



SANTA BARBARA NEWS-PRESS



OUR 156TH YEAR

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MIKE ELIASON/NEWSPRESS FILE
A tanker drops fire retardant near the Zaca fire in 2007

Companies settle Zaca Fire costs

By MORGAN HOOVER
NEWS-PRESS STAFF WRITER

Four companies have paid the United States \$17 million to settle costs associated with the Zaca Fire, prosecutors said Tuesday.

La Laguna Ranch LLC; Rancho La Laguna LLC; La Laguna Cattle Company LLC; and Rancho Reata LLC have paid \$14 million to reimburse the U.S. Forest Service for its costs associated with fighting the 2007 fire, the U.S. attorney's office said in a statement.

The final payment of \$5.5 million was made Tuesday to the U.S. Treasury.

The first three companies have paid an additional \$3 million to resolve claims asserted by the state of California in connection with the fire.

The fire started on July 4, 2007, when La Laguna Cattle Company employees used a metal grinder to repair a metal pipe section, and spikes from the grinder ignited some dry vegetation.

The fire became the largest in Santa Barbara County history, spreading from La Laguna Ranch to land owned by California and on to the Los Padres National Forest.

It was finally controlled nearly four months later, on Oct. 28, 2007, after it had burned more than 228,000 acres of the forest and injured 40 firefighters.

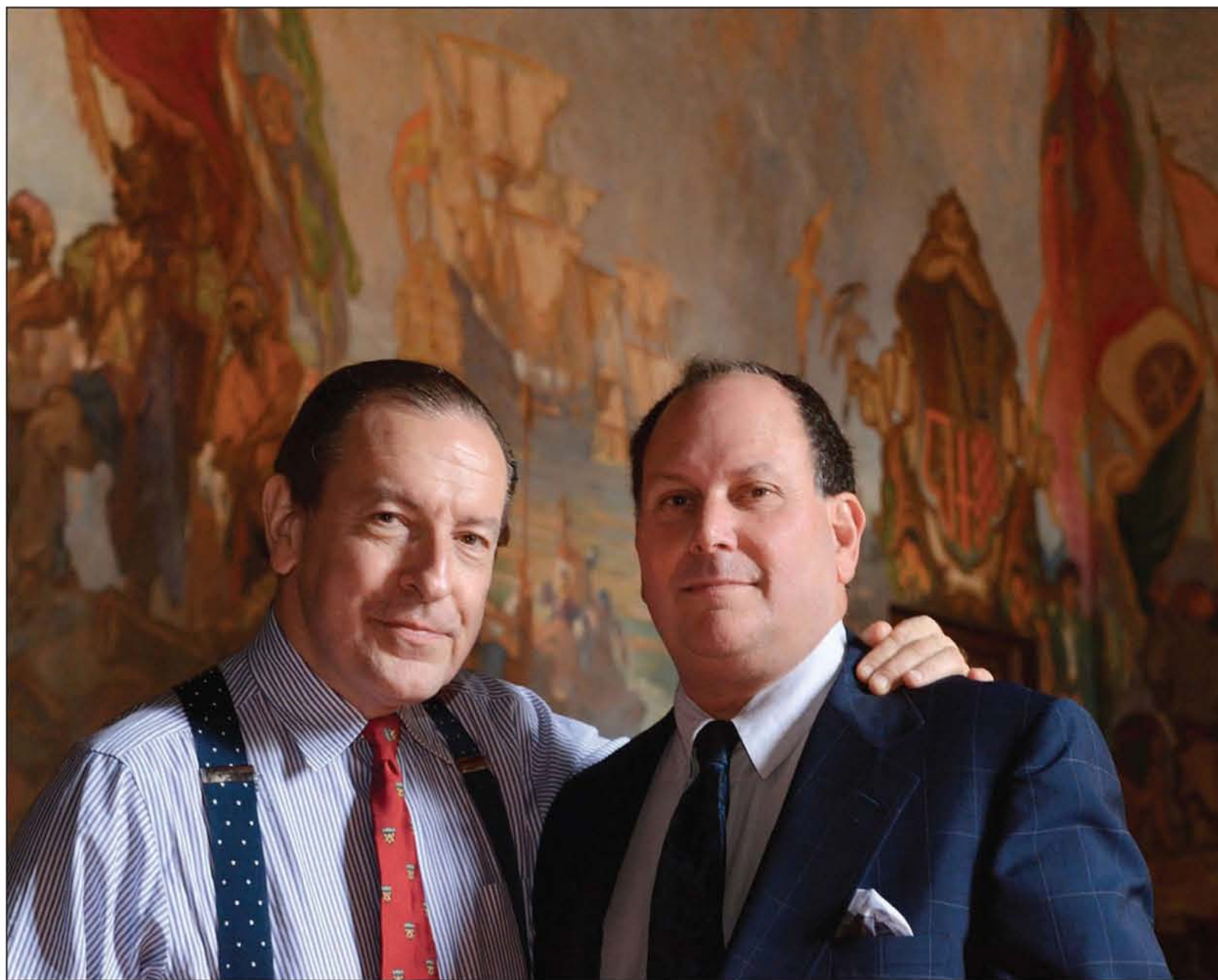
The metal worker — Jose Jesus Cabrera — and Rancho La Laguna LLC were originally charged with felonies, but the charges were dropped.

