

Chang denounces charge against Chinn

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Fire Chief Chinn and lawyer Peter Chang arrive at court.

By MARJ VON B

A calm and smiling, but silent Aptos Fire Chief Richard Chinn paid a visit to Santa Cruz Municipal Court this morning for his arraignment on criminal charges.

The chief, decked out in full uniform, was brought into the courthouse by his lawyer Peter Chang about 20 minutes after the regular criminal arraignment calendar had begun in Judge Rich McAdams' court.

Chang paused at the courtroom door and scanned the court calendar as a group of news photographers clustered around Chinn.

Then the former district attorney handed out copies of a news release which flayed District Attorney Phil Harry's decision to file a complaint against the chief for calling a disaster drill two weeks ago.

Chinn is charged with falsely reporting an emergency to a county department, in his requesting emergency units to respond to the scene of a "helicopter crash."

Harry's action "represents an abuse of prosecutorial discretion," Chang's press release declared.

"This is an administrative matter, perhaps a political matter, but certainly not a criminal matter," Chang stated.

He pointed out the code section under which Chinn is charged is not a minor matter but "a very high and serious misdemeanor."

The lawyer declared, "Obviously, the legislature never intended that this section be applied to this kind of a situation."

He said further, "Like all other false reporting sections of the code, the legislature intended that this section apply only to those who act with criminal intent

and to those whom society would brand as criminals, because of some criminally attendant circumstances surrounding their conduct..."

Such circumstances, said Chang, "in this case clearly do not exist."

Chang noted that the chief "has the full confidence and support" of the his fire district's board of directors, And he said, "there is another whole side to this story which will be presented at trial."

The lawyer also charged that Chinn was "never contacted or interviewed" by Harry or members of his staff before the decision to file the complaint was made.

The defense lawyer called that "unfortunate," and added, "I assume that Mr. Harry will personally defend his controversial decision to prosecute."

Harry was not in court this morning. The

brief arraignment was handled by assistant district attorney Bob Noonan.

Chang led Chinn to a seat inside the railing of the courtroom which was crowded with persons waiting for their cases to be heard.

The chief sat there and did not approach the bench when his case was called. Chang stood alone before the bench and asked for a formal reading of the brief complaint, a right which frequently is waived.

When Judge McAdams finished reading it, Chang asked, "Who signed it?"

And, McAdams replied, "Philip W. Harry."

Judge McAdams set a pre-trial hearing for Nov. 22, at 9:15 a.m., but no trial date was set.

Asked by reporters if he thought the case might not go to trial, Chang replied, "That is always a possibility."