

## January's Homeless Count Demonstrated Marginal Increase In Destitute Countywide

The homeless totals in San Bernardino County inched upwards in 2023, according to the annual point-in-time count of the dispossessed conducted in all 24 of the county's municipalities and 57 of its unincorporated communities on January 24.

The 4,237 adults and children who were counted as homeless during the 2024 24-hour long survey were 42 more than the 4,194 people counted in January

2023, which represents an increase of 1.02527 percent.

There were 3,055 unsheltered homeless in the county in 2024, compared to 2,976 unsheltered countywide in 2024, an increase of 79 or 2.65 percent. Simultaneously, the number of sheltered homeless dropped from 1,219 in 2023 to 1,200 this year, a decrease of 1.583 percent.

In Adelanto there were 29 total homeless

counted, 16 of whom were entirely unsheltered with 13 being temporarily put up in traditional housing units. The 29 are six fewer than the 35 total homeless in Adelanto last year.

In Apple Valley there were 31 total homeless counted, 26 of whom were entirely unsheltered, with five being temporarily put up in traditional housing units. The 31 are four fewer than the 35 total homeless in Apple Valley last

year.

In Barstow there were 113 total homeless counted, 87 of whom were entirely unsheltered, with 20 being temporarily put up in traditional housing units and another 6 in homeless shelters. The 113 are 41 fewer than the 154 total homeless in Barstow last year.

In the unincorporated county area of Big Bear City/Sugarloaf there were 18 homeless, all of whom were totally unsheltered. The 18 were

16 more than the two total homeless in Big Bear City/Sugarloaf last year.

In the municipality of Big Bear Lake there were 32 total homeless counted, 21 of whom were entirely unsheltered with 11 being temporarily put up in shelters. The 32 are four fewer than the 36 total homeless in Big Bear Lake last year.

In the unincorporated county areas of Bloomington/Crestmore there were 16 total homeless counted, all

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## FPPC About To Hit Adelanto Councilman Ramos With Massive Fine

The California Political Fair Practices Commission is proposing to assess against Adelanto City Councilman Daniel Ramos one of the largest fines that official watchdog agency has ever imposed on any local official.

According to the Fair Political Practices Commission (FPPC), Ramos, who is currently Adelanto's mayor pro tem, despite numerous notifications and posted requests that he do so, has not submitted campaign fund accounting paperwork for his unsuccessful 2018 campaign for the Victorville City Council and he has since repeatedly failed to provide an accounting of his victorious 2020 campaign for the Adelanto City Council.

All told, it is estimated that Ramos collected and then spent somewhere in the neighborhood of \$57,000 on both of those electoral efforts. An exact figure cannot be had because he has not filed the State Form 460 documents used to itemized donations to, expenditures from, loans to and from and non-monetary contribution or in-kind payments relating to, his electioneering efforts. The FPPC is now proposing that Ramos and/or his campaign be assessed a \$57,500 fine as a result.

At its May 16, 2024 meeting, the California Political Fair Practices Commission issued a pre-notice default against Ramos, his Ramos for City Council 2018 committee, the Committee to Elect Daniel Ramos Adelanto City Council 2020, Ricardo

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## Villaseñor's Witness Intimidation Plea Ends Prosecution On 5 Attempted Murder Raps

By Mark Gutglueck

Over the objections of the father of one alleged victim, Judge Jon Ferguson late Thursday morning, May 30, accepted a plea settlement in the criminal case against 18-year-old Sebastian Bailey Villaseñor worked out by Deputy District Attorney Deborah Ploghaus and defense attorney Daniel DeLimon in which the five attempted murder

charges filed against the youth were dropped in exchange for his guilty plea on a single count of intimidating a witness.

Villaseñor, of Eastvale, was a senior at Ontario Christian High School when he was arrested on February 10 on suspicion of having violated PC 422(A) – engaging in threats of violence.

The case materialized after Villaseñor's sister,

Isabella, 15, who also attended Ontario Christian High School, on Thursday, February 8, spoke with one of the school's counselors, Mitch Stutz, about an exchange she had that morning with her brother in the school parking lot. When she spoke about another student who attended the school, Isabella said, Sebastian expressed irritation, characterizing the coed as being haughty

and dismissive of his advances, clenching his fist as he did so, and then told his sister not to talk about the other girl.

When Isabella told Stutz about what had happened, she expressed concern over what her brother might do. She added that she knew her brother had access to their father's firearms and that over the Christmas break she had seen Sebastian posing

with some of their father's rifles in selfies he was taking. When Isabella further stated that her brother obsessively watched videos relating to school shootings available on the internet, Stutz consulted with Ontario Christian High School Principal Benjamin Dykhouse.

Dykhouse and Stutz contacted the Ontario Police Department, and that same day, See P 2

## Montoya Departure Perhaps Signals Council Resolve On Calvin Censure Has Lapsed

Though it is too early to determine with certainty, it appears the effort to censure San Bernardino City Councilwoman Kimberly Calvin may be running out of steam.

On April 17, a sharply divided city council voted to initiate the process of issuing a public reprimand to Calvin, accentuating the displeasure

some of its members had with the manner in which Calvin had conducted herself over the previous year.

A week earlier, at a specially called meeting of the city council on April 10 from which Councilman Ben Reynolds was absent, City Attorney Sonia Carvalho announced the council met in closed session and

voted 4-to-2, with Calvin and Councilmember Damon Alexander opposed, to consider Calvin's censure. The staff report relating to the censure proposal generated by then-City Manager Charles Montoya for the April 17 meeting was vague in identifying what grounds there were for Calvin's censure. The closest that

document came to doing so was a nonspecific assertion that doing so would "align with" what was identified as "Key Target No.1e" within the city's "2021-2025 Strategic Targets and Goals," which pertained to the city's intent to "Minimize risk and litigation exposure."

What was generally understood by mem-

bers of the public who had followed municipal operations in San Bernardino County's largest city was that Calvin had been less than impressed with Steve Cargigan, whom her council colleagues Ted Sanchez, Sandra Ibarra, Juan Figueroa, Fred Shorett, Damon Alexander and Mayor Helen Tran had resolved in Au- See P 3

## Ontario Chaffey Community Show Band To Feature Hot Summer Nights June 17

Free to the public, the musicians of the Ontario Chaffey Community Show Band and the Bescoby Family will present *Hot Summer Nights* on Monday June 17, 2024 at 7:30 p.m. The concert will be held at Gardiner W. Spring Auditorium located on the campus of Chaffey High School at 1245 North Euclid Avenue in Ontario.

The Woodwind Celebration Ensemble will present a pre-concert recital in the auditorium lobby at 7:00 p.m.

Highlighting the June concert will be guest vocal soloists Jana "Gigi" Garner and Brian Detwiler, along with trumpet soloist Steve Collins and the student dance troupe from the Inland Pacific Ballet.

Garner, a former

voice-over artist and radio announcer and co-founder of the T Street Band, she will sing *99 Red Balloons*, *Down Under*, *Pride*, and *Wind Beneath My Wings*.

Detwiler will sing the Gershwin Brothers 1930 song *Embraceable You* and *Goin' Out of My Head*, a hit song recorded by Little Anthony and the Imperials in 1964.

