said she was aware that there was a fourth victim. "The briefing I was given, the circumstance was that bones were located outside of the grave, most likely from animal activity," she said. "So, I knew that one of the decedents had been - the bones were scattered. I witnessed the other three during the excavations."

Radeleff said the team of investigators "did a line search of quite a large area" and that the scattered bones outside the grave were marked with pin flags which she photographed as she

walked about the scene.

Radeleff said that Dr. Alexis Gray took measurements.

She said both graves, one designated A and the other B, were being excavated simultaneously.

Photos that Radeleff took of the items excavated from the graves were shown in the sequence she took them, such that the photographs taken of both graves were intermixed in her progressive photographic documentation, she said.

As photos of the items excavated from grave B, in which Summer and her son Gianni had been buried, were displayed for the jurors on the courtroom's monitors, Radeleff described them, including bones, a skull, hair, sweatpants and panties, as well as the contents of a backpack found in grave B, consisting of a spoon, a small pickaxe and a brush. Also shown was a sledgehammer taken from grave B. To Imes inquiry, Radeleff noted the sledgehammer had paint on its handle.

She identified a white electrical cord socket displayed for the jurors on the courtroom's monitors as having been found outside the graves.

She further identified items taken out of grave A, which had contained the remains of Joseph McStay and Joseph McStay, Jr.

She identified a somewhat corroded key stamped with the word "Chateau" as having been "collected" from the right front pocket of Joseph McStay's short pants, and four keys and the remnants of a key chain found in the left back pocket of those same pants.

Radeleff said she was present during the autopsies of the bodies and that she had retrieved the keys from Joseph McStay's short pants during the autopsy.

Also in grave A was a blanket with what she called a "pull up" in it. She said a pull up is a "tall diaper." She was shown two pieces of a red strap, one of which had been in the grave and retained much of its original color. One of the pieces of strap that had

been outside of the grave appeared to have been bleached on one side by the sun.

Radeleff identified two pieces of a cut or ripped bra, one found inside grave B and one found outside of the grave.

Summer McStay's mother, Blanche Aranda, was present on Thursday, sitting quietly observing the proceedings from the front row on the left side of the gallery. Twice, during the direct examination of Radeleff and later during Radeleff's cross examination, when photos of the corpses in the graves were shown on the courtroom's overhead and sidewall monitors, Aranda, overcome by the graphic nature of the images, left the courtroom to go out into the court hallway on the second floor to compose herself.

Radeleff was called on to describe various items found outside the graves. She referenced an azimuth circle that had been set down near the graves to allow for the relative location of the items to the graves to be referenced.

Imes asked if Radeleff had processed any footwear. She said that she had not.

An examination of the dark sweatpants removed from grave B were displayed. An orange discoloring in the crotch and internal leg areas was noted. Radeleff indicated the discoloration might have come from bleach.

Under cross examination by James McGee, Radeleff testified that it appeared that Joseph McStay was in grave A lying on his right side. Radeleff also told McGee that the panties and pants found in a "clump" together in grave B were not on Summer McStay's body when she was in the grave and that in her notation with regard to them she had observed that it seemed as if the "pants and panties were taken off together."

McGee had some back and forth with Radeleff with regard to the orange discoloration on the sweatpants found in grave B. He took is-

*Continued on Page 20*



# California Style

## Knitting the Statement

By Grace Bernal



Sweater dressing is definitely the statement of the moment. These knits don't need to shout because the embellish-

ments speak for themselves. Embellished knits and sweaters are everywhere and the designs they come in are feeling pretty good when worn.

Some have graphic design and some are all about unexpected detail. They're pretty charm-



They make any denim pop and fun for any occasion. Knits worn under your best blazer look sharp for work or the after-work cocktail hour. Also, when your sweater is eye-catching, you can keep the rest of your outfit simple. Knits can be dressed up or down, making them perfect pieces for any occa-

sion. Black denim and black flats with a statement is the chic thing for any hour of the day. So, get to to your statement knits and start wearing your favorite pieces on the streets. Enjoy!



"Designers don't put out the same sweater every year. They just keep creating." -Elayne Boosler



ing and fun statement pieces. Cold has never felt better in these knits.



