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6 Commission on
7 Judicial Performance

8 STATE OF CALIFORNIA
9 BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

10
11 INQUIRY CONCERNING JUDGE
12 ELVIRA S. AUSTIN, NO. 140.

13 NOTICE OF FORMAL PROCEEDINGS

14
15 To ELVIRA S. AUSTIN, a judge of the Los Angeles County Municipal Court, Long Beach
16 Division, from October 16, 1980, to the present, and at all relevant times therein:

17 Preliminary investigation pursuant to former California Rules of Court, rules 904 and 904.2,
18 having been made, the Commission on Judicial Performance has concluded that formal proceedings
19 should be instituted to inquire into the charges specified against you herein.

20 By the following allegations, you are charged with willful misconduct in office, conduct
21 prejudicial to the administration of justice that brings the judicial office into disrepute and improper
22 action within the meaning of Article VI, section 18 of the California Constitution providing for
23 removal, censure, or public or private admonishment of a judge, to wit:

24
25 On May 16, 1995, Maria Moreno was taken into custody by the Los Angeles County
26 Sheriff's Department, Lakewood Division, on a felony charge of obtaining money by false pretenses
27 (Penal Code section 532(a)), referred to by you as a "pyramid game." At all relevant times, you had
28 a personal relationship with Ms. Moreno. On May 16 and May 17, 1995, you engaged in a series of
29 telephone conversations regarding Ms. Moreno's custody status with the Los Angeles County

1 Sheriff's Department and the Los Angeles County District Attorney's Office. In these telephone
2 conversations, you identified yourself as a judge.

3 On May 16, 1995, at approximately 7:54 p.m., you telephoned Deputy Thomas Hicks of the
4 Sheriff's Department. This conversation with Deputy Hicks was recorded and the transcript is
5 attached hereto and incorporated by reference (Attachment 1). Among other things, you told
6 Deputy Hicks that you were "a very good friend" of Ms. Moreno, that you were "almost desperate"
7 that Ms. Moreno not remain in custody, and you asked Deputy Hicks for his help in getting Ms.
8 Moreno released from custody on her own recognizance.

9 On May 17, 1995, at approximately 1:09 a.m., you telephoned Sgt. William Conley of the
10 Sheriff's Department. This conversation with Sgt. Conley was recorded and the transcript is
11 attached hereto and incorporated by reference (Attachment 2, pages 1 - 4). Sgt. Conley informed
12 you that Ms. Moreno's bail had been reduced from \$20,000 to \$5,000 and that Ms. Moreno was
13 scheduled to appear in court on May 18 in Los Cerritos.

14 On May 17, at approximately 1:14 a.m., you again telephoned Sgt. Conley. This
15 conversation with Sgt. Conley was recorded and the transcript is attached hereto and incorporated
16 by reference (Attachment 2, pages 4 - 6). You attempted to order Ms. Moreno's release from
17 custody. The conversation included the following:

18 Judge Austin: "Now we're going to talk on a different line or a different
19 way. Um, what do I need to do to have that woman
20 released?"

21 Sgt. Conley: Bail her out.

22 Judge Austin: No, no, no, no, no bail her out. I want to know what do,
23 what order do I need to give to release her.

24 Judge Austin: I want to, to put my name in that I want to order her
25 released.

26 At the conclusion of this conversation, Sgt. Conley transferred you to Sgt. Ronald Melton of
27 the Sheriff's Department. This conversation with Sgt. Melton was recorded and the transcript is
28 attached hereto and incorporated by reference (Attachment 2, pages 6 - 13). Among other things,
29 you advocated Ms. Moreno's release from custody on her own recognizance, you stated that

1 defendants in your court who were "far worse" than Ms. Moreno were "released all the time" and
2 you told Sgt. Melton, "I want her released."

3 On May 17, at approximately 1:45 a.m., you telephoned Investigator Robert Arguello of the
4 District Attorney's Office regarding Ms. Moreno's release. Investigator Arguello told you that he
5 would refer the matter to the deputy district attorney on duty. At approximately 1:55 a.m., Deputy
6 District Attorney Delores (Dee) Turner and Investigator Arguello telephoned you. The conversation
7 with Ms. Turner and Investigator Arguello was recorded and the transcript is attached hereto and
8 incorporated by reference (Attachment 3). Among other things, you advocated Ms. Moreno's
9 release from custody on her own recognizance and you stated, "I want her to be released."

10 On May 17, at approximately 2:10 a.m., you again telephoned the Sheriff's Department.
11 You briefly spoke to Sgt. Conley, who again transferred you to Sgt. Melton. These conversations
12 with Sgt. Conley and Sgt. Melton were recorded and the transcript is attached hereto and
13 incorporated by reference (Attachment 4). You attempted to order Sgt. Melton to release Ms.
14 Moreno from custody. When Sgt. Melton pointed out that you had a conflict of interest and that the
15 matter was in a court outside your jurisdiction, you told him, "I am the proper authority" to order
16 her release. When Sgt. Melton told you that he could not release Ms. Moreno based on your oral
17 order, you told Sgt. Melton that he was disobeying a court order. For example, you told Sgt.
18 Melton:

19 If I give you a judicial order right now, you are disobeying it.

20 ...
21 What, what, what does it take to obey a judicial order in Lakewood?

22 ...
23 I'm a judge of fourteen years. So you are disobeying a court order is what
24 the problem is.

25 ...
26 No, no, no you don't need written orders.

27 ...
28 So what you're saying is you are disobeying a court order. That's what
29 you're saying commander.... That's what you're saying.

30 ...
31 [Y]ou are disobeying, you don't want to respect...

32 ...
33 And I'm saying release her and you say I can't do it.

1 By the above-referenced telephone conversations you committed misconduct: (1) In
2 attempting to persuade law enforcement officials to release Ms. Moreno from custody on her own
3 recognizance, you lent the prestige of your judicial office to advance the interests of yourself and/or
4 others; (2) By attempting to order Ms. Moreno's release from custody when Ms. Moreno's case was
5 not properly before you, you abused your judicial power; (3) By accusing Sgt. Melton of disobeying
6 your order to release Ms. Moreno from custody when you had no authority to issue such an order,
7 you were abusive toward Sgt. Melton.

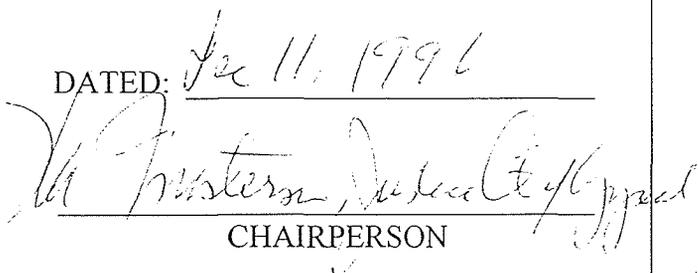
8
9 YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial
10 Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance
11 with Rules of the Commission on Judicial Performance, rules 101-138.

12 Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you
13 must file an answer to the charges against you within twenty (20) days after service of this notice
14 upon you. The answer shall be filed with the Commission on Judicial Performance, 101 Howard
15 Street, Suite 300, San Francisco, California 94105. The answer shall be verified and shall conform
16 in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal proceedings and
17 answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer
18 shall be filed against any of the pleadings.

19 This notice of formal proceedings may be amended pursuant to Rules of the Commission on
20 Judicial Performance, rule 128(a).

21
22 BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

23 DATED: Dec 11, 1996

24
25 
26 CHAIRPERSON
27
28
29

Attachment 1

TELEPHONE CONVERSATION BETWEEN JUDGE ELVIRA AUSTIN
AND DEPUTY THOMAS HICKS, LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, LAKEWOOD STATION ON MAY 16, 1995

APPROX. TIME: 7:54 p.m.

DEPUTY HICKS: ...the station (unintelligible) recorder from May 16th of 1995, at 19:54 hours. It's a conversation between myself and Judge Elvira Austin.

DEPUTY HICKS: (unintelligible) Watch Deputy Hicks.

JUDGE AUSTIN: Oh, Deputy Hicks, I can't believe I got you because they said you were signing off. I am a very good friend of Rosella Moreno.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: As a matter of fact, I have to tell you the truth. I am a judge and I was sitting at Poland's office when there was a three way call...

DEPUTY HICKS: Okay.

JUDGE AUSTIN: And if you heard a female voice behind, it was myself.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: Now, please understand, I'm not calling you in any official capacity at all.

DEPUTY HICKS: Okay. I understand that.

JUDGE AUSTIN: Except that you know her, I know her.

DEPUTY HICKS: Right.

JUDGE AUSTIN: That's the only capacity in which I'm calling.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And when she gets to the OR unit, I'm one of the persons that she's supposed to give as a reference.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: Reason, because her mother was the baby-sitter for my daughter.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: Today is 24. And when Rosella came here in 1984, I sponsored her.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: She has a green card because I sponsored her with her husband Richard.

DEPUTY HICKS: Oh. Okay.

JUDGE AUSTIN: And last child Roman who is now over six was born here.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And this lady has never been on welfare in her life.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And has gotten to where you know her as a manager of those apartments. That's where you met her.

DEPUTY HICKS: Right.

JUDGE AUSTIN: Now, she is booked. I have her booking number.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And she's calling this 213-351-5151.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And there is no way to get through. She called me to see if I had two, two lines so that I could call and she could get it over there. But in my home I don't have two lines and so I called myself that number and that number is always busy.