Mr. Cabrera pleaded no contest to misdemeanor negligently setting a fire. He was fined \$200 and placed on three years' probation.

The Associated Press contributed to this report.

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Lance case dismissed



Peter Lance, left, with his defense attorney Darryl Genis after their legal victory Tuesday.

STEVE MALONE/NEWS-PRESS

Judge Brian Hill rules traffic stop ran afoul of the US Constitution

By SCOTT STEEPLTON
NEWS-PRESS CITY EDITOR

Calling a New Year's Day traffic stop that resulted in the DUI arrest of investigative journalist Peter Lance unconstitutional, a judge on Tuesday dismissed the case against the 63-year-old.

At the heart of defense motions to suppress all evidence against Mr. Lance and dismiss charges altogether was this question: Did Officer Bruno Peterson of the Santa Barbara Police Department have probable cause to stop Mr. Lance for waiting several seconds at a green light on Santa Barbara Street before driving off in the early-morning hours of Jan. 1?

Santa Barbara County Superior Court Judge Brian Hill told the court he was "educated" on case law pertaining to such stops by a brief filed by defense attorney Darryl Genis that cited several out-of-state cases involving police officers stopping motorists who, like Mr. Lance, hesitated a few seconds — and in at least one instance 10 seconds — at a green light or stop sign before taking off.

"In each of the cases, without exception," said Judge Hill, "the court granted the motion to suppress."

"Every case found that there was a violation of the Fourth Amendment."

In a nod to the term of art that goes into such findings, Judge Hill followed suit.

"Motion to suppress is granted," he said. "The case is dismissed."

Mr. Genis, seated at the defense table to his client's left, gave Mr. Lance a pat on the back; the men then shook hands.

In the back of the courtroom, an out-of-uniform Officer Kasi Beutel, who made the arrest and whose actions on duty and before she became a police officer

five years ago have come under fire over possible illegalities, shot a quick look at her husband, Officer Mark Corbett.

The defense eventually filed out into the hallway, followed moments later by Deputy District Attorney Michael Carrozzo. After about 10 minutes, lead prosecutor Sanford Horowitz came out, followed by Officers Beutel and Corbett.

"Judge Hill made a just and courageous decision," Mr. Genis said afterward.

The criminal case may be over, but numerous questions raised by

Please see **DISMISSED** on A6

Sheriff's car set ablaze in Isla Vista

Trigo Road station cordoned off after incident

By BEN SMITHWICK
NEWS-PRESS CORRESPONDENT

An apparent explosive device damaged a sheriff's patrol car and a prescription drug drop-off box Tuesday night outside the sheriff's Isla Vista Foot Patrol Station.

