

SANTA BARBARA NEWS-PRESS

OUR 156TH YEAR

THURSDAY, MARCH 8, 2012

DMV follows judge, drops case against Lance

the public on a variety of

grounds, including asser-

tions by Stephen Wiley,

the city attorney, that it

was prepared in connec-

tion with litigation and

that it is part of an in-

against the Santa Barba-

Driving privilege no longer at risk

By SCOTT STEEPLETON NEWS-PRESS CITY EDITOR

Nearly four months after a Santa Barbara County Superior Court judge threw out a DUI case against investigative journalist Peter Lance on constitutional grounds, the Department of Motor Vehicles has decided to set aside any restrictions on his driving privilege stemming from the arrest on New Year's Day 2011.

Meanwhile, documents obtained by the

News-Press through a California Public Records Act request show the city of Santa Barbara paid nearly \$12,000 on a confidential review of the arresting officer, Kasi Beutel, pertaining to at least one of the allegations raised in a post-arrest series written by Mr. Lance and published in the News-Press that she committed bankruptcy fraud before joining the force.

The complete report, prepared by the Sintra Group in Ventura, is being withheld from



Peter Lance

ra Police Department. It's an investigation that Mr. Lance says he's not been contacted about.

One thing is certain now: the 64-year-old is free to drive as he pleases.

"Naturally I'm happy that DMV hearing officer Michael Windover analyzed the evidence in my case and concluded that there was no legal basis for taking my license," Mr. Lance said in a statement Wednesday. "But I'm disappointed that it took more than three months to reach the same conclusion that Judge Brian Hill did on Nov. 15, 2011 — that there was no reasonable basis for stopping me...when I was handcuffed and arrested by Kasi Beutel for a DUI crime I did not commit."

The status of his license after Breathalyzer tests showed Mr. Lance blew one-tenth over the legal limit went unresolved even after Judge Hill dismissed the district attorney's case upon ruling that Bruno Peterson, the officer who pulled Mr. Lance over, lacked constitutional basis to do so.

-75¢

DMV administrators are not bound by a Superior Court judge's decision, and the hearing into Mr. Lance's license status moved forward, with Officer Beutel appearing on behalf of the people, and Mr. Lance appearing with his attorney, Darryl Genis.

But the course changed on Tuesday with Michael Windover, the DMV administrator overseeing the protracted hearing, notifying Please see LANCE on A10



Killer seeks release from mental hospital

Four pedestrians died in 2001 run down

By ANGEL PACHECO NEWS-PRESS STAFF WRITER

A one-time UCSB freshman who killed four Isla Vista pedestrians in a deadly crash and proclaimed himself the "angel of death" in 2001 is asking to be released from Patton State Hospital and placed in an outpatient program.

If the court finds David Edward Attias sane after he spends at least one successful year in the program, he would be released back into the community without any restrictions.

Just after 11 p.m. on Feb. 23, 2001, an 18year-old Mr. Attias raced his turbocharged Saab along the 6500 block of Sabado Tarde Road, sideswiping numerous cars and plowing into a group of pedestrians.

him not guilty by reason of insanity a week later.

Santa Barbara County Superior Court Judge Thomas Adams ordered Mr. Attias committed to Patton State Hospital in San Bernardino.

Now Mr. Attias hopes to begin a two-step application for the judge to find that his sanity has been restored.

Deputy Public Defender Deedrea Edgar is requesting a hearing to determine whether Mr. Attias would be a danger to others. If not he can be released to a forensic conditional release program, according to a motion she filed Feb. 23.

Doctors at Patton State Hospital and the officials of the state Forensic Conditional Release Program are recommending Mr. Attias for the community treatment.

RAFAEL MALDONADO / NEWS-PRESS FILE AND COURTESY PHOTOS

David Attias sits between his attorneys, Jack Earley and Nancy Haydt, during a hearing in 2001. Below, a series of video stills show the apprehension of David Attias after he killed four people on Feb. 23, 2001 in Isla Vista. Bystanders watch him after he got out of his car, then sheriff's deputies arrive to take him under control. One victim is visible on the pavement to the left.

Jurors found Mr. Attias guilty of four counts of murder in 2003, but the same panel found

Please see ATTIAS on A10



Carpinteria Councilman pleads no contest to DUI

By ANGEL PACHECO NEWS-PRESS STAFF WRITER

Carpinteria Councilman Joe Armendariz pleaded no contest Wednesday to having a blood alcohol level of more than .08 in a Highway 101 crash, and attorneys are working out details for the 44-year-old to be sentenced at a school.

As part of the Mr. Armendariz's no-contest plea, which is essentially the same as a guilty plea but can't be used against him in a civil courtroom, the Santa Barbara County District Attorney's Office dismissed a separate count of driving under the influence, said his attorney, Elizabeth O'Brien.

