

Summer 2011



Los Angeles County Sheriff's

Reserve News

Uniform Reserve • Mounted Posse • Search & Rescue • Explorers • Civilian Volunteers



39 Years ... and Counting



PAGE 8

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Los Angeles County Sheriff's

Reserve News

Official publication of the Reserve Forces Bureau

Reserve Forces Bureau

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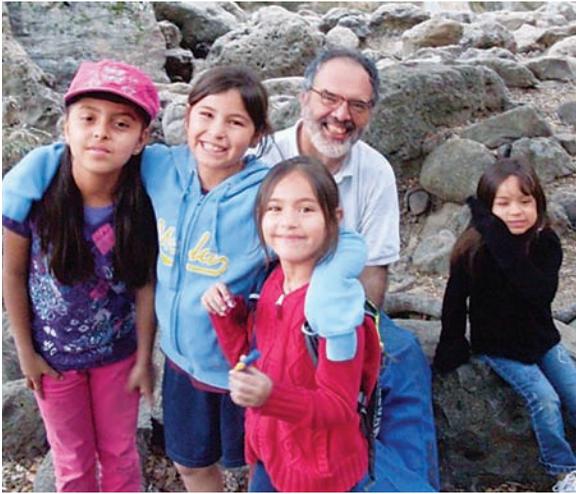
Goals:

To inform Reserves of past, current, and future events, activities and information related to Reserve participation in the Los Angeles County Sheriff's Department.

To recognize Reserves for a 'job well done.'

To inform Reserves, LASD personnel, retired Reserve Deputies, other agencies and contract cities of the dedication and services provided by the Reserves of this Department.

To provide an avenue for the recruitment of new Reserve Deputies.



Cliff Rescue

*Hikers in trouble are brought back to earth
by the Malibu Mountain Rescue Team*

Story by S/R Lt.
GINES ARNAU

Photos by
MARK HOLLINGER

During the day on March 12, a family group of 10 consisting of two adults and eight children were hiking in the Malibu Creek State Park area. As is the case many times one thing leads to another and before they realized it they had climb up something very steep. A lot easier to go up than to climb down! All of sudden they realized they were in a very dangerous situation being trapped on the side of cliff. They adults decided to get help so they contacted a Park Ranger the rangers at the park are quite familiar with the capabilities of the Malibu Mountain Rescue Team, as they frequently train there and know it well. The call was received by the front desk with the Lost Hills Sheriff Station and they initiated a call out for MMRT. The initial report stated that there eight to ten people stranded on a cliff, some of which were

Clockwise from top left: Lopez family members just before their hike. Deputies assist in spotting the hikers. One of the hikers was stranded on a precarious ledge. The hikers, safe and sound with members of the Malibu Mountain rescue Team.



children between 7 and 9 years of age. First to arrive was Mark Hollinger, who began interviewing the adults who called in for help. Upon interviewing the group he noticed where one of the victims was stranded. The team then went into action, dispatching two senior members to scout out the situation and determine the best rescue scenario for this particular rescue mission. The two senior members were Kevin Ryan and Tom Hentzgen, both with years of experience in rescue operations. They quick-

ly climbed up above the location of the kids and began constructing a rescue system, to extricate the children from their perilous situation. One of the victims in particular was in a very hazardous location overlooking the rock pools. It was determined she needed immediate help and because of the obstacles below her they decided bringing her up to their location would be the best course of action. Tom Hentzgen rigged up and went over the side to rescue the little girl with the intent to

secure her safety by hooking her up to a rescue harness. Once she was stable they began raising her to the top and extraditing her from the cliff. As it turned out the little girl was quite the trooper and was very cooperative. By this time it was dark and getting quite cold so she was offered a rescue parka to warm her up. Due to the well trained team's efforts along with a quick response no one was hurt and everyone returned home safely.

Job well done! ★

Team member Tom Hentzgen loaned a parka to a hiker he helped to rescue.



Burn, Baby, Burn!

Or, Cheech and Chong's Worst Nightmare

Story by S/R Commander
JOHN C. CAWDREY, Jr.

Did you ever have one of those cases where there was a lot of evidence, and I mean a lot of evidence? Did you ever wonder what happened or happens to that evidence once the case is finally adjudicated?

A few weeks ago a few of us Reserves from Narcotics Company got a first hand look. But I will be a little bit vague on details for obvious safety reasons.

S/R Captain Ernie Moore, Detective Don Peake, and yours truly helped with destruction of a few tons of confiscated street dope. And I mean street dope.

Marijuana, Cocaine, Methamphetamine, Heroin, Uppers, Downers, pills by the boxes and bags full, etc. etc. everything with the exception of PCP. My best guess is that this was worth in excess of \$30 million on the streets.

We started at the evidence warehouse bright and early in the morning where the pallet jacks started rolling and rolling and rolling. Pallet after pallet after pallet of street dope was being on-loaded into our three transport vehicles. Every time they would fill one up, the next one was in line ready for its cargo. I can only imagine what Lindsay and Paris

would have been thinking while all these drugs were rolling by, oh my!

I can tell you that many Deputies, Sergeants, and a Lieutenant were involved with this operation. Oh, and did I mention armament? Holy cow, M-4's, Bennelli shotguns, Remington 870s, and the Deputies' sidearms. I'm thinking we're ready for an invasion force.

We are assigned to three teams, one to off-load the trucks and transport the dope to the elevators, one team to get the dope into and off the elevators, and one team to move it to its destruction. Ernie, Don and I are assigned to the



elevator team.

With briefing over, we muster in the parking lot to suit up in our entry vests and helmets and receive our support vehicle assignment. We are going to be the last slick car in line with two black & white radio cars behind us. Everyone checks in with a roll call and the Sergeant tells us O.K., "Slow roll until we get everyone in line, then we won't stop until we get to our destination."

Unfortunately, the freight train that split the "Conga Line" had a different idea. Fortunately, there was plenty of black and white support, along with the slick cars on both sides of the tracks for security.

I'm telling you the convoy or Conga Line was a thing of beauty. The coordination at the intersections of which were coded and only the radio cars had the code names, was absolutely brilliant. Again, anyone seeing this for the first time should have been very proud. I can also tell you that we went South, North, East, and West, side streets, boulevards, highways and of course, freeways.