DEPUTY HICKS: Right.

JUDGE AUSTIN: So at this point I'm almost desperate that she does not stand there 24 hours when really this lady's not going any place.

DEPUTY HICKS: Right.

JUDGE AUSTIN: This is one lady that will stay exactly where the other deputies went to, to get her last night.

DEPUTY HICKS: Right.

JUDGE AUSTIN: So what else can we do?

DEPUTY HICKS: Well, there's -- from what I understand, that's the only line, the only number, that we have even, and that line usually either rings busy or just rings.

JUDGE AUSTIN: Uh-huh, so keep on trying.

DEPUTY HICKS: Yeah, so she's just gonna have...

JUDGE AUSTIN: That's what I also heard, to keep on trying.

DEPUTY HICKS: and if it rings I'll go in and talk to her but if it continues to ring, just...

JUDGE AUSTIN: Don't, don't sign off before you do talk to her. And she is not going in any direction. She is Mexican, yes, but her country is United States. She doesn't even go -- listen she went one time to Mexicali because her grandma died.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And then she brought her mother here and then in December I went to her home which is the one you know on Eucalyptus...

DEPUTY HICKS: Right.

JUDGE AUSTIN: to visit with the mother who brought up my child when I had to work as a lawyer and, and the mother was my nana. Okay?

DEPUTY HICKS: Right.

JUDGE AUSTIN: And that's the only time that Rosia went to Mexicali. She's not going anyplace.

DEPUTY HICKS: Right. Oh yeah, I know, she's not a flight risk.

JUDGE AUSTIN: No, no, no, no way. So anything you can help with, please.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: Okay, someone is calling me, it might be her, I don't know who.

DEPUTY HICKS: Yeah, well I'm gonna go in, I'll go in and talk to her...

JUDGE AUSTIN: We are accepting the charges, we're not fighting the charges.

DEPUTY HICKS: Right.

JUDGE AUSTIN: Remember, that's not what I called you for.

DEPUTY HICKS: Oh, I know.

JUDGE AUSTIN: I'm not saying, you know, she didn't do anything, no, no, no. Whatever she did, it will be done in court.

DEPUTY HICKS: Right.

JUDGE AUSTIN: What I'm saying, she is not a risk flight.

DEPUTY HICKS: Right.

JUDGE AUSTIN: You know her, I know her and there's so many people that know her and her boss knows her and I have his phone number, uh, Huen Tren [phonetic].

DEPUTY HICKS: Right.

JUDGE AUSTIN: By the way, she worked for the county when she left Tren [phonetic], she worked for the county in the Carmelitos area here...

DEPUTY HICKS: Right.

JUDGE AUSTIN: the housing project in Long Beach.

DEPUTY HICKS: Right.

JUDGE AUSTIN: She was there almost a year, county employee.

DEPUTY HICKS: Right.

JUDGE AUSTIN: So county would not give her an employment...

DEPUTY HICKS: Right.

JUDGE AUSTIN: if she had any criminal (unintelligible).

DEPUTY HICKS: That's true.

JUDGE AUSTIN: Okay. And we have the number of the boss. Do you want to take down the number of the boss?

DEPUTY HICKS: Yeah, I know him, too.

JUDGE AUSTIN: The one that pays, okay.

DEPUTY HICKS: Correct.

JUDGE AUSTIN: So this woman is complying...

DEPUTY HICKS: Right.

JUDGE AUSTIN: she, we counseled her and told her please surrender. It will be better eventually.

DEPUTY HICKS: Right.

JUDGE AUSTIN: And all we want is OR for her.

DEPUTY HICKS: Right.

JUDGE AUSTIN: Okay. Please help us which ever way you can.

DEPUTY HICKS: I will do whatever I can.

JUDGE AUSTIN: Okay. Do you want my number?

DEPUTY HICKS: Yeah.

JUDGE AUSTIN: Okay.

[telephone number omitted]

DEPUTY HICKS: Your name again?

JUDGE AUSTIN: Elvira Austin. A-U-S-T-I-N.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: And I do happen to be a judge, but do not misinterpret.

DEPUTY HICKS: Right.

JUDGE AUSTIN: I'm not binding anybody...

DEPUTY HICKS: I know.

JUDGE AUSTIN: I'm not twisting anybody's arm.

DEPUTY HICKS: I know that. I know that. I understand completely. Where uh, where do you sit?

JUDGE AUSTIN: I sit in Long Beach.

DEPUTY HICKS: Oh, okay.

JUDGE AUSTIN: Court department 3.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: She was in my court. My clerk saw her, my bailiff saw her. She was in -- when she called you, she called me from my court, from my chambers.

DEPUTY HICKS: Oh, okay.

JUDGE AUSTIN: And of course, my clerk knows her and my bailiff knows her for six years.

DEPUTY HICKS: Right.

JUDGE AUSTIN: So^{tt} when she shows up everybody knows who the Rosia is...

DEPUTY HICKS: Okay, well...

JUDGE AUSTIN: how long we have known her.

DEPUTY HICKS: I will definitely...

JUDGE AUSTIN: Even those people will tell her, oh yeah, Rosia Moreno we all know her.

DEPUTY HICKS: Right.

JUDGE AUSTIN: But remember I'm not ordering anybody to do anything.

DEPUTY HICKS: I know that.

JUDGE AUSTIN: Okay.

DEPUTY HICKS: I understand completely.

JUDGE AUSTIN: Please do something.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: And don't sign off before seeing her.

DEPUTY HICKS: No I won't. I'm gonna go in there now and talk to her.

JUDGE AUSTIN: Because she was trembling while we were with Poland who called you.

DEPUTY HICKS: Right.

JUDGE AUSTIN: She was trembling and crying and crying and trembling.

DEPUTY HICKS: Yeah, I'll take care of her.

JUDGE AUSTIN: You are a sweet man.

DEPUTY HICKS: Okay.

JUDGE AUSTIN: Okay, okay, thank you.

DEPUTY HICKS: I'll give you -- if I find out anything, I'll give you a call.

JUDGE AUSTIN: Oh please.

DEPUTY HICKS: All rightee.

JUDGE AUSTIN: All right. Thank you.

DEPUTY HICKS: Goodbye.

APPROX. TIME: 8:01 p.m.

Attachment 2

TELEPHONE CONVERSATIONS BETWEEN JUDGE ELVIRA AUSTIN AND
SERGEANT WILLIAM CONLEY AND JUDGE ELVIRA AUSTIN AND
SERGEANT RON MELTON, LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, LAKEWOOD STATION ON MAY 17, 1995

APPROX. TIME: 01:09 a.m.

SGT. CONLEY: Watch Commander's Office, Sergeant Conley.

JUDGE AUSTIN: Uh, Sergeant Conley, my name is Elvira Austin. I happen to be a judge, but I'm not calling in that capacity.

SGT. CONLEY: Ms. Elvira Austin?

JUDGE AUSTIN: Yes.

SGT. CONLEY: Oh, I used to bailiff at Long Beach when you were an attorney there.

JUDGE AUSTIN: Okay, so you know me how -- what a coincidence. You know how long I have not been a lawyer? Uh, fourteen and a half years.

SGT. CONLEY: Uh-huh.

JUDGE AUSTIN: So how about that, I'm a judge and you're a sergeant. Listen, I needed to make this clear that I'm not, not, not calling as a judge, however, there you have a person and your name, her name is Moreno, Moreno.

SGT. CONLEY: Uh-huh.

JUDGE AUSTIN: And a female. And we surrendered her, we being the persons that know her, at, I think, about 6:30 in the afternoon.

SGT. CONLEY: Okay.

JUDGE AUSTIN: And we have been with OR unit and I -- you people gave us the number 351-5151.

SGT. CONLEY: Yeah.

JUDGE AUSTIN: Oh -- ever since that moment okay, ever since 7:00. My calls now was at -- well, my calls, my calls were many -- by saying that I'm one reference and they would tell me at OR unit that, oh well, I would be called. Fine. Eventually, at 12:00, they told me that they close at 11:30 and they only opened at 6:30. In the meantime, you have a Deputy Hicks...

SGT. CONLEY: Hicks, yes Tom Hicks.

JUDGE AUSTIN: who knows Moreno very well and my, my question to you...

SGT. CONLEY: Uh-huh.

JUDGE AUSTIN: by the way, I am not asking you to do anything that you would not do. Remember I cannot do that.

SGT. CONLEY: Yes.

JUDGE AUSTIN: I won't and I'm not.

SGT. CONLEY: Okay.

JUDGE AUSTIN: And it's incorrect, in that, we, we means I'm one of them. I'm, I'm the one that took her to Rich Poland, that's the lawyer.

SGT. CONLEY: Uh-huh.

JUDGE AUSTIN: And, and we had a conversation with Lakewood unit and that was at 4:30 exactly, 4:30, but maybe you were not on staff.

SGT. CONLEY: No I wasn't.

JUDGE AUSTIN: Okay.

SGT. CONLEY: Well, what are we, what are we getting at Ms. Austin?

JUDGE AUSTIN: Well I, I would like to know -- this is not a person that is running in any direction. Apparently she's charged with a pyramid game and that's what it is, it's a pyramid game. It's a question who, who, who did the pyramid, who is the owner or who, who, who, who, I mean who, who, who is the base of the pyramid? Is, is the, the -- what Moreno -- the, the lady is, is booked. So, I'm not saying anything on innocence or, or guilt or, or, or arrest. All that we're -- we surrendered her. My question is why does she have to be held overnight when, when she went into the station and surrendered by herself?