The expected sentence will include probation and 45 days in jail, but Mr. Armendariz can apply to serve the time through the Sheriff's Department's work alternative program or electronic monitoring.

Mr. Armendariz has been interested in taking part in a sentencing program in which the judge will hand down the ruling at a school as part of a program to demonstrate for students the consequences of driving under the influence, according to Ms. O'Brien.

However, the logistics have not yet been worked out and sentencing has been put on the court calendar for April 2.

Ms. O'Brien said Mr. Armendariz's participation in the program is voluntary and hasn't affected sentencing.

Because it is a misdemeanor case, Mr. Armedariz has not been required to appear in court.

Prosecutors allege Mr. Armendariz's blood alcohol level at the time of his Dec. 2 arrest by the California Highway Patrol was .18more than twice California's presumed level of intoxication.

Please see **ARMENDARIZ** on A10



THOMAS KELSEY/NEWS-PRESS FILE

Carpinteria Councilman Joe Armendariz pleaded no contest Wednesday to driving with a blood alcohol level higher than .08 in a highway crash.

Stoker kicks off state Senate campaign

By BEN SMITHWICK NEWS-PRESS STAFF WRITER

Standing alongside a group of more than a hundred friends, family members and supporters Wednesday at the Santa Barbara Courthouse Sunken Garden, Republican Mike Stoker launched his campaign for the 19th state Senate District seat.

The former Santa Barbara County supervisor stopped in Santa Barbara on his way from Santa Maria to Camarillo, holding a series of press conferences to announce his candidacy.

"I believe this is the most important election in my lifetime for the state to have a chance to turn things around," said Mr. Stoker, who joins Democrats Hannah-Beth Jackson and Jason Hodge in his bid.

In his remarks, Mr. Stoker billed



himself as a bipartisan politician who would reach across the aisle to change the "status quo" in Sacramento.

State government, according to Mr. Stoker, needs to be downsized consolidated and streamlined, a process he says has been blocked by legislators with ties to public employee unions.

The current majority of legisla tors will not say 'no' to anything those powerful unions advocate and that

Please see STOKER on A10

INSIDE newspress.com

	833	0005		
6 1 6 6	833	000	5 0 ₃	

Business B6-CaliforniaC Classified C7-1 Comics.....D

-7 :6	Crossword D2 Dear Abby D2	Movies Nation/World
0	Local A3-5	Obituaries
)4	LotteryA2	Sports

D3	SudokuD2
B1-5	Sudoku D2 TV D5
B2	Voices
C1-6	WeatherB8

OUTSIDE

Sunny and warm

Coast: 70/49 Inland: 76/38



MARKETS



Stoker draws comparisons to former congressman Jack Kemp

STOKER

A10

Continued from Page A1

attitude is, frankly, bankrupting the state,' Mr. Stoker said.

If elected, Mr. Stoker's first legislative action would be to create a bipartisan commission of CEOs and CFOs who would find ways to streamline state operations.

The commission would report its recommendations to the state Legislature, which would hold an up-or-down vote, Mr. Stoker told the News-Press.

"I bet those bipartisan CFOs and CEOs can come up with a plan that at a minimum would save the state of California \$15 to \$20 billion by consolidating and streamlining,' he said.

The contrast between Mr. Stoker and his Democratic rivals was a theme of his campaign announcement.

Referring to Ms. Jackson as "Taxin' Jackson," Mr. Stoker said the former state assemblywoman has never seen a tax proposal she didn't like.

Mr. Stoker also criticized Ms. Jackson for

failing to support the governor's pension reform plan, which he believes will play a critical role in improving the state's financial situation.

The 19th state Senate district, which was redrawn by a state commission last year, extends along the Central Coast from Santa Maria to Camarillo and leans Democrat.

According to Redistricting Partners, a Sacramento-based mapping firm that analyzes the state's new districts, the new boundaries give Democrats a 12 percent advantage over Republicans in terms of voter registration.

In the 2008 presidential election, district voters went for President Obama by a 61-to-39 margin. The district voted for Gov. Jerry Brown by a 6-point margin over Republican Meg Whitman.

For Mr. Stoker, who challenged Assemblyman Das Williams, D-Santa Barbara, in a contentious Assembly race in a highly Democratic district, the opposing party's voter registration edge is not a concern.

In the 2010 Assembly race, Mr. Stoker says $\,$ he outperformed his party's registration by 13 points, largely because of the bipartisan support he received.

"I had press conferences with prominent formerly and currently elected Democrats and independents supporting me that showed my bipartisan support," he said.

