

Phoenix VA probe identifies veterans kept from services, others waiting months



San Marcos freshman Kento Perera heads to CIF-SS regionals today at Cate



Santa Monica Seafood brings delectable goodness to Santa Barbara Public Square

# SANTA BARBARA NEWS-PRESS



OUR 159TH YEAR THURSDAY, MAY 29, 2014 75¢

## Former Capps aide sentenced to 20 years to life



CARMEN SMYTH/NEWS-PRESS  
Raymond Morua leaves the courtroom Wednesday after being sentenced to 20 years to life for killing Mallory Rae Dies in a Dec. 6 DUI hit-and-run.

By ANGEL PACHECO  
NEWS-PRESS STAFF WRITER

A former aide for Rep. Lois Capps who admitted to the hit-and-run death of Mallory Rae Dies apologized Wednesday in a packed courtroom before receiving a prison sentence of 20 years to life. “I would trade places with her in a moment’s notice,” Raymond Victor Morua III said, reading from a statement with his back to the public seating area, which was filled to standing room only. Mr. Morua, who has been in custody since soon after the Dec. 6 crash on Anacapa Street outside the EOS Lounge, came before Superior Court Judge James Voysey on Wednesday morning to receive the sentence he agreed to in an April plea deal with the District Attorney’s Office. Prosecutors dismissed a murder

Raymond Morua apologizes to family of victim Mallory Rae Dies; declares he was working for congresswoman when he became intoxicated

charge against Mr. Morua in return for a plea of guilty to gross vehicular manslaughter while intoxicated. Judge Voysey sentenced Mr. Morua to 15 years to life for vehicular manslaughter and another five years for an enhancement related to fleeing the crime scene. It wasn’t clear when Mr. Morua will be up for parole. Handcuffed, but wearing a gray sport coat and black slacks, Mr. Morua asked for forgiveness from the Dies family, noting that he didn’t believe he deserved it, for actions he described as reckless and cowardly. Not a day goes by that he doesn’t wish the collision hadn’t happened,

said Mr. Morua, who vowed to help the family in an anti-DUI campaign, Vow4Mal, that has been started in Ms. Dies’ memory. “It was truly heartfelt,” Ms. Dies’ father, Matt Dies, said after the hearing. “His remorse was not crocodile tears in any way.” Just prior to sentencing, Mr. Dies displayed several slides in court and told the story of his daughter’s childhood, which was filled with friends, cheerleading and dances. A diligent student, Ms. Dies, 27, was a UCSB graduate. Her mother, Raeona Dies, described her daughter as a true humanitarian who loved books and often would watch documentaries

focusing on injustices, such as greed and racism. Ms. Dies had planned to go onto graduate school and become a history professor. Mrs. Dies said she has lived each day in shock since the crash, either numb or consumed with grief. She described the pain of losing



COURTESY PHOTO  
Mallory Rae Dies

her only daughter as worse than any nightmare and said she gladly would have stood in for her daughter in front of Mr. Morua’s car. Mrs. Dies asked others to honor her daughter’s memory by asking others not to drink and drive. “You never know,” she said, “You might save one precious life.” On that tragic evening, Ms. Dies and friends were crossing Anacapa Street toward EOS, as they had many times before, said Ryan Todey, one of Ms. Dies’ many friends who attended the hearing. He recalled seeing Ms. Dies turn back to him and smile before he heard a revving engine. Startled,

Please see **MORUA** on **A8**

## Sharing the grief

RECALLING THE VICTIMS  
IV TRAGEDY

Parents of “Dark Knight” victim hope to help Isla Vista heal

By SCOTT STEEPLETON  
NEWS-PRESS CITY EDITOR

Classes were back in session at UCSB on Wednesday, the first time since the Isla Vista rampage. Everywhere you looked, people wore ribbons in memory of the six Gauchos killed, Veronika Weiss, Katie Cooper, Christopher Ross Michaels-Martinez, George Chen, Cheng Yuan Hong and Wei Han Wang, and the 13 others injured May 23. In the afternoon, the U.S. House of Representatives observed a moment of silence over the horrific events carried out by Elliot Rodger, 22, while a memorial paddle-out off Camino Pescadero Park later in the day drew a huge crowd, some of whom joined in a large circle out in the ocean. On Pardall Road, college students in groups and alone perused the memori-



