



## Conspiracy charge decision is expected Wednesday

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SANTA CRUZ — Superior Court Judge Donald May this morning postponed a decision on a defense motion to dismiss the conspiracy charge against four former Santa Cruz policemen charged with brutality.

May had been expected to announce his ruling on the motion, but said the trial had to be delayed a day because one of the defense attorneys, Bill Glass, had a family emergency.

Glass and co-counsel Ole Thompsen and Paul Meltzer filed the motion Monday afternoon after prosecutor Ralph Boroff rested his case. The trial is in its seventh week.

The three attorneys also filed other motions to dismiss a number of the 23 counts of brutality and assault with a deadly weapon. May denied all but two of those motions: one count in which no evidence was presented and another

which May said he wanted to study further.

Defense attorneys claim Boroff did not present sufficient evidence to withstand an appeal should the former officers be convicted on the conspiracy charge.

Boroff countered that, according to law, he does not have to show the defendants had a formal agreement to go out and beat street people in a conspiracy to rid the town of undesirable elements. He said all that is needed is "tacit understanding" or actions to achieve a common goal.

The conspiracy charge alleges that Joe Sanchez, Ed Chevalier, Mike Redus and Rick LeMarquand summarily punished transients, denying the transients access to the criminal justice system for their alleged minor offenses, such as illegal camping.

Attorney Meltzer argued that the alleged victims were, indeed, arrested, booked and, most of them, pleaded

guilty. Therefore, he argued, they were not denied their legal rights.

Boroff termed them "hollow rights." In effect, Boroff said, the officers said "you can have a trial, but you've already been punished." He argued the officers conducted their own trials on the transients, found them guilty and punished them on the spot.

Boroff said all the alleged victims were "disenfranchised." He termed the officers' actions as "degrading harassment" of people "who already were at the bottom."

In his argument, Glass also claimed Boroff had failed to prove the elements of conspiracy. He claimed all the prosecutor had presented were some "idle comments made over a year and a half" and two radio codes, "code blue" and "property," allegedly meaning an officer had found someone to beat up, "reportedly used in 1980, but presented to somehow relate back to 1979" when

some of the alleged beatings took place.

Prosecutors often get an alleged co-conspirator to testify. "That usually is the testimony that ties together the circumstantial evidence," Glass offered.

"We don't have that here," he continued, referring to Boroff's witness, Mark Cattani, another former officer who pleaded "no contest" to conspiracy before the trial began.

"The fact is the person (Cattani) said to be a co-conspirator has consistently testified under oath there was no agreement of any kind," Glass argued.

Boroff characterized Cattani as "trying to get his bread buttered on both sides. He is trying to cooperate with me and still let the co-defendants know he's doing everything he can to save their hides."

Boroff claimed Cattani did testify to

a conspiracy when, as Boroff characterized his testimony, he said he "felt it his duty to beat 'river rats' and that others shared that view."

If there were no conspiracy, why was there a need for the radio codes? Boroff asked. "I wouldn't need a code just for myself."

Boroff contended the officers were frustrated from being "stuck with dealing with the social flotsam and jetsam of society and they didn't like it." He claimed that promoted "sadism at the degradation of having to deal with them and frustration at the revolving door of the criminal justice system."

Boroff quoted the testimony of one alleged victim who said he asked Sanchez, when Sanchez was beating him, "does it make you feel better?" Sanchez, Boroff said, answered "yes."

Boroff urged May not to take the decision (on guilt or innocence) "away from the jury."