Mr. Stoker said he expects to gain the support of conservative voters in Northern Santa Barbara County, and Fillmore and Santa Paula in Ventura County.

"There's a lot more 'Blue Dog' Democrats that relate to me more than they do to progressive Democrats like Hannah-Beth Jackson," Mr. Stoker told the News-Press

Former Republican congressman Bob Lagomarsino was one of several politicians on hand at Wednesday's press conference to voice his support for Mr. Stoker's candidacy.

The nine-term congressman praised Mr. Stoker's ability to reach across the aisle and get things done, which he says is necessary to fix the state's spending problems.

He compared Mr. Stoker to former New York Republican congressman Jack Kemp.

"He was able to work with everybody and get things done and Mike Stoker is exactly the same way," Mr. Lagomarsino said.



MICHAEL MORIATIS/NEWS-PRES

Mike Stoker, flanked by supporters Wednesday in the Santa Barbara Courthouse Sunken Garden, announces his state senatorial run.

Mr. Stoker also received praise from state Sen. Tony Strickland, R-Moorpark, who is vying for the 26th Congressional District seat.

"Mike has a proven track record of working with Democrats, independents and Republicans to make a difference in everybody's life," Mr. Strickland said.

Mr. Stoker has served as chairman of the

Santa Barbara County Association of Gov ernments and the Santa Barbara Air Pollution Control District.

A graduate of UC Berkeley and Loyola Law School, Mr. Stoker is a past president and board member of the Santa Barbara **County Taxpayers Association**

email: bsmithwick@newspress.com



Attias thought he was living in a video game and receiving messages from songs on radio, TV

ATTIAS

Continued from Page A1

Ms. Edgar, Senior Deputy District Attorney Paula Waldman and Judge Adams met behind closed doors Wednesday. The matter was continued to Tuesday while they wait on information from Patton State Hospital.

Ms. Waldman said she has not decided whether she will oppose Mr. Attias being released to an outpatient program.

Mr. Attias was not in the courtroom.

If Mr. Attias successfully receives community treatment for a year, the court will determine if he should continue treatment or whether his sanity has been restored, according to the motion.

Shaw Bourdakis and Christopher Edward Divis 20-year-old UCSB students; Ruth Dasha Golda Levy, a 20-year-old Santa Barbara City College student from San Rafael; and Ms. Levy's boyfriend, San Francisco photo shop owner Elie Israel. 27.

The crimes could have sent Mr. Attias, the troubled son of a Hollywood director, to prison for 60 years to life.

Mr. Attias told psychologists he thought he was living in a video game and that he was receiving messages from songs on the radio and from television.

Videotape shot after the incident showed Mr. Attias screaming and trying to start fights with bystanders. Eyewitnesses said he referred to nimself as the "angel of death. Some jurors in the 2003 trial told prosecutor Patrick McKinley that the trip to the scene of the crime on Sabado Tarde Road helped convict Mr. Attias of murder.



RAFAEL MALDONADO/NEWS-PRESS FILE

David Attias, with attorney Nancy Haydt, reacts after the 2002 finding that he was insane at the time he killed four people with a car in Isla Vista.

nity to stop or avoid the pedestrians. The video, which places Mr. Attias at the scene and shows plenty of bystanders pointing to him as the driver, also swayed jurors.

In the sanity phase, the first vote was 8 to 4 for insanity. It took nearly two days to sway the holdouts to reach the unanimous verdict.

The panel needed to decide if the defendant was incapable of understanding the act and incapable of knowing right from wrong at the moment of the crime, which is how state law defines insanity.

The jury made its decision using the lower

Officer's bankruptcy being investigated

Continued from Page A1

Mr: Genis that the DMV would be taking no action against his client.

"After reviewing all the related court cases, weighing all the oral testimony and documented evidence, a decision has been made to issue a set aside," Mr. Windover wrote in an email obtained by the News-Press.

A request for Mr. Windover to forward the entire document setting aside the matter went unanswered Wednesday.

The move may come as a relief to Mr. Lance, who claims among other things that Officer Beutel manipulated the alcohol test to make the reading higher. But it does nothing to address one of the overriding positions that he and his attorney have advanced first during the court case and later at the DMV, that is that Officer Beutel suffers credibility issues.

The last time Mr. Lance and Officer Beutel were in the same room was Feb. 15, before Mr. Windover at a DMV office in Oxnard. Mr. Lance was ejected after criticizing Mr. Windover for shooting down any questions about the officer's credibility.

The day's session ended with Mr. Genis being given another 11 days or so to file final written briefs.

