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# SANTA BARBARA NEWS-PRESS



OUR 156TH YEAR

THURSDAY, AUGUST 25, 2011

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## BACK TO SCHOOL

Students return to Lompoc classrooms



Kindergartner Taylor Matzie, 5, gets encouragement from her mom, Barbie, on the first day of school Wednesday at Arthur Hapgood Elementary School in Lompoc.

MIKE ELIASON / NEWS-PRESS

By NORA K. WALLACE  
NEWS-PRESS STAFF WRITER

More than 9,000 students filled the halls of the Lompoc valley's campuses Wednesday, starting off a new school year.

While Santa Barbara area students had one more day of summer and will start classes today, the youth of the Lompoc area on Wednesday were toting new backpacks, shedding a few tears, getting parental goodbye hugs and meeting up with friends after a

long summer break.

The Lompoc Unified School District is predicting an overall enrollment of about 9,383 students this year — a 1.6 percent decline from last year, according to Superintendent Gregory Kampf.

At Lompoc High School, some 1,400 students are enrolled as "Braves," said principal Alfonso Garagarza.

"It was wonderful," Mr. Garagarza said of the start of the year. "We were prepared to have to turn more students away (because of the shots), but

it worked out very, very well."

The school has some "great additions" to the staff in English, history and math, he said, and will soon have a new data management system in the office.

"The students are positive," he said. "I walked every single class, all day long. My feet hurt. It was very good."

There was a little concern that some high schoolers might not have received the newly required whooping cough immunization and would be denied admission, the principal said.

Starting this year, all students in grades 7-12 are required to show proof of the "Tdap" immunization.

Carol Pace, in her fifth year as principal at Arthur Hapgood Elementary School, said the mood was high on campus.

"All the students seemed excited," Ms. Pace said. "They're happy with their new teachers and seeing their friends after summer. It was really nice feeling, a warm feeling for the

Please see **FIRST** on **A10**

## Photocopied DUI forms raise more questions about Beutel

Sections filled out in advance 'can't be dismissed as insignificant'

By SCOTT STEEPLETON  
NEWS-PRESS CITY EDITOR

As he considers a motion to drop a DUI charge against investigative journalist Peter Lance, Santa Barbara County Superior Court Judge Brian Hill has a new piece of evidence that calls into question the conduct of the arresting officer, Kasi Beutel of the Santa Barbara Police Department.

On Wednesday, a handwriting expert for the defense presented to the prosecution during a closed-door hearing ordered by Judge Hill, a declaration stating Officer Beutel, celebrated for her work on the department's Drinking Driver Team, goes into the field armed with photocopies of standard DUI forms in which some questions intended to be asked and some observations intended to be made on the spot are already answered.

James Blanco, a handwriting expert who has worked with the California Department of Justice among other agencies, states in his written declaration that, using sophisticated infrared testing, he found Officer Beutel filled in some sections of Driving Under the Influence Report forms in advance — boxes pertaining to when the subject last slept, whether he or she is diabetic or under a doctor's care, and

the type of lighting at the location where the DUI stop took place.

The photocopied form also bears a pre-prepared "X" under the chemical test admonition, next to the line, "Because I believe you are under the influence of alcohol, you have a choice of taking (either) a breath or blood test."

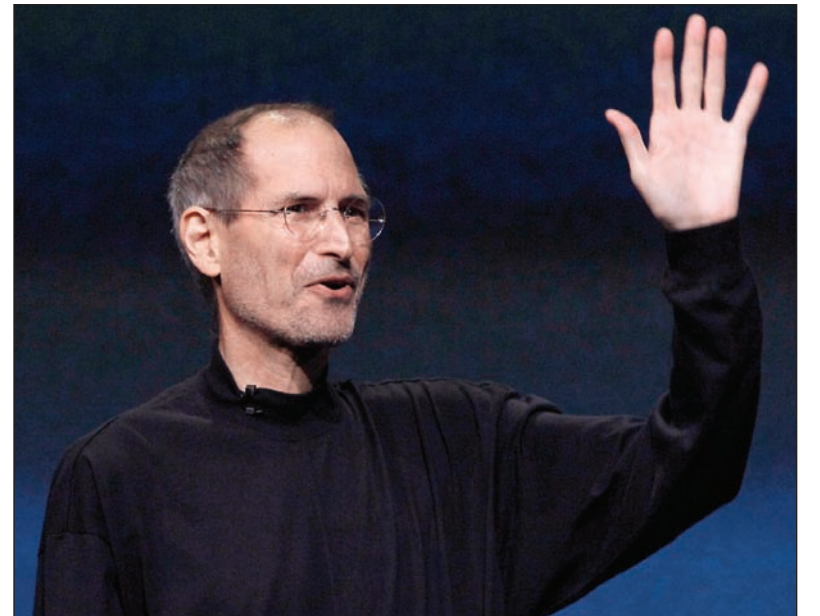
Mr. Blanco made no public comment about his findings. But his declaration makes clear his view on them.