When we get to our final destination, we split up into our respective teams. We do a cursory search of the entire area so everyone knows what is going to happen. We get our hard hats, safety goggles, gloves, and box cutters and we get to work. Now, I know how a mule feels, and I don't mean a narco mule. All we have is a few old dollies and a rolling plastic bin to get all this stuff from point A to point B, but we all endure. Thank goodness the weather is cooperating on this operation and it's not too hot.

It takes several hours to get everything off-loaded and transported to destruction and everyone is safe. Another great job by all involved. We have a short debriefing and get our attaboys/girls from the Lieutenant. And we are on our way home, a little bit stinkier and dirtier, but on our way. ★

If anyone would like to be involved with one of these operations, please don't hesitate to e-mail me at jccawdre@lasd.org, or give me a call on my cell at 909-953-2515.



Volunteer's Best Friend

*Honors to a K-9 Volunteer
and his faithful companion*

Story by Sgt.
SUE BURAKOWSKI

Jerry Newcomb began his volunteer career for the Sheriff's Department 35 years ago. He started his volunteerism as a search and rescue dog handler, attached to the Sierra Madre Search and Rescue team out of Temple Station. After about 10 years, Jerry broke off from the Sierra Madre team and began the Sheriff's Department Search Dogs. Today, the team is comprised of approximately 12 search dogs, their handlers, and a hand full of support members with Jerry as their diligent leader. The K-9 team searches for missing persons as well as cadavers.

Jerry's current dog is Jaeger and is a Holluka-Hound. He is a trailing dog and has been finding lost and missing persons since 2008.

Jerry and his dog, Jaeger, were recently given the Life Saving Award by the American Red Cross in Santa Clarita. They were honored for the tireless service they provide for the community in assisting in finding lost and missing children and adults. Jaeger was the only animal honored at this event and was provided with a bag full of well deserved treats and toys. Jerry's service to the community is nothing short of remarkable when you factor in the years of service and the fact that the search dogs respond to approximately 10 to 12 calls per month!

Jerry and Jaeger are true heroes and great representatives of the fantastic work that Sheriff's Department Volunteers provide daily. ★





'I Got the American Dream'

A Sheriff's Reserve veteran shares his enthusiasm for the department and his adopted country

Interview and photos by
Reserve Lt.
NICK SMIRNOFF

The Reserve News, in its quest to bring its readers informative and entertaining information, will from time to time run across department personnel of extraordinary interest. This occurred as we were on assignment at the 2011 Rose Parade in Pasadena, California where we met a reserve deputy who for 40 years has unselfishly given his time and energy to improving the safety and working conditions of all deputies in all categories of service to the members of the Los Angeles County Sheriff's Department. Answering our questions passionately and using "We" not "I" in most all of his answers was Reserve Captain Henry Victorero.

How many years have you been a Reserve Peace Officer with the Los Angeles County Sheriff's Department?

In August of this year it will be 40 years.

So you were in Reserve Class number ... ?
Class number 26. I graduated in August 1971. They were large classes back then, we had 56 graduates. A great many were from other agencies such as Glendale, Santa Monica, and La Verne. In those days, the Academy was at Biscaluz Center on the HILL! If you ever had to run it for PT you know why they call it the hill.

What is your Post Level?

I graduated as a Level-1D. At the time, I lived in Thousand Oaks and by day worked for General Telephone, which covered the Malibu area. Part of my early reserve assignment was as both a Patrol Deputy as well as a Reserve Training Officer at the old Malibu station. In order to patrol alone, Post states we must be trained as Level-1 Peace Officers. By night I worked patrol in Malibu and it was not unusual to make an arrest that night in my Sheriff's uniform, then happen to be fixing phones in my General



Opposite page: Capt. Victorero is on the job as early as 3 am on parade day. Above, left to right: He is one of only three deputies who still wear the Smokey the Bear hat; 'I get to smell every flower from my position in the Red Zone.'

Telephone attire in the station booking area the next morning. Often times, I would be recognized by the same suspect I had arrested the night before ... I always told them it was my brother they met last night.

In the early 70's, all academy classes were taught in a "Stress Environment." Tell us about that.

For the first few class meetings we had 160 candidates. As I mentioned by the end of the class we graduated only 56 Reserves. I think, over all, stress was a good method of training; it truly foreshadowed much of what a field deputy might come up against. I was in the United States Army prior to the academy so being yelled at was no big deal. Stress training taught you how to think fast and quickly formulate your actions into a correct, safe, and lawful manner.

While working Malibu patrol, you found your phone company communications experience could be utilized across the

hill from Biscaluz Center at the then newly built Sheriff Radio Center. Tell us about that.

In 1973 the Sheriffs Radio Communication Center (SRC) was being established and as I was a telephone technician the department asked if I would like to help plan and implement the infrastructure for a centralized county wide radio dispatch system. Prior to this, communications for field deputies were very primitive. Individual stations would often receive calls and dispatch to only their own field deputies. Los Angeles County is large and dotted with many hills that blocked early day 'line of sight' radio systems. Communications between stations and downtown headquarters was mostly by phone line and not radio signal. Lives were in danger and the department spearheaded a drive to build a better system. We went in as Reserves who had the technical and departmental knowledge to coordinate and help design a state of the art communication system. Through the use of

repeater sights and waist-mounted radios, field deputies could be given dispatches or call for backup from almost any geographic area served by the department. Our Reserve unit continues today to repair, install, and improve the departments communications system. In the early 70's our unit covered stakeouts in high crime areas. We were one of the first to establish a Bait car for car thieves. We found we could rig a simple garage door opener as a means to remotely lock car doors and turn on or turn off the auto's engine. With the advent of videotape, the reserve unit went on to establish a visual documentation system for prisoner line-ups, which took place at Men's Central Jail and Sybil Brand. These early recordings of specific lineups were later available for use by the courts. We continue today to test and evaluate new communications equipment for purchase approval by the County Board of Supervisors.

The goal today is toward video cameras



Captain Victorero has become the un-official Sheriff's department ambassador in the 'Red Zone,' seen here greeting dignitaries and old friends in the VIP viewing stands on Orange Grove Blvd at the start of his 39th parade.

in patrol cars. It's a controversial subject. With 40 years in law enforcement, any thoughts?

It can hurt or it can help. Depends on the deputy's actions. It can act as a silent partner and might show justification for your actions. It can deter inappropriate actions. With the introduction of audio, both suspect and deputies actions are accessible for review later.