SGT. CONLEY: Well isn't she a -- isn't it a felony?

JUDGE AUSTIN: Well, probably, maybe, but it always is -- I mean it's always filed as a misdemeanor.

SGT. CONLEY: Ma'am, but if it's...

JUDGE AUSTIN: By the way there was no, no warrant of arrest yet.

SGT. CONLEY: Okay. I understand that but -- why don't you -- can you hold for just a minute, let me go back to the jail and check and see what her status is?

JUDGE AUSTIN: Okay. Please don't disconnect me then. I'll hold.

SGT. CONLEY: I shan't. I won't even hang up the telephone. Okay, I'll just let you hear what's going on in the background.

JUDGE AUSTIN: Thank you. That's all.

SGT. CONLEY: Okay.

[background noise]

SGT. CONLEY: Uh, Ms. Austin?

JUDGE AUSTIN: Yes.

SGT. CONLEY: Okay. She, uh -- the OR commissioner has called and reduced her bail from 20,000 to 5,000.

JUDGE AUSTIN: But he wouldn't give her...

SGT. CONLEY: He wouldn't give her an OR.

JUDGE AUSTIN: Okay. Okay. Wait a minute because, to tell you the truth I, I, I don't know these things, you know, I know when things come to court, I know that much, but I don't know when they are in the police department, uh, that means, uh, she did not get an OR, she has to then either wait to go to court or have someone to post her bail, right?

SGT. CONLEY: Right.

JUDGE AUSTIN: Yeah and by the way the OR commissioners never ever even called me here.

SGT. CONLEY: Well he did, he did reduce the bail from \$20,000 or, to \$5,000, but that's, that's where we stand right now and until somebody bails her out she stays in custody until she goes to court.

JUDGE AUSTIN: And the court, court will be when, do you know? Approximately?

SGT. CONLEY: Oh, okay, hold on.

JUDGE AUSTIN: I'm not going (unintelligible).

SGT. CONLEY: Just a minute, I didn't ask that.

JUDGE AUSTIN: All right.

[background noise]

SGT. CONLEY: Uh, ma'am? She's scheduled for court Thursday morning in Los Cerritos.

JUDGE AUSTIN: Thursday, that's the day after tomorrow, right?

SGT. CONLEY: Right.

JUDGE AUSTIN: Yeah. Well at least you gave me more information than I had before and obviously it's none of your problem -- the OR commissioner. They had me and they had a whole bunch of people including her, her -- you know, this woman manages apartments but apparently they didn't want to call, whatever -- anyway, listen Conley, Sergeant, thank you so much to, to have talking to you...

SGT. CONLEY: Okay.

JUDGE AUSTIN: that you recognize me and to give me the information that I need.

SGT. CONLEY: Okay.

JUDGE AUSTIN: Thank you very much.

SGT. CONLEY: Bye bye.

JUDGE AUSTIN: Okay.

APPROX. TIME: 1:14 a.m.

SGT. CONLEY: Watch Sergeant Conley.

JUDGE AUSTIN: Sergeant Conley, this is Elvira Austin, the judge.

SGT. CONLEY: Yes ma'am.

JUDGE AUSTIN: Now we're going to talk on different line or a different way. Um, what do I need to do to have that woman released?

SGT. CONLEY: Bail her out.

JUDGE AUSTIN: No, no, no, no, no bail her out. I want to know what do, what order do I need to give to release her. There's no, no, no reason for this. There is no logical reason for what has occurred.

SGT. CONLEY: Um. Well...

JUDGE AUSTIN: There's -- no, no there's just none. The, the, the woman is as stable as anybody can be on a charge that it doesn't matter...

SGT. CONLEY: [Aside]: She's giving an order or wants to give an order to get her out.

JUDGE AUSTIN: if it's filed as a felony, which it never is, it will be filed as a misdemeanor, but let's say it's filed as a felony.

SGT. CONLEY: [Aside]: She just said "what order do I have to give?"

JUDGE AUSTIN: There is no reason for the people on OR who did not call because I now called them before I talked to you, to all the people that were supposed to call and they didn't call any of the people they were supposed to call. They didn't call the, the, the, her employer, Mr....

SGT. CONLEY: Okay, well...

JUDGE AUSTIN: They didn't call me, they call anybody. This woman isn't going any place. So, and she has two kids right here in town, right here going to, to school, there's nobody more stable than this woman and, and so pyramid game, okay, let's say the best for the police department and the prosecution is that she started it. Let's say that's the best of that, fine. So what's going to happen to it? No big deal. The, the, the OR unit did not call any of us and we have been at the phone from 6:30. So I want to -- I have -- I want to, to put my name in that I want to order her released. There's no reason for this.

SGT. CONLEY: Uh...

JUDGE AUSTIN: Now, I...

SGT. CONLEY: well your gonna have to talk to my supervisor ma'am. I, I, I'm not gonna get involved in that now. Okay, hold on.

JUDGE AUSTIN: Who is his name, what's the name?

[pause]

SGT. CONLEY: Ms. Austin?

JUDGE AUSTIN: Good evening.

SGT. CONLEY: Okay, I'm gonna transfer you to the Watch Commander.

JUDGE AUSTIN: And what's the name?

SGT. CONLEY: Uh, Sergeant Melton.

JUDGE AUSTIN: Melton. And -- okay Conley thank you. I'm, I'm here.

SGT. CONLEY: Okay, hold on.

JUDGE AUSTIN: I'm, I'm here. Thank you.

APPROX. TIME: 1:15 a.m.

SGT. MELTON: Watch Commander Sergeant Melton.

SGT. CONLEY: Okay, you got it.

SGT. MELTON: Okay. This is Watch Commander Sergeant Melton, can I help you?

JUDGE AUSTIN: Good evening or good morning Sergeant Melton. I think it's 1:15 in the morning. Um, I happen to be a judge, okay?

SGT. MELTON: Okay.

JUDGE AUSTIN: I don't know if I need to apologize for that or, or, or -- I, I, I exactly don't know what to do about this. There is a female in your custody by the name of Moreno.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: Okay. And I have the booking number, everything else because, you know, she has been calling me. And we called the OR unit, and we called the OR unit before -- we, and when I say we, because I obviously gave her surrender -- I mean, I told her to go to a lawyer, of course. That's the first thing I would do.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: So, she went to a lawyer and at 4:30 this afternoon we called Lakewood Station, your station, to talk to whoever we could talk about what the problem was and you, you, Lakewood Station Sheriffs wanted her for a pyramid scheme or (unintelligible), whatever, fraud, whatever, pyramid (unintelligible). Fine.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: So, and Richard Poland, who is a lawyer, and there was a three way conversation and we all decided, and we had Sheriff Hicks on the line, and we said to Moreno, Rosia, who is in your station to go and surrender, and that's what she did -- of course, with everybody's advice, the lawyer, myself and everybody.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: Why? Because there is no more stabler person as far as, stable, stable, here. She is here. She has every root that can possibly be. So, there we went. We called OR unit, I (unintelligible). Um, I was here in my home and I'm still in my home waiting for OR unit to call me as a reference including, okay, I'm one. Then her boss, she happens to be a manager of approximately two hundred, I'm saying two hundred, it's about one hundred seventy eight units on Eucalyptus Street or Drive...

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: in Bellflower. I happen to be in Long Beach and I think the owner is a Korean, Huen Tren [phonetic]. I have his number and everybody was informed that Moreno was going into custody. She was surrendering, she was going, she went to the station...

SGT. MELTON: Okay.

JUDGE AUSTIN: because, you know, whoever the officials are want her for a pyramid game, whatever it is. It may -- booked as felony. Eventually it's going to be filed as misdemeanor by the DA. But that's not the point. The point is, is this person reliable, steady and has roots to show up for trial whether it be a felony and we know it's going to be filed as a misdemeanor. Poland knows it, I know it, you know it, everybody knows it.

SGT. MELTON: Ma'am, I don't know that for a fact.

JUDGE AUSTIN: That's not the point. I mean, Sergeant Melton, it's not the point. The thing is we have been here doing everything the way we are supposed to do it. We contacted O, O, the OR unit, then we, we, we sent her to

the station, she surrendered and then all of us, all of us are here to wait for the call to inform as to who she is, where she is, how she lives, who the children are, the husband, everything else. The OR unit didn't call anybody. They closed at 11:30, even though I called them ahead of time they said, well, we'll call you when we need to. By the way, not a single attempt, no way, I said, I said somebody, I mean I have somebody that I'm supposed to be a reference. We'll call you. That's the end of that. Bye. Eventually, the, the, the, the, the bail, which is supposed to be 20,000 was reduced to 5,000 and now she's held on 5,000 and she will be going to court Thursday morning and today is, we just turned, it's Wednesday -- and this is the mother of two kids and I, I, well, everybody that knows her and we know her for eight years or ten, I know the mother for twenty. She's not going anyplace. Why, why is she not being released when in my court everybody else that is by far worse is released all the time?

SGT. MELTON: Well, ma'am, I don't know why the -- we did receive a bail reduction from the bail commissioner from 20,000 to 5,000.

JUDGE AUSTIN: Well, because maybe they want to give business to the, to the, the bail bonds people.

SGT. MELTON: Well, ma'am, I don't have any control over how the bail commissioner's office makes their decisions.

