



SANTA BARBARA NEWS-PRESS

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The cover-up involving Mallory's killer

By PETER LANCE
SPECIAL TO THE NEWS-PRESS

EDITOR'S NOTE: This is the final installment in a five-part series on the death of Mallory Rae Dies following a DUI-related hit-and-run; the man behind the wheel, Raymond Morua, at the time a district representative for Rep. Lois Capps; and the length various officials went to protect and later distance themselves from Mr. Morua.

The only thing more surprising than the revelations uncovered in this series is the reaction from most of the local, state and federal officials named in it. Except for Santa Barbara County District Attorney Joyce

Circling the wagons in a search for the truth

Dudley, all of the principal figures identified in the series have either refused to talk or issued "no comments."

There has been no reaction from Rep. Lois Capps or her press secretary, Chris Meagher, even though he was present at the Santa Barbara Independent's Holiday Bash at The Savoy nightclub the evening of Dec. 5, 2013, where Raymond Victor Morua III, in his role as a district representative for Mrs. Capps, reportedly drank six vodkas before leaving at 11:30 p.m. Soon he was behind the wheel of his Dodge Caliber driving at a reported 40 mph on Anacapa Street, where he struck 27-year-old pedestrian Mallory Rae Dies out-

side EOS Lounge just after midnight, a hit-and-run that eventually took the life of the vibrant UCSB graduate.

As the News-Press was first to report earlier in this series, Mr. Morua, 32, accepted a plea deal on Tuesday, admitting to among other things gross vehicular manslaughter while intoxicated. At sentencing late next month, the decorated Army veteran with a penchant for doing work on the congresswoman's behalf while toting a Captain America shield, could receive 20 years to life behind bars.

Also refusing to comment is Mrs. Capps' district director, Mollie Culver, whom the

TUNE IN

News-Press City Editor Scott Steepleton's interview with Matt Dies, father of Mallory Dies, and investigative journalist Peter Lance on the "Voices of Santa Barbara" program will be rebroadcast 10 a.m. Sunday on KZSB AM 1290, the Santa Barbara News-Press Radio Station.

evidence suggests tried to get Mr. Morua out of jail and into a treatment facility days after the crash only to disown him after Mallory's death.

Silent too has been Judge George Eskin, who had retired after 10 years on the Santa Barbara County Superior Court bench; going back "on assignment" — a traveling judge of sorts — taking the oath just four days before he helped get Mr. Morua a private attorney, Sam Eaton, who also withdrew once Mallory passed away after being taken off life support Dec. 11.

STONEWALL FROM THE VA

Among the many unanswered questions raised by the evidence published so far is: What role did officials of the U.S. Department of Veterans Affairs play in the effort to remove Mr. Morua from Santa Barbara

Please see **MORUA** on **A4**



PG&E PHOTO
San Luis Obispo County health officials are disputing a study that claims the nuclear Diablo Canyon Power Plant is raising cancer rates in North Santa Barbara and San Luis Obispo counties.

Diablo Canyon study dismissed by SLO officials

By ZACH NOBLE
NEWS-PRESS CORRESPONDENT

Another organization has spoken out against critics of the Diablo Canyon nuclear facility.

On April 11, the San Luis Obispo County Public Health Department issued a strong rebuttal of a March 3 report, sponsored by the Santa Barbara-based World Business Academy, which claimed that the Diablo Canyon facility was responsible for a spike in cancer rates throughout San Luis Obispo and North Santa Barbara counties.

The study also linked Diablo Canyon's nuclear emissions to rising infant mortality rates.

"After thorough review of the study, and the methods used, none of these claims hold up," writes Dr. Peggy Borenstein, San Luis Obispo County's public health officer. "There are substantial and obvious problems in methodology wherein basic statistical precepts were overlooked."

Dr. Borenstein's response dismisses every single finding of the World Business Academy report, which was authored by New Jersey public health researcher Joseph Mangano.

"In the Executive Summary of (Mr. Mangano's) report, there are twelve major findings listed which cite health concerns," writes Dr. Borenstein. "Each of these findings is erroneous or not substantiated with proper scientific methods."

Please see **DIABLO** on **A4**

Candidates focus on Goleta Beach, Measure M



THOMAS KELSEY/NEWS-PRESS
From left, moderator Peter Brown conducts Wednesday's candidates forum for incumbent 2nd District Supervisor Janet Wolf and her challenger, Goleta City Councilman Roger Aceves.

Goleta Councilman Roger Aceves challenging Janet Wolf for 2nd District county supervisor

By SARA BUSH
NEWS-PRESS CORRESPONDENT

Santa Barbara County 2nd District Supervisor Janet Wolf and her challenger, Goleta City Councilman Roger Aceves, met at Bacara Resort and Spa on Wednesday for a public forum hosted by the Goleta Valley Chamber of Commerce and the Chamber of the Santa Barbara Region.

"Voters across the region have an important choice to make in this 2nd District race. Working together with our partners at Goleta Valley Chamber, we're pleased to highlight the differences between the two candidates so business leaders can make a more informed decision," said Ken Oplinger, president & CEO of the Chamber of the Santa Barbara Region.

Each candidate had a chance to answer

a number of pre-determined questions, without any opportunity for rebuttal.

"This is a very important election, and the outcome will be felt far and wide," Ms. Wolf said during her opening statement.

She said she has proven herself as trustworthy, and in the past eight years serving in the position, has worked well with her peers to get things done.

Mr. Aceves said he is a longtime member of the community with a history in law enforcement, as well as a background leading the Goleta city government. He has served on Goleta's City Council for the past eight years and has twice served year-long terms as mayor.