Collins will be fea-

tured on flugelhorn in a ballad composed by Show Band Director Gabe Petrocelli entitled *Your Smile*.

Dancers from the Inland Pacific Ballet, which under the leadership of executive and artistic director Zaylin Cano is committed to the nurturing of new talent and providing an essential training ground for serious young danc-

## Ontario PD Sought To Exploit The Villaseñor Case From The Outset & The DA's Office, To Its Later Regret, Went Along from front page

detectives bypassing the more lengthy and involved process of obtaining a search warrant, crossed the Ontario City Limits and the San Bernardino County Line into Riverside County to Eastvale and the Villaseñor residence at 7940 Tallow Tree Circle, where they were able to convince Sebastian Villaseñor's father, Jose Ramiro Villaseñor, to allow them to carry out a consensual search of the premises. In doing so, the detectives and officers turned up three handguns, seven rifles, a shotgun and more than 1,000 rounds of ammunition owned by Jose Villaseñor. The detectives and digital forensic experts were also able to access the Villaseñor family's computers as well as Sebastian Villaseñor's phone and communication devices, along with his personal internet search history, photos, text messages, emails and social media accounts and postings.

The Villaseñor family cooperated with the police department for the next day-and-a-half. When, however, the family bristled at further-reaching intrusive requests, the police department acted decisively, arresting Sebastian Villaseñor on Saturday, February 10 at his Eastvale residence on the grounds that he had "engaged in threats of violence."

On Wednesday, February 14, 2024, the sixth anniversary of the February 14, 2018 shooting at Marjorie Stoneman Douglas High School in Florida, the Ontario Police Department, simultaneous with the filing of six criminal charges against Sebastian Villaseñor by the San Bernardino County District Attorney's Office, staged a press conference announcing the arrest.

In heralding what he characterized as the ex-

emplary performance of the men under his command, Ontario Police Chief Michael Lorenz asserted young Villaseñor was choreographing a precisely calculated hit involving five specific individuals that could be effectuated within a strict timeframe. "Villaseñor had every intention of carrying out a school shooting at Ontario Christian High School," Lorenz said.

Neither District Attorney Jason Anderson nor the supervising deputy district attorney overseeing the matter, Joe Gaetano, sought to deviate from or attenuate the narrative that was being provided, which was that officers of the Ontario Police Department gallantly swooped in at the eleventh hour to narrowly prevent a horrific exposition of hate and carnage by stopping the homicidal maniac, who was less than a month beyond having achieved the age of majority, from slaughtering at least five and more likely dozens of innocent high school students. The district attorney's office put its imprimatur on the department's action by charging Villaseñor with one count of PC664/422 – attempted criminal threats and five counts of PC664/187 – attempted murder.

Kept under wraps and not mentioned during the press conference was that in the days and hours that led up to the press conference, there was some degree of disagreement within the district attorney's office over how the matter should be handled – including whether a criminal filing was appropriate and, if so, what charges it should entail – and the advisability of inviting the level of public scrutiny that would put the office's reputation on the line. The more sober assessment of at least a few of the office's more experienced deputy prosecutors was that Villaseñor had taken no action that might be construed as homicidal and that without at least one overt act by the defendant to try to kill someone, the minimum necessary elements

of the attempted murder charges did not exist and that, as such, the case against him was less than viable.

The following day, Villaseñor was arraigned in Rancho Cucamonga Superior Court before Judge Arthur Benner II, while he was officially being represented by a deputy public defender, Frank Loo, who had virtually no familiarity with the facts of the case. In a statement that emphasized the importance the district attorney's office was placing on the matter and that it was in sync with Lorenz's utilizing the circumstance to win accolades for the department he led, Supervising Deputy District Attorney Joe Gaetano, the head of the district attorney's office in Rancho Cucamonga, represented the People of California. Using language that District Attorney Jason Anderson and other members of the office and perhaps even Gaetano would come to regret, Gaetano insisted that Villaseñor "poses a great danger to the community," while hinting without offering any exacting proof that Villaseñor's field of victims extended beyond the five people he intended to kill and the one other he was charged with threatening to perhaps scores of students at Ontario Christian High School.

Yet undisclosed was that the individual Villaseñor was accused of threatening or, to use the exact legal parlance, attempting to threaten, was his sister, Isabella. To virtually all outsiders – meaning those individuals not employed by the district attorney's office or the police department – the assumption was that Villaseñor had engaged in making specific and explicit threats against one of his perceived or actual enemies and that he had taken steps to kill five others but had failed. This was driven home when Gaetano requested and Judge Benner granted a no-bail hold on the 18-year-old, consigning him to incarceration until and perhaps even during his upcoming trial.

Gaetano's statements and what was perceived as Judge Benner's knowledge of the facts relating to the case set extremely high expectations among multiple quarters within the tantalized public at large, which was anticipating hearing, at some point, what murderous acts Villaseñor had engaged in and how it was that not even one of them had succeeded.

By the time of Villaseñor's preliminary hearing, which took place on April 11 and April 16 before Judge Shannon Faherty, he was no longer represented by the public defender's office. Rather, his father had retained attorney Daniel DeLimon, a former prosecutor with the Riverside County District Attorney's Office who had handled 34 homicide cases before he had gone into private practice. During the course of the preliminary hearing, just how strong, or more accurately weak, the case against Villaseñor was put on display.

Deputy District Attorney Deborah Ploghaus, who had been entrusted by both Anderson and Gaetano with moving the case against Villaseñor forward after its marquee build-up through the preliminary hearing stage to trial and conviction, called Dykhouse, Stutz and Isabella Villaseñor as witnesses, followed by the officers and detectives with the Ontario Police Department who had examined Villaseñor's activities – Jake Arakawa, Elizabeth Fries, Edmund McCorkle, Manuel Bonilla and Albert Alvarado. Villaseñor's scribbles on a piece of yellow paper, photos or images referred to as "thumbnails" relating to the Columbine shooting, bomb-making and tactical outfits taken from Villaseñor's cellphone or the Villaseñor family computer were introduced as evidence.

During her testimony, Isabella Villaseñor revealed that she was the object of the alleged criminal threat the case concerned. That much-labored show of hostility, which she had related

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to Stutz and Dykhouse, was her brother clenching his first on the morning of February 8 in the parking lot when he told her to not mention the girl who had spurned one of his advances. She acknowledged she had also told Stutz and Dykhouse she had seen her brother self-pose for photographs with their father's firearms in December and that he was frequently engaged with school shootings and playing violent video games.

The identities of the five students the district attorney's office alleged Sebastian Villaseñor was targeting for death were disclosed during the preliminary hearing, though none of the officers or detectives with the Ontario Police Department who worked the case was able to produce any evidence or even indication Villaseñor had confronted or issued a threat to any of them. Nor was there any specific evidence that the defendant had acted on carrying out the action prosecutors alleged it was his intent to engage in. Marginally more convincing was data gleaned from Sebastian Villaseñor's communication devices and a computer at the Villaseñor residence relating to internet searches the high school senior had carried out, which extended to how long it would take for the police to respond to the high school from the department's south Ontario station and if and what kind of bullets would pass through the Kevlar vests worn by police officers,

along with school shootings such as the February 14, 2018 shooting at Marjorie Stoneman Douglas High School in Florida and the April 20, 1999 shooting at Columbine High School in Colorado. Investigators had also been able to locate the photos of Sebastian in tactical gear while holding rifles and a knife which Isabella had alluded to in her conversation with Stutz and Dykhouse on February 8.