JUDGE AUSTIN: Well, do you want me to call them. I will be more than happy to call them. I, I, I want her to, to be released. I, I will take total responsibility over this. This woman is going absolutely nowhere, can go absolutely nowhere, will never go anywhere and will face the charges and one other thing -- she went into the office and surrendered. I have every illegal, undocumented alien that has three, uh, DUIs striking every parked car, and all those people are always released by the police. By the way, I'm not talking about you. I don't work in your region, I work in Long Beach. But, and by the way, I talk about it on the record, my record is very clear, we get three times DUIs, illegal aliens, have no insurance, have no drivers license that destroy four or five cars, parked, and they are ORs. This woman is on a pyramid game where she says she, she was a part, she is not that, let's keep -- that's not the important part. The important part, is she's not going any place or is she going to face the charges and she's going to face them. She went into the station on her own and went in there, walked in there and said, do you want me? I am here, and now she's on a \$5,000 bail that she cannot afford. Of course, she couldn't even afford the 5, the 20,000, no way in the world, and none of us can put that money up for her. All we can do is put a word that this woman isn't going any place. She cannot go any place. The arresting officers

that went to her home last night -- it was a, a mess. They walked into the house as she was leaving, not knowing, not knowing she was apparently getting into car, leaving going to Culver City. The police officers, I mean the sheriffs, because you're Lakewood, okay, you're sheriffs, walked into the house and her, her cousin, her cousin was with the children, the, the sheriffs went in there and she called immediately. So Moreno talked to the officers immediately, immediately, which means half an hour in transit and well then there was a little problem -- well do you want to arrest me, why are you arresting me? -- I mean do what you, what you intend on doing. Okay, fine, fine, fine. She talked to them. She gave them what her story was. In the morning, I mean she called me immediately. Then we called a lawyer immediately and, and then we said okay we called QR unit immediately and today we said to Rosia Moreno, that means Moreno, go, surrender. There she went and now she has a \$5,000 bail, why? I want her released.

SGT. MELTON: Well...

JUDGE AUSTIN: No reason why that woman needs to be in jail.

SGT. MELTON: Ma'am, our hands are tied. We have, we receive, we have to receive, uh, authorization via the bail commissioner, you know, through standard channels.

JUDGE AUSTIN: And how do I call the bail commissioner then? Please help me that way.

SGT. MELTON: We, you could probably get somebody through the DA's command post which is manned 24 hours.

JUDGE AUSTIN: Well, give me that. I've never done this in my life. I really have never done this. You, you know, I do warrants that come to my home day and night, I do probable cause hearings all the time.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: This thing is a first. Can you give me a number where I can call?

SGT. MELTON: Yeah, the DA's 24 hour command post is area code [telephone number omitted]

JUDGE AUSTIN: Okay. So I call them and then I have everything else. I have the booking number. I have everything. So in that sense I have all the information.

SGT. MELTON: Yeah, because what we would need is, we just need a teletype from the bail commissioner authorizing her release OR and she's out of here.

JUDGE AUSTIN: Okay.

SGT. MELTON: But I have to have it, have it by teletype. It's just a procedural thing.

JUDGE AUSTIN: Well, they should know – okay -- I'm writing it down anyway. (unintelligible) But if I call that number then and give them the booking number and where she is and what I'm saying, then they could maybe authorize you. Is that what you're saying? Is that what your saying, Sergeant Mendle [phonetic]?

SGT. MELTON: Yeah. We'd have to have a teletype from the bail commissioner.

JUDGE AUSTIN: Yeah, If I call that number and tell them the story and if they want to listen, then they tell you.

SGT. MELTON: Right.

JUDGE AUSTIN: Oh, okay, okay. I'm sorry. Hey, we're learning everyday.

SGT. MELTON: That's good. What was your name again, ma'am?

JUDGE AUSTIN: Well, I'm Elvira Austin, A-U-S-T-I-N.

SGT. MELTON: A-U-S-T-I-N.

JUDGE AUSTIN: And I've been a judge for fourteen years. I've never done this in my life because it wouldn't occur to me to do anything like this in my life -- because just, just, I just don't.

SGT. MELTON: Okay.

JUDGE AUSTIN: You understand.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: We, we, we, we just don't ask for people to be released out of – out of custody.

SGT. MELTON: Oh, yeah. I understand that.

JUDGE AUSTIN: And I talked to Conley earlier today and I told him that, I told him who I was and I said, I want to break any laws. I'm not ordering anything. I only want information. So Conley gave me information. Well, after I pursued all the information and I, I, I, I do not understand why the OR commission put \$5,000 bail on this woman who came and surrendered and who has the best, the best of roots and, and um, what can I say, vouchers that she will be there.

SGT. MELTON: Yeah, I don't know what procedures they use because we've had people that we've recommend for OR releases and they haven't given it to them for whatever reason. I don't know. They have their criteria that they use and that they don't really share it with us.

JUDGE AUSTIN: Well, Sergeant Melton, I am on the record, that means when I speak it's right there with the court reporter, okay.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: Record. And it happens almost daily when I do DUIs, driving under the influence, but that's not what I do normally. But when I do do that, every illegal alien that has no license, has definitely no insurance, we know that much, okay, no residence, no license, no insurance, these stories, everybody's driving everybody's car and that person is ORed by the Long Beach police department. I have that on record.

SGT. MELTON: Yeah, I understand because...

JUDGE AUSTIN: As a judge because I go insane and I say it right there and I say it's record, keep it, put it, mark it, everything else, and, and you know it's not, it, it, it is, it's not real. Every person that doesn't belong to anybody, that has no (unintelligible), you know I mean they disappear tomorrow. We don't know who they are.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: They never were. They have no social security, they have no green cards. They have no citizenship. They have nothing. They are constantly given ORs and this is one judge that goes crazy. Then we have people that belong here, that have not -- that are not on welfare, that have social security. This Moreno happens to have a green card. I happen to have sponsored it. She is ready for, for citizenship -- has never been on welfare, never.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: Okay? They have everything legitimate, whatever she's accused of, you understand, it's not a violent crime, you understand that?

SGT. MELTON: Oh yes.

JUDGE AUSTIN: It's a pyramid game. She says she enrolled in it like everybody else. Somebody said she, she, she masterminded it, okay. You understand, she's not the big thing.

SGT. MELTON: Right. Right.

JUDGE AUSTIN: Okay. And a person has roots, roots in the community and she has a, a bond on her, when all the other illegals come to my court every day and they're all ORed. How do you explain that? I ask the prosecutors, I say how does, does this happen? They go, they shrug their shoulders. I say will you inquire with the police department, which happens to be Long Beach, right?

SGT. MELTON: Right.

JUDGE AUSTIN: Oh, yeah, of course. Next day, same thing, same thing, same thing. The only people we're holding in jail are the violent offenders, domestic violence and other violent offenders. Every person that is driving a car illegitimately, uh, no papers, no insurance, striking other cars, sometimes striking, uh, fences, public, public, um, property. They are all released OR.

SGT. MELTON: Yeah, I don't know what Long Beach's policies on ORs are. Ours are fairly defined and we have to follow them basically, uh, to the letter. If we get a teletype from the bail commissioner...

JUDGE AUSTIN:.. No, no, I (unintelligible) we are not going to bend any procedure whatsoever.

SGT. MELTON: Oh, yes.

JUDGE AUSTIN: And I thank you very much for, for, for giving me the number. I, I will go directly to the number, but on the other hand Sergeant Mertle [phonetic], Melton, something is a little strange here – that, people that, that are, you know, that are there, steady, that are locals. They, they have bails. Why? Because supposedly they can pay the, the, the, the premium? Is that what it is?

SGT. MELTON: I don't know.

JUDGE AUSTIN: Everybody else that is on welfare or is a, or is a, um, homeless, or is an illegal, those people are ORed. Whe-whe- where is the procedure?

SGT. MELTON: Yeah, I don't know what guidelines a bail commissioner uses. Sometimes it doesn't seem like it makes sense but...

JUDGE AUSTIN: Okay. Well I have another question. How about it? Your, your name, your name will not be used, don't worry about it. Don't, do not worry about it. All I needed to know, what procedure I needed to follow --to, to, to see that, uh, that, uh, this, uh, bail deviation, will be, uh, you know, what can do about it, okay.

SGT. MELTON: Alrightee.

JUDGE AUSTIN: And thank you very much.

SGT. MELTON: Alrightee. Goodnight.

JUDGE AUSTIN: Okay. Yeah, goodnight, good evening or good morning, whatever it is.

SGT. MELTON: Something like that. Good night, ma'am.

APPROX. TIME: 1:31 a.m.

Attachment 3

TELEPHONE CONVERSATION BETWEEN JUDGE ELVIRA AUSTIN AND
DEPUTY DISTRICT ATTORNEY DOLORES "DEE" TURNER AND
INVESTIGATOR ARGUELLO, LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE ON MAY 17, 1995

APPROX. TIME: 1:55 a.m.

JUDGE AUSTIN: Okay?

TURNER: Judge Austin?

JUDGE AUSTIN: Good morning, I don't know, it's no more good evening, it's good morning. Okay. Yes. Judge Austin -- Elvira Austin here, Long Beach Municipal Court, Department 3.

TURNER: What can I do for you?

JUDGE AUSTIN: Your name, I didn't get your name?

TURNER: This is Dee Turner.