According to station Cmdr. Laz Salinas, a resident reported seeing flames outside the station shortly before 8 p.m.

"The deputies walked out, recognized the flames and saw that the building wasn't in any real danger," Cmdr. Salinas told the News-Press.

The area immediately surrounding the Trigo Road station was cordoned off and a number of UCSB students were unable to access a nearby bike path.

The damage was superficial, Cmdr. Salinas said. The patrol car sustained visible damage to its windshield. Smoke damage was visible on the drug drop-off box, which is part of the Santa Barbara County Sheriff's Department's Operation Medicine Cabinet Program.

The commander declined to speculate on what devices may have been used, only saying that the incident was probably arson-related.

As of Tuesday night there were no leads or arrests in connection with the incident.

Arson investigators with the Santa Barbara County Fire Department were still working to identify whether explosive materials were used, late Tuesday.

"We're going to give this a vigorous effort," Cmdr. Salinas said.

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Santa Maria restricts sex offenders

By CATHERINE SHEN
NEWS-PRESS CORRESPONDENT

An emergency ordinance that will prevent a violent sexual predator from being released to a home near Liberty Elementary School was unanimously approved Tuesday by the Santa Maria City Council.

The city was informed on Oct. 25 that Placer County Judge James Garbolino had made a formal recommendation to allow sexual violent offender Tibor Bela Karsai, 58, to live in Santa Maria, where his mother resides.

Mr. Karsai was convicted in 1980 of false imprisonment with force; oral copulation by force and rape by force or violence. He was sentenced to 26 years in prison.

Judge Garbolino is expected to rule on the residential placement on Dec. 5. City Attorney Gil Trujillo and Chief Deputy District Attorney Stephen Foley will be in Placer County to make their objections at the hearing.

Councilwoman Alice Patino did not hesitate in showing her disdain toward the possibility of having a violent sexual predator released into society, let alone in Santa Maria.

"Speaking as a woman, any crime like this is violent," Ms. Patino said, "I find it offensive that this so-called judge is obviously not afraid of how the offender is going to affect him. When something like this happens, it takes away someone's life."

"I think the people there (Placer)

Please see **OFFENDERS** on A6



LAURA DICKINSON/NEWS-PRESS

Cassandra Sigala of Santa Maria tearfully implores the Santa Maria City Council on Tuesday to adopt an urgency measure regulating sex offenders. She told the council that the man who molested her is about to be released from prison. Her aunt, Jesse Esther Morales of Modesto, comforts her.

Supes refuse funds for poverty, plastic bag studies

By NORA K. WALLACE
NEWS-PRESS STAFF WRITER

The Santa Barbara County Supervisors could not find a united fiscal front Tuesday, rejecting on split 3-2 votes requests to pay for a poverty initiative and an environmental report related to the potential ban of single-use plastic bags.

In both matters a four-fifths majority was needed, but 4th District Supervisor Joni Gray and 5th District Supervisor Steve Lavagnino said they could not support the expenditures given the county's tough financial situation.

Rejected was a proposal to allocate \$30,000 from the general fund contingency coffers to hire a consultant to create a comprehensive community assessment of the "face of poverty" in the county,

and to determine how resources should best be allocated to serve that population.

The board also didn't have the votes to approve a request by BEACON, or Beach Erosion Authority for Clean Oceans and Nourishment, to pay as much as \$15,000 for its portion of a regional environmental impact report about the impacts of single-use plastic bags on the county's waterways and landfills.

"I'm all for reading the EIR once it's done; I'd just as soon not pay for it," Mr. Lavagnino said.

Ms. Gray, the board chairwoman, expressed great concern that the study was jurisdictional, rather than statewide.

"I think it's wonderful if we don't have plastic bags," Ms. Gray said.

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Judge advised attorneys to keep proceedings clean

DISMISSED

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but numerous questions raised by Mr. Lance — who turned his case into an investigation of government misconduct and published his findings in the News-Press after he says his signature was forged on a document waiving his right to a retestable blood sample — remain: Did Officer Beutel, Officer Corbett and another officer “witness” alleged forgeries on blood-test waivers in this case and others?