Nevertheless, Alvarado, the lead investigator on the case who had the advantage of having heard the testimony of the other officers and detectives and who, accordingly, had a comprehensive knowledge of everything the matter entailed, was unable or unwilling, under oath, to say what action Villaseñor took that was consistent with murdering someone or attempting to murder someone. Moreover, the one count that stood independent of the supposed five murder attempts – threatening to inflict great bodily injury on someone – was revealed to have been Villaseñor shaking his fist at his sister in the school parking lot on February 8 when he told her to quit talking about the girl who had spurned him.

There was testimony from Isabella, Stutz and Dykhouse and at least two of the detectives that Sebastian was afflicted with a learning/social associative disorder that approximated or was autism.

Testimony from the detectives working the case revealed that they

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## Not The First Or Even Second Choice As SB City Manager, Montoya Aggressively Set About Trying To Prove His Worth

*from front page*

gust 2023 to hire as city manager as a replacement for Robert Field, who had resigned in the aftermath of Tran's November 2022 election. Ultimately, a series of ill-advised delays in signing Carrigan, who was then the city manager in Salinas, to a contract in San Bernardino, along with Trans' eventual disinclination toward hiring Carrigan, created a circumstance in which Carrigan, less than a week before his scheduled October 4 hiring, withdrew his candidacy and then filed a \$2.231 million claim against San Bernardino for dilly-dallying and leaving him out to dry, which he said

led to his termination by Salinas.

Thereafter, on October 18, 2023, Sanchez, Ibarra, Figueroa, Shorett and Tran resolved to hire Charles Montoya, who formerly had been the city manager of Watsonville in California and the town manager of Florence, Arizona, city manager of Avondale, Arizona, the finance director and treasurer with the Town of Castle Rock in Colorado, and the chief financial officer for both Centennial, Colorado and for Jefferson County, Colorado.

Calvin, who was skeptical about Montoya from the start, had a rocky relationship with him. Shortly after he became city manager, the city hired Laguna Niguel-based JL Group to look into accusations that Calvin had bypassed the city manager's office in attempting to get information from city

staff. In December, JL Group returned a report with findings to the effect that Calvin created an uncomfortable work environment for a city employee who claimed to have been bothered by her inquires and that Calvin created an uncomfortable work environment for other city employees by making such direct inquiries, such that Calvin violated the city's self-imposed rules regarding council members' communications and direction to city staff.

The identity of the claimant who touched off that investigation was never made clear. There were suggestions that it was none other than Montoya.

Montoya, who was reportedly the 15<sup>th</sup>, 16<sup>th</sup> or 17<sup>th</sup> place finisher among the 68 applicants to replace Field as ranked by the headhunting firm the city hired to carry out

the city manager recruitment, Berkeley-based Koff & Associates, came into San Bernardino with something of a chip on his shoulder and was determined to prove his worth to the city, which had hit the skids financially in the 1990s with the closure of Norton Air Force Base, eventually having to file for bankruptcy in 2012. The city had been without its City Hall since that six-story building had been shuttered in 2017 over seismic stability considerations.

In January, Montoya, determined to move ahead with aggressive action to redress the city's many issues and overcome the procrastination of city officials that in his view had plagued the city in the past, entered into discussions with the bond underwriting firm Stifel Financial Corporation and made tentative arrange-

ment toward having the city issue \$120 million in bonds, the proceeds from which could be used to finance a host of undertakings, including the seismic retrofit of City Hall. Montoya went so far as to sign, without city council authorization, a letter of intent with Stifel to hire it as the city's financing agent. At that time, Calvin challenged Montoya over the decision to hire Stifel without a competitive bid process, but Montoya, riding high with the support of at least five council members and the mayor, weathered that confrontation.

Montoya further induced the city council to go along with having JL Group look into the debacle involving Carrigan. In April, JL Group released a report which stated a "preponderance of credible evidence overwhelmingly points

to Calvin as the originator of the closed-session leaks" relating to the city manager search in 2023.

Montoya, from the vantage of the city manager's post, was aware of the testy relationship Calvin had with council members Sanchez, Figueroa and Shorett, as well as backroom and closed session jousting she engaged in from time to time with Sanchez, Ibarra, Figueroa, Shorett and occasionally the mayor. In April, the atmosphere on the council dais had grown so poisonous that the effort to censure Calvin was launched.

Over the next month, however, there were revelations that brought the JL Groups' conclusions about Calvin into question, including suggestions that the leaks with regard to the city manager hiring process originated not with her

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## Homeless Numbers Are Up In Some Areas Of The County & Down In Others

*from front page*

16 of whom were entirely unsheltered. The 16 are nine fewer than the 25 total homeless in Bloomington/Crestmore last year.

In the unincorporated county areas of Blue Jay and Cajon Canyon there were no homeless counted, three fewer than the three counted in Blue Jay and four fewer than the four counted in Cajon Canyon last year.

In the unincorporated county area of Cedar-

pines Park there was one homeless individual who was completely unsheltered, which represented no change from the single homeless person living in Cedar-pines Park last year.

In Chino there were 43 total homeless counted, all of whom were unsheltered. The 43 are 15 more than the 28 counted in Chino last year.

In Chino Hills there were seven total homeless counted, all of whom were unsheltered. The seven were three more than the four counted in Chino Hills last year.

In Colton there were 348 total homeless counted, 118 of whom

were being put up in homeless shelters and 230 who were entirely unsheltered. The 348 are 136 more than the 212 total homeless in Colton last year.

In the unincorporated county area of Crestline there were 20 total homeless counted, 11 of whom were entirely unsheltered with nine temporarily living in traditional housing units. The 20 were eight more than the 12 total homeless in Crestline last year.

In the unincorporated county area of Devore there were three total homeless counted, all of whom were entirely unsheltered. The three were two fewer than the

five total homeless in Devore last year.

In Fontana there were 301 total homeless counted, 260 of whom were entirely unsheltered with 28 being temporarily put up in traditional housing units and another 13 in shelters. The 301 are 61 more than the 240 total homeless in Fontana last year.

In Grand Terrace there were four total homeless counted, all of whom were entirely unsheltered. The four were two fewer than the six total homeless in Grand Terrace last year.

In Hesperia there were 67 total homeless counted, all of whom were unsheltered. The

67 are three more than the 64 total homeless in Hesperia last year.

In Highland there were 125 total homeless counted, 100 of whom were entirely unsheltered, with 25 being temporarily put up in a homeless shelter. The 125 are 39 more than the 86 counted last year.

In Joshua Tree there were 29 total homeless counted, all of whom were unsheltered. The 29 are 13 fewer than the 42 total homeless in Joshua Tree last year.

In Lake Arrowhead there were five total homeless counted, one of whom was living in a shelter. The five homeless counted is one

greater than the four total homeless in Lake Arrowhead last year.

In the unincorporated community of Landers there were no homeless counted, two fewer than the two counted last year.