JUDGE AUSTIN: Okay. Thank you so much. Um, it's a person that is in Lake... I mean arrested at this point because she surrendered and her name is Moreno, um, her name, Moreno, last name, Maria Rosia, something like that, first name -- and it's a pyramid game, that's the allegation and normally it's a felony allegation and how it's going to be filed I don't know, you know, I really don't know, I have never had one of those and...

TURNER: A permit game?

JUDGE AUSTIN: A pyramid.

TURNER: A pyramid game.

JUDGE AUSTIN: A pyramid.

TURNER: Alright.

JUDGE AUSTIN: Okay. So, the original allegation is felony. It supposedly -- by the way, I don't know, but that's what I hear, it gets filed as a misdemeanor. But again, that I don't know. The only thing that I do know is that Miss Moreno, that is being held in custody, okay?

TURNER: Uh-huh.

JUDGE AUSTIN: That's the only thing that what concerns me. Uh, Miss Moreno -- and I have already, I have the booking number and everything else -- uh, has pulled her car out of her home where she has two male kids, um, by the way, I almost, I know Moreno from almost when she was born and now I know her kids, when definitely when she was, they were born and she manages an apartment building on Eucalyptus Drive or something, yeah Eucalyptus, in Bellflower and there is like, I believe one hundred seventy-eight apartments. She is the manager, the person that we're talking about, Moreno, okay?

TURNER: Uh-huh.

JUDGE AUSTIN: And, in her duties are, that duties are, to, to collect rent and also to evict people that do not pay. Um, whether, what the charge is I'm not going to contend, so please Miss Tyler (phonetic), I have no idea. There are some people that say that she started a pyramid game, okay? So, I don't know about that. She might be guilty, she might not be guilty, I, we're not going to discuss that. What I don't understand is, when she called me that there were, she said, police officers, she said to me, and when she said Lakewood I knew they were sheriffs. Okay. She was at a friend at Culver City. The person in charge of her children, she had just pulled out, and the person in charge of her children called her because this is a mother that calls, that, that, that, that says where she's going. So, um, um, she says we have police persons here, so, Moreno, Moreno, the person that I'm trying to get out, talked to the sheriffs in Lakewood and said, Wh- wh-wh-what's the matter? And they, this is 9:00 p.m., last night, okay, and they said, well you, whatever, you are accused of a pyramid game, this and that and who knows what, and we want to arrest you, whatever, whatever, that's the question. And they discussed the situation that, that, that she was being accused of, of having a pyramid game. Well, she did not go home. She called me and I said, I didn't understand much of what was going on, but today, today, today being Tuesday, not Wednesday, Tuesday -- oh, by the way, they, they told her at the home, we're going to arrest you, and she said are you threatening me? I, I'm, I didn't do the pyramid game, I invested in it, I love games, I lost it, I whatever, let's go to the, let's don't go to the charge, let's go to the person that will be steady and that will be here to face the charges. So, she called me at 12:35 a.m., last night. I have a, a mother that is terminal. Okay, so my mother woke me up because I, she had to go up to my room and says this person -- I, I answer the phone and say, well I don't understand what you're talking about at 12:35 in the morning. I cannot find a lawyer. I don't even know what you're talking about. Fine. Today, Tuesday, we let the day pass. We find a lawyer, not a lawyer, we don't find, we have it. I'm there. We go. We call

Lakewood Station and we surrender Miss Moreno. We tell Moreno, go to Lakewood, they want you. They say you, there are witnesses that say that you started pyramid game. You say you didn't, that doesn't matter. We'll, we'll do that in court. You go. Miss Moreno, Mrs. Moreno goes to Lakewood Station about 6:30 p.m., by our advice. Before that we contacted OR station, um, phone number 351-5151, her lawyer Mr. Poland, myself sitting next, talked to them, what can we do to accelerate the OR? So they told us, blah, blah, blah, blah. Fine. So we told Moreno, go surrender and be prepared to present every document, of you know, that you're here legitimately and who you are, who your employer is, and who your references are. At 6:30 Rosia Moreno, went to Lakewood Station and surrendered. There, waiting for OR. I waited in my home till 1:00, well not exactly, 12:30 and I called Lakewood Station. No, before that I called OR unit. I said I'm one of the references. Oh, oh, oh, we will call you when we need you. Then when I called again they said we closed at 11:30. So I called Lakewood Station Sheriffs, so then finally they gave me the number of the, of the commissioner. Finally, the commissioner gave me your number and the Lakewood Station says the only way they're going to release this person is by talking to the DA. They had her on a \$20,000 bail, now they reduced it to 5,000. I want her to be released, because there is no reason to hold a person that has no, no where to go, will, by the way, surrendered today on her own, walked in by my advice and the advice of her lawyer, Mr. Poland who talked to the Lakewood Station, all before we sent her to surrender and she's going to face whatever charges she needs to face.

TURNER: Well, she's probably going to appear for arraignment in the morning, right?

JUDGE AUSTIN: No, until Thursday. And this is a woman that has two kids, one is six and one is ten, and they go to public school in Bellflower and she is the manager of the, of the apartment house on Eucalyptus, and also we have her boss, friend, and he was not contacted either. And before she was in, in this place, and, and being the, the manager of Tren [phonetic], she was a county employee on the Carmelitos Drive here in Long Beach, which is, um, public housing and she was there for one year. This woman doesn't even have a traffic ticket. And now why are we holding her on \$5,000 bail on a pyramid game, where, whether she joined in it or she masterminded it...

TURNER: Well, we are not holding her. The police are holding her. The District Attorney is...

JUDGE AUSTIN: No, no, no. The police told me that it's all in the hands of the commission. I called the commission, the commission told me...

TURNER: What, what are you talking about, what commission, what commission, what commission are you referring to?

JUDGE AUSTIN: The – I, I'll tell you right away. The one that, that put me together with you, which was telephone [telephone number omitted], excuse me, I have a, I have a cough, I called, Lakewood Station told me to call commission at...

TURNER: There is no filing...

JUDGE AUSTIN: Wait a minute, wait a minute. Lakewood Station told me to call the commissioner at [telephone number omitted]. Uh, that commissioner told me to call the DA and the DA then which is you, is calling me, and you're Miss Tyler (phonetic), okay. So, um, the sheriff, Lake sheriff said, uh, Sergeant Melton, that they will release her if they get a fax from the, uh, commissioner on bail. I called commissioner on bail which is [telephone number omitted], and that...

TURNER: No, no, they gave you the wrong number. [telephone number omitted] is the District Attorney's Office.

JUDGE AUSTIN: Well, but when I told them what the problem was they said, oh yeah, we understand and we're going to to now give you...

TURNER: Now, the District Attorney...

JUDGE AUSTIN: the bail...

TURNER: the District Attorney is not involved in the case until it's presented for filing.

JUDGE AUSTIN: It's not in, it's not in, it's not in at all. I...

TURNER: So there's really no action that we can take.

JUDGE AUSTIN: No, there is -- that's correct, you're totally, absolutely correct. We are fighting bail, OR release. This is where we are. OR...

TURNER: Yeah, but the District Attorney's Office can't do anything about whatever her bail might be. The case has not...

JUDGE AUSTIN: Yeah, because it has not been filed.

TURNER: been presented to us.

JUDGE AUSTIN: I agree with you.

TURNER: So, what, what do you want?

JUDGE AUSTIN: No, I totally agree with you. I don't want anything except that I'm being sent from one number to the other number. And when I called [telephone number omitted] which is what Lakewood Station gave me, they somehow put me on to you. I have no idea why. I'm being awake like you are and I'm, you know, I'm a female, I have a kid, I have a house, I have a mother that needs my services. I don't know, Miss Tyler (phonetic), I don't, I have no idea how I landed on to you. I want Moreno to be released and look, look what I'm going through. I, I...

TURNER: Well, the bail is set from the DA's point of view once a case is filed. We can't really do anything about it before then. I don't know anything about the case.

JUDGE AUSTIN: No, there is the commissioner on insurance somewhere, I mean the commissioner on bail somewhere, and, and, and I landed on [telephone number omitted].

TURNER: Okay, well this is the District Attorney's Office.

JUDGE AUSTIN: Why, why did they tell me that only you could fax the, the Lakewood Station to say that this woman can be released OR? Do, do you...

TURNER: I don't know.

ARGUELLO: District Attorney, uh, Turner?

TURNER: Yes?

ARGUELLO: May I just add something?

JUDGE AUSTIN: What is happening here?

TURNER: Yes, go ahead.

ARGUELLO: The bail commissioner's hours are from zero 6:30 a.m. to 12:30 a.m. every day.

TURNER: Ah, okay. There we go.

ARGEULLO: Their, their telephone number is 351...

JUDGE AUSTIN: Oh, wait, okay, okay, slow down. Okay, so the bail commissioner we can call tomorrow when?

ARGEULLO: 6:30 in the morning.

JUDGE AUSTIN: 6:30 a.m., at what number?

ARGEULLO: 351-5151.

JUDGE AUSTIN: Oh well, that's the very number that, that, uh, yeah, that's the OR commissioner.

ARGEULLO: Right, but they were out of business this evening or this morning at 12:30 and will not resume until 6:30.

JUDGE AUSTIN: Well, but they already set a price on this. They put a tag which is the 5,000. So now we have to have a, a, another entity that supervises them, because they didn't do the job, is what I'm saying. They did not call one single number and then when -- who, who, who supervises the, the bail commission which is 351-5151?

TURNER: I don't know.