PETER VANDENBELT / NEWS-PRESS

Like the memorials that sprang up in the wake of the Aurora, Colo., massacre that claimed the life of their daughter, Jessica Ghawi, 24, Sandy and Lonnie Phillips absorb the growing tribute to the victims of the Isla Vista rampage.

al wall (giant chalkboards) outside the Associated Students Pardall Center — dubbed “the heart of Isla Vista” — while across the street others stopped by the memorial outside I.V. Deli Mart, where Mr. Michaels-Martinez died. University tour guide Maritza Moss-

berg, a graduating senior majoring in communication, was among those taking in the boards at Pardall Center, mourning the loss of Ms. Weiss and Ms. Cooper who, like Mr. Michaels-Martinez, were gunned down. “I was very close to the women that

died. I talked to one of them less than half an hour before she died and the last thing she said to me was, ‘You know, you can always borrow my car,’” Ms. Mossberg, 22, told the News-Press. “The truth is that both of them were extremely lov-

Please see **IV** on **A4**

## DeNunzio blood draw violated Fourth Amendment

By SCOTT STEEPLETON  
NEWS-PRESS CITY EDITOR

A phlebotomist under contract to Santa Barbara County likely violated Tony DeNunzio’s Fourth Amendment rights to protection against unreasonable search and seizure by forcibly drawing blood from the handyman the night of his controversial arrest Oct. 21, 2011, when less intrusive testing measures were within reach, a federal judge has ruled. The May 22 tentative ruling by U.S. District Court Judge George Wu paves the way for Mr. DeNunzio to move forward with a federal civil rights suit against Lessor J. Michaels. Mr. Michaels, who’s done about 18,000 DUI blood draws in 13 years at County Jail, brought a motion to dismiss an amended complaint filed by Mr. DeNunzio on a variety of grounds, including qualified immunity, meaning he acted like any reasonable phlebotomist would the night of the blood draw. But Judge Wu ruled otherwise. In determining that the phlebotomist’s conduct did violate the Fourth Amendment, the judge cited a number of factors, including that Mr. Michaels “without any warning, and without cleaning the puncture site to prevent possible infection” jammed the needle in Mr. DeNunzio’s arm after Santa Barbara Police Department officers threw the man to the ground of a room that appeared to have “blood, vomit, spittle and other un-



DeNunzio

Please see **BLOOD** on **A8**



Multimedia coverage of this story at newspress.com

## \$8.6 million in scholarships handed out

By SARA BUSH  
NEWS-PRESS CORRESPONDENT

Nearly 3,000 students from Santa Barbara County will continue their education with help from the Scholarship Foundation of Santa Barbara. The organization handed out a record \$8.6 million dollars in scholarship money this year and recipients had the chance to thank the donors during a ceremony Wednesday in the Courthouse Sunken Garden. “Our goal is to make sure every student who wants to pursue secondary education can do that without the barrier of cost,” said Colette Hadley, executive director of the Scholarship

Foundation. The organization also gives advice on financial aid, working with 35,000 students a year to help them secure federal and state scholarships, grants and loans. “For many it’s the difference between going to college or not,” Ms. Hadley said. Jasmine Lozano is among those students who needed the extra help with college tuition. She will graduate from San Marcos High School this year and plans to attend Westmont College in the fall. “I received \$2,710 in scholarship money,” Miss Lozano said, and was

Please see **STUDENTS** on **A5**



STEVE MALONE/NEWS-PRESS

Recipients gather Wednesday for the Scholarship Foundation of Santa Barbara’s awards ceremony at the Courthouse Sunken Garden.