You mentioned earlier that you worked East LA station as a Patrol Deputy.

While being active in the communications section I moved the family from Thousand Oaks to Redlands. I enjoyed my patrol duties and East LA Station was the closest to my new home. I worked East LA from 1979 to 1984.

Let's talk about your involment in the Rose Parade. I noticed that you wear the department's Smokey the Bear hat; not many deputies do any more. Why do you?

(Laughs) Well, you might say it's because of my mother. She always told me to keep my head covered to keep warm. As you know, it's very chilly at the parade site at 3 am. Besides I

believe other than a department helmet, it is still the only officially approved head cover allowed by our department along the parade route. I think there are only about three of us who wear them.

How many Rose Parades have you worked for the department?

This was my 39th Rose Parade assignment. On August 1st this year I will have been a reserve for 40 years.

The entire Rose Parade route is divided into colored geographic patrol zones. What is your favorite zone to work?

Oh! The Red Zone!!! That's right in the center of the action, Orange Grove and Colorado Blvd. It's the heart of the parade. With all the television cameras it becomes for one day of the year the window into America to millions of eyes around the world! We don't show tanks and rockets, we show roses! from my post I get to smell every flower that goes by.

The Red Zone bleacher area is also the VIP area for parade guests. You must encounter some well-known people?

My post encompasses the military VIP sitting area. I like to walk behind that bleacher to where the invited military guests arrive and then escort them to their seats. I think it's good department PR and it gives me a chance to meet some wonderful people, many of whom are real-life heroes.

How many more Rose Parades do you intend to work?

(With great enthusiasm) Forever! I'm only 72 years old. My assignments with the department keep me young and my mind active. The Rose Parade assignment is frosting on the cake. They will have to carry me away!

Do you ever intend to retire from the department?

Not as long as I can still "Make the wall!"

Reserve Captain Henry Victorero fled his native Cuba in November 1961 at the age of twenty. "I wanted freedom." At the time with the right "connections" it was possible to secure a visa. "I did, and took the next flight to America." Working as a dishwasher in Miami, within a year he was able to afford visas and airline passage to the United States

for his mother and sister. "It was now 1962 or 1963 and I had no draft card but I heard the American Army was looking for Cuban expatriates to enlist for a special Cuban-speaking military unit. The Cold War was growing hot and there was the potential of a United States invasion of Cuba." After his enlistment he along with 2,000 to 3,000 other Cuban-speaking enlistees were sent to Fort Knox Military Reservation in Kentucky for training as Military Police Officers.

After his army service he moved west and got into the field of communications with the phone company. "I had always wanted to get into law enforcement; my grandfather in Cuba was a military police captain. My father and uncle were both Cuban attorneys." While living and working in Southern California, Capt. Victorero attended classes, which led to a degree in police science. It was while taking one of these classes that he would meet a man who would set the course for his lifetime comment to law enforcement. "While working toward my degree my vice enforcement instructor was Sherman Block. He was Inspector Block then and a long-standing member of the prestigious Los Angeles County Sheriff's Department. I told him of my interest in law enforcement and he suggested that since I lived in Thousand Oaks and worked by day in Malibu for the phone company that I should stop by the Malibu substation and apply as a reserve. Well ... I did and started attending the Sheriff's Academy, all the way past downtown Los Angeles. It was not until the graduation ceremony that I again saw Inspector Block. We shook hands as he handed me my reserve credentials."

Reserve Captain Henry Victorero lives with his wife Blaca of 39 years, in Redlands, California. His main duty assignment is with the Communications section of the Fleet Management Services. He serves as the Reserve Company's Captain.

One final question, you try to attend the graduation ceremonies of each Reserve Class. What advice might you offer the new Deputies?

Be honest, not everyone is guilty. Never over-use your power. You have a uniform, a badge, and a gun; your moral responsibilities are incredible! May I add in closing, I'm a lucky person, to be both an American Citizen and a Los Angeles County Reserve Deputy Sheriff. I live the American dream! ★

Explorer Scouts Work the Rose Parade



Newly graduated Reserve Deputy Sheriff Fabin Nicaise and Lomita Station Explorer Michael Hurtado work a spectator post near the end of the Rose Parade route. This is the first time that either one has worked the Rose Parade.



Members of Lomita Explorer Post No. 1003 pause for a group picture as they wait to sign in for their assignments at 3 a.m. on the morning of the 2011 Rose Parade. Their Station Explorer Coordinator is Deputy Lopez.

MISSION

Lead the fight to prevent crime and injustice. Enforce the law fairly and defend the rights of all. Partner with the people we serve to secure and promote safety in our communities.

Survive With ‘Real’ Enhanced Training and Skills

By S/R Deputy
JEFF HELLER

We have recently experienced a realistic course of fire in the trailer, with the last “Trimester” qualification. The experience has been met with cheers, thanks, in addition to “Oh my gosh, that was difficult,” or “I did not qualify”. This is a learning moment for all of us. The more realistic the training, the more prepared you are for the reality we face in the field. And this is the topic that is addressed in this article.

In August 2006, the FBI, in conjunction with the U.S. Department of Justice, published an article entitled Violent Encounters. It was a 180 page report (www.forcesciencenews.com) on violent encounters conducted by Dr. Bill Lewinski, revealing eye-opening findings and brought reconsideration of survival tactics into the forefront of training. The report put forth how officers were getting shot first in armed confrontations. The Reserve News reported on this FBI report in August 2008, in the article “Shoot First and Live.” The story covered such topics as weapons choices, familiarity with weapons, concealment, shooting style, missed cues, and mind-set. The FBI statistics were shocking when it was reported that eighty percent of the perpetrators train 24 times a year. Also, out of 60 shootings, 57 perpetrators shot first, whereas three law enforcement officers shot first. Trainers have shared disturbing yet useful statistics such as: One-half of the firearm deaths are within 0-5 feet; most officers die from head-shots; more officers are being shot in past years and perpetrators train to kill cops; Forty-seven percent of officers shot do not wear body-armor. The controversial

title brought awareness of the FBI report and pointed out that law enforcement officers must train frequently in order to be prepared for armed encounters. Practice was emphasized in the article, hence the title to not get shot first by being prepared physically and mentally. In an LASD publication “Split Second Decision: The dynamics of the chase in today’s society,” the department points out critical factors in protecting citizens, fellow deputies and yourself. The publication further reveals eight street scenarios as examples of best practices. One can read the findings and recommendations at the back of the publication. In addition, “Ten fatal errors” are shared at the end of the document. These



errors can contribute to the death of enforcement officers in the line of duty. These ten errors mirror the finding in the FBI report mentioned above. Try to find a copy of this publication, as it could help you in your LASD experience, such as saving your life.