"It challenges the imagination to determine a good-faith reason to explain why a form, with so many boxes to be checked, would be filled out ahead of time on a pre-prepared form, and then taken into the field for use."

"Consequently, this form," Mr. Blanco continues, "strongly suggests that the officer went into the field on duty armed with a document that would meet certain criteria to guarantee a successful DUI arrest."

Mr. Blanco gave his presentation outside the judge's presence, but Judge Hill, in ordering the afternoon presentation, is prepared to hear what both sides have to say about the findings when the parties return to court Aug. 31. For the complete declaration, go to

Please see **FORMS** on **A4**



ASSOCIATED PRESS

Apple Inc. Chairman and CEO Steve Jobs in San Francisco last March.

## Steve Jobs, Apple CEO and creative force, resigns

By RACHEL METZ  
and JORDAN ROBERTSON  
ASSOCIATED PRESS

SAN FRANCISCO — Steve Jobs, the mind behind the iPhone, iPad and other devices that turned Apple Inc. into one of the world's most powerful companies, resigned as CEO on Wednesday, saying he can no longer handle the job but will continue to play a leadership role.

The move appears to be the result of an unspecified medical condition for which Jobs took a leave from his post in January. Apple's chief operating officer, Tim Cook, was quickly named CEO of the company Jobs co-founded 35 years ago in his garage.

In a letter addressed to Apple's board and the "Apple community," Mr. Jobs said he "always said if there

ever came a day when I could no longer meet my duties and expectations as Apple's CEO, I would be the first to let you know. Unfortunately, that day has come."

The company said Mr. Jobs gave the board his resignation Wednesday and suggested Mr. Cook be named the company's new leader. Apple said Mr. Jobs was elected board chairman and Mr. Cook is becoming a member of its board.

Genentech Inc. Chairman Art Levinson, in a statement issued on behalf of Apple's board, said Mr. Jobs' "extraordinary vision and leadership saved Apple and guided it to its position as the world's most innovative and valuable technology company."

He said that Mr. Jobs will continue

Please see **APPLE** on **A10**

## Proposed site for wine festival angers neighbors

By NORA K. WALLACE  
NEWS-PRESS STAFF WRITER

Residents of a remote Santa Ynez Valley neighborhood are upset about plans to move the popular Santa Barbara County Vintners' Festival to their rural area next April.

The Vintners' Association last week submitted a permit application to the county to hold the 2012 Vintners' Festival at 4400 Baseline Road, off State Route 154. The 1,400-acre plot, known locally as Camp 4, is owned by the Santa Ynez Band of Chumash Indians.

The festival, which is celebrating its 30th year, is slated for April 21. If it sells out, some 3,000 people are expected to be on site for a weekend afternoon of wine tasting, appetizers and music.

The festival has been held at Lompoc's River Park for the past five years but the board opted to try a new location for the start of the event's third decade, said Jim Fiolek, executive director.

After finding a site he liked and thought would work, Mr. Fiolek said, he approached the Chumash months



PHIL KLEIN / NEWS-PRESS

A car drives by the proposed site of the 2012 Vintners' Festival on Baseline Avenue in the Santa Ynez Valley.

ago, asking for permission to use the property. It was granted after three months, he said.

"We tried Buellton," Mr. Fiolek said. "We tried Solvang. There was not a site that was offered or suitable.

Everything available could not be used. There may be other places, but no one has offered them."