## Some NorCal voters contemplate forming new state

By JULIET WILLIAMS  
ASSOCIATED PRESS

SACRAMENTO — Residents of California’s largely rural, agrarian and politically conservative far northern counties long ago got used to feeling ignored in the state Capitol and out of sync with major urban areas. The idea of forming their own state has been a topic among local secession dreamers for more than a century. Residents in two counties will have a chance to voice that sentiment next week. Voters in Del Norte and Teha-

ma, with a combined population of about 91,000, will decide June 3 on an advisory measure that asks each county’s board of supervisors to join a wider effort to form a 51st state named Jefferson. Elected officials in Glenn, Modoc, Siskiyou and Yuba counties already voted to join the movement. Supervisors in Butte County will vote June 10, while local bodies in other northern counties are awaiting the June 3 ballot results before deciding what to do. A similar but unrelated question on the primary ballot in Siskiyou

Please see **STATE** on **A8**



Business ..... B6-7  
California ..... A4-5  
Classified ..... C6-8  
Comics ..... D4

Crossword ..... D2  
Dear Abby ..... D2  
Local ..... A2-4  
Lottery ..... A2

Movies ..... D3  
Nation/World ..... B1-5  
Obituaries ..... B2  
Sports ..... C1-5

Sudoku ..... D2  
TV ..... D5  
Voices ..... A6-7  
Weather ..... B8



Fog, then sun  
Coast: 72/52 Inland: 72/52  
COMPLETE FORECAST B8



Dow Jones  
16,633.18  
(-42.32)  
GAS PRICES BUSINESS B6



Nasdaq  
4,225.07  
(-12.00)



# Mallory described as a true humanitarian

■ MORUA  
*Continued from Page A1*

Mr. Todey stopped to pivot and look at the car, which quickly struck Ms. Dies and threw her into the air.

Ms. Dies survived the initial impact, which Mr. Todey described as a first miracle, and she fought for her life for five days before she was taken off life support.

Hundreds came together to grieve for Ms. Dies, and some 68,000 people viewed a blog created by friends to keep tabs on her condition, he said.

The support has continued since her death, with numerous fundraisers and volunteers flocking to the Vow4Mal Foundation.

Ms. Dies' friend, Olympic snowboarder Greg Bretz, dedicated a run to her, and hip-hop artist Mystikal performed at a fundraiser for the Vow4Mal Foundation, Mr. Todey said.

To this day, supporters continue to drop off flowers for Ms. Dies at the crash site.

"Physically, Mallory has passed," said Mr. Todey. "I never get to receive another Mal hug again, but the miracles I've witnessed over the last five months show me Mallory Rae lives, and I promise with all my heart she isn't going anywhere."

Judge Voysey also heard from several friends and family members of Mr. Morua, an Army veteran.

In a letter read to the court, a soldier who served in Iraq with Mr.



Matt Dies talks about the life of his daughter, Mallory Rae Dies, during her killer's sentencing hearing Wednesday.



Raeona Dies, mother of Mallory Rae Dies, spoke about her daughter's plans to attend graduate school and become a history professor.

Morua described the horrors he saw and his struggle to transition back into being a civilian.

With little help available to him, Mr. Morua turned to alcohol and dropped out of school.

Mr. Morua's sister, Monique Jimenez, described him as an intelligent and ambitious man who bravely fought for his country and has struggled with post-traumatic stress disorder.

However, not once did Mr. Morua hide behind the condition as an excuse, said Juan Jimenez, Mr. Morua's brother-in-law.

A veteran himself, Mr. Jimenez described the fight with PTSD as being real.

Despite being out of the military since 2007, Mr. Jimenez said he himself can still smell the decaying bodies.

He noted the death of Ms. Dies has even affected his life, saying he came back from war broken and "self medicated," but has now been sober for two months.