In the unincorporated community of Lenwood there was one homeless individual counted, who was unsheltered. Last year there were no homeless in Lenwood.

In Loma Linda there were fourteen total homeless counted, none of whom were sheltered. The fourteen homeless counted were three fewer than the 17 counted last year.

*Continued on Page 5*

## Ramos Simply Made No Accounting Of His Campaign Expenditures

*from front page*

Ramos and Arley Arsineda.

The commission, after considering input from Alex Rose, the FPPC's senior counsel, and Ann Flaherty, the commission's special investigator, it voted to proceed in the action against Ramos, his com-

mittees, Ricardo Ramos, and Arsineda.

According to Rose and Flaherty, "Ramos for City Council 2018 and Committee to Elect Daniel Ramos Adelanto City Council 2020 are Daniel Ramos' candidate-controlled committees. Arsineda served as the Adelanto Committee's treasurer. The committees, Daniel Ramos, and Arsineda failed to timely file a statement of organization, sixteen

semi-annual campaign statements, and four pre-election campaign statements, in violation of Government Code Sections 84103, 84200, 84200.5. (13 counts). Additionally, the Adelanto Committee, Daniel Ramos, and Arsineda failed to establish, maintain, and utilize a campaign bank account, in violation of Government Code Section 85201 (1 count). Total Proposed Penalty: \$57,500."

It was not clear what role Ricardo Ramos played in the case, although unverified information has it he was involved in the 2018 effort to get Ramos elected in Victorville.

The seriousness of the violation and Ramos's refusal, after more than five-and-a-half years, to provide an accounting of where he received his campaign funding and how he spent it is indicated by the amount of

the proposed fine.

The largest fine ever imposed by the California Fair Political Practices Commission was one of \$350,000 on State Senator Carole Migden. Migden, who held a state office, engaged in numerous violations of not only campaign accounting regulations but misused and misappropriated political funds, converted campaign funds to personal profit, used campaign money

for personal expenses, failed to itemize political expenses, received contributions before officially declaring her candidacy, made inaccurate disclosures of cash payments and improperly reported campaign finances.

In researching the 3,349 outstanding fines levied by the FPPC which that agency is yet seeking to collect, the *Sentinel* could not find

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## Saying Villaseñor Attempted To Murder Five Students Garnered The DA Headlines But His Inability To Prove That Has Compromised His Credibility *from page 2*

had hours upon hours of access to the cognitively-challenged Villaseñor outside the presence of his parents or legal counsel during which they were able to structure the nature and terms of the dialogue with Villaseñor and carry out an interrogation designed to break him down psychologically while peppering him with loaded questions which by their very nature were implicative no matter what response was ventured, such that his guilt was implied from the outset. Despite their intensive vectoring of his focus on what they insisted was his plan to go on a shooting spree and how he intended to carry it out, they were unable to extract a confession from him. The upshot of his interrogation was that shooting up the Ontario Christian High School campus was their invention rather than his.

DeLimon's cross examination during the preliminary hearing was designed, and for the most part succeeded, in ramming home how far out in front of themselves the detectives and the prosecutors had gotten in insisting Villaseñor had murderous intent which he had acted upon.

Judge Faherty, who had once been a prosecutor in the San Bernardino County District Attorney's Office herself and who was being pressured to assist her former colleague Ploghaus in the construction of a face-saving gesture for the office, Anderson and Gaetano, ruled, as Ploghaus argued, that Villaseñor's fascination with guns and past school shootings, his 4,500 internet and/or cellphone searches which touched on such topics as tactics used in shootings, firearms, body armor and what type of bullets could pierce them and police response times betrayed his homicidal thoughts and obses-

sions. These thoughts and his on-line activities at some point become tantamount to plans and action, the judge opined. Without identifying any specific acts actually perpetrated by Villaseñor, Judge Faherty said she felt "nervous" things would have spiraled into mayhem if Isabella Villaseñor had not come forward to speak with Stutz, as Sebastian Villaseñor was involved in "a continuous course of conduct" leading toward "an actual plan." She bound Villaseñor over for trial on the five attempted murder charges. The count of making threats of serious bodily injury against Villaseñor sister, embodied in the clenching of his fist when he was talking to his sister about the girl who wouldn't give him the time of day, was dismissed.

Within the San Bernardino County legal community, Judge Faherty's ruling was widely perceived as a "gift" to the district attorney's office, one which was going to keep giving it headaches when the matter went to trial.

In California, the statute that covers a criminal attempt is Penal Code § 664 PC, relating to a would-be perpetrator failing to achieve some clearly-defined and specifically outlawed end or goal. Under California law, attempted murder consists of a failed attempt at killing someone, such as a perpetrator shooting, shooting at but missing, stabbing or unleashing what could be deadly force upon someone, in which the target yet survives. Thinking about or planning a murder does not suffice as attempted murder until such a plan is actuated, according to the criminal code and established case law.

To obtain a conviction under Penal Code § 664, a prosecutor must prove intent to violate a specific section of the penal

code and a "direct act" to do so.

Upon District Attorney Anderson redirecting his focus to the Villaseñor case after the conclusion of the preliminary hearing, what he instantly understood was that his office would have no difficulty establishing that the defendant was a socially awkward, teenager-plagued figure with an internet search history relating to some violent or potentially violent topics whose familial situation put him in proximity to a number of firearms, but that the case lacked the necessary criminal elements – overt acts or at least one overt act – to support a conviction. Even if the prosecution was able to usher the case before a panel of Villaseñor's peers selected from a jury pool stacked with individuals disposed to convict whichever defendant who appeared before them – a prospect not unheard of in San Bernardino County – any such conviction would almost certainly be reversed on appeal. The offhanded instruction Anderson, who had once been a member of the Ontario City Council, uttered in February to the effect that he expected those in his office to back the Ontario Police Department right down the line had been taken too literally. The investigators with the police department, who as non-lawyers did not precisely know all of the criteria by which an attempted murder case is technically constructed at the trial level, had attempted to shoehorn the insufficient facts of the case into what they informally cataloged as an attempted murder case because their working assumption had been that Villaseñor was intent on avenging himself upon his schoolmates who rejected, mocked or ignored him through an act of violence, mayhem or carnage. In complying with Anderson's instructions, both Gaetano and Ploghaus needed to stretch Penal Code § 664 to match the police department's

imperfect conception of what the crime was. The end result was a prosecution that failed to match the facts with the charges contained in the case, which set the district attorney's office on a course of, at least embarrassment, and potentially a discrediting demonstration of incompetence.

An effort was quietly initiated to see if a plea settlement short of trial could be obtained.

Replicating the overbearing approach that had created the circumstance in the first place, the district attorney's office initiated the negotiations, as is so often the case, with an unrealistic offer from which a more pragmatic middle-ground deal can be arrived at through compromise. Ham-fistedly, the district attorney's office offered to accept guilty pleas on the five attempted murder charges in exchange for recommending that the defendant, who had been in continuous custody since February 10 in the West Valley Detention Center's general population among both convicted and accused murderers, rapists, armed robbers, strong-arm robbers, burglars, shakedown artists, grifters of every conceivable stripe and experienced criminals of multiple kinds, be given a sentence equivalent to time served and probation that would require he undergo a concerted round of psychological care until such time that prosecutors were sufficiently confident he no longer represented a danger to the community. DeLimon, who intimately knew the weakness inherent in the case prosecutors had enmeshed themselves in, rejected the offer out of hand. The district attorney's office inquired: "What about a plea to a single count of attempted murder?" Definitely not, responded DeLimon, who insisted that his client was technically not guilty of any crime, let alone what he had been charged with. He made it clear that his client, who had not aimed a gun at

anyone, would not plead guilty to anything along the lines of what was being offered.

