

Officers' defense begins

Conspiracy charge sustained

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SANTA CRUZ — The defense began presenting its case this morning in the police brutality trial after Superior Court Judge Donald May denied a motion to dismiss the conspiracy charge against the four accused former officers.

May said he based his ruling on a Supreme Court decision that conspiracy can be proven by as little as a "tacit understanding" among defendants to commit a crime. Defense attorneys had argued that prosecutor Ralph Boroff had failed to present any

evidence that the four former officers entered into any kind of agreement through discussion or planning to rid the city of street people by meting out street justice.

Former officer Ed Chevalier took the stand as the defense opened its case. It is expected that the other three defendants — Joe Sanchez, Mike Redus and Rick LeMarquand — also will testify.

But, before the jury entered the courtroom and Chevalier was called, May heard arguments central to his defense.

Attorney Bill Glass — in response to an objection by Boroff to questions asked of a prosecution

witness earlier this week — said he would attempt to prove a defense of entrapment, or "inducement" as he called it.

He argued that the use of excessive force was urged by the police administration and that any citizen complaints resulting from such force were overlooked.

At first, May ruled he would not allow that defense by including instructions to the jury at the conclusion of the trial. He said a distinction has to be made between police officers and ordinary

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citizens in provisions of that entrapment defense, which, in essence, says that "ordinary, law-abiding citizens" can be induced to commit crimes by law enforcement officials.

May, however, said the conspiracy charge is so "open" that he will allow questioning about encouragement by higher-ups.

After the ruling, Glass told The Sentinel he believes the issue will come up again at the time the judge is to give his instructions on the law to the jury.

Central to the inducement issue, Glass said, was an incident in the downtown

Albertson's parking lot in which Chevalier is accused of taking off his badge and gunbelt and fighting with a citizen. That citizen was arrested, the charge alleges, when a sergeant arrived at the scene.

Glass argued to May that the sergeant, Jeff Locke, told Chevalier to write a factual account of the incident.

Glass said Locke apparently understood department policy for Chevalier wrote a truthful report which drew the wrath of Deputy Chief Keith Duel, who ordered the report rewritten and mention of the fighting omitted.

"He (Chevalier) was not criticized or punished for fighting, but he was

criticized for writing a truthful report," said Glass.

Glass maintained other incidents prove that officers, including Chevalier, felt pressured to use excessive force to please superiors.

Prosecution witnesses Officer Nick Marinos, and former officer Mark Cattani, both testified so, Glass claimed. Cattani, Glass characterized, testified he felt he had "Carte Blanche" to do anything in the street.

Marinos testified, Glass said, he felt he was "shocked" at some of the things he saw superiors do, but did them, himself, because he felt he had to "play the game"

to get along in the department.

Glass used Marinos' testimony to attempt to prove this point, after vigorously attacking his credibility when Marinos testified for the prosecution.

Glass also pointed to former Lt. Don Hollen, then a watch commander, who "personally led the (first) camper patrol and encouraged overzealous law enforcement and force over and above that necessary for arrest."

Hollen once was a co-defendant in this case, but the conspiracy charge has been dismissed against him. He still faces one count of assault, but is not being tried with the other officers.

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"I was wondering what take to make y'all whistle mented John Rankin, who d government's Mineral Ma Service and conducted the sale of tracts in one of the richest producers of natura oil.

Rankin, who wears a sca when he feels it's going t sale, said he smelled mon today's offering of 7,000 le the unclaimed waterbott central Gulf. Governme predicted the sales col billion