Senior Deputy District Attorney Arnis Tolks said the real issue is that Mr. Morua has two prior DUI convictions and didn't address his

problems, resulting in Ms. Dies' death.

"This wasn't an accident. This was something that was inevitable," Mr. Tolks said, though he commended Mr. Morua for taking responsibility for his actions.

Before the collision, Mr. Morua had been drinking at a downtown Christmas party hosted by the Santa Barbara Independent, and whether he was representing Mrs. Capps at the party is an important issue. The Dies family has filed a federal lawsuit against Ms. Capps, the U.S. government and Mr. Morua.

Mr. Morua declared in court Wednesday that he was working that night, and described Mrs. Capps' efforts to deny that he was on the job as "appalling."

He said Mrs. Capps is trying to get out of paying the Dies family any restitution.

"This is the first person related to Capps' office that has spoken the truth," Mr. Dies told reporters about Mr. Morua's statement.

Mr. Morua's attorney, Darryl Genis said this is a tragedy for both Mr. Morua and Ms. Dies.

"Two lives were ruined in completely different ways," he said.

However, Mr. Genis noted it's only getting worse for the Dies family, which should have gotten closure Wednesday but must still deal with attorneys and wonder if they will be compensated.

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# No part of a state has seceded since West Virginia in 1863

■ STATE  
*Continued from Page A1*

County asks voters to rename that county the Republic of Jefferson.

"We have 11 counties up here that share one state senator," compared to 20 for the greater Los Angeles area and 10 for the San Francisco Bay Area, said Aaron Funk of Crescent City, a coastal town in Del Norte County near the Oregon border. "Essentially, we have no representation whatsoever."

The current county secession efforts are merely advisory, encouraging local officials to further study the idea. The steps involved in trying to become the country's 51st state are steep, first requiring approval from the state Legislature, then from Congress.

The counties that could opt in — as many as 16, according to supporters — make up more than a quarter of the state's land mass but only a small portion of its population.

The seven counties that have voted or will this month have a combined geographic area twice the size of New Hampshire, with about 467,000 residents.

The terrain spans some of California's most majestic coastal scenery to agriculture-dominated valleys, Mount Shasta and Redwood National Park. Some of its residents are also among the state's poorest, and the population is far different from California as a whole.

While the state has no racial majority and Hispanics make up the largest ethnic group, residents in the far northern counties are overwhelmingly white.

Because the exact makeup of

the proposed state of Jefferson is still unknown, it is hard to assess the potential economic impact. The state Department of Finance does not have a county-by-county comparison of what each contributes in state revenue versus what it receives.

But the loss of millions of dollars for everything from infrastructure to schools is among the biggest worries of residents who oppose the secession movement. The Del Norte County Board of Education, which receives 90 percent of its funding, or \$32 million, from the state, voted to oppose the local initiative, known as Measure A.

If it passes, Kevin Hendrick worries that local officials will spend years studying how to create a new state rather than tackling concrete problems such as fixing a crumbling highway that is in danger of falling into the ocean.

"It's a lot of broad promises about things being better and representation being better," said Hendrick, who is leading the opposition in Del Norte. "But the more they talk, the less clear it becomes about how that's actually going to happen."

It's also unclear how the new state would pay for federally mandated education, social welfare, health care and other programs or a host of other services residents rely on. Proponents say they would scrap thousands of regulations and state agencies, freeing Jefferson's leaders to spend how they want and attract more businesses.

Much of the land in what would become the state of Jefferson is federal, and that wouldn't change if the region became its own state.

# Judge cites a number of factors in determining case

■ BLOOD  
*Continued from Page A1*

identifiable detritus" on it and then "maintained a knee on (Mr. DeNunzio's) neck and back ... holding his (handcuffed) arms."

The judge noted that Mr. DeNunzio, who is represented by Thomas Beck and Darryl Genis, requested a more sanitary location for a blood draw and was denied, and he noted that in the room where the draw took place a Breathalyzer machine was sitting a few feet away.