The district attorney's office made an approach from a different direction, offering to vacate all of the attempted murder charges and recommend that Villaseñor endure no further jail time if he would enter a single guilty plea to felony assault with a firearm. That deal was conditional upon Villaseñor, through DeLimon, further accepting what was to be an unapplied use-of-a-firearm-during-the-commission-of-a-criminal-offense sentencing enhancement, one which would be held in abeyance as long as Villaseñor cooperated in participating in and completed receiving mental-health treatment as part of his probation. At issue for DeLimon, however, was that the district attorney's office was again constructing a guilty plea on a crime his client had not, in fact, committed. Moreover, the conditions of the plea would require that Villaseñor complete to prosecutors' satisfaction whatever mental-health care regime they specified, such that if Villaseñor did not, he would be subject to a revocation of his probation, which would trigger the application, potentially, of the 19-year prison sentence for the assault-with-a-firearm offense.

DeLimon rejected that deal.

The normal air of confidence that pervades the district attorney's office, which enjoys the fundamental advantage of being able, almost uniformly and universally, to bargain from a position of strength, was evaporating. Indeed, up against DeLimon, it was not even capable of a prosecutor's office's leverage of last resort: bluffing. The weekend of May 18/19 was one of uncommon anxiety for Anderson, who was coming face-to-face to what he had saddled himself and his office with in February. By going along with the Ontario Police Department's self-aggran-

dizement, he had failed to engage in the wisdom his nearly 27 years as an attorney had instilled in him when he opted out of exercising the prosecutorial restraint the constituents who had voted him into office credited him with possessing. He and his office were on the brink of going to trial and, based on his having himself handcuffed his deputy prosecutors into pursuing a dead-end legal argument, being unable to hold accountable a defendant he and his minions had celebrated as a public enemy of the first order. If such an outcome were to manifest, Anderson would sustain a self-inflicted wound that would in all likelihood result in his either leaving office voluntarily at the end of his second term in 2026 or facing an enterprising and opportunistic political opponent who would use the Villaseñor acquittal to have him suffer the ignominy of being voted out of office. Even if he were to survive politically, the Villaseñor chapter in the history of the San Bernardino County District Attorney's Office would register as a black eye on the order of then-District Attorney Jerome Kavanaugh's 1946 prosecutorial debacle in the case of *People vs. Wardwell Evans*.

Anderson, Gaetano and Ploghaus early on the morning of May 20 renewed their seemingly moribund negotiations with DeLimon one last time, resolving to dispense with the ineffective bluster and the self-delusional supposition of prosecutorial primacy that characterized the earlier effort to come to terms with him. Gripping firmly on the last two vestiges of a carrot and a stick that remained to them, they renewed the quest for a settlement of the Villaseñor case short of trial. The carrot: an unequivocal guarantee, one that went infinitely beyond the promise of a no-further-jail-time sentencing recommendation to the judge to hear the case, that Villaseñor would be

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## FPPC Set To Impose The Heftiest Fine It Has Levied On A Local Politician In Good While *from front page*

any fine levied on a local politician exceeding \$5,000. The \$57,500 fine proposed against Ramos is more than any single fine the Fair Political Practices Commission is yet seeking to collect, the vast majority of which fall under \$1,000. With very few exceptions, the larger fines imposed by the FPPC are on political action committees, recipient committees, independent expenditure committees, lobbyists and major donors. Many of the largest outstand-

ing fines go back several years.

The largest fine outstanding is one for \$46,720 imposed on a recipient committee which the FPPC has been trying to collect since 2016. There was another fine for \$29,290 which has been outstanding since 2016. A major donor was fined \$21,020 in 2014 and has not yet paid that assessment. A fine of \$20,520 was imposed on a recipient committee, which has ducked payment since 2016. A

major donor was fined \$19,670 in 2015 and is still in arrears to the FPPC. An outstanding fine of \$13,730 is yet owed by another recipient committee. An \$11,500 fine levied on a recipient committee has remained unrequited since 2017. A candidate owes the FPPC \$10,650. A \$10,000 fine has yet to be paid by a major donor/independent expenditure committee. Another candidate has yet to pay a \$9,750 assessment imposed in 2021. Recipient committees are behind in satisfying a \$9,650 fine imposed in 2018, another fine for \$9,090 and

a third for \$9,050, which has been owed since 2015.

This week, the *Sentinel* emailed Ramos asking him to provide a statement with regard to the California Fair Political Practices Commission's recent indication of its proposed action regarding his 2018 and 2020 campaign fund activities and accounting deficiencies. The *Sentinel* sought from Ramos whether he considered the mistakes to have been inadvertent and what steps he has instituted to prevent a recurrence. The *Sentinel* asked if he considered the areas

highlighted by the FPPC with regard to his campaign funds to be minor violations and/or mere technical violations. The *Sentinel* asked if there was a deliberate element in his campaign reporting shortcomings, clarifying the question by asking if he had concern about the public perception or the potential for public misperception if some of the donors to his campaign were disclosed and whether there were any donors he could now identify about whom or which he in particular had such concerns.

The *Sentinel* sought from Ramos an assur-

ance that his failure to disclose the identities of those who had backed him politically and who are yet backing him does not represent a compromising of the quality of governmental leadership Adelanto's residents should be able to rely upon at City Hall. For good measure, the *Sentinel* asked Ramos if there is anything more about this circumstance that he considered worthy of the *Sentinel's* readership's attention or consideration.

Ramos did not respond to the email.

-Mark Gutglueck

## Three-Quarters Of The County's Homeless Are Located In Seven Cities *from page 3*

In the unincorporated community of Lucerne Valley there were two homeless counted, both unsheltered. Last year there were no homeless in Lucerne Valley.

In the unincorporated community of Lytle Creek there were no homeless counted, reflecting no change from the zero homeless found there last year.

In the unincorporated communities of Mentone/Crafton there were six total homeless counted, three of whom were living in a shelter. The six homeless counted were two fewer than the eight encountered there last year.

In Montclair there were 74 total homeless counted, none of whom were sheltered in any way. The 74 homeless counted were three more than the 71 homeless in Montclair last year.

In the unincorporated community of Morongo Valley there was one homeless person, who was unsheltered, one more than the zero count in 2023.

In the unincorporated community of Muscoy there were ten total homeless counted, none of whom were sheltered. The ten homeless counted this year is three fewer than the 13 counted in

Muscoy last year.

In Needles there were 15 total homeless counted, none of whom were sheltered, an increase of nine over the six homeless counted in Needles last year.

In Ontario there were 197 total homeless counted, 163 of whom were on the streets or alleyways or parks unsheltered, with nine living in traditional housing units and 25 in shelters. The 197 homeless counted were ten greater than the 187 total homeless counted last year.