He pointed to his role in Goleta's successes, including its fiscally responsible government and the city's title as one of California's safest, saying he would bring

the same success to the county level.

"One thing is clear, voters are ready for change," he said.

The moderator, attorney Peter Brown, then asked each candidate a series of questions covering such topics as the Goleta Beach project, the budget, and Measure M.

Preservation of Goleta Beach County Park has been an issue for years, Ms. Wolf said.

In 2009 the California Coastal Commission denied the county's request to take measures to lessen natural erosion at the beach. Since then, the county has conducted several studies and worked on alternative plans to save the beach or the attached park area.

The Board of Supervisors unanimously voted last month not to take any action, after being presented with several plans

to either protect the beach or existing park space.

They agreed to send a recommendation to the Coastal Commission to leave rocks in place separating the beach from the park.

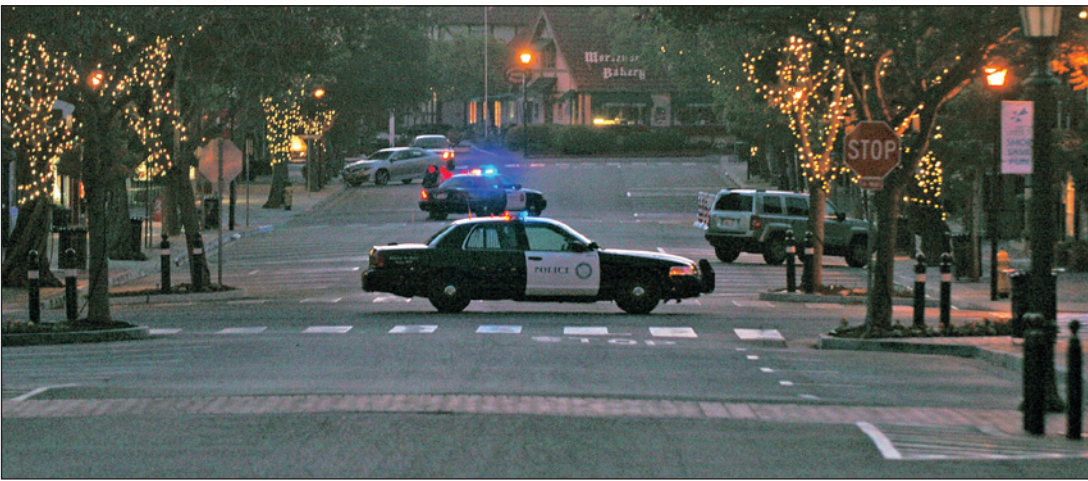
Ms. Wolf said she has always promoted protection of the beach, and said a new environmental impact report helped her make her decision.

Mr. Aceves said he agrees with his opponent on the issue. He also advocates leaving the rocks where they are, although, he said, it is unfortunate that it has taken so long and cost so much to get to this conclusion.

When asked about how he would approach the county budget, Mr. Aceves pointed to his experience balancing

Please see **DEBATE** on **A8**

Sheriff's Department units, seen from Alisal Road, block Copenhagen Drive.



RAFAEL MALDONADO/NEWS-PRESS

Explosive forces evacuation

The Santa Barbara County Sheriff's Department blocked off an area around the 1600 block Copenhagen Drive after an unspecified piece of "military ordnance" was spotted at about 3:20 p.m. Wednesday.

About 400 residences and businesses, including some hotels, were told to evacuate by a reverse 9-1-1 call, said sheriff's spokeswoman Kelly Hoover.

"This occurred right in the downtown business area of Solvang," Ms. Hoover said.

The evacuation zone was widened at about 8 p.m. to a 1,500-foot radius from the device, Ms. Hoover said, affecting a total of 500 to 700 businesses.

The evacuation area included south of Laurel Avenue, west of Alisal Road, north of Birch Drive and east of 5th Street. Sheriff's Search and Rescue Team members assisted went door-to-door to notify residents of the mandatory evacuation. The American Red Cross set up a center for evacuees at the Veterans Memorial Building, 1745 Mission Drive.

The sheriff's Bomb Squad and the Explosive Ordnance Disposal Team from Vandenberg Air Force Base responded and were still evaluating the device late Wednesday.

— Merrill McCarty



Crash causes blackout

MONTECITO Electricity was restored for 72 Montecito residents Tuesday night, a Southern California Edison spokeswoman said.

Rondi Guthrie, public information officer for Edison's local office, confirmed that a forklift backed into a telephone pole at about 1 p.m. at Las Tunas and El Bosque roads, knocking out power for residents in that area.

San Ysidro Ranch also reportedly lost power, but was able to keep its restaurant operating with a power generator.

Power was out for more than 15 hours as repairs were completed.

California Edison reminds residents to report any power outages to Southern California Edison either online at www.sce.org or by calling (800) 611-1911.

— Drey Dailey

Lompoc creates development team

LOMPOC The city of Lompoc has launched an effort to foster economic development and help business owners negotiate the development process.

According to a news release from the city's economic and community development department, the recently created development assistance team is for business owners with projects in the conceptual stages or already in progress.

The team, comprising key department heads and division managers, will hold consultations on the second and fourth Tuesdays of each month at City Hall, 100 Civic Center Plaza. Appointment times are 9:30 a.m., 10 a.m. and 10:30 a.m.

The goal is to help people who are preparing to submit a development project and who need preliminary information about meeting standards and requirements, according to the release.

Because the development assistance team is not a formal review body, the information given should be considered preliminary.

There is no cost for the 30-minute consultation.

“This is another business-friendly service we can offer to facilitate development in our community,” said City Administrator Patrick Wiemiller in a prepared statement.

To make an appointment, call 805-875-8213.