Since the Reserve News article was published, just over two years ago, there has been a gradual increase in the realism experienced in the qualification trailer. We began to see more realistic targets, with bad guys being featured. The targets moved up and down the trailer. Then, there was a double-sided target to simulate a threat assessment. Now, we shot in complete darkness, with distracting sounds, threat assessment targets, shooting behind a barrier, with a magazine change. In the most recent trailer experience, we had to qualify shooting at a target the size of postage stamp. OK,

maybe it was a bit bigger. The result of this training is the realization that skill levels will increase, while engaged in more realistic training.

This writer did a non-scientific poll on how LASD staff responded to this relatively realistic qualification. The results were interesting and not surprising. Those staff who went through the academy some years ago did less well than those who recently went through the academy. A colleague who went through the academy some years ago and in turn recently attended an academy class less than six months ago, stated that the weapons training is much more comprehensive “by 100 percent”. So, newly-trained staff enjoyed the more realistic range qualification, as

Only practice, perfect practice, will help protect you from harm. Qualifying each trimester is just the minimum. Deputies must practice, with drills, three times a week.

the older staff found it difficult. This is an interesting outcome. The conclusion: Train in more realistic environments and more frequently.

Any difficulty found in the more realistic course of fire should be addressed as an educational moment. These difficulties in the field could put the deputy in harms way if not addressed. Only practice, perfect practice, will help protect you from harm. Qualifying each trimester is just the minimum. Deputies must practice, with drills, three times a week (as experts will claim), to stay ahead of the “perps” who practice at least twice a month. In addition, LASD staff must be in the best physical shape they can attain, by working out regularly. This means training four times a week with weights and aerobics. Furthermore, the staff must be psychologically ready for armed encounters. And, at worst, be

prepared to respond if you have been shot. Psychological readiness is only gained through training and gaining confidence in your ability to confront adversity. As an example, if difficulties were encountered in the last trimester qualification, isolate the problem and resolve the issue through working with effective equipment and training to be proficient. This writer found the course of fire to be challenging. Also, there was a mistake made when not using the lanyard of the “tactile” flashlight. This resulted in a problem with the magazine change. Using the lanyard would fix the problem, so the problem would never be encountered in the field.

Beyond the trailer, there is training that everyone should engage. Ask yourself the question: Do I shoot regularly with my weak side? Do I shoot from a seated position? What about being seated on the ground? Have I shot from a position lying down on the ground? Have I shot from a prone position? Can I bring the duty weapon into battery in a position lying on the holster of the duty weapon? Do you practice controlling your weapon when someone has grabbed you from behind and can you put the weapon in battery for a shot in this position (If you do train for this event, use a law enforcement colleague or colleagues and use a fake practice weapon). Have I practiced skills in close quarters encounters? To be more aware, physically and mentally ready, use frequent and expert training that is realistic and in context. With force-on-force training, your skills increase. This practice raises awareness in a realistic framework. Also, practice pre-attack behavior with your training partner(s). You will be able to become more proficient and faster, mentally and physically, when in harms way.

In closing, the more you practice, stay in top physical shape, be mentally alert and avoid the “ten fatal errors,” the more prepared you are for a dangerous situation. You will be confident that you are more mentally and physically ready. Your brain will create blueprints for quick and accurate response to predatory perpetrators. You will be more aware of situations that are out of the ordinary and quickly act on accurate, intentional threat assessment.

Laser Village at Home?

Laser Village at home? Well, not quite, but this product maybe good enough to enhance your handgun skills. After reading the article “Survive With Real Enhanced Training Skills” in this issue of the Reserve News, one could ask the question: Where do I get the time to practice my handgun skills? A new product on the market may, in part, answer this question. This product is called LaserLyte, which produces a caliber-specific, Laser Training Cartridge that fits into your Beretta 92 FS or .45 caliber duty weapon. They also manufacture an electronic target to accompany the Laser Training Cartridge.

This means you can practice anywhere you desire. The Laser Training Cartridge runs on three mini-batteries that last for 3,000 shots. The company provides two sets of batteries for a total of 6,000 shots. Their accompanying electronic target runs on three AA batteries that last for 6,000 shots. This Laser Training Cartridge fits inside the pistol chamber and is firing pin activated. When the firing-pin strikes the switch on the cartridge, a bright red dot indicates the point of impact. When using the cartridge, it will stay in the chamber because it is rimless. One can discharge the laser light through single or double action. This writer has tested this Laser Cartridge and it is “spot-on”. At first, I thought it impacted two inches to the right. But, when using a bench, I shot perfect into an X. The two-inch variance was the shooters problem. This writer needs some practice.

Figuring out the cost of going to a

local range, cost of ammo, gas, your time and cleaning your weapon, and the cost of a Laser Training Cartridge at \$99.95, it does not take too long to figure out that 6,000 shots would cost a bundle. The accompanying electronic target is a very useful way of recording your hits. This product is an extra \$199.95. This target gives the shooter delayed shooting feedback. So the shooter concentrates on the next shot and not the last. One aims at the target, dry fires with the LaserLite Laser Trainer. When the shooter is finished with the practice, one just aims the laser at the red display circle on the target and the shots are shown on the target by lighted dots. A reset circle shuts off the lights and resets the target. The target is good for 6,000 shots at 50 yds. The target is self-contained and needs no external devices to make it work. This target is 9.5 inches

by 6.25 inches, so it is small. Please remember the postage stamp size target used in your last trimester, when evaluating the size of this electronic target.

So what is this all about? You can practice shooting skills such as unsighted fire, accuracy, trigger control, and shooting from different positions. Point and shoot accuracy is a difficult skill to obtain and takes lots of practice. With this device, you can perfect your skill. Also, one can practice at any time and almost anywhere. Another consideration is that cleaning the weapon is not needed when using this cartridge.

