

# Opinion: DA challenges media credibility

By Vern Pierson

On Sept. 5, the following letter to the editor was submitted to and received by the *Sacramento Bee*:

A June 2014 Gallup Poll confirms that Americans have lost confidence in the news media. Across newspapers, TV, and the Internet, confidence is less than 22 percent. In fact, confidence in newspapers has declined by more than half since its peak of 51 percent in 1979. These results are not surprising given that the reporting of news far too often seeks to enflame, influence, or entertain the reader, rather than to inform them of the actual facts.



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On Sept. 3, the *Sacramento Bee* ran an editorial endorsing a candidate for El Dorado County Board of Supervisor's District 2. As part of that endorsement, the *Bee* erroneously, and without any factual support, asserted that the prosecution and conviction of former Supervisor Ray Nutting was politically motivated. The *Sac Bee* editorial staff is entitled to their own opinion, however uninformed, but not to their own facts.

Let's be clear about the facts: prior to the indictment of Ray Nutting, the El Dorado County District Attorney's Office contacted the California Attorney General's Office and

presented the evidence of the case to a deputy attorney general – a career white collar crime prosecutor who was involved in the early public corruption investigation of the city of Bell officials. It was after these initial meetings that the joint decision was made by the Attorney General's Office, a state agency, and the DA's Office, a county agency, to move forward with the case by presenting it to an El Dorado County Grand Jury. Prior to the grand jury, the Attorney General's Office and the DA's Office reached out to Mr. Nutting and his attorney to request any and all exculpatory evidence to present to the grand jury.

Everything presented by Mr. Nutting and his attorney was given to the grand jury in May 2013. Further, Mr. Nutting was given an opportunity to present his side of the case and testify before the Grand Jury, yet he chose to take the Fifth and refused to testify.

Then in May 2013, the grand jury, made up of 19 members of the public and selected at random, heard the evidence and indicted Ray Nutting. After the indictment, a judge set Mr. Nutting's bail at \$55,000 (which is the bail schedule amount for the crimes he was indicted on) and signed a warrant for the arrest of Mr. Nutting, who was well aware of his pending arrest for weeks before the indictment. Mr. Nutting broke the law when he obtained loans from county employees and a public works contractor.

His wife, the person now endorsed by the *Sac Bee*, then showed up to the jail with 550 \$100 bills to pay his bail in cash. The jury convicted Ray Nutting of six criminal counts related to these illegal loans. In its inexplicable support for Nutting, the *Sac Bee* has refused in two separate editorials to acknowledge the active participation throughout the trial of the California Attorney General 's Office in the prosecution and conviction of Ray Nutting. The first time the *Bee* did this was while the Nutting jury was still deliberating on a verdict – in what appeared to be a blatant attempt to influence the

jury verdict. Now, the *Bee* once again ignores the involvement of the Attorney General's Office in an apparent effort to prop up their endorsement of a candidate.

Notably, in another recent local political corruption case involving school board member Cortez Quinn – with facts eerily similar to the Nutting case as it involved submitting false documents under penalty of perjury and \$55,000 in illegal loans – the *Sac Bee* demanded that Quinn resign on Nov. 7, 2013, less than 48 hours after his arrest. Why the immediate condemnation within 48 hours of arrest for one politician, and yet the ardent support for another politician long after his conviction and removal from office?

The involvement of the Attorney General's Office in the prosecution and conviction of Ray Nutting is of great significance. Absence any evidence in support, the *Bee* trashes the integrity of career prosecutors at the El Dorado County District Attorney's Office with false claims of a politically motivated prosecution. The *Bee* is keenly aware that it is much easier to impugn local prosecutors and make false claims than it would be to make the same assertions against the California Attorney General's Office. What is the attorney general's motivation to prosecute a small time supervisor in a relatively small California County? The answer is – there isn't one. The *Bee* ignores this fact again and again.

Why does the *Bee* ignore the fact that Ray Nutting never filed a motion to recuse the El Dorado County District Attorney's Office? The answer is – because he would have lost that motion as the prosecution of former supervisor Nutting was not politically motivated. Why does the *Sac Bee* blatantly ignore these facts in two separate editorials? Is it based upon the relationship of Ray Nutting to a *Sac Bee* employee? Is it just an attempt to sell more newspapers claiming there is some political feud up in El Dorado County? Or, is it just another example of the shoddy journalism that is causing Americans to lose confidence in the media?

Regardless of the reason, the message to dedicated career prosecutors across the region considering whether or not to investigate or file charges against the politically powerful is that their actions will be evaluated by the *Sacramento Bee* in an uninformed and biased manner. Prosecutions of political figures are never taken lightly. The facts and law are often complicated. The defendant is often a charismatic popular person. The El Dorado County District Attorney's Office did exactly what should be done in the political corruption case of Ray Nutting. Investigate potential crimes. Involve the California Attorney General's Office in the case to have an additional objective and outside prosecutor involved in the case and evaluate the facts. Find a fair and impartial Judge to rule on the case. And, ultimately, give defendant Nutting his day in court in front of a jury of his peers.

Those jurors convicted Nutting, and the judge removed Nutting from office. The 3rd District Court of Appeal and recently the California Supreme Court have affirmed the order removing Nutting from office. As noted by the American Bar Association, "The duty of a prosecutor is to seek justice, not merely convict."

There's more to being a prosecutor than getting a conviction. Every prosecutor in our office understands our role is first and foremost the pursuit of justice. Justice sometimes means the dismissal of a factually provable offense and other times it's holding accountable the politically powerful. The latter is precisely what happened in this case.

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