— Steve Sinovic

Chumash named to state panel

SANTA YNEZ The state Senate Rules Committee has confirmed the nomination of Reginald “Reggie” Pagaling, an elder of the Santa Ynez Band of Chumash Indians, to the Native American Heritage Commission.

The April 1 committee vote was unanimous, according to a tribal news release.

Mr. Pagaling, 60, also is a member of the Chumash Maritime Association and has devoted much of his time to restoring the tribe's ancient maritime culture. He has been instrumental in the building of several tomols, the traditional Chumash plank canoes, and has co-organized the annual tomol crossing of the Santa Barbara Channel since its inception in 2001.

Mr. Pagaling also serves on the Santa Barbara County Local Community Benefit Committee and was elected chairman of the committee in 2010.

For more information about the Santa Ynez Band of Chumash Indians, go to www.santaynezhchumash.org.

— Drey Dailey

High school seniors can seek art scholarships

SANTA YNEZ Graduating high school seniors in the Santa Ynez Valley are invited to apply for one of the art scholarships offered by the Artists Guild of the Santa Ynez.

This year the guild plans to disburse \$500 to \$2,500 in merit awards to students planning on attending an accredited college, university

or art school, according to a news release.

The deadline to apply is May 2. Applicants must submit a portfolio of seven pieces of original artwork to be judged by professional artists selected by the guild. Applicants must also complete a 2014 scholarship application and submit the required supporting documents.

Applications and directions for submitting portfolios can be obtained from their high school's art department or from the guild website at www.agsyv.org. Students also can request them from the Artists Guild at P.O. Box 1008, Santa Ynez, CA 93460.

— Drey Dailey

Limited burns allowed in April

SANTA BARBARA COUNTY Because of predicted weather and an increase in moisture in local vegetation, the Santa Barbara County Fire Department is opening a two-week window for limited burns by individuals who have permits, officials said.

Burning will be permitted through April 30 within the Fire Department's jurisdiction, only on allowable burn days as determined by the Air Pollution Control District, said Capt. David Sadecki, department spokesman, in a news release.

The public can call 686-8177 to learn whether burning is permitted on a particular day.

The burn window will help eliminate accumulated cut vegetation throughout the county, reducing the fuel load during peak high fire season, Capt. Sadecki said.

Holders of permits must contact the Fire Department before starting a permit burn, he said. Permits are issued for burn piles only and are not intended for burning standing vegetation.

No new permits are being issued during this period, Capt. Sadecki said.

For more information, visit www.sbctfire.com.

— Merrill McCarty

Governor calls special session on rainy-day fund

By JUDY LIN

ASSOCIATED PRESS

SACRAMENTO — Saying the state's budget surplus should be used to pay down debt, Gov. Jerry Brown on Wednesday called a special session of the Legislature to make changes to a rainy-day fund measure on the November ballot.

He wants to replace the current ballot measure, which seeks to divert more state revenue into the rainy-day fund and would make it harder to tap the money except in case of emergencies such as wildfires or earthquakes.

Instead, Mr. Brown wants a new constitutional amendment that will focus on stabilizing the budget and allow future governors and legislatures more flexibility in using it.

He wants to fund the reserve account by setting aside some capital-gains revenue when it spikes, as it is doing this year. The money would then be reserved for school spending and for paying down debt and unfunded liabilities.

“We simply must prevent the massive deficits of the last decade, and we can only do that by paying down our debts and creating a solid rainy day fund,” the governor said in a statement.

Voters approved a state rainy-day fund in 2004, filling it with 3 percent of the state's annual revenue. The governor's office said the current fund has no restrictions on when the money can be withdrawn and requires deposits even in years when the state is running a budget deficit.

Mr. Brown's changes would allow lawmakers to direct as much as 10 percent of general-fund rev-

enue to the rainy-day account. It would do so using excess capital gains revenues, which has been a source of budget volatility because it swings year to year. No more than half that money could come out in the first year of a recession, and the state would be required to use multiyear forecasts to plan for the long term.

And to protect schools from deep cuts like the ones during the recession, Mr. Brown would create a new education reserve to smooth out spending.

The proposal received immediate buy-in from some in the business community.

“Adopting an effective rainy-day reserve should be the state's top fiscal policy,” Allan Zaremberg, chief executive of the California Chamber of Commerce, said in a statement. “California's budget crises were caused by the Legislature spending one-time revenues for ongoing programs. A solid reserve requirement will remove the California budget from the fiscal roller coaster.”

Assembly Speaker John Perez, D-Los Angeles, who has called for changing the ballot measure, said he welcomed the governor's call for a special session starting April 24.

“We need to establish a solid system for saving money in good years, so that we can better weather the bad years,” Mr. Perez said in a statement.

Republicans have criticized Democrats for trying to weaken the current measure, ACA4, which was the result of a 2010 budget compromise brokered by Democrats, Republicans and then-Gov. Arnold Schwarzenegger, a Republican. That mea-

sure originally was supposed to go before voters in November 2012.

Replacing ACA4 won't be easy for the governor because it requires a two-thirds vote of the Legislature. While Democrats have a slim supermajority in the Assembly, the Senate recently dropped below two-thirds majority when it suspended three Democratic lawmakers caught up in separate criminal cases.

Senate Republican leader Bob Huff said Brown's announcement suggests he is serious about improving the rainy day fund, and Assembly Republican leader Connie Conway said she was pleased that GOP lawmakers will have an opportunity to be heard. Republicans are insisting that any new fund be protected from raids by the majority party.

“Republicans will not support a rainy-day fund that diverts from the initial purpose to actually save money, or one that allows the majority party to dip into the savings as much as they want, whenever they want,” Ms. Conway said.

