

Daily News

17 PEOPLE CONVICTED AFTER WARNINGS IGNORED.

Article from:

Daily News (Los Angeles, CA)

Article date:

March 22, 2000

Byline: Beth Barrett, Greg Gittrich, and Rick Orlov Staff Writers

At least 17 people were convicted, many of them imprisoned, after **District Attorney's** Office supervisors failed to tell LAPD officials or take action themselves on two warnings from a prosecutor that rogue cop Rafael Perez testified falsely, according to documents obtained by the Daily News on Tuesday.

Clearly dismayed, Police Chief Bernard C. Parks said the Los Angeles Police Department would have immediately launched an internal investigation of Perez if it had been told about **Deputy District Attorney Michael Kraut's** concerns in the summer of 1997, when he disclosed that Perez had lied in two cases.

The **District Attorney's** Office did not warn the LAPD or its other prosecutors about Perez until after he was arrested in August 1998 for stealing about \$1 million worth of cocaine, triggering the investigation into what has become the worst scandal in LAPD history.

"Clearly, had we known that these issues were of concern to the D.A. and that this employee (Perez) had been involved in two cases (where) they thought his credibility was deficient and they were no longer willing to support cases with his involvement, we certainly would have been able to remove him from the field and investigate him thoroughly," Parks said in an interview after appearing before the City Council to discuss the police corruption scandal.

After the chief's comments, Victoria Pipkin, a spokeswoman for **District Attorney Gil Garcetti**, issued a statement denying responsibility for any aspect of the scandal.

"It's absurd for anyone to blame the **District Attorney's** Office, the Public Defender's Office, the courts or any other justice agency for the perjury, evidence planting, possible shootings and other corruption and crimes by officers of the Los Angeles Police Department's Rampart Division," Pipkin said in a written statement.

Sources close to the Rampart Division investigation reiterated that police were not provided with Kraut's warnings in 1997, and did not learn of them until after Perez was

arrested. After being notified of Kraut's concerns, investigators interviewed Kraut but were not allowed to tape the sessions.

The **District Attorney's** Office on Monday gave LAPD officials the comments Kraut wrote in 1997 about the dismissal of the first case but said no memo about the second case was found. The information was handed over after the Daily News detailed Kraut's early warnings in an article Sunday involving one case he handled and another Perez case dismissal he reviewed that was handled by another prosecutor.

Pipkin said that in the first case, Kraut talked to Perez's supervisor about dismissing the drug charges because of Perez's credibility problems. The supervisor, who has since retired, has yet to be interviewed by police investigators to determine what was said.

The **District Attorney's** Office never issued a warning to downtown commanders or the Internal Affairs Unit, a source said.

Nor did the **District Attorney's** Office provide information about Kraut's concerns to police in the second case, which also involved drug charges, the source said.

“If that was their policy - to talk to a supervisor - why didn't they do that in the (second) case?” the source said.

Parks said his office is used to handling complaints about officers from the **District Attorney's** Office and would have immediately investigated.

“We get notes and letters whenever an officer is late to court,” Parks said. “You would think something as high-level as this would have warranted some correspondence.”

The **district attorney's** statement concluded that a review of the file and court records in the first case failed to substantiate that Kraut's early warning would have led to an earlier prosecution of Perez.

In 2,000 pages of confidential transcripts of Perez's statements to police, he said he planted drugs on the defendant in the first case, Ubaldo Gutierrez, and lied about the evidence.

Civil rights lawyer Connie Rice said she believes the significance of “the Kraut memo” in the first case is being misinterpreted.

The failure of the **District Attorney's** Office to immediately tell police about one prosecutor's concerns does not reduce the LAPD's liability or responsibility for the scandal, she said.

Rather, she said, it reinforces that the entire criminal justice system is to blame and needs to be reviewed independently.

“What this Kraut memo really underscores is simply, you have to look at all the cogs in the criminal justice wheel. It's not just LAPD, although LAPD is clearly the biggest cog,” Rice said.

“There needs to be a state and federal task force to take a look at this stuff. . . . LAPD has known about the problems in the anti-gang units for a long time. Many cops in the LAPD have known about the need to keep the hotshots under control. This is nothing new. LAPD knew that way before any memo.

“It's more a question of the LAPD, within its culture, supporting the hotshots rather than the straight arrow cops.”