In the unincorporated communities of Phelan and Piñon Hills there were seven total homeless counted, none of whom were sheltered. The seven counted were three greater than the four counted last year.

In Rancho Cucamonga there were 83 total homeless counted, none of whom were sheltered. The 83 counted are 13 more than the 70 counted in 2023.

In Redlands there were 213 total homeless counted, 31 of whom were temporarily residing in a shelter and 39 of whom were living in traditional housing units while 144 were unsheltered. The 213 homeless counted is 111 fewer than the 324 counted in 2023.

In Rialto there were 73 total homeless counted, none of whom were sheltered. The 73 homeless counted were three more than the 70 counted last year.

In the unincorporated community of Running Springs there were five total homeless counted, none sheltered. The five homeless counted were two more than the three total homeless in 2023.

In the county seat, the City of San Bernardino, there were 1,417 total homeless counted, the most in any single jurisdiction within the county. Of those, 337 were housed in shelters and 103 were living in traditional housing units, leaving 977 on the streets, in parks, alleyways, in the Santa Ana or Lytle Creek riverbeds or around them, under railroad trestles or freeway overpasses, or hidden in chaparral or landscaping along the freeways. The 1,417 is 85 fewer than the 1,502 counted in San Bernardino last year.

In the unincorporated community of Skyforest there were no homeless counted, one less than the single homeless individual living there last year.

In Twentynine Palms there were 107 total homeless counted, seven of whom were living in a shelter and 100 unsheltered. The 107 were 32 more than the 75 encountered in Twentynine Palms last year.

In the unincorporated community of Twin Peaks there were no homeless counted, representing no change from last year.

In Upland there were 96 total homeless count-

ed, with 59 residing in traditional housing units and 37 unsheltered. That was 16 more than the 80 homeless in Upland in 2023.

In the unincorporated community of Valley of Enchantment, there were three homeless counted, none of whom were sheltered, which was three fewer than the six there in 2023.

In Victorville, the city held 611 homeless during the night of January 24 through the early morning of January 25. Of those 232 were in shelters, 53 had traditional roofs over their heads and 611 were on the streets. The 611 that were unsheltered were four more than the 607 unsheltered in 2023.

In the unincorporated community of West Cajon Valley there were no homeless, as was the case last year.

In the unincorporated community of Wonder Valley there were four total homeless, all of whom were accommodated at a shelter. There were no homeless in Wonder Valley last year.

In the unincorporated community of Yermo there were no homeless counted, as was the circumstance last year.

In Yucaipa there were 24 total homeless counted, with 11 staying in a shelter and 13 out on their own. The 24 homeless counted was six fewer than the 30 total homeless in Yucaipa last year.

In Yucca Valley there

were 97 total homeless counted, with 11 in shelters and ten in traditional housing settings. The 97 were 13 fewer than the 110 homeless counted in Yucca Valley in 2023.

Three other homeless were living in the county at no designated spot, a decrease of three from the six in the same category last year.

The homeless count and subpopulation survey was a joint effort of the San Bernardino County Homeless Partnership, the San Bernardino County Office of Homeless Services, and the Institute for Urban Initiatives. San Bernardino County had approximately 550 community volunteers serve as counters.

The number of adults and children counted as unsheltered increased by 2.65 percent when the 2024 unsheltered count of 3,055 is compared to the 2023 unsheltered count of 2,976. The number of adults and children counted as sheltered decreased by 1.583 percent when the 2024 sheltered count of 1,200 is compared to the 2023 sheltered count of 1,219. Approximately three-fourths (75.5 percent) or 3,200 of the 4,237 homeless adults and children were counted within seven cities that include Barstow, Colton, Fontana, Ontario, Redlands, San Bernardino, and Victorville. Those seven cities accounted for 2,187

or nearly three-fourths (71.6 percent) of the total unsheltered population of 3,055 and 1,013 or 85.7 percent of the 1,182 persons counted in shelters and transitional housing. More than one-third (35.9 percent) of unsheltered adults and children counted as homeless became homeless for the first time during the 12 months prior to the homeless count. Nearly three in ten (29.6 percent) of unsheltered adults stated "City of San Bernardino" when asked in what city they first became homeless. More than half (55.6 percent) of unsheltered adults were chronically homeless, which is defined by the U.S. Department of Housing and Urban Development as being homeless for one year or more and having a disabling condition such as mental illness, chronic health condition, and a physical disability. Over one-fifth (21.4 percent) of unsheltered adults answered "yes" when asked if they had been incarcerated during the past 12 months. Two-thirds (66 percent) of unsheltered adults answered "no income" when asked to state their monthly income. More than three-fourths (81 percent) of unsheltered adults answered either "no income" (66 percent) or "less than \$500" (15 percent) when asked to state their monthly income.













### Panic Ensued When Villaseñor's Attorney Wouldn't Negotiate A Plea *from page 3*

released from custody immediately. The stick: a threat that if the matter were not settled, the San Bernardino County District Attorney's Office and Anderson would utilize agency-to-agency privilege to encourage the Riverside County District Attorney's Office and Riverside County Mike Hestrin to file felony Penal Code § 25100 charges against Jose Ramiro Villaseñor. Penal Code § 25100 prohibits storing a firearm in an unsecured location where a minor can obtain access to it.

At the preliminary hearing, Isabella Villaseñor had testified that in December 2023, her brother had posed for selfies while in possession of two of his father's semi-automatic rifles. Indeed, during the search of the Villaseñor residence on February 8, Ontario detectives had located digital versions of those photos. Between the time those photos were taken and the incident in the Ontario Christian High School parking lot that had triggered Isabella's report to Stutz and the consequent involvement of the Ontario Police Department and search of the Villaseñor home and the arrest and prosecution of Isabella's brother, Sebas-

tian on January 21, 2024 had eclipsed his 18th birthday. That meant that in December, when the selfies were taken, Sebastian Villaseñor was a minor. Between the photos and Isabella Villaseñor's testimony, the case against Jose Ramiro Villaseñor on the Penal Code § 25100 charges was airtight. A simple phone call from Jason Anderson to Mike Hestrin would bring about the initiation of the case against Jose Villaseñor.

Such a development would have a devastating impact on Sebastian Villaseñor's defense. It would greatly interrupt the stability and cohesiveness of Sebastian Villaseñor's support network, meaning his family and DeLimon. Jose Villaseñor becoming a criminal defendant would entail his having to secure legal representation of his own and the application of an expensive and time/energy consuming defense strategy. Moreover, it would create, or introduce, a legal conflict between father and son, one in which the pursuit of a legal theory of defense for one could harm the other. Such a reality might induce Jose Ramiro Villaseñor to dispense with the services of DeLimon in representing his son. While DeLimon had made a considerable commitment of time, mental intensity, and energy in representing

Sebastian Villaseñor, a decision by Jose Villaseñor to withhold financial support from his son's criminal defense effort would severely undercut that undertaking. While there was a prospect of DeLimon continuing on with what would be a pro bono defense of Sebastian Villaseñor, that would be unlikely. Even if that were to occur, the intensity of focus and effort that DeLimon had previously evinced might be compromised. Ultimately, interrupting the Villaseñor defense effort would, to one degree or another, boost the prosecution.

