

Former DA on the stand, denies railroading lawyer

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Santa Cruz lawyer Peter Chang denied on the witness stand yesterday that he had made a deal with county investigators that greased the way for filing bribery and witness-tampering charges against another attorney.

Chang, a former district attorney who is now in private practice, made the denial during testimony in the trial of Santa Cruz attorney Joe Ritchey, who is charged with bribery and witness-tampering.

The issue of a possible deal was raised earlier this week by Ritchey's attorney, who has argued Ritchey was entrapped by the District Attorney's Office during efforts to implicate him in a witness-tampering scheme.

Ritchey is charged with attempting to bribe the father of Chang's client, Benjamin Chirco, into paying \$180,000 to make two key witnesses in a criminal case against Chirco "disappear." Ritchey was representing the two witnesses in a civil suit against Chirco, and allegedly tried to work a cash settlement to the civil claim in exchange for arranging for the "disappearance" of his clients so they would be unavailable to testify at Chirco's criminal trial in 1984.

No cash was ever exchanged and no agreement ever made, although the criminal charges against Chirco were eventually dropped, in part because the witnesses didn't show up for the trial.

But investigators for the District Attorney's Office have produced five tapes of conversations Ritchey had with Chirco's father, Dominic Chirco, as evidence Ritchey tried to make an illegal deal in June 1984.

Jurors listened to the tapes Tuesday and yesterday morning during testimony by Otis Pogue, the district attorney's investigator who supervised the taping of four conversations.

On the tapes, Ritchey describes to Chirco how it is against the law to bribe a witness, but then asks Chirco, "Do you know what reading between the lines is?"

Ritchey told Chirco during one taped conversation that he could not guarantee his clients, Richard Burruss and Dorothea Jansen, wouldn't testify against Chirco's son in his upcoming criminal trial.

"But if my clients have money, and can afford to leave, like I said, they don't want to stay," Ritchey says on the recording.

Investigators began taping Ritchey's conversations with Dominic Chirco, Pogue testified yesterday, after the elder Chirco produced a tape of a phone conversation with Ritchey in which Ritchey allegedly proposed the deal.

Chirco gave the tape to Chang, who said he had "no choice" but to give the tape to the District Attorney's Office because "I believed a crime had been committed."

Although the implication of possible witness-tampering

could only help his client by weakening the credibility of the witnesses, Chang said, "I had no other decent alternative" except to turn the tape over to investigators.

Chang said he played the tape for Deputy District Attorney Bob Patterson, who was "flabbergasted" by what he heard.

That first tape, which the jury heard Tuesday, records Ritchey telling Chirco that Burruss and Jansen are "prepared to be gone in two or three weeks" if a cash settlement to the civil claim can be worked out.

Ritchey's attorney, Paul Meltzer, asked both Pogue and Chang during testimony yesterday why they didn't have Chirco inform Ritchey that Ritchey's proposal was illegal so that he would be aware of his actions.

"It was obvious to me that Mr. Ritchey should have known it was illegal," Pogue said. He added later that to tell someone being investigated for a crime that they are doing something illegal is "absurd."

Defense attorney Meltzer asked Pogue if he was trying to get Ritchey to commit a crime, but Pogue said the District Attorney's Office continued taping Ritchey's conversations because he "wanted to make as good a case as I could."

He added, "I thought a crime had (already) been committed."

Dominic Chirco began testimony late yesterday afternoon and was scheduled to continue today.