

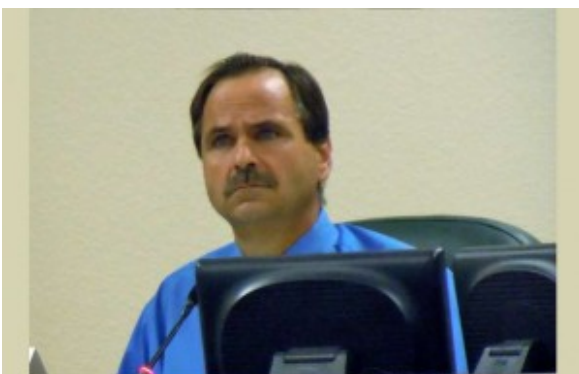
# Nutting loses appeal of motion to dismiss

By Kathryn Reed

El Dorado County Supervisor Ray Nutting's appeal to have the motion to dismiss overturned was denied Thursday.

Nutting wanted the 3rd Appellate Court in Sacramento to overturn the Sept. 20 El Dorado County Superior Court decision where the motion to dismiss the felony charges against him was denied. The appellate court upheld the lower court's decision.

Nutting, 53, faces four felony counts regarding more than \$70,000 he received from the state to clear brush from his 350-acre ranch in Somerset. (His brother owns an adjacent 350 acres.) He is accused of not reporting the income, voting on contracts that affected him financially and perjury. After those felony charges were leveled in May, the district and state attorneys general offices filed seven misdemeanor charges against Nutting regarding how he got his \$55,000 in bail money. He is accused of taking loans from county employees.



El Dorado County Supervisor Ray Nutting's trial starts Feb. 4. Photo/LTN file

"Our position has been the same all the way through this. We will present this to a jury of his peers in February and trust them with the outcome once they hear both sides and not one side," David Weiner, Nutting's attorney, told *Lake Tahoe News*.

He believes the grand jury indicted Nutting because only one side has to be presented to the grand jury. There is no cross-examination or opposition at those hearings.

"It's a one-dog show," Weiner said of the grand jury process. "The grand jury only hears what the DA wants them to hear."

Prior to the Nov. 21 decision by the court, Nutting had sent out a press release boasting of the appellate court hearing the case.

To this, the District Attorney's Office, wrote, "Mr. Nutting conversely appears to attempt to stall the proceedings with motion after motion. In the end, this case will be decided in a courtroom based upon the law and evidence, not some silly, misleading press release."

On Thursday, District Attorney Vern Pierson told *Lake Tahoe News*, that everything is set on their end to have the trial start Feb. 4 without delay. The proceedings will be in Placerville.