

Accuses libel

Trailside Murders

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Sheriff wants editor's 'flesh'

By JAMIE MARKS
Sentinel Staff Writer

SANTA CRUZ — "We're not asking for damages — just a pound of flesh," said Sheriff Al Noren today in announcing his intent to seek the arrest of Watsonville Register-Pajaronian editor Frank Orr for "criminal libel."

Noren is taking on the daily for running a letter to the editor Sept. 28 from accused trailside killer David Joseph Carpenter.

The letter, which was simultaneously sent to the Sentinel, carries accusations against unnamed sheriff's deputies and district attorney's investigators of perjury, falsifying police reports, stealing legal materials and cover-up.

The Sentinel did not print the letter itself, but instead quoted it in an article on its news pages.

Noren said he was sending a police report to the District Attorney's office today, asking that Orr and Carpenter be arrested on criminal libel charges.

Carpenter is in custody in Los Angeles, on trial for two murders and one attempted murder that could bring the death penalty. Orr is on vacation.

Reacting to Noren's intentions, the newspaper's managing editor, Ward Bushee, said, "We have no comment at this point. He hasn't gotten the warrant yet."

District Attorney Art Danner, who just returned from Los Angeles, said he would look into the matter.

"There are some constitutionality questions" on what parts of the statute are still applicable, said Danner, adding "I haven't gotten the complaint."

Another assistant district attorney laughed when told of the sheriff's plans.

Noren maintains the letter from Carpenter "is filled with charges of misfeasance, malfeasance and in-nuendo."

Asked if any of the allegations had

Please see back of section

Noren

Continued from Page A1

been investigated, Noren replied, "To our knowledge, they have no merit in fact. Some of the allegations are such they can't be looked into."

Noren is particularly upset with the Watsonville editor for running the letter without comment. He noted the Sentinel and San Jose Mercury News wrote stories about it, rather than publishing it.

This afternoon, a Superior Court hearing was scheduled to take up one of Carpenter's allegations concerning a shakedown at the Water Street jail. Inmates claim their legal materials were destroyed by deputies after inmates had set a fire.

Noren doesn't deny that pieces of paper were taken, but said none of it was "legal material."

"To me, it's a question of what the media can do under the guise of freedom of the press," said the sheriff.

Saying the media is "just a profit-making business," Noren commented, "A newspaper has a responsibility to be somewhat judicious in what it publishes."

"I'm not personally outraged by a person like this (Carpenter) writing a letter," said Noren. "But in this case, I think there was a mistake in judgment."

Noren has researched the law regarding criminal libel and said he doesn't have to prove "actual malice." Penal code sections 248-260 say that malice is inferred from "a lack of motive."

Newspapers, he notes, often select the letters they choose to run on their editorial pages. "A paper is responsible for the content in the letters," said Noren.

"Every publication has an obligation not to publish unsubstantiated charges," said Noren. If that weren't the case, then papers would publish letters accusing unpopular public officials of all sorts of criminal conduct, said Noren.

"The paper ought to consider the source (of the letter) before printing it," he said.

Noren denied he was trying to "chill" the freedom of the press. Instead, Noren said, "The press has gone too far in the 'interest of the public.'"

Saying he wasn't trying to start a fight, Noren said "I think there have to be guidelines."

Noren said he didn't want money, and therefore wouldn't pursue the matter in civil action. Instead, he said he wanted to extract "an assurance" from Orr for "responsibility in the future."

The penalty for criminal libel is a year in County Jail.