Some 40 total convictions have been overturned based upon Perez's sworn statements.

Perez has told investigators that he and other Rampart cops routinely framed suspects by planting guns and drugs on them, then lied in court to send the defendants to prison.

More cases are expected to be overturned. More than 20 cops have been fired, or placed on administrative leave pending the outcome of their cases.

Parks declined to comment on the specifics of the information the county prosecutors provided on the two cases flagged by Kraut. An aide said the chief was disappointed that the **District Attorney's** Office information was not more detailed.

“I am hopeful we will be able to get more when we talk with Mr. Kraut, now that he is available,” Parks said. On Monday, the **District Attorney's** Office said Kraut would be made available for additional interviews with police task force investigators.

A source close to the investigation said the issue for the LAPD is not precisely what Kraut wrote, but rather that the department never learned that concerns were raised at all.

“Basically, if the department had had the opportunity to address the issue in 1997, not only could the 20 people who were sent to prison (or placed on probation) have been prevented, but also the department obviously would have taken a look at Rampart and that could have prevented other wrongdoing,” the source said.

“Who knows what could have been prevented if we'd have had the opportunity to look at it and to get to the bottom and to clean things up.”

COULD THESE ABUSES HAVE BEEN AVOIDED?

Among the defendants falsely convicted on tainted evidence from rogue cop Rafael Perez were 17 people who were prosecuted after **Deputy District Attorney Michael Kraut** warned that Perez had lied in testimony in two cases in the summer of 1997.

Here is a list of those 17 people whose conviction were overturned at the request of the **District Attorney's** Office or are expected to be overturned, based upon Perez's sworn testimony to task force investigators and corroborating evidence, after Kraut's warnings.

Two of Perez's arrests also led to the issuance of warrants. Those warrants are expected to be withdrawn.

--CASE NO. BA-154853

Joseph Jones was arrested Aug. 13, 1997, by Perez and his partner, Nino Durden. Jones was framed and later convicted on drug charges based upon false testimony by the cops. He was sentenced to eight years in state prison. Jones was released in November after his conviction was overturned.

--CASE NO. BA-154270

After being arrested by Perez, Carlos Q. Romero was convicted of trumped-up drug charges in October 1997. He was sentenced to one year in county jail.

--CASE NO. BA-154398

Margo Lopez and Luis Flores were convicted on drug charges Nov. 18, 1997, after Perez arrested and framed them two weeks earlier. Lopez was granted three years probation. Flores, who also was convicted on gun charges, got two years in state prison.

--CASE NO. BA-155749

Juan Carlos Suarez was sentenced to eight years in state prison Oct. 23, 1997, after being arrested on suspicion of possessing drugs. Perez has told investigators the case was fabricated.

--CASE NO. BA-153152

Laura Villatora was sentenced to two years in state prison in January 1998 on drug charges after Perez fabricated a police report. She was scheduled to be deported last month.

--CASE NO. BA-156980

Arcelia Diaz

Arrest date: Sept. 24, 1997

--CASE NO. BA-155839

Jesus Flores

Arrest date: Sept. 3, 1997

--CASE NO. DA-85953964

Juan Gutierrez

Arrest date: May 18, 1998

--CASE NO. BA-157278

Charles Harris

Arrest date: Sept. 29, 1997

--CASE NO. BA-165792

Rene Mationg

Arrest date: March 21, 1998

--CASE NOS. BA-156027 / BA-157674

Gricelda Orellana (two times)

Arrest dates: Sept. 4, 1997, and Oct. 8, 1997

--CASE NO. BA-154853

Manuel Perez

Arrest date: Aug. 13, 1997

--CASE NO. BA-155839

Julio Ramirez

Arrest date: Sept. 3, 1997

--CASE NO. BA-154270

Wil Rodriguez (warrant)

Arrest date: July 31, 1997

--CASE NOS. BA-156027 / BA-157674

Juan Rojo (two times)

Arrest dates, Sept. 4, 1997, and Oct. 8, 1997

--CASE NO. BA-156980

William Zapeda

Arrest date: Sept. 24, 1997

--CASE NO. DA-73263260/FJ

Gabriella J. Diaz (warrant)

Arrest date: Sept. 24, 1997

--CASE NO. BA-160279

Julian Hernandez

Arrest date: Nov. 24, 1997

CAPTION(S):