The Camp 4 locale, he explained, has a vineyard immediately to the west, a visual association that was

crucial.

"There is a 360-degree view of the Santa Ynez Valley and it's right at the feet of the Santa Ynez mountains," Mr. Fiolek said. "We have the ability to say, 'These mountains run east and west,' to tell visually the story of what is unique about Santa Barbara County and the transverse range and to have a mental postcard for people."

The image will stay with visitors, he said.

"It's like a Hawaiian shirt. It reminds them of their trip to the Santa Ynez Valley," Mr. Fiolek said. "That view is something they want to recreate, and I want them to re-create."

It is a vision, however, that a group of nearby residents wish the association would consider elsewhere.

Bob Field, a community activist and resident of Happy Canyon Road east of State Route 154, was invited by Mr. Fiolek and the Chumash to tour the proposed site, which is about 2½ miles from the highway turnoff. Residents in that area have been lobbying the county to restrict wine tasting and public events in the rural zone.

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Dow Jones 11,320.71 (+143.95)  
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# Infrared testing shows photocopied versus 'live' notations

## FORMS

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www.newspress.com/peterlance/James\_Blanco\_Declaration\_08242011.pdf.

The existence of Mr. Blanco's findings was made known at the end of a hearing in open court Wednesday morning that encompassed several matters in the Lance case, including motions by the District Attorney's Office to quash subpoenas seeking information on alleged forged blood-test waivers on a number of DUI arrestees, including Mr. Lance, from police officers as well as from the lead prosecutor, Sanford Horowitz.

Judge Hill granted the motions, prompting defense counsel Darryl Genis to make informal requests for the evidence sought in the subpoenas under the standard rules of discovery.

Mr. Horowitz questioned this, prompting the judge to advise the prosecutor he could ignore the request or comply.

Mr. Horowitz also sought a motion holding Mr. Genis in contempt for allegedly violating a court order to refrain from making statements about the case outside court.

"I'm not sure I asked him not to do that," Judge Hill replied.

Both sides, the judge added, have made comments about the other, conceding "maybe more from the defense."

"But I'm not convinced that this court is the proper forum to hear violations of rules of professional conduct," he told Mr. Horowitz.

The U.S. Supreme Court, Judge Hill continued, has made it clear that judges have a variety of tools to keep both sides quiet in an effort to protect a jury pool, and judges go to great lengths to do just that when a trial is pending.

He next offered that perhaps the prosecution is concerned that Mr. Genis is trying to taint a potential jury, something that might warrant an order to keep any comments inside court.

"It's hard to make that argument when we don't have a trial date," said the judge.

Indeed, Mr. Lance has made a hallmark of the early stages of his case its dismissal, based on what he alleges is a pattern of misconduct by Officer Beutel and others.

Seek a continuance, the judge offered the prosecution, perhaps a change of venue. Just don't use this court in your effort to silence the defense.

The judge denied the motion. Mr. Horowitz tried again, asking the judge to order Mr. Genis to stop "making inflammatory statements about me" on the blogs.

"There may be a forum available to you," reiterated Judge Hill, but this is not it.

Mr. Genis took his opponent to task "for making allegations he can't prove."

"You both have done that," said the judge.

The defense took a shot at having the prosecution sanctioned over evidence it says has yet to be produced. Specifically, the Lance team wants to know why certain blood-test waivers, which are supposed to be part of any DUI arrest, were destroyed when others were not.

The original so-called Trombetta waiver from Mr. Lance's New Year's Day arrest (which he says bears a forged signature intended to look like his) has already been destroyed by the Police Department while one from a 2009 arrest was located and handed over to the defense.

One explanation that has been offered is that the Police Department set aside shredding or scanning old forms to shred or scan newer ones.

The person Judge Hill would like to hear from on this issue is Lt. David Whitham, who has submitted a short declaration on the matter.

"He's the one guy who oughta be testifying," said the judge; the sooner the better.

Setting the importance of determining whether documents were destroyed as a result of requests that they be produced as evidence, or simply in the normal course of business, Judge Hill tried to nail down the timeline concerning when and which versions of the waivers were requested by the defense and, in turn, when the prosecution sought those

A handwriting expert for the Peter Lance defense team says the forms depicted at left, above and below, are photocopies with some of the sections already filled in that Officer Kasi Beutel of the Santa Barbara Police Department used during DUI stops. The infrared copies of the documents, at right, above and below, show what was included on the original photocopies in black, while the "live" pen notations show up in white.

