

Office criticizes judge as lenient

COURT: The Riverside County district attorney finds fault with the incoming presiding judge's recent decisions.

BY JOSE ARBALLO JR.
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The Riverside County district attorney's office is criticizing the incoming presiding judge, saying he is too lenient in sentencing and appears more concerned about defendants than victims.

sions he has made. Assistant District Attorney Chuck Hughes said Cahraman has abused his judiciary discretion and appears more concerned with the feelings of those committing crimes rather than those who are victims of crimes.

Cahraman, who was appointed to the bench in 2001 after more than 20 years as an at-

torney, said he could not discuss individual cases, but noted that it's common for one side or the other to be unhappy with a decision he makes.

"I listen to both sides and apply the facts to the law," he said.

Over the past several weeks, Cahraman has granted several defense requests to reduce felony crimes to misdemeanors,

including one that involved the death of a 10-month-old Corona baby. He also granted probation to a Perris man — charged with a felony — whose 8-month-old son died after he crashed while holding the child in his lap while riding an ATV.

"He misplaces his compassion," Hughes said. "He seems to feel sympathy for criminals rather than their victims, to the

point where he apologizes as he sentences them."

Presiding Judge Richard Fields declined to comment on specific cases, but defended Cahraman, calling him someone with tremendous integrity who carefully weighs all sides of a case before making a decision.

"He works very hard to do the right thing," Fields said. "He

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takes time to look over all the issues and is thorough. He takes his job very seriously."

Assistant Public Defender Robert Willey suggested the criticism has little to do with legal arguments, but rather a way of placing pressure on the judiciary.

"It appears more of an exercise of political pressure than anything else," he said.

TWO RECENT CASES

Officials from the district attorney's office say two recent cases highlight the problems they have with Cahraman's decision making.

Amanda Stevenson was charged with felony endangerment in connection with the death of her 10-month-old daughter, Alanna Villarreal. The child died in 2004 from injuries sustained at the hands of Stevenson's then-boyfriend Jason Cruz.

Prosecutors said she was criminally negligent for leaving the baby with Cruz because she knew, or should have known, he had broken the child's arm weeks before while babysitting Alanna.

Defense attorneys argued that Stevenson, also known as Amanda Stephenson, could not have known that Cruz was capable of inflicting the horrible injuries that killed her child. She had no way of being sure the broken arm Alanna suffered weeks before she died had been caused by Cruz, her attorney said.

Cahraman, after hearing emotional pleas from the child's father and his family to punish the mother, decided Stevenson's conduct did not amount to a felony. Cahraman sentenced the Corona woman to 60 days in custody and ordered she be placed on four years summary probation.

Cahraman said in court he spent several hours, including time on the weekend, before making his decision. He said he was not an apologist for Stevenson, but that her punishment needed to fit the culpability of her actions. He said the defendant had already suffered a "huge" punishment with the death of her child.

"I'm not going to persuade anybody, but in terms of balancing the things the court balances under the law, the motion is granted," Cahraman said.

In another case, a Perris man was sentenced to probation for an all-terrain vehicle crash in which his 8-month-old son was killed. In March 2007, Norman Spencer Davis Jr. was driving about 40 mph near Perris, using one arm to hold the boy, who was seated between his legs.

A tire of the ATV bumped the tire of another ATV and Davis and his son were thrown off, killing the boy, according to court documents. Davis pleaded guilty to felony child endangerment and faced a maximum of 12 years in prison.

Deputy District Attorney Abbie Marsh requested prison time and to keep the charges at felony level because of the gravity of the consequences.

Cahraman cited Davis' lack of criminal record — Davis had several prior driving infractions, including failure to restrain a child — and the emotional impact of the child's death and sentenced him to 120 days of weekend work time.

"The loss that he sustained is already, on a personal level, so huge," Cahraman said. "I still would call it an accident because he did not mean to kill the child. He did mean to put the child in an ATV and do this thrill-seeking type behavior, he meant to do that on purpose, but he didn't mean to kill the child."

The probation department

recommended 365 days in custody.

WHAT'S NEXT?

Hughes, who oversees the agency's Riverside office, said his office is evaluating whether to appeal some of Cahraman's rulings, but concedes that chances of success are limited.

The agency could file legal documents challenging Cahraman's authority to rule in criminal cases — called "papering" a judge — but Hughes said that decision has not been made. The office has already papered Judge Gary B. Tranbarger, essentially removing him from hearing any criminal cases. He has been assigned to civil courts.

Court experts have said papering is a common and effective tactic used by attorneys throughout California. It has also been done in San Bernardino County.

Willey, with the public defender's office, said there is a legal process in place when one side or the other feels the judge has made the wrong decision or abused judicial discretion.

"The fact that the district's attorney agree or disagrees with it is not important," Willey said.

Willey said there are no indications Cahraman is granting defense requests to reduce offenses from felonies to misdemeanors — so-called 17b motions — at any higher rate than other judges. He believes the strike-force judges — a team of outside judges brought in to help reduce the backlog of criminal cases — granted more of those types of requests than judges based here.

"I believe that says more than anything else," said Willey, who suggested the visiting judges did not feel the political pressure from prosecutors.

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