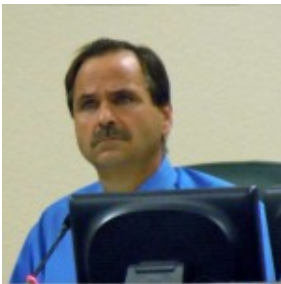


Ex-EDC Supervisor Nutting loses appeal

By Kathryn Reed

Ray Nutting, the El Dorado County supervisor who lost his seat because of criminal wrongdoing, today lost his appeal regarding that case. He believes the charges were always politically motivated.

The 55-year-old's troubles started in 2013 when he faced four felony counts regarding more than \$70,000 he received from the state to clear brush from his 350-acre ranch in Somerset. A jury found him not guilty on those felony charges.



Ray Nutting

In the end, Nutting was convicted on misdemeanor charges related to taking loans from a county employee and a contractor who does business with the county, and for failing to document the loans. His punishment was probation and being removed from office.

The money was to be used to bail him out of jail.

He challenged the lower court's decision in the Third Appellate District on five counts.

The appellate court made its decision public Nov. 29 – denying each of Nutting's contentions.

"... none of the three lenders deposited the bail money with the county," the decision reads. The money was given to Nutting's wife with the intent to use it for bail and for it to eventually be repaid. That is why the funds are deemed a loan. Had the money gone directly to the county, Nutting would not have been convicted of violating his duties of an elected official.

"Our argument is the jury should have acknowledged the money as bail money," Nutting told *Lake Tahoe News* on Tuesday.

The court document says, "The only intent required to violate the Government Code sections at issue here was the general intent to receive a personal loan from a county employee or contractor who does business with the county. What the parties to the loan intend the borrower to do with the money is irrelevant."

In the appeal Nutting tried to persuade the judges "that the exchange of money between him and those who gave him the money was a trust arrangement or a bailment."

The appeals courts dismissed that argument because Nutting had never made that contention before. Without the Attorney General's Office or district court able to weigh in on that theory, the appellate court said it could not respond to it.

With that said the court went on to say, "In any event, the theory does not help him." Then the justices cited case law to prove their point.

Nutting said, "I don't know if this is the end or what we are going to do."

He learned about the decision when *Lake Tahoe News* called and had not yet spoken to his attorney.

This same appellate court in July 2014 upheld that June's decision of Superior Court Judge Timothy Buckley which said

Nutting should be removed from office.

Nutting had also **sued former colleagues** last summer for harassment. He eventually dropped that case for what he said were more pressing family issues.