When considering the number of times the bad guy shoots (23 times a year), and the number of times we shoot in a year, this product provides the opportunity to build your skills and gives you the confidence that is needed for your mental preparedness on duty.

— S/R Deputy Jeff Heller



Above, Electronic target. Right, Laser Training Cartridges can fit a Beretta 92 FS or .45-cal. duty weapon.





So What Did You Do Last Weekend?

By **MARY O'KEEFE**
Photos by LASD **MIKE BRANDIFF**

Members of the Montrose Search and Rescue Team and Los Angeles County Sheriff's Department Air Five spent their weekend climbing a wall of ice.

This was the team's annual pilgrimage to Lee Vining where they continue their training as a Vertical Ice Response Team.

"We are one of the few rescue teams trained in [vertical ice response]," said Mike Leum, member of Montrose Search and Rescue Team. "It is a highly specialized type of climbing."

Six team members of Montrose Search and Rescue and four members of Air Five were among the team that went to Lee Vining for the training. There were two first time climbers from search and rescue and two from Air Five. Their guides were from American Alpine Institute.

Ice climbing is not your typical "grab a rope and climb that hill" kind of exercise. It requires a whole different set of skills and specialized tools. The team has been training in this type of rescue for



Members of the Montrose Search and Rescue and L.A. Sheriff's Department Air Five, along with guides from American Alpine Institute, hike in to climb up a wall of ice.

five years and it has been valuable.

"Two years ago we rescued a woman who was clinging to a tree in [Angeles National Forest]," Leum said.

Rescuers went up a snow face rather than take the longer route to hike up to the top of the cliff, therefore getting help to the victim faster.

Despite how many times the team climbs, every experience is different

and this time was no exception.

"We had one small incident that was unfortunate. I was climbing a column of ice," Leum said. Ice climbing is usually up a sheet or column of ice.

The ice column Leum was climbing shattered and Leum dropped.

"I was dangling," he added.

Luckily the one belaying was Kevin Hogan, a guide from American Alpine Institute.

Belaying is a process of holding the rope and the climber. The rope links both the climber and the belayer together.

Hogan was beneath Leum with the rope in his hands. When the column shattered, the ice showered down on Hogan. One of the pieces struck his hand hard and broke it, but he didn't let go of the rope.

It wasn't like he didn't notice the injury.

"The pain was immense but the bottom line was if I dropped [the rope] Mike would fall 60 feet to the ground,"

Continued on page 16

Ponzi: The History of a Scam

By Reserve Deputy
JAMES C. ZANIAS

PT. Barnum supposedly said “a sucker is born every minute” and if you scan the news you might very well find evidence of this as lurid stories of purveyors of “Ponzi” schemes abound. Bernie Madoff may be the latest crook to get caught pulling in a catch of suckers proving P.T. Barnum’s maxim, but before Bernie there was a man named Charles Ponzi.

Charles Ponzi left his native Italy and arrived in the United States in 1903. He worked various odd jobs and at one point became a waiter. It appears that his corrupt way began there as he was fired for shortchanging customers. He then moved on to Montreal and worked his way up to bank manager of the Banco Zarossi, a bank that specialized in servicing Italian immigrants. When the bank collapsed, Ponzi found himself without a job and without any money, so he visited a former bank client and helped himself to the client’s checkbook and forged a check, got caught and spent three years in a Canadian prison.

After his release from prison our ne’er-do-well Mr. Ponzi, apparently not satisfied with honest work, once again embarked upon a criminal enterprise, this time smuggling illegal aliens across the border. He got caught and spent two years in the Federal prison at Atlanta. After his two year “vacation” in Atlanta, Ponzi headed to Boston to re-establish himself.

It was in Boston that Charles Ponzi discovered the International Reply Coupon and the scheme that would forever bear his name. The International Reply Coupon (IRC) was designed to allow someone in one country, such as Italy, to send the IRC to a recipient in another country, such as the United States and use that IRC to purchase postage for a reply to the original sender. Here is where Ponzi found his hook. The price of an IRC was based on the cost of postage in the country of purchase, but were



Charles Ponzi

Ponzi schemes collapse because with little or no legitimate earnings, the schemes require a consistent flow of money from new investors to continue. When a significant amount of investors cash out or when no new investors can be found, the scheme collapses.

redeemable for postage stamps in whatever country the recipient was located and if there were differing values there was a chance for a profit or arbitrage.

Post World War I Italy suffered significant inflation thereby decreasing the cost of postage in Italy in terms of U.S. dollars. Therefore an IRC could be purchased cheaply in Italy and exchanged for U.S. stamps of higher value, which could then be sold for a profit. It was a form of arbitrage where in you buy an asset at a lower price in one market and sell it immediately in another market for a higher price. On

its face, the plan was not illegal.

Mr. Ponzi borrowed some money and sent it to his relatives in Italy, telling them to purchase IRCs and send them back to him in the United States. Unfortunately for Ponzi, when he tried to redeem the IRCs, he ran into a bureaucratic nightmare of red tape. Undaunted by his failure to legitimately realize a profit, and unfazed by two stints in prison, Ponzi approached several friends (lucky them!) in Boston with promises that he could double their investment in 90 days by investing in IRCs. Some of the early investors received the profits that were promised, thus propagating the scam. In reality, these early beneficiaries were being paid from the money that followed from later investors who were depositing with Ponzi.

Word soon spread about the tremendous rates of return that Ponzi was able to generate for his investors and money flowed into his new company called Securities Exchange Company at ever increasing rates. As more and more money came in, Ponzi made sure to pay impressive rates of return, prompting others to invest. By the end of May 1920, he had made about \$400,000. He deposited over \$3,000,000 in a bank in Boston and was able to take over the bank and become its president. The investing frenzy continued with people “reinvesting” their profits.

It’s estimated that by the end of July 1920, Ponzi was making \$250,000 per day! As with all Ponzi schemes, the end came. A financial analyst examined the business model of the Securities Exchange Company and determined that in order to cover the investments allegedly made, there would have to be 160 million IRCs in circulation when in fact, there were only 27,000. The analyst’s story published in Barron’s caused a run on the company. On August 11, 1920 a front page story was run in a local Boston newspaper describing Ponzi’s criminal activities in Montreal 13

WEEKEND*Continued from page 14*

Hogan said.