The "X" in the box titled Chemical Test Admonition on the photocopied form on the left shows, Officer Kasi Beutel goes into a stop believing "you are under the influence of alcohol."

documents from police. He noted that an April 2011 request by Mr. Genis seeks a copy of the originals. But Mr. Genis insisted that through earlier documents and conversations with Mr. Horowitz, he made it clear that securing the originals was always his true intent. (Without them, the defense may have an uphill battle testing its claim that some of the blood-test waiver signatures were

forged.) Judge Hill tried to question Mr. Horowitz about when he received the defense request and when he asked for the documents from the Police Department, but Deputy District Attorney Michael Carrozo wouldn't let Mr. Horowitz answer. He asked the judge to put off that issue, which also involves the defense contempt request, for another time.

Judge Hill agreed, but reiterated the importance of determining when and which documents were requested and when and how the originals were destroyed, noting the defense contends destroying the documents was an intentional attempt to frustrate their efforts. "If that's the case, that's pretty outrageous, and we'll act accordingly," the judge said.

Judge Hill ordered both sides to gather any information related to the requests and come back next week ready to argue the matter. A possible outcome of that hearing could be dismissal of the Lance case. As Wednesday's open hearing came to a close, Mr. Genis blindsided the prosecution with the Blanco declaration about the pre-prepared Driving Under the Influence Reports.

In a twist of luck for Mr. Lance's claims of a pattern of police misconduct pertaining to people arrested on suspicion of DUI — and potentially throwing many convictions into question — the lone original Trombetta waiver produced by the prosecution, which includes what

Please see FORMS on A6

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## Jurors can consider manslaughter in gay killing

ASSOCIATED PRESS

LOS ANGELES — A California judge decided jurors can consider convicting a teen of voluntary manslaughter in the killing of a gay classmate at school.

Defendant Brandon McInerney is charged with murder in the shooting of 15-year-old Larry King.

Ventura County Superior Court Judge Charles Campbell decided Tuesday the jury could opt for the lesser charge if they find Brandon, now 17, not guilty of either first-degree and second-degree murder. A voluntary manslaughter would

carry a maximum 21-year prison term. If convicted of first-degree murder, Brandon could face more than 50 years in prison.

Brandon is accused of taking a .22-caliber handgun to E.O. Green Junior High School in February 2008, a few weeks after his 14th birthday, and shooting Larry twice in the back of the head during a computer class.

The case has drawn national attention to the issue of violence against gays and bullying among students. The trial was moved to Los Angeles because of pretrial publicity. Judge Campbell felt that not allowing jurors to consider voluntary manslaughter would be problematic if

there is an appeal, according to the Ventura County Star.

Closing arguments are expected to begin today.

Defense attorneys argue their client came from a violent upbringing and reached an emotional breaking point after Larry, who wore high heels and makeup to school in the weeks leading to the shooting, made unwanted sexual advances toward him.

Prosecutors say the slaying was premeditated, and Brandon supported white supremacist ideology that homosexuality is an abomination.

## Transient arrested in armed robbery

**SANTA BARBARA** A 24-year-old transient was arrested Wednesday in an armed robbery at a Dollar Super Mart in Santa Maria.

Officers who responded to the incident at about 2:30 p.m. matched the description of the robber with 24-year-old Derric Fulton, who was found on foot, according to a news release from the Santa Maria Police Department.

Police say the suspect took a large, unspecified amount of currency from the cash register of the Dollar

Super Mart on Broadway Street while brandishing a firearm, according to police. Both the firearm and the missing money were recovered.

Mr. Fulton was arrested on suspicion of armed robbery and booked into Santa Barbara County Jail on \$100,000 bail.

Anyone with information is urged to call Crime Stoppers at 877-800-9100.

—Kathryn Watson

## List indicates who is driving economy

### ■ INC

Continued from Page A3

in last year's edition.

"We're really proud that this award distinguishes lynda.com among both educators and entrepreneurs," said Crystal McCullough, editorial director. "Our continued growth is really based on how well we have continually adapted to our members' needs by creating the highest quality training that we can."