JUDGE AUSTIN: No wait a minute, the gentleman will talk.

ARGEULLO: Uh, I don't know either, ma'am.

JUDGE AUSTIN: Well, how come they gave me this number? And we're now, you know, disturbing a deputy district attorney that doesn't, that would like to sleep?

TURNER: Well, neither on of us can answer that, because we're on the receiving end. I don't know why they gave you our number.

JUDGE AUSTIN: We have to solve this problem because now we are three of us embarrassed. I'm definitely terribly embarrassed.

TURNER: Well...

JUDGE AUSTIN: I tell you who gave me your number in Lakewood Station.

TURNER: Okay. The District Attorney's Office really can't make any assessment or evaluation.

JUDGE AUSTIN: No, because the case is not filed.

TURNER: Right.

JUDGE AUSTIN: Absolutely, Ms. Tyler (phonetic), there, uh, the case is not filed you are corr...absolutely correct. So now, I'm embarrassed and I'm, I apologize. But I would not have called this number but for Lakewood Station giving it to me. Now the gentleman is talking over there. Gentleman, who are, who...

ARGUELLO: My name is Investigator Arguello and I'm...

JUDGE AUSTIN: Okay. How, how did I get -- okay -- what is your number then?

ARGUELLO: At the [telephone number omitted] number. I'm...

JUDGE AUSTIN: Right. And do you work for the District Attorney?

ARGUELLO: That's correct ma'am.

JUDGE AUSTIN: And you put me in...

ARGUELLO: touch with the...

JUDGE AUSTIN: with a deputy...

ARGUELLO: the deputy district attorney.

JUDGE AUSTIN: Uh, God, Lord. Well one of these days we'll have a good laugh.

ARGUELLO: Well, all I could suggest...

JUDGE AUSTIN: Sorry, yes.

ARGUELLO: is that we, or you, wait till 6:30 a.m....

JUDGE AUSTIN: I understand that.

ARGUELLO: when the bail commissioner is in...

JUDGE AUSTIN: Yeah, but the bail, yeah I, by the way, Mr., Mr. Arguello I do understand that.

ARGUELLO: Okay.

JUDGE AUSTIN: But in the meantime the, the, there is no entity, no appeal over this number, that by the way is always busy, so something is not exactly right.

TURNER: Well...

JUDGE AUSTIN: When the Lakewood...

TURNER: the District Attorney's office has no connection to the commissioner on bail.

JUDGE AUSTIN: No, yeah, by the, yeah, I understand that and Ms. Tyler (phonetic), and you, you, you, you definitely. By the way, Arguello?

ARGUELLO: Yes.

JUDGE AUSTIN: Mr. Arguello, Ms. Tyler (phonetic), there is no question you cannot do anything because the case has not been filed.

TURNER: That's correct.

JUDGE AUSTIN: So, all of this has been a big mistake. But I would not have the number but for Lakewood Station giving me the number. So now I will know that this is not a number to call. This is the best we can say tonight.

TURNER: Okay.

ARGUELLO: Okay.

JUDGE AUSTIN: I'm sorry, I'm sorry, I'm very sorry, but sometimes they call me for issuing some search warrants at the same time. I'm very, very sorry and some, somehow we'll straighten this out, eh, some other day, okay. Thank you. Goodnight.

ARGUELLO: Goodnight.

TURNER: Goodnight.

TURNER: Okay. You can disconnect and...

ARGUELLO: Okay.

APPROX. TIME: 2:08 a.m.

Attachment 4

TELEPHONE CONVERSATIONS BETWEEN JUDGE ELVIRA AUSTIN AND
SERGEANT WILLIAM CONLEY AND JUDGE ELVIRA AUSTIN AND
SERGEANT RON MELTON, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT,
LAKEWOOD STATION ON MAY 17, 1995

APPROX. TIME: 2:10 a.m.

SGT. CONLEY: Sergeant Conley, may I help you?

JUDGE AUSTIN: Oh, Sergeant Conley I was calling Sergeant Melton.

SGT. CONLEY: Uh-huh.

JUDGE AUSTIN: This is Elvira Austin. Listen there is a big confusion here. So I'll talk to either you or Melton, because Melton gave me your number, so let me talk to Melton.

SGT. CONLEY: Okay. Hold on.

SGT. CONLEY: Ron.

SGT. MELTON: Yes.

SGT. CONLEY: Uh, Judge Austin is on the phone again.

SGT. MELTON: Okay.

SGT. CONLEY: And she wants to speak to you.

JUDGE AUSTIN: He doesn't?

SGT. MELTON: Okay.

SGT. CONLEY: Because there's a big confusion.

JUDGE AUSTIN: Yeah, there is a big confusion.

SGT. MELTON: A big confusion, huh? There's no confusion on my end.

SGT. CONLEY: Well, pick up the phone.

SGT. MELTON: Uh, transfer it to -- which line is it on?

SGT. CONLEY: It's on 288.

SGT. MELTON: Give me a moment to walk down there, then.

SGT. CONLEY: I'll transfer you in just a moment ma'am.

JUDGE AUSTIN: Okay.

APPROX. TIME: 2:11 a.m.

SGT. MELTON: Watch Commander Sergeant Melton.
Watch Commander Sergeant Melton.

JUDGE AUSTIN: Yes, Sergeant Melton. It's Elvira Austin.

SGT. MELTON: Yes, Your Honor.

JUDGE AUSTIN: I called the number you gave me to the District Attorney.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: Okay. The District Attorney cannot do anything on this because this guy, this case has not been filed. This case does not have a detective yet. This case is um, a, complaining witnesses, uh, in the apartment building where Moreno is the manager and the DAs don't have the case. The reason the DAs don't have the case is because you, you in Lakewood don't even have a detective. But we knew that when we called you, that means Lakewood, uh, at 6:00, uh, not 6:00, I'm sorry, we called at 4:30. At 4:30 we called you people, then we talked to Hicks, I don't know who else we, we talked to, um, Attorney Poland, and the case is not filed. There is no detective.

SGT. MELTON: Correct.

JUDGE AUSTIN: Okay, now, the number you gave me for the DA [telephone number omitted].

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: They can't do anything. There is no case. They have no, no power, no jurisdiction, nothing to say, they have no paperwork, so now...

SGT. MELTON: They weren't able to put you in touch with any body from the bail commissioner's office?

JUDGE AUSTIN: Oh yeah, I got everybody, they can't do any, no, the bail commissioners are 351-5151. Those people signed off at 11:30 and will come up at 6:30 in the morning, and of course they didn't call anybody. But I don't

understand why Lakewood Sheriff is holding onto a person that surrendered by our advice and, and where, where, where, whatever the charges are, they are going to be. It's not murder; it's a pyramid game and, and, and even...

SGT. MELTON: Well, correct, well, we have, uh, standard...

JUDGE AUSTIN: No, but, but, but (unintelligible)

SGT. MELTON: procedures with the bail.

JUDGE AUSTIN: Sergeant Melton, there is no reason to hold this person uh, uh, uh, without an OR release. There is no, no, there is no, not one, one, not one iota. She surrendered. Hicks knows her, he belongs in your department. I'm a judge. A, a lawyer called. We sent her there. She's a mother, she has two kids. They have to go to school in the morning and why, why are we doing this?

SGT. MELTON: I understand all that but we have, when somebody's booked we use a standard bail provided by the superior court and any deviation...

JUDGE AUSTIN: But it's not filed.

SGT. MELTON: any deviation from that has to go through the bail commissioner's office.

JUDGE AUSTIN: Well, but the bail commissioner's office are very, didn't do their job.

SGT. MELTON: Well...

JUDGE AUSTIN: And, and the DA cannot do anything.

SGT. MELTON: Yeah, I have no control over the bail commissioner's office.

JUDGE AUSTIN: The case is not filed. There is no detective on this case yet. And when we called and I was telling the, um, attorney Poland, I said why are we sending the woman into the station when there is no detective. Poland, the lawyer said, well, it only will get worse because at that point it becomes a big felony, they pick 20,000 and a big warrant and at that point nobody can do anything, said Poland the lawyer. I was of a different opinion, I was saying wait a minute, let's wait and see. So, we sent the woman to your station to surrender, there she is in the holding tank, and right now we don't know what – and, and why a person that surrenders on an, a charge like a pyramid game, whether she's the mastermind or not, even if she were, let's assume the worst of (unintelligible) which is what (unintelligible)

SGT. MELTON: Well ma'am, ma'am, Your Honor, what would -- I, I don't know what you would like me to do. I'm -- the point...

JUDGE AUSTIN: I want her released.

SGT. MELTON: Well, I, I, I can't do that. I don't...

JUDGE AUSTIN: Who do I have to call?

SGT. MELTON: Well, I have to get a teletype from somebody in the bail commissioner's office or the DA's office...

JUDGE AUSTIN: (unintelligible)

SGT. MELTON: authorizing me to release her.

JUDGE AUSTIN: But the DA cannot do it, because the DA doesn't have a filing, because you people have not filed. So, Sergeant Melton...

SGT. MELTON: Yes, it's an, it's an open charge.

JUDGE AUSTIN: Yeah.

SGT. MELTON: The, it's, it's an open charge.

JUDGE AUSTIN: And we presented the woman on an open charge.

SGT. MELTON: I, I understand that.

JUDGE AUSTIN: We surrendered a woman, a, a, a, a mother of two kids and one is six and one is ten.

SGT. MELTON: I, I under, I understand that.