This type of incident is exactly why Montrose Search and Rescue members train so often. Each climb, each rescue can present unexpected problems. The more you are trained the better it is to handle the unexpected.

“When Kevin got hit, [team members] responded immediately,” said Ian McEleney, an Alpine guide that was with the team. “They had an emergency room nurse, Janet Henderson, and other EMT’s (emergency medical technicians). That is one thing about training with these guys. I am not worried [when something happens] they are professionals.”

McEleney and Hogan are year-round professional guides. American Alpine Institute was established in 1975 and is “dedicated to helping climbers raise their skills, protect the environments in which they climb, develop good judgment, and safely gain access to the great mountains of the world,” according to their website, www.aai.cc.

Guides work with climbers and hikers with various skill levels from those who have never climbed before to pro-



fessionals who train like the search and rescue team.

“Some people will call and [tell us] they just saw a show on rock climbing and ask us what [type of trip] we would recommend,” McEleney said.

He added the basic skills are how to use the equipment. The company works with all ages.

“I just had a dad and his 12-year-old daughter on a four-day backpacking trip,” McEleney said.

Hogan said he had guided people from all levels of ability on vertical ice trips.

“The greatest challenge I think is

dealing with the elements, the cold and deep snow,” he added.

Hogan said that ice climbing is not just physical but requires mental discipline as well. Because the Montrose Search and Rescue members were trained and fit, the challenge matched their skill.

“It is an inhospitable environment, not a comfortable place to put yourself in. You have to keep telling yourself you can do it,” Hogan added.

Leum said the training helps build the skills and confidence of the team.

“If you are comfortable climbing a wall of ice you will be comfortable in almost any scenario,” he said.

But climbing the wall of ice was just part of the training. First they had a long hike through a lot of snow to get there.

The team traveled through some difficult snow conditions to reach their destination, which reminded Leum of one other “incident.”

“On the first day on the way out we had to hike into the area. It is quite an effort to get there,” Leum said.

Later in the day they found there had been an avalanche in the area they had hiked through.

“We avoided the area on the way out,” he said.

PONZI*Continued from page 14*

years earlier and on August 12th, Ponzi surrendered to Federal authorities. He spent the next several years both in Federal and state prisons and ultimately was deported. He died penniless in a Brazilian charity hospital in 1949.

According to the Securities and Exchange Commission (the Federal Agency, not to be confused with the company that Ponzi started), a Ponzi scheme is an investment fraud that involves the payment of purported returns to existing investors from funds contributed by new investors. Ponzi scheme organizers frequently solicit new investors by promising to invest funds in opportunities claimed to generate high returns with little or no risk. Often, Ponzi schemers focus on attract-

ing new money to make promised payments to earlier-stage investors and to use this new money for personal expenses.

Ponzi schemes collapse because with little or no legitimate earnings, the schemes require a consistent flow of money from new investors to continue. When a significant amount of investors cash out or when no new investors can be found, the scheme collapses.

Bernie Madoff must have studied the ways of Charles Ponzi. He founded his investment company in 1960, but unlike most other Ponzi schemes, he did not promise huge short-term profits. Instead, he doctored his clients’ account statements showing moderate but consistent growth during good times and bad, thus inducing others to invest. It’s estimated that this scam cost his investors \$50 Billion. Madoff is currently serving 150 years in Federal prison.

Warning signs of a Ponzi scheme can include the following:

- Purported high investment returns with little or no risk.
- Overly consistent returns regardless of economic conditions.
- Investments that are not registered with the SEC or state regulators.
- Unlicensed sellers
- Complex or “secretive” investments.
- Failure to provide complete paperwork
- Difficulty in receiving payments or distributions from your investment.

If an investment opportunity sounds too good to be true, it probably is. It is axiomatic that the potential for great rewards brings with it great risks. Every day there is someone who unwittingly invests in a Ponzi scheme proving that indeed, a sucker is born every minute. Don’t be one them.

DEPARTMENTS

Recent Court Decisions

Summarized by S/R Deputy
HORST FÜNSTÜCK

United States v. Krupa

Ninth Circuit Court of Appeals
No. 09-10396

Decided: February 7, 2011
Circuit Court Judge Callahan for the Court; Senior District Judge Wolle; and dissent by Circuit Judge Berzon

CRIMINAL PROCEDURE: Under a totality of the circumstances approach, probable cause for a search warrant exists when an investigator finds a nude picture of a teenage girl on a computer, coupled with the exigent circumstances that the suspect is caring for minor children and revokes his consent to the search. Rhonda Valesco telephoned police because she did not know where her children were. The police went to the home of the father, Sgt. Valesco, and encountered Peter Krupa who was taking care of the Valesco children while Sgt. Valesco was away. The home was in disarray and Investigator Reynolds obtained consent from Krupa to search his computer where he found a picture of what appeared to be a nude 15-17 year-old female girl. Krupa then revoked his consent to search the computers. Reynolds obtained a search warrant and continued searching the computers where he found 22 images of child pornography. Krupa was indicted for "possession of visual depictions of minors engaging in sexually explicit conduct." The district court denied Krupa's motion to suppress evidence and he



appealed to the Ninth Circuit. Under a totality of the circumstances approach, one picture of a nude child is not sufficient to establish probable cause for a search warrant. However, the exigent circumstance of the concerned mother in this case, the revoked consent, and that the children were under Krupa's supervision were enough to conclude a search warrant was appropriate. **AFFIRMED**

United States v. Smith

Ninth Circuit Court of Appeals
Decided: February 3, 2011
No. 10-10036

Circuit Judge Gould for the Court; Circuit Judge Callahan and Senior District Judge Edward R. Korman
CRIMINAL PROCEDURE: Suspect was not seized when he initially turned toward a police officer that asked him to stop, but then subsequently fled on foot; headlong, unprovoked flight is reasonable suspicion to search suspect for weapons. Smith crossed the street in front of a police cruiser in a high crime neighborhood, and police offi-

cer called for him to stop and stand in front of the cruiser. Smith turned toward the officer, asked whether the officer was addressing him, and whether he was under arrest. The officer replied that Smith was not under arrest, but ordered him to stand in front of the cruiser. Smith backed away and then

The information was selected or copied from several sources. Some of the cases may not be final, and petitions for re-hearing or hearing before the Supreme Court may order a case to be revised or depublished at a later date, rendering it invalid to be cited as law.

