



RIVERSIDE COUNTY DISTRICT ATTORNEY'S OFFICE

A VICTIM'S VOICE WILL BE HEARD

ROD PACHECO
DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

Verdict Reached in Elder Fraud Case

Three men accused of bilking nearly 1700 senior citizens out of an estimated \$191 million were convicted of 400 felony counts in the largest elder abuse fraud case in Riverside County history. Daniel Heath, John Heath (his father) and Denis O'Brien were charged with elder abuse, financial fraud, grand theft, securities fraud and tax fraud. The trial began in August 2007 before Judge Ronald Taylor in Corona Superior Court. The jury returned its verdicts on January 11, 2008. The men used a Ponzi (or pyramid) Scheme to commit the fraud. Many of these senior citizens invested and later lost their entire life savings in the scam.

The men are scheduled to be sentenced in February and March. All three could spend the rest of their lives in state prison.

This case sends a strong message to scam artists that they could not only face civil liability but criminal prosecution as well. It also sends a message to would-be investors to choose carefully, conduct proper research, and make wise investments only with reputable companies.

Victim's Rights Week 2008

During the week of April 13th through the 19th, the Riverside County's District Attorney's Office will observe the 2nd annual Crime Victims' Rights Week. The District Attorney, Crime Victims, and their families will be joined by elected officials, community leaders, prosecutors and other law enforcement officers to promote victims' rights and demonstrate the devastating impact that violent crime has on victims, families, and our community.

The week begins with Candlelight Vigils in 3 of the various geographic regions of Riverside County, remembering those lost to violent crime. The first vigil begins in Temecula on Monday, April 14th. Then, Palm Desert on Tuesday April 15th and Riverside on Wednesday April 16th. Last year's vigils welcomed over 900 people to remember those victims lost.

The main event will be a **Victims' Rights March** in Riverside, on Thursday, April 17th starting at 11:30 a.m. The March will begin at the County



Administration Building at 4080 Lemon Street (corner of 10th & Lemon), and head to the steps of the downtown Riverside Historic Courthouse at 4050 Main Street. Once at the courthouse a ceremony will be held honoring victims and their loved ones. Nearly 2,000 people marched for victim's rights at this event last year and the District Attorney's Office anticipates this year's march to double in size. Last year's speakers included Attorney General Jerry Brown, Colene Campbell, Erin, Runnion, Nina Salarno of Crime Victims United, and others.

The week's events close with

the 2nd Annual "Guardians of Justice" Awards Luncheon, recognizing service providers, law enforcement professionals, crime victims, survivors and good samaritans in our community for their unwavering dedication in strengthening justice.

As you know, justice for victims cannot be achieved by any one individual or agency alone. Justice is achieved through dedication and collaboration from many at the local, state and national levels. Please join us at this march and help us demonstrate that crime victims deserve to be heard and will not be forgotten.

Community Outreach

DA College Academy

The new student outreach program, which began last year, allows students considering a career in law, paralegal studies, or victim services to gain hands-on experience each spring, summer and fall. Students will tour other law enforcement agencies, learn courtroom procedures and how to prepare for a trial and assist on active cases when paired with a mentor.

Victim's Rights Week

(April 13-19, 2008)

Please join us for this weeklong event raising awareness for victims of violent crime. Highlights include the **Victim's Rights March** through downtown Riverside followed by a ceremony featuring speeches from various community leaders and elected officials. For more information visit our website at www.rivcoda.org/VW/rightsweek.html.

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Death Sentence Returned for Murder-Rapist

On February 7, a jury recommended the death sentence for Javier Victorienne following his conviction for the brutal rape and murders of a Riverside woman in 1999 and a young girl in 2000. Maria Boyd, 37, was raped and strangled to death and her body left hanging in the closet of a room at a local Riverside motel. Amanda Hoffman, a 16-year-old from Banning, was also sexually assaulted and strangled; her body was later found hanging in a tree at a park in Banning. Victorienne was also found guilty of raping an

unidentified woman at a Banning motel.

The verdicts, coupled with the heinous nature of the crimes themselves, paved the way for the jury's recommendation of death. Victorienne was found guilty in January 2008, with sentencing scheduled for March 28. The lead prosecutor on this case, Senior Deputy District Attorney Mike Hestrin was honored by the legal newspaper *The Daily Journal* as one of the "Top 20 Lawyers Under 40" in California, namely due to his excellent work on this case.

Legislative Corner

The following is a sampling of key legislation sponsored or supported by the Riverside County District Attorney's Office.

Stronger Penalties for Kidnapping

It is the nightmare scenario every parent, spouse or child: the realization that a loved one has been taken. The stress of such a situation can often turn days into years for those anxiously waiting for news relating to their loved one.

This is why new legislation, being sponsored by the District Attorney's Office, will require a mandatory punishment of 1 year for every day that the offender deprived the victim of his or her liberty. It also helps simplify the concept of punishment into terms a layperson will understand, 1 day means 1 year. Put another way, kidnap someone for a month, you face a minimum of 30 years in prison.

While existing law hands down strong penalties for those who engage in kidnapping or other related crimes, it has not been enough to deter would-be offenders from committing such a fear-inspiring act as depriving a victim of their liberty. This legislation, currently being carried by Senator Jim Battin, hopes to change that problem.

Real Estate Fraud Notification

Real Estate Fraud can take many forms, but the selling of land from underneath the owner is often easily done and not noticed until well after the crime itself is committed. As real estate owners often do not live anywhere near their real property, there are times unaware of transactions taking place regarding said property.

While this may sound like a simple fix, often times real estate fraud occurs through the simple act of placing a "For Sale" sign on a plot of land and listing a different number as the contact. The land can be sold using faked titles and the actual owner is never notified.

SB 1287, being sponsored by State Senator Dennis Hollingsworth, will offer protection from real estate fraud to real estate owners in a very simple and very effective way. Anytime there is a transaction regarding their plot of land, a postcard will be sent to the owner of the land notifying them of the change in status. While again a simple fix, it is expected to help prevent this form of Real Estate Fraud.

Support for the Elderly During Testimony

In certain cases, child victims of abuse-related crimes are allowed to have support persons sit with them during their testimony in court. This support, while not having any affect on the testimony being offered, has proven invaluable in the security it offers for the witness.

Often times, elder or dependent adults are compelled to testify in court and have had serious problems facing their abuser without any support mechanism in place.

New legislation being sponsored by State Senator Jim Battin will offer that sense of security by expanding current law to allow victims testifying in elder abuse cases to have up to two support-personnel act as their support mechanism during trial.

It is expected that this new law will empower many elder victims of abuse to stand up in court and face their abuser with confidence and a strong sense of security.

The new legislation is currently being prepared for presentation to the State Senate and will be heard in committee.

For more information on these bills, or for any legislative questions relating to the District Attorney's office, please contact Kelly Jay at (951) 955-0933 or email her at KellyJay@RivCoDA.org.

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