Mr. Brown's finance director, Michael Cohen, said Wednesday that the existing rainy day fund is too loose and noted the state has suspended deposits every year since 2007. But the ballot measure slated for November locks in a formula that is too strict, making it hard for the governor and lawmakers to access funds during fiscal or natural-disaster emergencies.

“Our proposal is stronger in terms of more restrictions on when you can take it out, but still gives enough flexibility that we can address our fiscal difficulties,” Mr. Cohen said.

Health official: Study is irresponsible

■ DIABLO

Continued from Page A1

In her analysis, Dr. Borenstein echoes earlier claims by nuclear industry representatives that Mr. Mangano is a “farmonger.”

“There may be as yet unknown additive health consequences of very low levels of radiation emission in and around nuclear power plants,” writes Dr. Borenstein. “However, this study does nothing to advance that theory and is in fact irresponsible in its treatment of the subject, raising a specter of invalid concern by reporting unsubstantiated findings.”

Mr. Mangano's report indicated, among other things, that San Luis Obispo had developed the highest cancer rate in Southern California due to the presence of Diablo Canyon nuclear facility, and that the 10 Santa Barbara County ZIP codes closest to the plant were experiencing drastic increases in infant mortality and low infant birth weights compared to South Santa Barbara County.

The plant is located near Avila Beach in San Luis Obispo County.

Dr. Borenstein's response comes a month after the Nuclear Regulatory Commission released its annual evaluation of nationwide nuclear power plants and placed Diablo

Canyon in the “highest-performing” category.

For its part, World Business Academy is standing by Mr. Mangano's report.

“Not only do we disagree with Dr. Borenstein's conclusions, we are so confident in the findings of researcher Joe Mangano that we are calling for a public hearing by the California State Assembly to evaluate the findings of (Mr. Mangano's) report,” said World Business Academy president Rinaldo S. Brutoco in a prepared statement.

email: news@newspress.com

SpaceX will try again to launch station cargo

ASSOCIATED PRESS

CAPE CANAVERAL, Fla. — SpaceX is shooting for another launch attempt Friday to deliver supplies to the International Space Station.

NASA confirmed the launch date Wednesday, two days after a last-minute rocket leak delayed the mission. Stormy weather, however, is forecast for Friday. Saturday is the

backup launch date.

Mission Control has rescheduled urgent spacewalking repairs because of the new launch time. Two U.S. astronauts, Rick Mastracchio and Steven Swanson, had been aiming for a Tuesday spacewalk to replace a backup computer that failed late last week.

The prime computer has been working fine, but NASA wants to get a new backup installed out-

side the station as soon as possible. These computers control the pointing of the radiators and solar wings, among other things.

The spacewalk will be either Easter Sunday or next Wednesday, depending on when — or if — the cargo ship flies.

The Dragon contains more than 2 tons of supplies, including material that would prove useful for the repair, but is not essential.

■ MORUA

Continued from Page A1

County jail and get him into New Directions, a multimillion dollar treatment facility in Los Angeles, at a time when he was facing charges of gross vehicular manslaughter and leaving the scene of a crash?

After apparently signing Mr. Morua's name three times on two official VA forms — one to get his medical records released and the other to get him federally funded benefits to cover his stay at New Directions — Ms. Culver met with Teresa Montoya, Mr. Morua's fiancé and told her to send the second form to Craig Lea, a re-entry specialist with the VA's Desert Pacific Network in Long Beach.

Mr. Lea was effectively the gatekeeper who would facilitate Mr. Morua's approval by the VA for this special treatment for alcoholism.

After reportedly sending in the

first form on Dec. 9, Ms. Culver called Ms. Montoya to an urgent face-to-face meeting the next day and warned her that if Mallory were taken off life support, there was little Mrs. Capps' office could do for Mr. Morua.

Before he withdrew, Mr. Eaton warned Ms. Montoya that Mallory's death was a game changer, because removing her from life support would subject the former Capps aide to charges under what's known as the “Watson Murder Rule.” Based on the 1981 conviction of Robert Lee Watson, who killed two people while driving drunk, the Watson rule provides that a suspect like Mr. Morua is charged with second degree murder if the injuries to the victim prove fatal. To prove the charge, the district attorney must establish that the suspect exhibited “implied malice.”

That would not be a difficult hurdle to overcome in this case, given Mr. Morua's two prior DUI convictions

and a hit-and-run. The argument would be that, knowing his own history of driving intoxicated, when he got into his vehicle that fateful night with what police say was a blood alcohol level of .17, he showed a conscious disregard for human life.

A SPECIFIC REFERRAL TO CRAIG LEA

Ms. Montoya says that during their meeting, which took place Dec. 10 on the steps of the apartment house where she lived with Mr. Morua on De la Vina Street, Ms. Culver handed her a manila folder. It contained the VA application for health benefits — already filled out by Ms. Culver and signed in Mr. Morua's name. It also contained a page from a yellow legal pad with Mr. Lea's name, phone number and email address.

According to Ms. Montoya, Ms. Culver, who made those notes in

the same blue ink she used to fill out the health benefits application, told her that she needed to fax in the application to Mr. Lea as soon as possible.

“Trusting her that she knew what she was doing, I sent it by email that afternoon,” says Ms. Montoya, who had no idea at the time that in submitting that form which Ms. Culver had apparently filled out and signed in Mr. Morua's name she might be violating federal law.

Making a material false statement or concealing a material fact on that form is punishable by a fine and imprisonment of up to six years. Subornation, or the act of inducing a person to commit a crime, is a separate crime unto itself.

CRAIG LEA AGREES TO TALK

When contacted March 20 for the purpose of finding out whether Mr. Lea had prior dealings with Ms. Culver in her efforts to get Mr. Morua into New Directions, he replied, “I can't confirm or deny that Mr. Morua has a case with us.”