fled when he saw the officer reach for what he thought was a gun. The officer gave chase, Smith tripped, and the officer detained him. The officer conducted a search of Smith's person and discovered a handgun in Smith's pocket. Smith was charged with being a felon in possession of a firearm and moved to suppress admis-

sion of the gun into evidence. The trial court denied the motion to suppress and the Ninth Circuit affirmed. The Ninth Circuit held that Smith was not seized during the initial encounter with the officer because he did not submit to the officer's show of authority, and instead fled the scene. Therefore, the requirement of reasonable suspicion for a search was not raised at that point. However, because Smith fled, and because he was in a high crime neighborhood, his actions gave rise to reasonable suspicion, and the search and seizure of the weapon was proper. **AFFIRMED.**

Liberal v. Estrada

Ninth Circuit Court of Appeals
Decided: January 19, 2011
No. 08-17360
Circuit Judge Graber for the Court; Circuit Judge Bybee; and partial concurrence and partial dissent by Circuit Judge Tashima

CRIMINAL PROCEDURE: A law enforcement officer did not have reasonable suspicion to initiate a traffic stop for tinted

windows when the car windows were rolled down. An objectively reasonable officer would have known that a 45-minute stop without probable cause was an unlawful detention of unreasonable duration in violation of the Fourth Amendment. Kesner Liberal and two of his friends were driving home from a night out. Liberal's was obeying all traffic laws when Menlo Park Police Officer Estrada saw him driving. Estrada accused Liberal of trying to "ditch him" by making two turns before stopping in a dark driveway. Although they were rolled down, Estrada accused Liberal of having illegally tinted windows. Liberal complied with all of Estrada's requests before the officer forcibly removed him from his car, shoved him against its door, and handcuffed him for 30 minutes. The total stop lasted 45 minutes. A subsequent search of his car by other officers revealed nothing. Before releasing Liberal and his friends, Estrada told him he "wished he was drunk" and that he wished Liberal had made a wrong move so he could have could have "busted a cap" in him right between the eyes. Liberal sued the City of Menlo Park and seven of its police officers, under § 1983 for violations of his civil rights. The officers moved for summary judgment, asserting federal qualified immunity. The district court denied the officers' motion. The defendant officers then filed this appeal. The Ninth Circuit reasoned that since Liberal's windows were not rolled down, Estrada did not have reasonable suspicion to initiate the stop. Due to the lack of reasonable suspicion, the Ninth Circuit affirmed the denial of qualified immunity for the initial traffic stop. The Ninth Circuit further reasoned that the forced used on the cooperative Liberal was unreasonable. An objectively reasonable offi-

cer would have known that the 45-minute stop without probable cause was an unlawful detention of unreasonable duration in violation of the Fourth Amendment. An officer must have reasonable suspicion for a traffic stop and must not prolong the duration of the stop without probable cause. AFFIRMED in part, DISMISSED in part, and REMANDED.

Kentucky v. King

United States Supreme Court (09-1272)

Certiorari granted September 28, 2010

Court Below: 302 S.W.3d 649 (2010)

SEARCH AND SEIZURE:

(Whether the "exigent circumstances" exception to the warrant requirement applies when the police lawfully create the exigent circumstance). Police officers in hot pursuit of a suspect entered an apartment building, heard a door slam, but were unsure which of two apartments the suspect entered. A strong odor of marijuana was emanating from one of the apartments and the officers knocked on the door. After knocking, they heard noises that caused them to believe that evidence was being destroyed, and entered, finding Respondant Hollis King, and large quantities of illegal drugs. The individual originally being pursued was not involved. King was convicted on a conditional guilty plea, and the Court of Appeals affirmed. The Kentucky Supreme court held that the evidence should have been suppressed, finding the exigent circumstances test didn't apply because the officers had created the exigency, and the hot pursuit exception didn't apply, as the individual did not know he was being pursued.

Davis v. United States

United States Supreme Court (09-11328)

Certiorari granted:

November 1, 2010

Court Below: 598 F.3d 1259

(11th Cir. 2010)

CONSTITUTIONAL LAW (Whether the Fourth Amendment requires suppression of evidence obtained from a search that was authorized by a case that was overturned by the Supreme Court during the pendency of defendant's appeal).

Davis was arrested during a routine traffic stop for giving a false name to police officers. After placing Davis under arrest and securing him in a patrol vehicle police searched the vehicle and found a revolver in the jacket Davis had been wearing before police asked him to exit the vehicle. The issue in this case is whether the suppression of evidence obtained under the precedent of United States v. Gonzalez is required in light of the Supreme Court's overturn of that decision in Arizona v. Gant, which was decided while Davis' appeal to the Eleventh Circuit Court of Appeals was pending. The District Court denied Davis' motion to suppress the evidence because police had found the weapon in a valid search incident to Davis' arrest. A jury found Davis' guilty of unlawful possession of a firearm. Davis appealed and the Eleventh Circuit Court of Appeals held that the exclusionary rule does not apply when police conduct a search in objectively reasonable reliance on the Court's well-settled precedent, even when that precedent is subsequently overturned.

J. D. B. v. North Carolina

United States Supreme Court (09-11121)

Certiorari granted:

October 29, 2010

Court Below: 363 N.C. 664

CRIMINAL PROCEDURE: (Whether Miranda protections are required for juveniles not in custody).

J.D.B., a 13-year-old special education student, was escorted from class and questioned by a uni-

formed officer in the school's conference room about breaking and entering and larceny in a subdivision. J.D.B. was charged with breaking and entering and larceny. After a hearing, defendant filed a motion to suppress evidence. The trial court denied the motion without any findings of fact or conclusions of law. Defendant admitted to all counts alleged, but appealed the denial of the motion to suppress evidence.

The Court of Appeals remanded the case in part to determine if J.D.B. was in custody at the time he was questioned. On remand, the trial court determined he was not in custody of the police. The Court of Appeals and North Carolina Supreme Court upheld the trial court's determination, the latter relying upon the view in Yarborough v. Alvarado, 541 U.S. 652, 668 (2004), declining to include consideration of age in the test for custody.

Tolentino v. New York

United States Supreme Court (09-11556)

Certiorari granted:

November 15, 2010

Court Below: 926 N.E.2d 1212

(N.Y. 2010)

CRIMINAL PROCEDURE

(Whether DMV records obtained by police after an illegal traffic stop are suppressible because they were obtained as a result of an identification that occurred during that illegal stop).

