

DA hopeful encounters opposition

District attorney

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Ruiz's defense of gang leader would undermine office's integrity, critics say



Ron Ruiz

Appointed to defend prison gang leaders in 1992 and 1996.

By **MAY WONG** and **ROBIN MUSITELLI**
Sentinel staff writers

SANTA CRUZ — Two gang prosecutors have sent a letter to the Board of Supervisors contending Ron Ruiz should not be appointed district attorney because he once represented the leader of a powerful prison gang.

Assistant district attorneys Dennis Wong and Sidhartha Sundaram — both staunch supporters of Acting District Attorney Kate Canlis — wrote in their letter that the integrity of the District Attorney's Office would be "harmed" if the board appointed Ruiz.

For four years, Ruiz was the court-appointed defense lawyer who represented the leader of the Nuestra Familia prison gang in a death penalty case, and if Ruiz ever became their boss, it would "destroy our ability to convince victims and witnesses of gang crime to trust us and testify against gang members," the two gang prosecutors wrote.

The letter comes just one week before the Board of Supervisors is set to appoint a replacement for Art Danner, who left his DA post for the bench in January. And it is the latest scrape in a heated contest where eight candidates, including four prosecutors and two former prosecutors, are vying for the job.

Ruiz, a defense attorney who works in Santa Clara

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County and lives in Santa Cruz County, is considered one of the favorites in the race.

"It's so bogus and base," Ruiz said of the allegations. "This is really backstabbing. If they think this is going to stop me, they're crazy. I'm a little angry, to say the least."

Peter Chang, another candidate for district attorney, also defended one of the prison gang leaders in the case, but opposing prosecutors said nothing about it, Ruiz noted. "They're coming at me because I'm supposed to be the front-runner," Ruiz said.

Wong and Sundaram said they are not accusing Ruiz of being unethical or unable to switch professional hats and prosecute gang members.

"The obvious perception will be that Mr. Ruiz assisted the leader of the Nuestra Familia and thus will continue to assist other gang members," they wrote. That perception by those familiar with Nuestra Familia "will cause hesitation and mistrust and thus prevent their cooperation with law enforcement," they said.

Gaining the trust of witnesses and victims in gang-related cases is hard enough

as it is, the prosecutors said. Local street gangs take their orders directly from the Nuestra Familia leaders in prison, they said.

The two prosecutors also contend a conflict of interest would arise each time the District Attorney's Office prosecuted a gang member with any affiliation to the Nuestra Familia or local Norteño street gang member.

"I'm not saying it's a given," Wong said in a phone interview Tuesday. "But these are some of the things we think may become an issue, and we're concerned about it."

Canlis said she had not seen the letter and declined to comment. "I'm not informed enough to talk about it and the only thing I know about Ruiz is what he said at the forum," she said, referring to a district attorney candidates' forum last month.

Wong said his concerns about Ruiz's possible appointment surfaced after Ruiz spoke at that public forum, saying he had defended Vincent Arroyo, the Nuestra Familia prison gang leader, against murder charges in two separate cases between 1992 and 1996.

Wong said he did not know Chang had also represented a Nuestra Familia gang member.

Ruiz was appointed by the court in what was billed as the biggest death

penalty case in the country, involving a prison gang and 21 defendants.

Arroyo was charged with ordering multiple murders from his jail cell in Pelican Bay and later from jail in San Jose. On the eve of the trial, Arroyo pleaded guilty to robbery. He then turned, gave a taped statement to authorities and now is in protective custody in prison.

Ruiz said both he and Arroyo are personas non grata with the Nuestra Familia gang. "He's not even in the gang. He's in protective custody because they want to kill him," Ruiz said. "I'm a persona non grata because I was representing one of their members when he turned."

The sheer magnitude of the case, and the cut in his normal pay, required him to close his practice for several years. Ruiz said there were more than 250,000 pages of discovery, more than 1,000 pages of tapes and various other items involved. Ruiz said he was paid \$70 an hour, which is less than his normal billing rate. "I had to close my office for two years because I couldn't pay my overhead. I worked out of my house."

Ruiz called the allegation that he would have a potential conflict of interest and could not ethically share information about the Nuestra Familia "rubbish."

Ruiz said he was free to use any of the evidence or tapes from Arroyo's cases to

prosecute future crimes.

He agreed with the gang prosecutors that he would be precluded from using any information that Arroyo told him about other gang members. But that didn't matter, he said. "They're missing the point. One of the rules of gang members is that they don't talk about the gang. Mr. Arroyo told me nothing about other gang members."

While the public defender's office has declined to endorse any of the district attorney candidates, Deputy Public Defender Jerry Christensen said the gang prosecutors' concerns reflect an "unfair analysis" of Ruiz' potential appointment.

"If anything, his experience would be an inside advantage to gang prosecutions," Christensen said. "And I don't think victims would be that concerned about Ron Ruiz's past. People make changes in their lives: prosecutors turn into defense attorneys and vice versa all the time."

If appointed, Ruiz said he would vigorously prosecute gang-related crimes, but would also work to whittle the numbers of kids joining gangs.

"I loath gangs. I think they're vicious. They're ruthless and they're cruel. They're also tragic," Ruiz said. "I will vigorously prosecute (gang crimes), but more importantly, the real problem is to stop the lure of kids getting in gangs."