He then said that if Mr. Morua filled out and signed a VA Form 5345 authorizing the release of medical records or health information, he would talk. Mr. Lea even emailed a blank copy of the form at 2:52 p.m. with this message: “Please complete the Request for and Authorization to Release Medical Records or Health Information form and return to me, FAX # 562-826-5987.”

Mr. Morua's attorney, Darryl Genis, had an associate visit Mr. Morua in County Jail where he signed the form, authorizing Mr. Lea to discuss “any matters relating to” him with Mr. Genis and this reporter “particularly the FORMS ... filled out by Mollie Culver of Cong. Lois Capps Office on 12.9.13.”

Mr. Morua added: “I want Mr. Lea to tell both my attorney ... and Mr. Lance, the full truth about the unauthorized efforts by Cong. Capps office to get me into New Direc-

tions.”

CONFIRMING RECEIPT OF MS. CULVER'S FORMS

Mr. Genis faxed the new Form 10-5345 to Mr. Lea with Mr. Morua's signature on March 21. Three days later, Mr. Lea responded in an email: “Your fax was received to include a completed VA Form 10-5345 ... Following regulations surrounding confidentiality I will need to verify the authenticity of the forms sent before I can release any information.”

In this case he was talking about the forms prepared by Mollie Culver and sent to him Dec. 9 and 10 pursuant to her plan to get Mr. Morua into New Directions. Mr. Lea was making a tacit admission that he'd received them. But it's unclear what, if anything, he did when those forms were sent to him back in December.

“It's unlikely that Mollie Culver pulled Mr. Lea's name out of a hat,” says Mr. Genis. “She must have known him and trusted that he would help her execute her plan.”

It appeared hopeful that Mr. Lea would provide some answers when he wrote, “I will prioritize this with Thursday likely the earliest we can address your questions.”

NO COMMENT

Pressing the matter with the VA two days later, on March 26, resulted in this response from Ada Clark, the public information officer in Los Angeles: “We appreciate the opportunity to provide you comment. Unfortunately, VA does not have a position to take on this issue as we have no reason to believe any documents we received are other than authentic. We have no further comment.”

That response was telling in that it seemed another admission that the VA forms Mollie Culver prepared were received by Mr. Lea. But suddenly, without further investigation or a request to provide copies of the forms showing the dif-

ference in Mr. Morua's signatures, the VA, per Ms. Clark, was accepting them as authentic.

Further, after complying with Mr. Lea's request to fill out the medical records release and Mr. Morua's willingness to have Mr. Lea discuss his case with this reporter and Mr. Genis, the official position of the VA was “no comment.”

Pressing the matter with Ms. Clark resulted in a phone call from Andrea Phillips, a Department of Veterans Affairs privacy officer, who said the release form from Mr. Morua would have to be resubmitted. That same day she sent a letter to Mr. Morua, whom VA officials knew to be locked up in County Jail, but had it delivered to this reporter's address by UPS. In it, she wrote: “Dear Mr. Morua, We received your written request on March 21, 2014 to have employee Craig Lea orally discuss matters related to you with Mr. Genis and Mr. Lance. Your request has been denied. VA is not obligated to have this employee speak to them.”

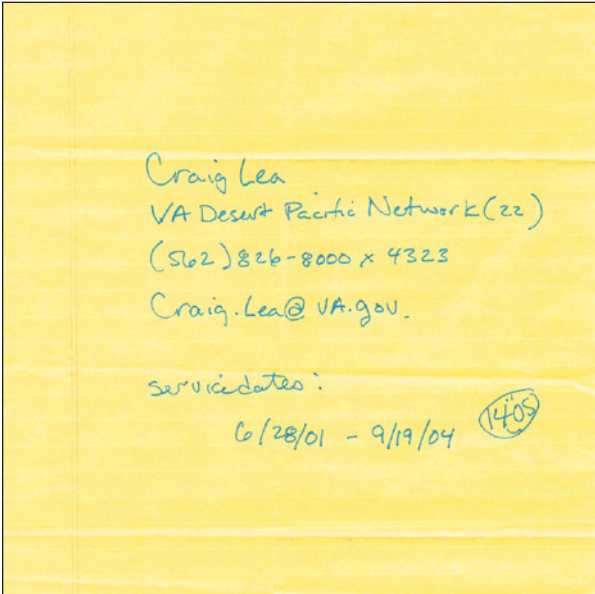
Ms. Phillips then suggested that if Mr. Morua disagreed with the VA's decision he could appeal in writing and mail it to the VA's Office of General Counsel in Washington.

“This is a serious matter involving the death of a beautiful young woman,” says Robert Stoll, attorney for the Dies family. “It is disturbing that the Department of Veterans Affairs will not cooperate in an investigation involving possible violations of federal laws which, in some cases, constitute felonies.”

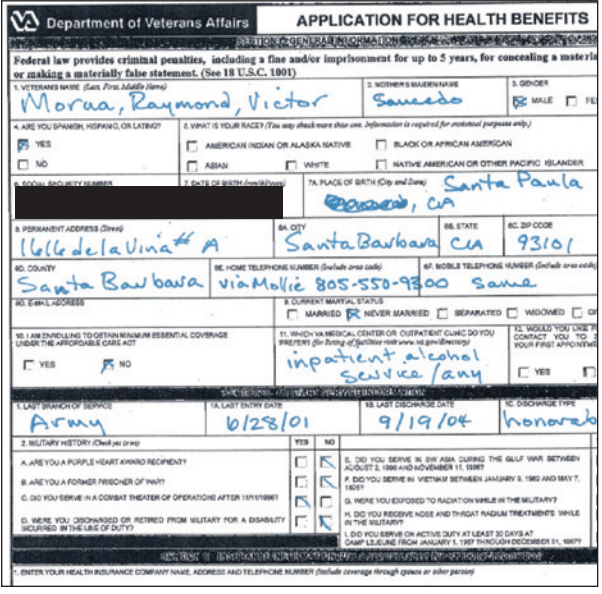
MORUA CONFIRMS SIGNATURES NOT HIS

There's new evidence that at least one VA official is taking the matter seriously. On April 4, Mr. Lea paid a visit to Mr. Morua in Santa Barbara County Jail, a conversation Mr. Morua related to his fiancé, Ms. Montoya, 10 days later.