JUDGE AUSTIN: And the woman is totally local.

SGT. MELTON: Okay. We have...

JUDGE AUSTIN: And sergeant, I mean, he's not sergeant...

SGT. MELTON: We have procedures that we have to follow and its...

JUDGE AUSTIN: Well, why would anybody surrender anymore? Come on, why, why would we comply with the law? Which we did.

SGT. MELTON: A lot of people do, ma'am.

JUDGE AUSTIN: Well, a lot of people (unintelligible)

SGT. MELTON: Which tends to lend to her favor.

JUDGE AUSTIN: Of course, it would be so wonderful if all of them did. But if this is what we have to get in return. This is a woman that is local, uh, Hicks knows her, he's a deputy.

SGT. MELTON: Uh-huh.

JUDGE AUSTIN: He knows her from, because he patrols the area, okay. Uh, is the manager of, a these apartments. Uh, there's one hundred and seventy-eight of those. She has to evict people that don't pay, uh, rent and probably those are the very people that said that she masterminded it. Let's say she did or she didn't, it, it, it is not, it is not the end of the world. The, what is the end of the world is that this woman is being arrested when she surrendered with our advice when everybody else is always ORed.

SGT. MELTON: Well, I understand that, but, there's -- as the watch commander I don't have the authority to release her on OR without authorization from the bail commissioner.

JUDGE AUSTIN: Well, who is the authority that will take my order? Who is that one?

SGT. MELTON: Well, I couldn't take anything over the telephone. Okay, I'd have to have an actual physical court order, you know with the court seal and the whole, the whole, you know, official documentation, or I have to have a teletype from the bail commissioner, from the bail commissioner's terminal, you know, I, you know, authorizing them to be released.

JUDGE AUSTIN: (unintelligible) It would have, have to come either fax or...

SGT. MELTON: Teletype from the bail commission.

JUDGE AUSTIN: Forget about the bail commission, that's 351-5151. You know, a person can die many deaths before that number answers, so, the next thing, next to that is what?

SGT. MELTON: That's...

JUDGE AUSTIN: Next to that number, that is, she's the, is what?

SGT. MELTON: That's the only authority I would get to release somebody this time of night, would be through the bail commissioner.

JUDGE AUSTIN: The bail commission closes at 11:30. Is that what the county is doing, is that the State of California is doing, Sergeant Melton?

SGT. MELTON: Unfortunately, a lot of operations are, are cutting back their time and their staffing.

JUDGE AUSTIN: But is that how we're operating? When every illegal operator of a vehicle that is driving tonight and is banging into every other vehicle and is illegal in the country, has no insurance and all those people get OR? And we justify that conduct?

SGT. MELTON: Uh, unfortunately that's out of my hands. I, I have no control over it. I...

JUDGE AUSTIN: Well, tell me what, what is -- the DA can do nothing because the case is not filed. There is no detective on this case as far as the Lakewood unit is concerned.

SGT. MELTON: That's correct.

JUDGE AUSTIN: Well now, knowing there is no detective, knowing the case is not filed, knowing the person has surrendered, knowing that the person doesn't have \$500 to put \$5,000 bail, what is the next thing that we need to do and knowing that you're talking to a judge, now what do we do next?

SGT. MELTON: About the only thing I can think of that we can really do is wait until in the morning when either a detective is assigned to the case...

JUDGE AUSTIN: There is no, okay, what if a detective is never assigned? I want...

SGT. MELTON: Oh, a detective will be assigned to the case.

JUDGE AUSTIN: When? At 8:00 or 9:00?

SGT. MELTON: Probably...

JUDGE AUSTIN: Yeah, by the time the detective reads the case, what can we do to release a person that has only, how, how, even, even no probable cause, because no probable cause has been passed on this case, so how can we release a person, Sergeant Mert (phonetic)? (unintelligible) it's some people saying something, all of them involved, all of them involved in the same game, the pyramid game. All of them are involved in it. Remember, it's not a homicide, so now, how would, do we release this person?

SGT. MELTON: The only other way that I can release them from custody here is to receive an order from, uh...

JUDGE AUSTIN: From who?

SGT. MELTON: our headquarters custody unit.

JUDGE AUSTIN: Who is that?

SGT. MELTON: That would be the inmate reception center.

JUDGE AUSTIN: Well, why don't you put me on that?

SGT. MELTON: Okay, the, uh, you want, would you like their number?

JUDGE AUSTIN: Absolutely. (unintelligible) passing the buck is no good deal. Yes, I want it.

[telephone number omitted]

JUDGE AUSTIN: And what do, what do I tell them?

SGT. MELTON: Ask for the watch commander.

JUDGE AUSTIN: And then what?

SGT. MELTON: That's, he will be the watch commander at the Inmate Reception Center.

JUDGE AUSTIN: Yes.

SGT. MELTON: And explain to him the circumstances.

JUDGE AUSTIN: Yeah

SGT. MELTON: And I don't know if he's got any other, I don't know if he's got any other options or whether he would be able to help you. I don't, I do not know, but we get, we get teletypes from them authorizing us to release prisoners and such.

JUDGE AUSTIN: This case...

SGT. MELTON: The only thing, the only thing that I could act on here would be a teletype from an agency with authority to order her release.

JUDGE AUSTIN: Which authority? What, what is that authority?

SGT. MELTON: That would either be from a court of jurisdiction...

JUDGE AUSTIN: They're -- which is who?

SGT. MELTON: That would be Los Cerritos Municipal Court at this point.

JUDGE AUSTIN: But the case is not filed.

SGT. MELTON: Well...

JUDGE AUSTIN: Don't you understand...

SGT. MELTON: I...

JUDGE AUSTIN: that we surrendered a person, that, where a case is not filed?

SGT. MELTON: I understand that.

JUDGE AUSTIN: Now we're going through all of this nonsense where a person is in custody on a case that maybe, might even be rejected. But let's don't think about it being rejected, let's say it's filed, but right now it's not filed.

SGT. MELTON: Okay, I understand that, but there are certain procedural things that I have to follow and those are the only authorities that allow me to release somebody and that would be the, the, the bail commissioner or somebody assigned by the...

JUDGE AUSTIN: Look, the bail commissioner is gone and done. The 351 number is gone and done, so we can't do that. The District Attorney we called -- and there is no case on file, so they cannot do anything because there is no case on file. There is no detective on the case. We just were so good in giving you a person to, to solve all, all exactly what we are involved in.

SGT. MELTON: I understand that, if I had the, the, the authority to release I would.

JUDGE AUSTIN: No I -- no, no, no.

SGT. MELTON: But I don't have that authority.

JUDGE AUSTIN: No, Sergeant Melton, no, no, no way. I don't want you to, to bend, nor, nor would I get into bending the law. Okay, you or I, no way, no way, but, but please understand the aggravation that is occurring and the, and the nonsense that is occurring. Somebody, some sheriffs went into Moreno's home looking for her because supposedly there are complaints about her doing a pyramid game. Okay. Let's assume for the worst which means to hold her, okay. Then she's charged. Let's assume the very worst that she is the, the mastermind. Fine. The case has not been filed. Okay?

SGT. MELTON: Correct.

JUDGE AUSTIN: The DA has not passed nothing. There is no bench warrant from a judge. There were just officers in her home when she had just left. So, being a responsible woman as she is, immediately she knew, she called me. So anyway we went to a lawyer today, because somebody from your office said we're going to arrest you, we're going to arrest you no matter what you do, we're going to arrest you. Okay, whatever she answered, she said you know, whatever she said, that she would, she just put money into it. Okay. Blah, blah, fine, we're gonna, fine. Then she said well, if you, if you say you're going to arrest me then the only solution I have is go to a lawyer. She called me, I happen to know her, fine. We went to a lawyer, she told me, we, we said go and present yourself. That's what she did, you understand that?

SGT. MELTON: Uh-huh. Yes ma'am.

JUDGE AUSTIN: She surrendered. There, there is no case filed with the district attorney, not at all. She went in there because we told her. We told her you're going to be booked, be a big girl, you know, and present all your documents and give all your reference. She went there with all her documents and all the reference, I'm being one. I waited all night, past midnight to get a call. In the meantime, I called the number that you so much like, the, the commissioner.

SGT. MELTON: Yes, ma'am.

JUDGE AUSTIN: The 351, I know it by memory. Huh, okay? They didn't call me, I called them. So now, now Sergeant Melton, what's happening is that when we surrender a person, because this person has people that back this person, she's legitimate, I mean, I mean legitimate as far as going to court. If she, you know, if somebody says guilty, well it's guilty, we, we, I'm not, I'm not disputing claims with you as far as guilt or innocence. What, all I'm saying, this person should be released because she's going to make her appearances. She went to the Lakewood Station and said, here I am, not even being filed upon. And so it's, it's unreal and it's, it's, it's unfair.

SGT. MELTON: Oh, I, I fully understand and I...It's a mystery to me why the...

JUDGE AUSTIN: And then where are we, the judges and the lawyers that are complying with the law? Don't, you know, it's embarrassing, isn't it? It's embarrassing for us to say to a citizen who is wanted on a pyramid game, no big deal, \$2,000 pyramid game in a little neighborhood in Bellflower, so we say, hey, wait a minute. She happens to know people of, of -- who are in law enforcement, okay? So we say, the best thing you can do is go and you know, present yourself, here you are, and OR will be given to you. We told her that at 4:30 p.m., and here we are at 2 o'clock in the morning and this woman has a \$5,000 bail, where a case, might or, you

know, might not even be filed, maybe it will, maybe it won't. But why is this woman being held, where every, every illegitimate, illegal, illegal driver that has no insurance, bangs every automobile, kills everybody in the, in the, in, in driving and that person is always ORed? Why is this? Just because they, they, they saw that this woman could, post, post bail? This is not real.