How is it that Officer Beutel was able to provide extended interviews on this matter to the prosecution in September while at the same time being deemed unavailable to meet with the defense on this matter?

Other questions the public may never get answers to include: Did then-accountant Kasi Beutel, prior to becoming a cop five years ago, commit bankruptcy fraud? And, did she, during the interview process to become a Santa Barbara cop, disclose her bankruptcy?

Another unknown is how the judge would have ruled on a motion filed by Mr. Carrozzo, perhaps in a state of exasperation with the defense, that seemingly would have ordered anyone who ever mentioned anything about the Lance case online to scrub the Internet of all case-related content. (Higher-ups defended the motion for its intent, which essentially was to silence out-of-court comments by Mr. Lance and Mr. Genis even though the case was still in the pre-trial stage.)

Judge Hill got Tuesday's hearing going with a sort of boxing-match advisory to the attorneys and Mr. Lance to keep it clean.

“Under no circumstances are the attorneys to speak to each other,” he said. “You are not to raise your voice, engage in hyperbole and don't use metaphors that are inappropriate for court.”

“I'm just not going to tolerate having to manage the behavior of attorneys in this courtroom,” he said.

Some in court probably thought the judge was directing his words at Mr. Genis, whose zealous defense of clients sometimes results in the very things Judge Hill was trying to avoid.

But about 90 seconds into the judge's discussion of his research into case law about police stops, one couldn't help but wonder whether it was Mr. Horowitz whose gasket he was anticipating blowing.

The judge retraced testimony by Officer Peterson and his partner, Officer Heather Clark, who both said under oath that while Mr. Lance did hesitate three to five seconds on a green and then several more even after they pointed a light at him, there was nothing about his driving for the next couple of blocks or so before he was stopped that would give rise to a stop. He didn't swerve, didn't speed, didn't cross into oncoming traffic.

Mr. Lance's hesitating apparently didn't even bother the motorist behind him, said the judge, noting, “There was no toot of the horn.”

Judge Hill weighed whether the so-called community caretaker standard was enough for Officer Peterson to pull Mr. Lance over. After all, depending on whose accounts of that morning you believe, Mr. Lance's head was either drooping so that his chin touched his chest or he was simply looking down.

A droop may have indicated a medical problem, but looking down may also have been a sign he was reaching for a soda between his legs, or for



Officer Kasi Beutel arrives at the Department of Motor Vehicles office in Ventura earlier this year for a hearing into the Peter Lance DUI matter.

some other inconsequential reason, got momentarily distracted.

And everybody's done that, right? said the judge.

The judge also noted that when he did drive away, Mr. Lance was followed by Officer Peterson for a period lasting longer than the time Mr. Lance hesitated on the green. That was enough time for the officer to note any moving violations, any signs of a motorist suffering a medical ailment or observe anything related to a possible DUI.

But neither Officer Peterson nor Officer Clark noted any such thing, because Mr. Lance committed no violations, they said.

Nor did Mr. Lance make an unsafe turning movement, which Officer Beutel wrote in a report was the basis for the initial stop. Not only did she know this to be an error of fact, according to Officer Peterson, Officer Beutel did nothing to correct the error.

It was only after the questionable stop that Officer Peterson said he noticed the smell of alcohol on Mr. Lance's breath and called for back-up — Officer Beutel, at the time the head of the department's Drinking Driver Team and a star among cops who arrest people suspected of driving impaired.

A breath test indicated Mr. Lance blew a .09, one-tenth over the legal limit. But Mr. Lance challenged the way the test was administered by Officer Beutel, claiming she covered one of the testing unit's ports to ensure a higher BAC reading. (That's another question the dismissal leaves unanswered.)

Judge Hill said other courts have found four or five seconds to not be an extended period of time to wait at a green light. “Three seconds is very, very short and does not give rise to reasonable suspicion that criminal activity is afoot,” he said.