Please see **MORUA** on A8



At left is a copy of the page with Veterans Affairs re-entry specialist Craig Lea's name that Teresa Montoya says Mollie Culver gave her. At right is a VA health benefits application filled out by Ms. Culver, who wrote her own name and cellphone number in the box for Raymond Morua's home contact. (The News-Press has blurred Mr. Morua's Social Security number out of privacy concerns.)



Evidence suggests Morua was working for Capps on Dec. 5

MORUA

Continued from Page A4

“Raymond told me that Mr. Lea asked him about the authenticity of the signatures on the two forms that Mollie Culver had filled out and the new form Raymond signed authorizing him to talk about the VA plan with Mr. Genis,” she says. “In no uncertain terms, Raymond told him that that those were not his signatures on the two documents that Mollies filled out and the VA received in early December.”

“He did confirm that he had authorized the release of information to Mr. Genis and that his signature on that document signed on March 21 was genuine,” says Ms. Montoya.

CRUCIAL EVIDENCE ON MR. MORUA’S CELLPHONES

Mr. Morua was arrested by Santa Barbara police officers after crashing into a palm tree near Stearns Wharf, at State Street and Cabrillo Boulevard, about a half-mile from where he ran down Mallory Dies. At the time of his arrest, police seized the two cellphones: Mr. Morua’s personal iPhone 3 and a newer iPhone 4 that was his work phone provided by Mrs. Capps.

Both phones contain hundreds of text messages, pictures and other data compiled by Mr. Morua. The data on his personal phone dated back to Sept. 3, 2011; his Capps office phone to Feb. 10, 2012. From each he sent text messages to the personal cellphone of his fiancé, Ms. Montoya.

Messages he sent to her Dec. 5, 2013, from his work cellphone are particularly relevant to the issue of whether he was “on the job” and working for Mrs. Capps in the hours prior to the Holiday Bash, as Mr. Stoll contends.

On Dec. 22, Ms. Montoya allowed all of the texts from Mr. Morua’s phones to be downloaded using PhoneView, a third-party program designed to show texts from iPhones as they appear on the Apple IOS software.

Video from The Savoy nightclub where the Independent’s party was held shows Mr. Morua arriving and handing in his invitation at the door at 7:09 p.m. Minutes before, at 7:03 p.m., he texts Ms. Montoya that he’s with Chris Meagher, Mrs. Capps’ press secretary who used to cover crime and the courts for the Independent.

Earlier Mr. Morua had driven to the congresswoman’s house to drop off some documents.

At that point, Ms. Montoya was on her way to meet Mr. Morua’s brother

“(T)he fact that (Mary Beth Walker’s) asking Joyce Dudley to ‘identify and segregate’ ... ‘sensitive official information’ could mean information that would benefit (a) civil case because it proves Raymond was on the job that night.”

Darryl Genis, attorney for Raymond Victor Morua III



More texts from Mr. Morua at the Independent’s party to his fiancé, Ms. Montoya, and a photo he sent her showing him, left, with Shelby Sim , a marketing executive at Bacara Resort & Spa, KEYT reporter John Palminteri and K-LITE radio host Catherine Remak.



Mr. Morua’s final text message to his fiancé before his arrest.

Joe and she texts her fiancé to let him know she’s arrived. She then asks: “Still with Lois?”

Mr. Morua’s reply: “No. Woh Chris,” then corrects his typo a few minutes later writing “With.”

“There’s no doubt in my mind that he was referring to Chris Meagher,” Ms. Montoya now says.

The Holiday Bash formally ended at 9:30 p.m., but as established in this series Mr. Morua didn’t pay his \$90.44 bill until 10:31 p.m. And he didn’t leave The Savoy until 11:03 p.m. At 9:32, he texts Ms. Montoya again to say “...I am talking business, talk to you when I eat jkne.” He corrects that typo immediately with the word “Home.”

Mr. Morua sends Ms. Montoya a picture showing him with several people, including KEYT reporter John Palminteri. The next morning, Mr. Palminteri filed a report with the headline “Capps Aide Arrested in Near-Fatal DUI Hit and Run.” He used a close-up of Mr. Morua from the photo taken at the Holiday Bash to illustrate the story.

BABY, I’M DONE

After leaving the party, at 12:04 a.m. Dec. 6, Mr. Morua was heading down Anacapa Street at speeds witnesses estimated at more than 40 mph when he struck Mallory, who was in a legal crosswalk outside EOS Lounge in the 500 block. He then paused to look down at her body and took off, according to witnesses, running a red light on Haley Street.

As documented in Part Three of this series, he was doggedly pursued by Devin Shaw, a 20-year-old house painter from Buellton who witnessed the accident from behind the wheel of a VW Jetta about to exit City Lot 11. Mr. Shaw was the designated driver for his girlfriend, Eva Pagaling, and her cousin that night and he took off after Mr. Morua, following him to a freight yard where Anacapa Street dead-ends at Highway 101, then chased him at speeds up to 80 mph as Mr. Morua ran multiple lights on State Street in an effort to escape.