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 Copyright Grace Bernal all rights reserved

### No Blood Detected In McStay Family Vehicle from page 19

sue with her assertion that the discoloration had necessarily resulted from bleach and suggested that the stain might have been the result of a prolonged exposure to the ammonia content in urine. The exchange was beset with objections from Imes. McGee questioned

Rateleff about measurements taken of the separate sets of tire tracks leading to grave A and grave B. He established from Rateleff's responses that the distance of the width from the outer side of the right tire to the outer side of the left tire on the vehicle at grave A was 73 inches and that the measurement from the outer side of the right tire to the outer side of the left tire on the vehicle at grave B was 76 inches. McGee's efforts to extract from Rateleff

a conclusion that there were two vehicles involved in depositing the bodies into the graves ran into a series of objections from Imes that were sustained by Judge Smith. McGee inquired about Rateleff's evidence collection and processing effort done on the McStay family's Isuzu Trooper, which had been processed similarly three-and-a-half years earlier by the San Diego Sheriff's Department shortly after the

family went missing. "You understood that the Trooper was processed by San Diego, correct?" asked McGee. "That's correct," said Rateleff. "Did you discuss with detectives, 'We might need to go back through this because they might have missed things?'" McGee asked. "Yes," said Rateleff, who said she was looking for fingerprints and latent blood. "When you did the processing of the inside

of the Isuzu trooper, was there anything that you saw that indicated to you the possibility of blood that required further testing?" McGee continued. "No, sir," said Rateleff. "And you checked the floorboards?" asked McGee. "Yes I did," said Rateleff. "The seats?" asked McGee. "Yes, sir," said Rateleff. "The interior?" Mc-

Gee asked. "The entire vehicle," Rateleff said. "And the other items that were contained within the vehicle, as well, correct?" McGee asked. "That is correct," said Rateleff. Rateleff said she was able to obtain latent fingerprints off of several of the surfaces within the vehicle and had logged that in as evidence.



### Union Pacific Settlement from page 7

mental protection unit. In San Bernardino County the Union Pacific operates the Colton Rail Yard, which lies south of the 10 Freeway in both the unincorporated county area of Bloomington as well as in west Colton, and rail yards in unincorporated Kelso in the Mojave National Preserve and in Yermo, in the Mojave Desert east of Barstow.

Previously, the Union Pacific was in violation of the Aboveground Petroleum Storage Act. Along the railroad tracks and in its storage yards

there were unreported spills of hazardous waste, improperly labeled hazardous waste drums and leaks from equipment. At the rail yards, storage tanks were not being inspected by those trained, qualified and licensed to do so. The suit specifically alleged the company mishandled hazardous wastes and materials in storage tanks, failed to keep accurate hazardous material records, maintained inaccurate hazardous material business plans and spilled hazardous substances and fuel over an eight-year period. On December 19, the plaintiffs and Union Pa-

cific reached a settlement calling upon the railroad company to pay \$2.3 million and make changes in how it handles hazardous waste at its rail yards. One requirement under the settlement is that Union Pacific will hire a hazardous materials handling regulation compliance officer who is to ensure the proper disposal, labeling and storage of hazardous waste; keep records of shipments of hazardous waste; train employees about handling the waste; and prepare a plan and implement measures to prevent spills. San Bernardino County District Attorney Jason Anderson

said Union Pacific has already hired a compliance officer assigned to San Bernardino County. The settlement includes \$2 million in civil penalties and \$313,432.41 to reimburse counties for the cost of investigations. San Bernardino County's share of the settlement is \$480,000. According to Union Pacific's spokeswoman, Hannah Bolte, the past violations were primarily attributable to employees she did not identify. "Union Pacific took immediate action after learning about the hazardous material regulatory claims," Bolte said. "We pinpointed the main

source of the problem to personnel issues, which we addressed immediately. We have hired a third party environmental compliance officer to monitor and report our compliance with environmental laws and regulations. We cooper-

ated fully with the district attorneys in four California counties to reach a mutually acceptable agreement to resolve these claims, and we have taken necessary steps to prevent future recurrences."



### Rowe Fleshing Out Her Supervisorial Staff from front page

officially titled a communications advisor I, remunerated with a salary of \$51,896, and benefits of \$38,103, with a total annual compensa-

tion of \$89,999. Lesovsky is to be known as a policy advisor I with the working title of policy analyst and will receive \$19,568 in salary and \$1,699 in benefits for a total annual compensation of \$21,267.