Mr. Genis had not gotten around to doing so, instead asking for an extension. Tuesday's announcement ren ders that request moot. It's not clear why Mr. Windover, who, over the course of several sessions of the hearing, flip-flopped on whether Officer Beutel's credibility was relevant, decided to set aside the matter: Mr. Genis this week provided the DMV with case information that he said supports a finding to mitigate or negate both an objective violation of law and negate the existence of any reasonable suspicion that the crime of DUI occurred. He also reminded Mr. Windover that Officer Beutel's "allegations of 'fact' are called into question by virtue of the evidence of her pattern of perjury, starting with the fact that Officers Peterson and (Officer Heather) Clark both confirmed that Lance never engaged in any unsafe turning movement, and that neither of them ever told Officer Beutel anything of the sort." This became an issue by way of a document known as a DS 367 that Officer Beutel completed in which she stated that the reason for the stop included Mr. Lance making unsafe turning movements. But before Judge Hill and at the DMV, Officer Peterson

testified under oath that Officer Beutel knew this to be an error.

"And yet she kept it in her police report and in the DS 367 with the full confidence that her credibility as a police officer would cause the DMV and the court to believe her to the detriment of" Mr. Lance, said Mr. Genis.

As he had done before, Mr. Genis argued to Mr. Windover that a witness who is willfully false in one material part of his or her testimony is to be distrusted in others.

This test, Mr. Genis reasoned, fit Officer Beutel. Whether this ultimately swayed Mr. Windover, he's not saying.

Nor is Mr. Wiley discussing the matter. "We have no comment or Peter Lance," he said in an email Wednesday.

What is known is that city officials responded to the bankruptcy ques tions raised in Mr. Lance's series.

Through its public records request the News-Press learned that in Au gust 2011 a Ventura bankruptcy at torney named Daniel Higson billed \$432 as part of the Sintra Group's re port for "Beutel bankruptcy investi gation," according to an invoice. The charges include drafting, faxing and mailing a letter to "Steve Bowman summarizing Beutel bankruptcy cases." Mr. Bowman, a retired chief of the Ventura Police Department, is owner of the Sintra Group

In the Forensic Conditional Release Program known as CONREP — patients must agree to follow treatment plans or they can be returned to inpatient programs, according to the program's website.

Four people died in the incident: Nicholas

They could see the driver had ample opportu-

standard of "a preponderance of the evidence" - explained as more likely than not — instead of the higher standard of "beyond a reasonable doubt" used in the guilt phase.

email: apacheco@newspress.com



And in October 2011, Mr. Bowman's firm billed the city an additional \$11,532 for services described as

"confidential review re: Beutel." James Blanco, the defense forensic document examiner who uncovered Officer Beutel's practice of going into the field with pre-checked DUI forms

 a practice she stopped because of the Lance case — hailed Tuesday's move by Mr. Windover.

'The decision by the DMV is a great vindication for Peter Lance. But the dismissal of his criminal case now leaves a number of unanswered ques tions since Peter's attorney, Darry Genis, was prevented from fully exploring Officer Beutel's involvement with those pre-checked and forged Trombetta (blood-test) waivers.'

"The biggest unanswered looming question is whether she witnessed the Trombetta blood waivers of DUI arrestees being forged, or whether she even forged them herself," said Mr. Blanco, "or whether she had been told by other department personnel who forged them.'

email: ssteepleton@newspress.com

Armendariz says he will not resign or run again

ARMENDARIZ

Continued from Page A1

CHP officers say Mr. Armendariz was driving southbound at 10:50 p.m. when he failed to negotiate a sweeping right-hand curve on Highway 101 just north of South Padaro Lane. Mr. Armendariz crashed his car and was hospitalized for a weekend.

Mr. Armendariz has a 25-year of history grappling with alcohol troubles. He pleaded no contest in a 2006 DUI case.

On Feb. 13, the Carpinteria City Council voted 3-1 to reprimand Mr. Armendariz for the most recent DUI arrest

scribing Mr. Armendariz's behavior, council members:

• Formally censured Mr. Armendariz for his conduct;

 Stripped him of his assignments to all regional agencies, standing committees and hoc committees;

 Prohibited him from driving any motor vehicle to conduct city-relat ed business;

• Asked him to resign.

The council's decision was the most sweeping one it could have made, as council members have no authority to unseat a fellow council member. Mr. Armendariz has refused to resign but has said he doesn't plan to run for re-election in November

Adopting a lengthy resolution de- *email: apacheco@newspress.com*



BEST HARDWARE STORE

Prices effective through Monday, March 12. OPEN 7 DAYS: Mon-Fri 7:30 am - 7 pm • Sat 8 am - 6 pm • Sun 8:30 am - 5:30 pm. No Discounts on Every-Day-Low priced items, sale or already reduced items. Sale prices not applicable to prior purchases.

BEST HARDWARE STORE