He hit the palm tree on Cabrillo

Boulevard minutes later. After police arrived responding to a 9-1-1 call from Ms. Pagaling, Mr. Morua was able to send a final text to Ms. Montoya before his arrest.

At 12:06:24 a.m., two minutes after running-down Mallory Dies, he texts, “Baby, I’m done.”

Police considered that text so important that they included it in their report on the DUI hit-and-run.

Second, we understand that Mr. Morua’s office cell phone is currently being held in police custody. As you might imagine, Mr. Morua’s phone contains sensitive official information that is almost certainly unrelated to the State’s case against Mr. Morua. We request the opportunity to work with your office and/or investigators to identify and segregate that information from the material which your office believes is relevant to your case against Mr. Morua.

Except from a letter from House attorney Mary Beth Walker to Santa Barbara County District Attorney Joyce Dudley.

HOUSE LAWYER ASKS D.A. TO “SEGREGATE” EVIDENCE

On Dec. 23, after Mr. Stoll served a notice of claim on House Speaker John Boehner, signaling his intent to sue the government on behalf of the Dies family, Mary Beth Walker, an attorney for the House Office of General Counsel, sent a letter to Mr. Stoll’s law firm informing them that her office was representing Mrs. Capps and her staff.

But she took the position that “Raymond Morua was not acting ... in his capacity as an employee of Congresswoman Capps. Rather he was ... acting in his personal capacity.”

That position would preclude Mallory’s family from collecting any damages from the government in a wrongful death action because the civil law doctrine of respondeat superior makes Mrs. Capps liable for Mr. Morua’s actions only if he was working as her employee that night.

A large body of documentary evidence, however, suggests that throughout the day of Dec. 5, from the moment he got up in the morn-

ing through the hit-and-run outside EOS Lounge, Mr. Morua was in the course and furtherance of his work for Mrs. Capps. And some key evidence to establish that fact is contained on his office iPhone 4.

On Jan. 2, Ms. Walker sent a letter to District Attorney Joyce Dudley in which she commented on a search made of Mrs. Capps’ office by Detective Jaycee Hunter of the Santa Barbara Police Department on Dec. 13, a week after the fatal hit-and-run. She asked for copies of the evidence seized and then made another request:

“That’s an astounding assertion,” says Mr. Morua’s attorney Darryl Genis. “How could Ms. Walker have any idea what was relevant to the state’s case against my client? Further, the fact that she’s asking Joyce Dudley to ‘identify and segregate’ what she calls ‘sensitive official information’ could mean information that would benefit Mr. Stoll in his civil case because it proves Raymond was on the job that night.”

Sent on Dec 5, 2013 10:41:12 PM Hi

THE DA COMMENTS

When asked by email April 3 for her assurance that no one from her office or the Santa Barbara Police Department would acquiesce to Ms. Walker’s request, Joyce Dudley, the district attorney, replied the next day: “To answer your question, and to my knowledge, the DAs office has not done anything with the cellphone records. I can’t speak to what the SBPD may have done or

will do.”

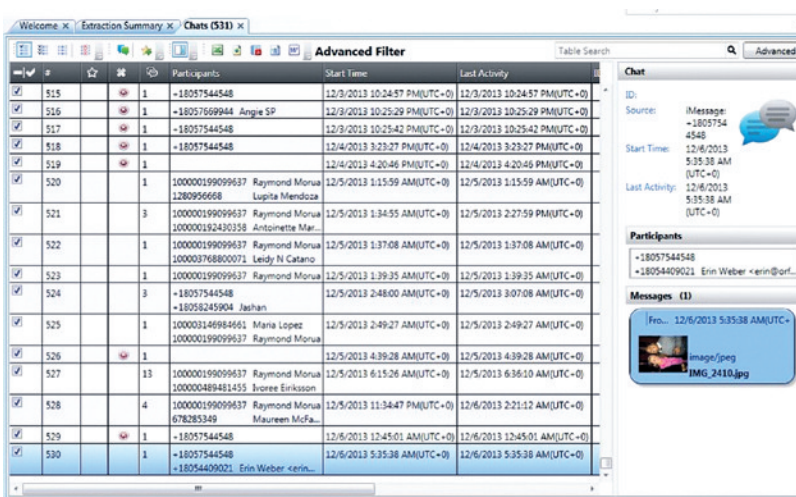
SBPD’S DOWNLOAD FROM THE PHONES

On March 18, in response to a request from Mr. Genis that all of the content on both of the iPhones be sent to him as so-called “Brady material,” relevant to his defense of Mr. Morua, Detective Hunter transferred files from the two cellphones onto a thumb drive.

The download by the department was done using UFED, a proprietary program created by a software company called Cellebrite. In a memo to the file on Mr. Morua’s case, Detective Hunter wrote that he “turned the thumb drive over to one of” Mr. Genis’ “office staff” and “showed her how to access the data from each phone stored on the drive.”

But Mr. Genis and his staff were unable to locate the “Baby, I’m Done” text.

After a thorough analysis of the download from Detective Hunter on the thumb drive, the last text found was Mr. Morua’s text and picture sent to Erin Weber of the Orfalea



Screen capture of Mr. Morua’s text messages as found in a file from the Santa Barbara Police Department.

Foundation at 10:35 p.m.

It’s shown in the nearby screen capture as the last text sent from Mr. Morua’s phone the night of Dec. 5, 2013, according to the UFED download received by Mr. Genis from Detective Hunter. The UFED program lists all times as Greenwich Mean Time — seven hours ahead of Santa Barbara. So this text, which the program shows as being sent at 5:35:38 a.m. on Dec. 6, was actually sent on Dec. 5 at 10:35:38 p.m.