"Based on the (amended complaint) allegations, one could reasonably infer that Michaels and the officers were working together to achieve the blood draw," wrote the judge. "Given the force used, the availability of an alternative non-intrusive testing procedure ... DeNunzio's lack of physical resistance ... and the alleged failure to use medically-sound procedures, thereby subjecting DeNunzio to a potentially-unreasonable risk of

*"Given the force used, the availability of an alternative non-intrusive testing procedure ... DeNunzio's lack of physical resistance ... and the alleged failure to use medically-sound procedures, thereby subjecting DeNunzio to a potentially-unreasonable risk of infection ... DeNunzio has stated a plausible Fourth Amendment claim against Michaels."*

**Judge George Wu,**  
U.S. District Court for the Central District of California

infection ... DeNunzio has stated a plausible Fourth Amendment claim against Michaels."

Judge Wu also had to wrestle with the question of whether the phlebotomist violated clearly established law, the question of qualified immunity.

"Here, Michaels conducted the compulsory blood draw in a filthy facility without using any sterilization," the judge wrote. "He did this without warning while two officers held DeNunzio down with a knee to his neck — despite the fact that there was a Breathalyzer machine

in the room."

"Under the facts alleged, Michaels has not shown that DeNunzio's right to be free from this type of blood draw was not clearly established under the Fourth Amendment," the judge continued. "Thus, at this stage, the court would not find that Michaels is entitled to qualified immunity."

Mr. Michaels also sought to limit his liability by claiming a good faith defense. But Judge Wu determined that quasi-immunity doctrine is extended to so-called private actors.

The Ninth Circuit Court of Appeals "has never indicated that a separate good faith defense is available to officers who fail to establish qualified immunity, and the court declines to do so here," he wrote.

Mr. DeNunzio was acquitted of one count stemming from his arrest, and the District Attorney's Office withdrew the second after a judge gutted the prosecution's case.

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# Steps needed to create a new state

SACRAMENTO — Voters in Del Norte and Tehama counties vote Tuesday on Measure A, an advisory question that asks each county's board of supervisors to join a wider effort to form a 51st state named Jefferson. Elected officials in Glenn, Modoc, Siskiyou and Yuba counties already have voted to join the movement.

The steps to secede are laid out in the U.S. Constitution. The last state to secede was West Virginia in 1863. The Northern California effort relies on a legal strategy that supporters hope will lead either to secession or greater representation in the California Legislature.

Here are the steps:

- Proponents of the current measure would seek county-by-county approval to separate and form the new state of Jefferson.
- Once it is determined which counties want to participate, ap-

proval from a simple majority is required from the state Legislature and both houses of Congress.

- Supporters would file a lawsuit if the Legislature votes against allowing the counties to break away or refuses to consider the request. They would claim that they suffered harm in being rejected, creating standing for them to file suit in federal court.
- Proponents would challenge the 1964 U.S. Supreme Court ruling in Reynolds v. Sims, which overturned the apportionment of lawmakers in state legislatures based upon geography rather than population. That reapportionment dramatically increased the number of California state senators representing urban residents and decreased those representing rural ones.

— Associated Press

The latest and greatest news and information from around the world.

Travel writer **Kyle Ellison** phones in from Hawaii to discuss his new book *"Moon Maui"*, including Lanai and Molokai, giving travelers the tools they need to create a most memorable experience.

**Eldon Edwards**, Santa Barbara's trusted business consultant joins us to speak about the websites he regularly visits for travel planning and discovery.

**Brian Kalunga**, owner of Msuna Safaris and Travel Company phones in to give information we need to know about booking a Safari package to Zimbabwe with his company.

**Ryan Carr**, owner of Carr Winery in Santa Barbara will be live in the studio to tell us about the upcoming Urban Wine Trail's 3-day Summer Celebration event here in Santa Barbara and how to get a "Passport" for the event.

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