Coverall President Mark Melton, whose firm offers health-based solutions for office cleaning and janitorial services, said being singled

out by tens of millions of companies in the U.S. shows that the entrepreneurial spirit is alive and kicking in Carpinteria. His 50-employee firm had a three-year growth rate of 21 percent and did nearly \$20 million in revenue last year.

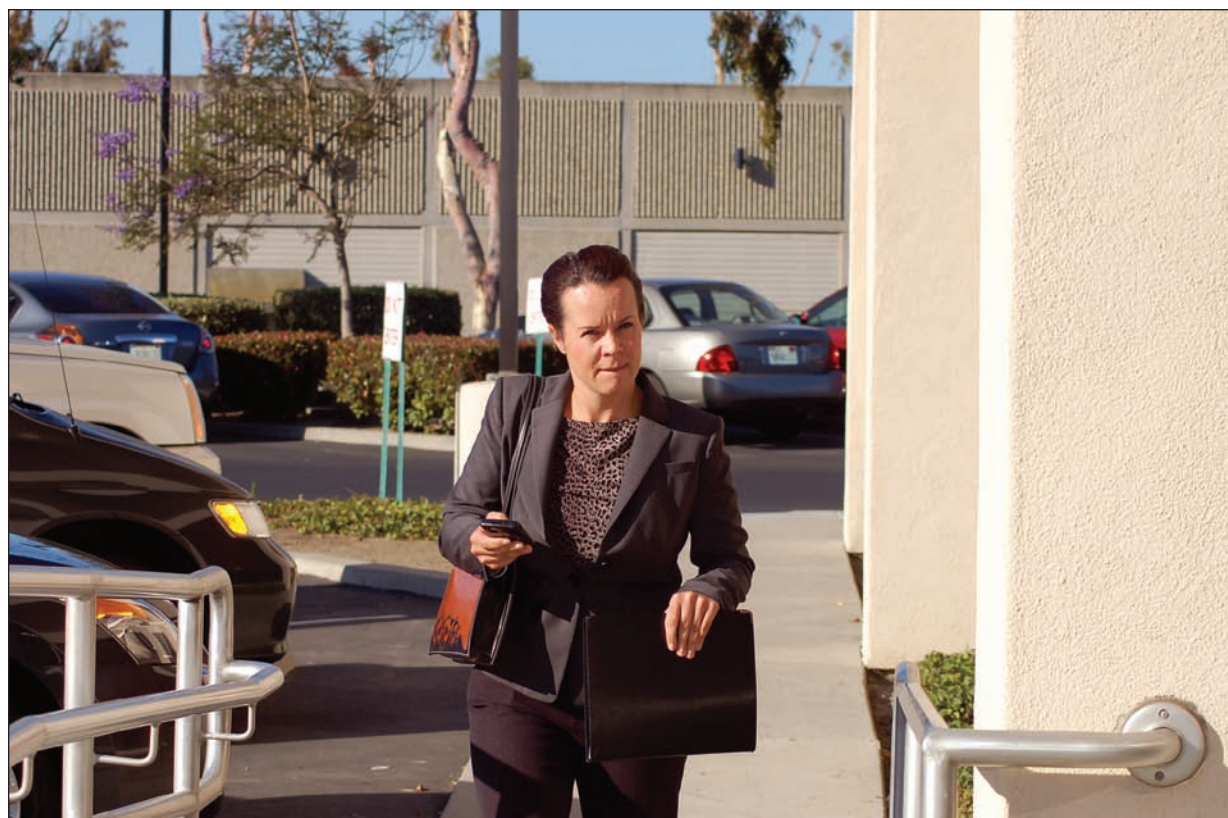
"I commend all the companies on this year's list for their impressive results, which are hard won in today's economy," said Mr. Melton.

With the majority of all new job creation in the U.S. coming from small businesses in the private sector, the Inc. 500/5000 is a prescient indicator of all the companies and industries that are driving the economy forward, said Inc. Editor Jane Berentson in a prepared statement.