If the “Baby, I’m Done” text was missing from the Police Department’s download, could something else be missing?

In an email April 7, Detective Hunter was made aware of the district attorney’s comment — “I can’t speak to what the SBPD may have done or will do.” — and he was asked if Mr. Genis could visit police headquarters to download the data from both of Mr. Morua’s phones using the PhoneView program.

In a separate email, he was asked whether “any officer, detective or employee at the SBPD sent any material from either of Mr. Morua’s cell phones to Mary Beth Walker, House Counsel ... or the offices of Lois Capps?” Another ques-

tion for the detective was whether he “removed any material from either of those phones such that the UFED download (given to) Mr. Genis wouldn’t reflect the complete contents of both phones at the time they were seized by the SBPD?”

He didn’t respond.

But in an email to Mr. Genis the next day, the detective writes, “Darryl ... I know that, a couple different times over the past few weeks, I tentatively agreed to permit you to connect the evidence phones up to your lap top and allow you to use a program you possess to peruse the evidence cell phones but, after doing some research and analysis into this concept, I have decided that I cannot permit you to do this.”

Detective Hunter continues: “If you were to hook the phones up to your lap top, I would have to sit and stare at every key stroke you made in an endeavor to see if you made, either intentionally or unintentionally, a substantive change in the data.”

He adds: “The copy of the digital evidence that you possess contains all digital data available on the phones at the time of the download

on 12-6-13. No segregation has been employed in the making of the copy I provided you. The phones will remain in the custody of the Police Department, indefinitely. All decisions as to what occurs with the phones will go through me and/or the Department Command Staff.”

PROOF DATA WAS TRANSFERRED FROM ONE OF THE PHONES

Detective Hunter’s admission that the UFED download from both iPhones was done on Dec. 6 is important to the question of whether any data beyond what attorney Mr. Genis received was removed from the cellphones.

That’s because on the last bill for Mr. Morua’s personal iPhone 3 received by his family, his carrier, AT&T, indicates that between Dec. 10 and Dec. 11, 2013, 1,500 KB of data was transferred to an unknown source.

Since 1 KB of text contains 1,024 characters, 1,500 KB could constitute literally hundreds of text messages.

For Mr. Genis, the question is, “Where did they go?”

“If those phones were in the exclusive possession of the SBPD as Jaycee Hunter suggests, and he did the entire UFED download on Dec. 6, the day of the accident, who was getting this other data? That unanswered question is very disturbing in light of Mary Beth Walker’s letter to Joyce Dudley asking her to ‘segregate’ what she called ‘sensitive official information from his office iPhone.’ ”

Ms. Walker was asked via email April 3 whether she would permit Mrs. Capps and her staff to talk about the issues raised in this series. She never responded.

Earlier, on March 20, Mollie Culver, Mrs. Capps’ district director, said she was not permitted to talk on the advice of House counsel.

There’s also been silence from the other significant figures cited in this series, including Judge George Eskin; his wife, state Sen. Hannah-Beth Jackson; attorney Sam Eaton; Mrs. Capps; Chris Meagher, Mrs. Capps’ press secretary and a former Independent reporter who was a witness to the activities of Mr. Morua at his former employer’s Holiday Bash on Dec. 5, 2013.

The one person who did respond beyond the district attorney was Deedra Edgar, the deputy public defender who represented Mr. Morua initially.

In an email April 4, she writes: “I am not going to comment on this case.”

“The community of Santa Barbara needs to know if there’s a cover-up,” says attorney Robert Stoll, who is about to file a formal wrongful death action on behalf of the family of Mallory Dies.

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DEBATE

Continued from Page A1

Goleta’s finances. He said he has learned the importance of doing more with less, and advocates contracting out work in an effort to scale back and make sure government is the right size.

He ranked public safety and investments in infrastructure among his top priorities.

Ms. Wolf referred to her record over the past several years, touting the county’s rise from a \$72 million deficit to a surplus this year.

Another topic discussed Wednesday was Measure M, also called the County Facilities Maintenance Ordinance, which would require funding for maintenance of county-owned roads and buildings.

Mr. Aceves said he believes the measure shows how frustrated constituents are with the priorities of the Board of Supervisors.

He pointed to Goleta’s infrastructure, saying it is in much better shape compared to county-owned roads and property.

Ms. Wolf said she does not support the measure and argued it would actually be detrimental to public safety if it passes, because it could take funding away from local law enforcement and emergency services.

Each candidate had a chance to address the controversial revenue neutrality agreement between the city of Goleta and Santa Barbara County. Voters approved the agreement in 2001 when they approved the incorporation of the city.

Under the agreement, the city must share tax revenues with the county, to “ensure that all County residents would not be harmed by the transfer of County revenues to the new city government.”

Mr. Aceves said the city has unsuccessfully fought to get out of the agreement, which he believes is extremely unfair. He said the Board of Supervisors simply walked away from the discussion, without considering alternatives.

Ms. Wolf said the agreement is part of a state policy, and argued that Mr. Aceves is simply using the issue as a threat in the race for the

2nd District seat.

While the candidates had differing opinions on some issues, they remained polite. The most contentious moment came when an audience member shouted because a question he had submitted wasn’t chosen to be read by the moderator.

He was quickly hushed by event organizers, and the candidates proceeded to their closing statements.

Mr. Aceves called for change and asked voters to look at his record serving the city of Goleta as an example of what he brings to the table.

Ms. Wolf said she has proven herself as someone who can get the job done.

“I am an involved supervisor and I want to continue my service,” she said.

The election will be held on June 3.

The forum will air on community channel 71, and can be seen at www.tvsb.tv.

email: news@newspress.com