By May 23, word was emanating from the district attorney's office that some order of prospective plea arrangement had been reached with DeLimon. Questions, however, persisted, as there was a lack of clarity as to how the district attorney's office could guarantee that the judge or judges before whom the case was ultimately to be heard, Judge Jon Ferguson and/or Judge Joseph Widman, would consent to the plea deal, as the designated trial judge would ultimately have discretion as to whether terms of any plea bargain would be binding on the parties. In making such a decision, a judge carries out an analysis, evaluating the circumstances of the case, the nature and seriousness of the charges,

whether the punishment is appropriate in consideration of those charges, the defendant's character and prior criminal record, issues of public interest and how the punishment will impact the interest, as well as the wellbeing and safety, of the victims of the crime.

On Thursday, May 30, a pretrial hearing in the Villaseñor matter was scheduled in Department 9 at 8:30 a.m. Also on the day's calendar before Judge Ferguson were hearings for a multitude of other criminal cases. There was a nearly one-hour delay before any of those hearings began as several of those defendants appearing that morning who were in custody arrived shackled both singly and in some cases in tandem from where they were held. The in-custody defendants were led to the empty jury box where they sat and, in some cases, briefly conferred with their attorneys prior their matters being taken up by the judge.

Both Ploghaus and DeLimon were in the courtroom well prior to Sebastian Villaseñor, who was one of the last in-custody defendants to arrive, being present. DeLimon briefly spoke with Jose Ramiro Villaseñor, who was present in the gallery. At one point before Villaseñor's arrival, Ploghaus and DeLimon together went into a backroom on the

east side of the north-facing interior wall of the courtroom, the entrance for which is opposite the entrance into the judge's chamber also on the north-facing interior wall on the courtroom's west side behind a screen. Ploghaus and DeLimon remained in apparent conference in the backroom for approximately ten to 15 minutes.

Thereafter, the hearings for the other defendants in the courtroom began and continued intermittently, with sheriff's deputies or bailiffs escorting those in-custody defendants out of the courtroom almost immediately after individual hearing for each of them concluded. At one point, while she was situated near the counsel table during an early break after the hearings for the other defendants had begun, Ploghaus received from a member of the district attorney's clerical staff a multi-page document. Shortly thereafter and while Judge Ferguson was still in his chambers, she presented the document to DeLimon. They spoke in hushed tones which were not audible to those in the gallery, though at one point, DeLimon could be seen gesturing to a spot on one of the pages and could be heard saying that the "release," apparently Villaseñor's release from custody, was to take place that day. Somewhat resignedly,

Ploghaus nodded.

After Villaseñor was brought into the courtroom and seated in the jury box, during one extended period while Judge Ferguson was again in his chambers, DeLimon sat next to his client and produced what appeared to be the document that Ploghaus had provided to him, which was contained on a clipboard. They appeared to be jointly reading or going over the document's contents, with DeLimon explaining or expounding upon the items contained therein. Villaseñor was attentive and engaged in what was being discussed, generally nodding his head in affirmation to what was being relayed to him by DeLimon. Because his hands were shackled and connected by a chain to another chain around his waist, Villaseñor supported the clipboard on his legs and was obliged to keep his hands near his groin as he used what appeared to be a pen that DeLimon had provided to him to sign or initial using his left hand the document at various spots as they continued with their examination of it. When they finished with the top page, DeLimon removed it from the clipboard and placed it on the ledge of the partition in front of them, making their way in this fashion through three pages. This side-

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### Montoya Was Fired After He Terminated SB's Finance Director, Which Has Thrown The Calvin Controversy Into A Different Light *from page 3*

but the mayor and other members of the city council, as well as Koff and Associates.

On May 15, Montoya on the spot fired the city's finance director, Barbara Whitehorn, when she refused to endorse his plan to issue \$120 million in bonds using Stifel as the underwriter, which would generate close to \$750,000 in fees to that company. Montoya's in-

tent was to use the proceeds from the bond sale to revamp City Hall, make certain infrastructure improvements and fund the city's housing authority operations. As a consequence of the bond issuance, the city would be on the hook to pay the bond purchasers a return on their investment, one that was to total roughly \$302 million over the next 30 years, starting with \$12 million in Fiscal Year 2024-25 followed by \$10 million per year from 2025-26 until 2053-54.

On May 22, the city council unanimously voted to terminate Montoya.

He has been replaced,

on an interim basis, by Rochelle Clayton, who had newly arrived in San Bernardino in April as deputy city manager.

It had been Montoya's intention to bring the matter relating to the censure of Calvin before the city council as early as next month.

The agenda for the first meeting in June, to take place next week on Wednesday, June 5, has been made available. It contains no item relating to the censure.

With the partial discrediting of the JL Groups' reports, information now available to suggest that

Koff and Associates had compromised the

identity of Carrigan during the city manager vetting and selection process, that other members of the council and Mayor Tran had a hand in promoting their own favored candidates for city manager while undercutting those candidates favored by other members of the council, and the entire council having come around to not only adopt Calvin's skepticism regarding Montoya but to have joined together in cashiering him suggests that the council as a whole may now have come to recognize that Montoya's animus toward Calvin was a driving factor in the censure effort. One item in

particular – Montoya's suggestion that by censuring Calvin the city could limit its potential liability in the event that Carrigan makes good on his claim against the city and indeed files suit – is being reexamined. Indeed, it now has become clear to city officials, the opposite is true: Censuring Calvin will strengthen Carrigan's claim.

Another consideration is that Calvin, who was first elected to the council in 2020 and failed to obtain enough signatures to run for reelection on the ballot in this year's March election, failed as a write-in candidate and is to be replaced in December by Mario Flores,

who captured more than 53 percent of the Ward 6 vote. With Calvin set to depart from the council at the end of the year, to rebuke her over issues no longer roiling in the county seat could create unneeded enmity for Sanchez, Ibarra and Shorett, who will need to get the endorsement of the voters in their wards, and for Tran, who will need votes citywide to remain in office when they are up for election in 2026.

Many eyes will be on the council on June 5 to see what direction the council will give Clayton relating to Calvin.

*-Mark Gutglueck*

## Villaseñor Accepted Lifetime Ban On Possessing Guns

from page 4

by-side dialogue lasted for more than ten minutes. Only once did Villaseñor's body language register disagreement or a show of remonstrance with what was in the document or what DeLimon was telling him, his head for a time nodding not up-and-down in apparent assent but rather from side-to-side. Calmly and with what came across as persistent patience, DeLimon spoke, it appeared gently, himself nodding slightly in assent, which ultimately resulted in Villaseñor's tense demeanor softening, punctuated by a replication of his attorney's up-and-down nodding, at which point Villaseñor affixed his signature or initials onto the document on the clipboard in his lap.

Twice more during the breaks between the hearings of the other defendants in the courtroom, DeLimon and Ploghaus returned to the backroom of the courthouse to confer further. Villaseñor's hearing was the final one held that morning, taking place close to three hours after its scheduled commencement at 8:30 a.m., after the clock had eclipsed 11 in the morning.

Judge Ferguson allowed Bobby Dean Antonelli, the father of one of the girls Villaseñor was accused of plotting to kill, to address the court.