"If you want to find out which companies are going to change the world, look at the Inc. 500," Ms. Berentson said. "These are the most innovative, dynamic, fast-growth companies in the nation, the ones coming up with the solutions to some of our most intractable ills, creating systems that let us conduct business faster and easier, and manufacturing products we soon discover we can't live without."

"This year's list is a testament to the creativity, resilience and tenacity of America's top entrepreneurs."

Complete results of the Inc. 5000 can be found at [www.inc.com/5000](http://www.inc.com/5000).

e-mail: [ssinovic@newspress.com](mailto:ssinovic@newspress.com)

SCOTT STEEPLTON / NEWS-PRESS

Officer Kasi Beutel of the Santa Barbara Police Department arrives at the DMV office in Ventura June 30 for a hearing in the Peter Lance DUI matter.

## Judge orders another hearing

### ■ FORMS

Continued from Page A4

handwriting expert Mr. Blanco called a forged signature of Kasi Beutel arrestee John Eric Page, is no original at all. It, too, started out as a photocopy in which the officer, prior to the November 2009 stop, filled in some responses and observations intended to be gathered in the field.

Mr. Blanco contends it would not be surprising to find "limited repetitive handwritten information" such as an officer's name or badge number.

"However, what is surprising is to find that predetermined questions and spaces to answer those questions were already filled in and boxes checked on the actual form prior to the document being used in the John Page stop and arrest," he writes.

Many of the handwritten check marks and some handwritings, he continues, "were not written by writing pen ink, but were already 'pre-copied' onto the form.

To the naked eye, the information on the original appears black, but upon examination with infrared light, it's clear many of the marks "were the result of photocopier toner," according to the declaration.

Pre-checked "no" boxes on the original Trombetta waiver from the Page arrest, according to the Blanco declaration, include the following questions: Do you know of anything wrong with your vehicle? Are you sick or injured? Have you bumped your head today?

The question, "Are you a diabetic?" included pen ink partially written over an existing toner mark.

On the other side, where Officer Beutel could make "field evaluation notes," boxes marked yes in advance include: Subject advised that part of the evaluation is the ability to follow instructions; equal tracking (of the eyes); and equal pupil size.

Mr. Blanco also says the word "spot" was copied onto the form in the section noting the lighting of the field sobriety

test location.

As seen on copies of other field evaluation notes from Officer Beutel, the Page original sections pertaining to test location surface, test location weather and test location lighting feature the photocopied words "flat," "cool" and "spot," respectively, with Officer Beutel's handwritten additions in pen ink "plot," "dry" and "store," respectively.

Under infrared, as shown by the copy of the Nov. 27, 2009, John Page DUI Report included in Mr. Blanco's declaration, the "live" ink notations show up white while the photocopied information is black. For example, the words "last night" show up black in the section "When did you last sleep?" because they were part of the photocopy made before the stop, while "4 hours ago" and "Dinner/Turkey" show up in white in the sections "When did you last eat" and "Describe food" because they were added "live" in pen ink after the stop, which took place 2:24 a.m. the Friday after Thanksgiving.

The defense also obtained documents from a Dec. 12, 2009, incident in which Officer Beutel cited a woman on suspicion of DUI. That the words "flat," "cool" and "spot" are identical to the notations on the Page report shows that both forms were photocopied from the same original.

Unlike the Page document, on the report of the woman, identified to the News-Press only as Jane Doe, Officer Beutel added nothing next to the words "flat," "cool" and "spot."

William C. Makler, a Santa Barbara attorney who counts Jane Doe among his many clients who were arrested by Officer Beutel, praised Mr. Lance for uncovering "very alarming questions related to Officer Beutel's credibility."

Central to his role in the criminal justice system, Mr. Makler added, is paying attention to that and doing what he can within ethical bounds with the information for the betterment of his clients.

That the forms in question have areas filled in before a DUI stop, said Mr. Makler, "can't be dismissed as insignificant."

Officer Beutel, he said, was walking into situations with a lot of preconceived notions about what she was going to see "and maybe not noticing these individuals were displaying different symptoms and traits."

Joseph Merydith, a handwriting expert with the state Department of Justice working with the prosecution, told the News-Press he took part in Wednesday's closed-door hearing by phone. He also got an electronic version of the Blanco declaration.

He had not done an examination of the findings, Mr. Merydith added.