While the judge in an earlier portion of the hearing invited Mr. Horowitz to cite cases showing the opposite of where this all seemed to be going, the end for the prosecution truly was near when the judge said, “I'm not certain that it's fruitful for the district attorney to give time to researching cases.”

There simply aren't any. Mr. Lance still has the Department of Motor Vehicles to deal with. His driving privilege hangs in the balance, because the DMV is not bound by Judge Hill's decision.

Still, a proper hearing in that arena could require Officer Beutel to ap-

pear, and history shows she has not always been available to do so.

Mr. Horowitz did not respond to a request for comment after the hearing.

His immediate supervisor, Chief Deputy District Attorney Gordon Auchincloss, told the News-Press that Judge Hill took guidance in his ruling from out-of-state cases because there's little California law to turn to.

But the judge didn't have to go that route.

“Out-of-state cases are not binding authority on California courts,” said Mr. Auchincloss. “When we do our research, our focus is generally on California law and federal law, so a judge can cite out-of-state cases, but there's no compunction for him to follow them at all.”

“The amount of weight that a judge gives to an out-of-state case is dependent on the judge and how much weight he wants to give it.”

At the end of the hearing, Judge Hill said prosecutors could appeal the ruling.

“Whether we will is another question,” said Mr. Auchincloss. “It depends on the circumstances.”

Mr. Genis disputed this notion.

“That would be a very interesting appeal,” he said. “Had the judge stopped at the suppress motion, yes, they have 30 days to appeal.”

“But the judge also said case dismissed,” Mr. Genis added. “If the judge had held in abeyance the dismissal, they would have had time to appeal. Because they didn't say we're thinking of appealing, they waived the objection and invited the error, and they cannot now complain about it.”

Mr. Lance emerged from court Tuesday with a smile. But behind it was an angered man. “I'm thrilled, but there are so many remaining issues.”

“I came in today not expecting a dismissal based on the way the DA has handled this from the beginning,” Mr. Lance said. “It showed there was misconduct from the beginning.”

Misconduct, said Mr. Lance, that began with the traffic stop and continued with Kasi Beutel.

“It shocked me to see my signature on the Trombetta waiver, the blood waiver,” he said. “I said to myself, ‘Is this just my case or are there other cases?’”

While the judge made no ruling about officer credibility, a handwriting expert working with the defense determined that nine instances of forged blood waivers trace back to Officer Beutel and others.

“Why is she back on the job now with this dark cloud hanging over her, with her credibility hanging over her?” said Mr. Lance.

Later in the day, District Attorney Joyce Dudley issued a statement touting the fact that Judge Hill “did not find any misconduct on the part of any of the involved officers ... or any member of the District Attorney's Office.”

Mr. Genis called the statement misleading, because after answering the constitutional question, it became unnecessary for the judge to rule on “all the other sins and transgressions of Officer Kasi Beutel that have been called into question by Peter Lance's investigation.”

“The intent of her press release is to suggest that by his ruling Judge Hill somehow vindicated the officers,” he added. “Nothing could be further from the truth. This is just another example of the dishonesty of this district attorney that we have.”

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Ordinance calls for 2,000-ft. safety zone around schools and parks

OFFENDERS

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County) need to know who is sitting on their bench,” she said. “This needs to be made public.”

The state law known as Jessica's Law prohibits a registered sex offender from residing within 2,000 feet of any public or private school or parks where children regularly gather.

Mr. Trujillo said the new ordinance — which will become effective immediately — would indicate the 2,000-foot safety zone around schools and parks should be measured in a straight line from property line to property line.

When Judge Garbolino made the recommendation to have Mr. Karsai reside in Santa Maria, he ruled the appropriate way to measure was by “walking or traveling distance,” which could be well within the 2,000-

foot straight-line distance.

The intended home is just outside the 2,000-foot limit if it is measured as traveling distance.

“That's the reason why we're here tonight,” Mr. Trujillo said, “because of the judge's strained interpretation of Jessica's Law, which we disagree with and will not accept.”

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