Reasoning that Anderson stated publicly that the district attorney's files charges only upon the belief that they can be proven to a jury of 12 in court beyond a reasonable doubt and that the five counts of attempted murder had been sustained through the preliminary hearing process as sufficient to go to trial, Antonelli called upon Judge Ferguson to reject the plea deal.

Throughout the preliminary hearing, Antonelli asserted, the community "didn't hear

any exculpatory evidence. I don't see [the justification for] this shift between five counts of attempted murder and this situation." The justice system process had not adequately revealed "why does he want to murder," Antonelli said. The father said it was his place to try to protect his daughter and that was the case for the parents of the other four students who had been identified as Villaseñor's intended victims but that they were "too scared to be here."

Stating he believed Jose Villaseñor loved his son as much as he loved his daughter and wanted what was best for his son, Antonelli said of Sebastian Villaseñor, "This man needs help," but noted that help had to be provided in "an appropriate way, in a custody environment where he is safe, and the community is safe."

Antonelli said that with Villaseñor at large, his daughter's head would continually "be on a swivel and I guess the other kids feel the same way." Antonelli said that justice would not be served if the mental health treatment Villaseñor is to receive "does not include custody time." He asked that "in the interest of the community as a whole and the interest of my daughter, you reject any deal that does not include incarceration."

Judge Ferguson emphasized that the discussion leading toward the mutual decision reached by the district attorney's office and defense counsel had not taken place "haphazardly" and that his decision to accept the terms worked out in the plea arrangement "took into consideration" many factors including that the defendant was "very young, 18" and "not a criminal," while analyzing all of the factors extending to the facts and implication of the case and the impact of what occurred and might have occurred on everyone involved. He said given that the district attorney's office had submitted the

plea agreement and was satisfied that its terms and conditions, including the ability to adjust them "down the road" if Villaseñor did not adhere to them, he believed the requisite protection of the public safety was met and he was inclined to accept the plea deal as it had been structured.

Judge Ferguson then questioned Villaseñor directly, ascertaining that he understood he was pleading guilty to a serious felony, witness intimidation, and giving up certain of his rights by accepting the guilty plea, including waiving the right to a jury trial, to contest the evidence against him and confront and cross examine the people's witnesses.

DeLimon state for the record that in the acceptance of the plea by all parties Villaseñor was to be released that day.

Judge Ferguson enumerated the conditions of the plea arrangement, including the restrictions placed upon Villaseñor. Thereafter all parties stipulated to the arrangement, the substitution of Penal Code 136.1(C)(1)-F: preventing or dissuading a witness or victim by threat or force for what had been Count 6, to which Villaseñor pleaded guilty, and the resolution of the case was entered. Judge Ferguson ordered Villaseñor to appear in his courtroom on July 1 for the pronouncement of sentencing.

In the hallway outside the courtroom, Jose Ramiro Villaseñor said he looked forward to having his "family pick up the pieces [and get] back to normal."

He said he believed the entire episode grew out of multiple layers of misinterpretation in which "The police and the district attorney failed to understand how autism works."

He said that in welcoming his son back he anticipated no problems between his son and daughter in the aftermath of the ordeal which was precipitated in large measure by Isabella's statement to her high school counselor about

Sebastian.

Jose Villaseñor said the two had visited while Sebastian was incarcerated at West Valley Detention Center and that they remain "best friends. It's like nothing happened. There's no animosity between them."

The father said he believed his son will be able to meet all the terms and conditions of his probation while living at the family house. He said he does intend to seek the return of the firearms that were seized from the house on February 8 by the Ontario Police Department but that upon regaining them he will store them elsewhere.

DeLimon acknowledged having "mixed feelings" about the resolution of the case, in that his client had avoided a conviction on five charges that were not based on any fact or supported by any evidence or testimony but had been convicted of another lesser crime of which he was factually innocent.

The attorney said his client had been misframed and misrepresented by the tactics used by the police during his interrogation.

"They made it sound like they had this person who was an imminent threat of committing a school shooting," DeLimon said. In reality, the concept of a school shooting was a fiction, DeLimon said, as much of a creation of the police as something that loomed in young Villaseñor imagination. In response to questions the police asked, DeLimon said, his client responded with questions of his own. Those questions were then misinterpreted or misrepresented as statements, DeLimon said. "He kept saying, you know, 'I fixated on school shootings. I had thoughts.' He kept asking for information like, 'Are my thoughts criminal?'"

The district attorney perpetuated the police department's false narrative, DeLimon said.

The situation, in which Villaseñor would have to stand trial and put himself in the hands

of a jury which would be subjected to that false narrative by the prosecution, reduced itself to something comparable to a roll of the dice, DeLimon said. DeLimon said while he believed he could probably vindicate Villaseñor at trial, there remained the possibility of conviction on all of the attempted murder charges, which would have netted his client a sentence of as much as 75 years in prison.

"No matter how innocent you are and no matter how good your case is and no matter how hard we will fight for you, I can never give you a 100 percent guarantee," DeLimon said. "Even though we believe we would prevail, the risk is not zero. The plea establishes that he is completely and totally innocent of attempted murder or plotting a school shooting. This eliminates the risk for him at trial so he can move on with the rest of his life."

On the courthouse steps, Antonelli told the gathered media that his daughter "is terrified. She doesn't want to leave the house. Now he is going to be free tonight, after he is processed in the county jail, with nothing protecting my daughter or any of the other children or anybody in this community, quite frankly, with the exception of a promise to be good, a promise to not break any laws. Unfortunately, it's not a win for my daughter, my family or the people in this community."

In the immediate aftermath of the hearing, Ploghaus offered no comment. The following day, however, the district attorney's office, on its website, provided an update on its previous statements with regard to the Villaseñor case. Noting that Villaseñor had entered a guilty plea to the Penal Code 136 charge, the update stated this constituted "a felony and strike offense which cannot be reduced. Villaseñor (sic) will have credit for time served, and 3 years felony probation which also cannot be

reduced. Some, but not all, of the terms and conditions include weekly counseling and monthly reports as directed by probation, 4th Amendment waiver for search of all electronic devices, defendant not to possess firearms, ammo, body armor, or weapons of any kind including replica firearms for the rest of his life, [a] stay away order [of] 500 yards from Ontario Christian [High School] and the students currently listed in the information, and no early termination of probation."

The update then quoted Anderson as saying, "This is an unprecedented case; we are not aware of any other case in California in which a filing like this was made when a gun was not present at a school. The plea agreement was carefully negotiated at length to balance public safety with all factors and how we believe the law is applied. My office was not willing to risk Mr. Villaseñor released without being held to terms and conditions while ensuring that quite possibly, for the first time in his life, he will be required to get counseling, supervision and consequence."

It took more than eight hours for the San Bernardino County Sheriff's Department, which runs the county jail facilities, to fully process Judge Ferguson's ruling accepting the plea and its terms. Villaseñor was transported from the Rancho Cucamonga Courthouse to the West Valley Detention Center, which is also located in Rancho Cucamonga and where, with the exception of court appearances, he had been jailed continuously since February 10. There, beginning about mid-afternoon, he underwent the county's inmate release procedure, which ended with his movement through the jail sally port into the lobby at 8:23 p.m.