A request for a Police Department official to explain what guidance is given or protocol is in place when it comes to how much of the forms an officer can fill out in advance was not returned.

The defense said Mr. Blanco's findings are devastating to the prosecution.

"What I think is very clear here is that the district attorney has been lied to by their own police officer," said Mr. Lance. "There's no way the district attorney would have turned over this original knowing that (Kasi Beutel) had pre-checked it if she had told them she had pre-checked it."

That, he said, amounts to the officer showing contempt for and lying to the very office whose job it is to prosecute crime. "Her credibility is zero."

Mr. Lance said his case draws parallels to that of onetime International Monetary Fund chief Dominique Strauss-Kahn. The Manhattan District Attorney's office this week dropped rape charges against Mr. Strauss-Kahn over the credibility of the main witness, who also happened to be the alleged victim.

Santa Barbara County District Attorney Joyce Dudley, said Mr. Lance, "really needs to make the decision, is she going to show the courage of the DA in New York who could dismiss the highest possible profile case based on the lack of credibility of a witness, or is she just going to keep this charade going?"

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**SANTA BARBARA NEWS-PRESS**

## Man hospitalized after beating

**SANTA MARIA** A 21-year-old Santa Maria man was hospitalized Thursday after being stuck and kicked in the head, authorities said.

Police responded at 3:46 p.m. to a report of an assault at 1523 Stowell Center Plaza, a Santa Maria Police Department news release said.

The investigation revealed the victim, identified as

Benjamin Morales, was involved in a fight and was struck with a fist and kicked in the head, the news release said. He suffered a laceration to his head and facial injuries and was transported to Marian Medical Center for treatment.

The unknown suspect fled on foot.

—Merrill McCarty

## Five arrested in two drug cases

**LOMPOC** Police arrested five men Tuesday in separate busts, authorities said.

At about 2:45 p.m., Lompoc Police Department investigators served a search warrant at the home of 26-year-old Michael Rodriguez in the 200 block of North M Street, a news release said.

Officers found 15 grams of heroin, a loaded handgun and a large amount of drug paraphernalia, the release said.

Police conducted a traffic stop on Mr. Rodriguez in the 100 block of East Chestnut Avenue and arrested him on charges of possession for sale of a controlled substance; possession of drugs and a loaded, operable firearm; being under the influence of a controlled substance; and bringing a controlled substance into jail.

Also arrested in connection with the investigation are Hemet resident Kevin Genders, 31, and Lompoc resident Brian Morrison, 24, police said. They are both accused of possessing a controlled substance, with Mr. Morrison facing an additional accusation of possessing a con-

trolled substance in jail.

At about 6:50 p.m., Lompoc police served a warrant in the 2100 block of Santa Rosa Road, a rural area of Lompoc, a news release said.

About 4 grams of methamphetamine were found in the search along with a .40-caliber semiautomatic handgun, a shortened .22-caliber rifle and a bulletproof vest, the release said.

Adam Ray Ybarra, 26, of Lompoc, was arrested on suspicion of possession of methamphetamine; possession of drugs and a loaded operable firearm; being a felon in possession of body armor; being a felon in possession of a firearm; and a gang enhancement.

Gilbert Deluna, 39, described as a transient, was arrested on suspicion of resisting an officer with force or violence; possession for sale of methamphetamine; destruction of evidence; and being a felon in possession of body armor. Mr. Deluna also had a \$160,000 felony warrant for a previous drug case, the news release said.

—From staff reports

## Ammonia leak evacuates building

**SANTA BARBARA** A small amount of ammonia leaked Wednesday morning after machinery malfunctioned at 732 Hanson Way, authorities said.

The Santa Maria Fire Department responded at 11:34 a.m. to the reported gas leak inside a structure, Battalion Chief Scott Johnson said in a news release.

The business was evacuated and firefighters isolated the leak, Chief Johnson said.

A small amount of ammonia was vented as emergency systems were activated and the ammonia was vented, he said.

Firefighters remained on scene until the business was safe to re-enter, Chief Johnson said.

No injuries were reported.

—Merrill McCarty

Your guide to globetrotting. Every  
Sunday in the News-Press.

Sunday's  
**Travel**  
Section