Defendant Jose Tolentino was stopped by police for driving with his music playing too loudly. Police asked for him name and ran a computer check of his DMV records, revealing that defendant was driving with a suspended license. He was arrested and charged with one count of aggravated unlicensed operation of a motor vehicle in the first degree. Defendant sought to have his driving record suppressed, alleging that the police stop was illegal and his driving record was suppressible because it was

obtained by police as a result of that illegal stop. The Supreme Court of New York held that an individual cannot expect privacy as to files maintained by the DMV, and that DMV records are not evidence that may be suppressed under the fruit of the poisonous tree doctrine. The Court of Appeals affirmed, holding that a defendant's identity is never suppressible as fruit of the poisonous tree, and because identification of the defendant is how police obtained his DMV records those records cannot be suppressed under the doctrine either. This holding was further supported by the fact that DMV records are public and are compiled independent from a defendant's arrest.

The People, Plaintiff and Respondent, v. Timothy Russell, Defendant and Appellant.

California State Supreme Court [No. S075875. Nov. 15, 2010.] THE PEOPLE, Plaintiff and Respondent, v. TIMOTHY RUSSELL, Defendant and Appellant. (Superior Court of Riverside County, No. RIF72974, Patrick F. Magers, Judge.) (Opinion by Moreno, J., with George, C.J., Kennard, J., Baxter, J., Werdegar, J., Chin, J., and Corrigan, J., concurring. Concurring opinion by Kennard, J.) Defendant alleges that the trial court erroneously instructed the jury on the lying-in-wait theory of murder. He further alleges that the prosecutor improperly suggested that the jury could convict defendant of first degree murder based upon a lying-in-wait theory even if the jury believed defendant's account of the facts, which showed that no substantial period of watching and waiting occurred prior to the shooting. Defendant claims the prosecutor's suggestion, coupled with instructional error, violated defendant's rights to due process and a fair trial under

the state and federal Constitutions. Defendant suggests his conviction is based potentially upon an erroneous theory of murder and must be reversed because it cannot be determined whether the jury relied on a legally adequate or inadequate theory to convict him of first degree murder.

On September 4, 1998, a jury convicted Timothy Russell of the murders of Riverside County Sheriff's Deputies Michael Haugen and James Lehmann. The jury found true a sentencing enhancement allegation that defendant had used a rifle during the commission of the murders and found true a special circumstance allegation that defendant had intentionally killed Deputies Haugen and Lehmann during the performance of their duties as peace officers and a multiple-murder special-circumstance allegation. The first penalty phase resulted in a mistrial. After a penalty retrial, the jury returned a verdict of death. The trial court denied defendant's motions for a new trial and for modification of the sentence, and sentenced defendant to death on both counts. The court also imposed four-year determinate sentences on both counts for defendant's personal use of a firearm, to run concurrent with the imposition of the death sentences. This appeal is automatic. We affirm the judgment.

Luchtel v. Hagemann

Ninth Circuit Court of Appeals Decided: October 7, 2010 No. 09-35446 Circuit Judge Gould for the Court, Circuit Judges Beezer and Tallman CRIMINAL LAW: Officers were justified in believing an arrestee posed a safety threat, and correctly subdued, arrested, and took her to a mental hospital based on reports that she was on drugs, had been hiding under a car with her son, was scream-

ing that someone was trying to kill her, and would kill herself. While under the influence of crack cocaine and afraid that her husband was trying to kill her, Luchtel threatened suicide while running and hiding under cars with her son. Upon the officers' arrival, she used a neighbor as a shield, declared that police were assassins sent to kill her, and resisted arrest by kicking and struggling. Following the incident, Luchtel brought an action in state court against various defendants, including police officers, alleging claims of excessive force in violation of 42 U.S.C. Sec. 1983, as well as state law claims for false arrest, negligence, and assault and battery. Following removal to federal court, the District Court granted the defendants' motions for summary judgment. Luchtel appealed. The Ninth Circuit affirmed the grants of summary judgment, holding that police had probable cause to arrest Luchtel for possession of cocaine where the arrestee's husband and people who called police informed the officers of Luchtel's behavior and that she was high on drugs. Furthermore, pinning Luchtel to the floor and handcuffing her constituted a reasonable use of force incident to arrest. Lastly, taking Luchtel to the hospital for mental evaluation was justified given police were informed that she was under the influence of substances, threatened suicide, hid under cars, made paranoid statements about law enforcement, and resisted officers' attempts to arrest by kicking and struggling.

Smith v. Alamada

Ninth Circuit Court of Appeals Decided: October 19, 2010 No. 09-55334 District Judge Gwin for the Court; Circuit Judge Gould; Circuit Judge D. Nelson dissenting. CRIMINAL PROCEDURE: To maintain a Brady claim for suppression of exculpatory evidence, a

person must be convicted to allow the Brady claim to proceed. Police Sergeant Alamada arrested Smith for arson upon issuance of a warrant. During the arson investigation, Alamada discovered that the fire had been started with firebombs containing mail from Smith's residence, that a previous confrontation between Smith and the business owner of the fire location had taken place, that prior dumpster fires had occurred outside the residence where Smith was not a suspect, and a false claim was made by the business owner that Smith was seen gloating about the fire post hoc (later confirmed by Alamada as false). Smith was then arrested upon the warrant and had two arson trials, each resulting in a mistrial and ultimate dismissal. Smith brought suit against Alamada for false arrest, malicious prosecution, and suppression of exculpatory evidence because Alamada did not testify regarding the false claim of gloating by the business owner when seeking the warrant and in trial. The Ninth Circuit affirmed the lower court's grant of summary judgment to Alamada. First, the Court held the investigation gave Alamada probable cause to believe Smith was the cause of the fire. Even if Alamada revealed the false information to the warrant magistrate, the Ninth Circuit concluded that a neutral magistrate would still find probable cause. Second, the Ninth Circuit used the probable cause standard when it held that the district court properly awarded summary judgment to Alamada on Smith's malicious prosecution claim. Third, the Ninth Circuit dismissed Smith's Brady claim regarding suppression of exculpatory evidence because Smith was not convicted. This holding reflects the first time the Ninth Circuit has explicitly held that a Brady claim requires a conviction. AFFIRMED.

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