

## 101.

**Sentinel Staff Writer**

The panel has 10 days in which to reach a decision on the appeals. That decision will be presented in writing to the city.

Chevalier was fired following investigations into the bridge and jail incidents and on an additional charge he possessed nunchukas and throwing stars, both martial arts weapons the department charges are unauthorized and illegal.

Attorney Michael Baldwin, who represents Chevalier and Sanchez, summed up his arguments by charging the two former officers were singled out and targeted for dismissal and that their firings were a foregone conclusion before the investigation began. Complaints

He termed the department's internal affairs investigation "pathetic, if not malicious."

Finally, he blasted the department for not presenting testimony from the alleged victims.

Baldwin charged that testimony by department witnesses was so contradictory it was unbelievable.

He particularly hit at the testimony of Officer Cindy Wallace who testified she saw Chevalier and Sanchez kick the drunk they found at Soquel Bridge.

Baldwin charged that Wallace's testimony contradicted that of all other officers present at the scene on just about every detail of what happened. "She saw the wrong people (cops) in the wrong places doing the wrong things," he con-

Baldwin also characterized the testimony given by Gina Sutton as confused and contradictory. Sutton was an Explorer Scout and was riding with Sanchez at the time of the alleged jail beating incident.

Sutton was, according to the department's testimony, the only eye witness to the alleged beating of the drunken driver when Chevalier and Sanchez were taking him out of the patrol car and again during an elevator ride up to the third floor

"Misrecollection is one thing, but describing things that are non-existent is frightening," Baldwin charged.

In his summation for the department, attorney Richard Whitmore of Palo Alto denied there had been contradictory testimony from his witnesses. Different officers saw different things at each of the incidents, he said, because of where they were standing or because of their activity at the scenes.

But all who had seen force used — whether part or all of the alleged actions — described what they had seen as “excessive force,” Whitmore contended.

Whereas Baldwin urged the panel to consider each charge and incident separately, Whitmore urged the panel to take an overall view. There were different witnesses to each of the three alleged beatings, Whitmore contended, yet in each case they contradicted what Sanchez and Chevalier had testified had happened.

As for inconsistencies in the testimony of Wallace and Sutton between what they had said during the investigation and at the hearing, Whitmore said: "there were little, minute questions that didn't go to the heart of the merits of the case — whether there was a beating."

Whitmore characterized the defense offered by Sanchez and Chevalier, saying, "Really what they're saying is it was OK to do what they did because of what they believed to be the department's policy of 'no victim, no complaint' and because it was OK to do it in front of other officers if nobody told on you. They had no concept it was wrong because it was wrong to do that," said Whitmore.

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