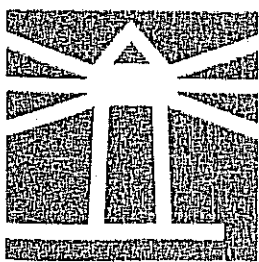


VENTURA COUNTY



STAR

Trial competition in DA's office draws fire, ends quickly

■ Supervisor says her email last month was misinterpreted

By Raul Hernandez
rhernandez@vcstar.com
805-437-0264

An in-house competition in the Ventura County District Attorney's Office on who could take the most criminal cases to trial during the last quarter of the year was quickly

snuffed out by management, but not before judges and some defense attorneys had heard of it.

Six days after the competition was launched by a supervisor in the District Attorney's Office, an email was sent to Superior Court Judge Vincent O'Neill stating that the competition was stopped as soon as management had learned about it. James Ellison, the second in command at the DA's office, had heard that a copy of the email detailing the competition had made its way to judges.

Ellison told the judge in his email that he ordered Catherine Voelker, the supervisor of the Narcotics and Misdemeanors Unit, to tell her staff to end the competition one day after she had announced it.

"I would like to assure the court that no 'trial competition' is taking place," Ellison told the judge. Ellison said such a competition would have been inappropriate.

"Please be assured that the District Attorney's Office takes its ethical responsibilities seriously. We know that seeking justice is

not a matter of trial statistics and obtaining a just result does not always require a case going to trial," Ellison wrote.

Ellison would not comment further on Friday, saying his email explains what happened. Because it is a personnel matter, he would not say whether any action was taken against Voelker.

In an interview, Voelker said her email was misinterpreted. She said it was sent in a "lighthearted

See COMPETITION, 2A

COMPETITION

from 1A

fashion" to encourage her staff to work hard in seeking justice for crime victims and the community.

Voelker said the office subscribed to highly ethical standards and that a prerequisite for taking any case to trial is proof beyond a reasonable doubt.

But a local defense attorney blasted the office, saying it was playing games with serious criminal cases at the expense of taxpayers.

"This is absolutely appalling," said attorney Jay Leiderman, who is an information officer with the Ventura County Criminal Defense Bar Association.

"Ethics are obviously a joke to that office," he said, noting how a popular YouTube video about a "honey badger" was used to motivate participants.

Voelker said her follow-up email was sent Oct. 11, the day after she announced the trial competition, which was set to run Oct. 11 to Dec. 31. She said she will do what it takes "100 times" to correct anyone's misunderstanding of what she was trying to do.

But Leiderman said it is almost unimaginable that someone in a management position at the District Attorney's Office could concoct a competition that re-

wards prosecutors who try the most cases.

Voelker's email outlined the goal of the competition to her staff and listed rewards the winner could receive. She encouraged the staff to learn from the "honey badger" — star of the YouTube video that went viral — that bit the head off a snake.

"Win, lose, or draw, your goal is to try as many cases as possible between now and the end of the year," the email stated.

The incentives offered to the winners are:

- Assisting in the prosecution of a felony narcotics case.

- Helping in the preparation and execution of a narcotics-related search warrant.

- Watching a drug buy using a confidential informant.

Defense attorney Philip Dunn of Westlake Village said he found it very difficult to understand why a supervisor at the District Attorney's Office who trains new lawyers would want to disregard some of the most basic ethics of the profession.

"I think it is unethical to emphasize having trials regardless of whether you win or lose," said Dunn,

who has been practicing criminal law for 29 years.

Voelker told prosecutors in her office to take a lesson from the "beloved and fearless honey badger" when a defense attorney threatens to take a case to trial if prosecutors don't dismiss it and apologize for wasting their time.

"Like the honey badger suffering a temporary setback after getting bit by a King Cobra, we sometimes get ambushed by the opposition when they surprise us with witness statements outlining a purported defense to the charges. Honey badger don't care! The honey badger is only temporarily thwarted when he is rendered unconscious by venom, but then he gets back up and bites the head off the King Cobra!" Voelker wrote.

When prosecutors are threatened by defense lawyers that they are going to court, Voelker told them to look them in the eye, laugh and "remind them that trials are what you do best."

Voelker encouraged prosecutors to dig in, tough it out and attack the weaknesses of the witness statement.

"Then, for sport, bite off the witness' head and spit it out at the feet of the defense attorney," she said in her email.

Leiderman said he couldn't believe a manag-

er in the DA's office could think this way when people's lives are at stake.

"Laugh at them, really? You should review the case to see if it is meritorious," he said.

Leiderman believes many misdemeanor cases are going to trial so young prosecutors can get courtroom experience and pile up trial statistics for the DA so he can ask for more taxpayer money to prosecute cases.

Ellison said Leiderman is one of the DA's chief critics, never missing an opportunity to attack the office.

"Since nothing had occurred, you can take his comments with a grain of salt," he said.

Voelker said Leiderman's remarks are simply not true and that prosecutors don't take their responsibilities lightly.

"I can assure you, we are not playing games here," she said. "We don't go to trial just for the sake of going to trial."

In her lengthy follow-up email after the competition was announced, Voelker said the office has an ethical obligation to review each case and only take those to trial for which there is sufficient evidence.

"First and foremost, no one in this office expects you to take a case to trial where there is insufficient

evidence to prove it beyond a reasonable doubt," Voelker said in the email to 15 people. If a case cannot be proven beyond a reasonable doubt, it must be dismissed, she stated.

"An important thing for everyone to remember is that you must, never, ever, sacrifice your ethics to gain advantage," she said in ending her email.

O'Neill had no comment on the issue, said his secretary.