SGT. MELTON: Well, I, you know, I can't argue with that ma'am. I just, unfortunately my hands are kind of tied at this point. You know it's a mystery to me why the bail commissioner didn't release her OR. I don't know. I don't know what criteria they used to make the determination.

JUDGE AUSTIN: What criteria are they using if they didn't call anybody? What criteria are they using if they did not call the employer and me?

SGT. MELTON: I don't know ma'am. I don't, they're, they're nothing to do with the sheriff's department.

JUDGE AUSTIN: Okay. Last question. Why can't a judge order a release? What, where is that problem?

SGT. MELTON: I can't do anything over the telephone ma'am.

JUDGE AUSTIN: Why is that? Why can we give, um, search warrants over the phone? Why can we give probable cause over the phone? Why is it that we cannot order a release over the phone?

SGT. MELTON: Well basically the reason that it's established that way is...

JUDGE AUSTIN: Why?

SGT. MELTON: to prevent somebody from phoning up, identifying themselves as a judge...

JUDGE AUSTIN: Well, you can...

SGT. MELTON: and ordering somebody released that could be a fugitive from justice.

JUDGE AUSTIN: Well, that's not good reason. That's not good reason.

SGT. MELTON: Well, unfortunately that's, that's our policy, and, I'm, I'm bound by it.

JUDGE AUSTIN: Well who, who is on staff right now that is higher than you that will take a judicial order?

SGT. MELTON: At this facility I am the senior.

JUDGE AUSTIN: You're on top.

SGT. MELTON: Right now, yes, ma'am.

JUDGE AUSTIN: If I give you a judicial order right now, you are disobeying it.

SGT. MELTON: Well ma'am, there was, is no way for me to verify the validity of the order and...

JUDGE AUSTIN: (unintelligible)

SGT. MELTON: I would have to have...if I had a written court order.

JUDGE AUSTIN: No, I can't give you a written court order because I happen to be in my home and it's about 1:30 in the morning and I only have been going at this from 4:30 when I, I told Moreno to go into your station where she, uh, showed up at 6:30, where we had called. And by the way -- is that you?

SGT. MELTON: Yes ma'am. I'm here.

JUDGE AUSTIN: And we, we are on record calling your station at 4:30 and we called Hicks and Mr. Poland the lawyer called you and I was there. So we have been at this for hours, for hours, that is now what seven hours, so um, what do I do, call Long Beach Police Department to tell you that I'm a judge so that you call me and that I'm giving you an order that this woman is supposed to be released, released? What, what is it that you want? What, what, what does it take to obey a judicial order in Lakewood?

SGT. MELTON: I would need something that would indicate to me that it's an official judicial order.

JUDGE AUSTIN: And what is that?

SGT. MELTON: At this point, it would be a, a written court order.

JUDGE AUSTIN: And there is no way at, at this hour any written court order can be given.

SGT. MELTON: Well I understand that. Uh, unfortunately I don't have the authority to do anything in excess of that.

JUDGE AUSTIN: (unintelligible) mean that? What do you mean by that? When, when you can verify that you're talking to a judge and a judge is giving you an order, what do you mean by verifying? What exactly do you mean by that? That you need to, to check who I am, you should have it right there in front of you. Conley knows that I'm a judge, and if not call Long Beach. Every

call the, call any station you need to call. I'm a judge of fourteen years. So you are disobeying a court order is what the problem is.

SGT. MELTON: Ma'am, at this point I don't have anything to verify that this is an official order by the court.

JUDGE AUSTIN: By the court? I'm the judge so that means...

SGT. MELTON: Well, it's...

JUDGE AUSTIN: You just don't know what to do with it.

SGT. MELTON: Well, I'm, I question whether this is a legitimate court order ma'am.

JUDGE AUSTIN: What do you mean? What, what, what means legitimate?

SGT. MELTON: Whether the...

JUDGE AUSTIN: I'm a judge.

SGT. MELTON: Okay. I understand that ma'am.

JUDGE AUSTIN: Okay. What's legitimate?

SGT. MELTON: I understand that. Uh, this is a personal matter. This person is a personal friend of yours, and it's not the court that you would have jurisdiction over. It seems to me that there would be a conflict of interest in the matter and that...

JUDGE AUSTIN: That's not your problem.

SGT. MELTON: Well, no, no ma'am that's not my problem. My problem is whether I am properly releasing a person with proper authority and I just...

JUDGE AUSTIN: I, I am the proper authority.

SGT. MELTON: Well...

JUDGE AUSTIN: And then if anybody has to pay the consequences it's me, not you.

SGT. MELTON: Okay, well I have written orders...

JUDGE AUSTIN: No, no, you don't need written orders.

SGT. MELTON: at this point, at this point I have written orders to release, or to reduce her bail from 20,000 to 5,000.

JUDGE AUSTIN: Well, that was at 351-5151.

SGT. MELTON: And that's...

JUDGE AUSTIN: But they never called any...

SGT. MELTON: Well, I have no control over that ma'am. I have no control over who they call.

JUDGE AUSTIN: So what you're saying is you are disobeying a court order. That's what you're saying commander.

SGT. MELTON: At, at this point what...

JUDGE AUSTIN: That's what you're saying.

SGT. MELTON: I, I am going by the, the written court order that I have in front of me, which is basically what this is, regarding the teletype that I received from the bail commissioner. Okay. For whatever reason they chose not to release her OR. They chose to lower her bail from 20,000 to 5,000.

JUDGE AUSTIN: Well, one reason is because we have kept every, every avenue and, and they did not call. We called them and, and, and they didn't call. They, that was not the time and they checked out at 11:30 and we, we told Moreno to go and surrender and what you're proving is, you know, go and surrender and, and who cares, you know, keep them in jail and, and a woman that has no criminal antecedent. Not at all. None. And this is not a violent crime and you are disobeying, you don't want to respect, you just don't want...

SGT. MELTON: Well, ma'am, that's not, there's no disrespect intended.

JUDGE AUSTIN: Well, we will see what, what...

SGT. MELTON: Absolutely none.

JUDGE AUSTIN: This is not going to be in my court, so you're saying conflict of interest. There is no conflict of interest. We, uh, surrendered, we sent this woman to your station to present herself there, so I, I really don't understand what you're saying about conflict of interest. We sent her there to be booked, fingerprinted, photographed and everything else, and we started at 4:30 p.m. calling your station. At 6:30 she was there. And I'm saying release her and you say I can't do it.

SGT. MELTON: Not at this point ma'am, because I don't feel that I have proper authorization to do so.

JUDGE AUSTIN: Well, who is, who is your superior? Where else can I call?

SGT. MELTON: You may call that number that I gave you.

JUDGE AUSTIN: Do not give me the DA number, because the DA number, they don't have a file. So please give me the other number.

SGT. MELTON: The number that I gave you just a few minutes ago.

JUDGE AUSTIN: No the DA number doesn't have...

SGT. MELTON: No, not the DA number, the main reception center.

JUDGE AUSTIN: The 351, it's closed until 6:30.

SGT. MELTON: Okay. Let me give you another number.

JUDGE AUSTIN: Give me your superior. Okay.

SGT. MELTON: Okay, it's area code [telephone number omitted]

JUDGE AUSTIN: And who is that?

SGT. MELTON: That would be the, ask for the watch commander, that is the Inmate Reception Center watch commander.

JUDGE AUSTIN: And what does that person have to do with you?

SGT. MELTON: The Inmate Reception Center basically has, uh, control over all -- they're the intake and release agency for all prisoners in the county jail system.

JUDGE AUSTIN: She's not in county jail.

SGT. MELTON: Well she's booked into the county jail system. She's at the substation, but she's, she's in, in the county system at this point. If I received a teletype from the Inmate Reception Center watch commander authorizing me to release her OR, I would do that.

JUDGE AUSTIN: No, Sergeant Melton.

SGT. MELTON: Yes, ma'am.

JUDGE AUSTIN: What sense does it make for somebody to go and surrender like she did instead of you guys going and hunting for somebody with more arrest warrants and more officers because you don't know if this person is, um, objecting, uh, resisting an arrest, um, running, possibly, even possibly,

probably, no, I don't know, possibly having a gun, female or male, you don't know whether this person is a male or who it is and, and running away from justice? What, what is the difference to a person that comes on a pyramid game, remember it's a pyramid game, and comes in there and says, do you want me, you went, you came to my home and here I am, and this is my lawyer, these are my references. She gave every reference in town, now does that count for anything? Sergeant Melton, does that count for anything? Or do you always want to go and hunt for someone?

SGT. MELTON: I would think it would count with the bail commissioner, but for whatever reason they didn't...

JUDGE AUSTIN: The bail commissioner just signed off and didn't call anybody.

SGT. MELTON: Well, I, like I said ma'am, they don't work for our department, uh, and I have no control over what they do or how they do their, make their determinations, I wish I did, because I've seen them release people that shouldn't be released, I've seen people that should be released not released and I have no control over them.

JUDGE AUSTIN: Okay, I appreciate, thank you for saying that.

SGT. MELTON: They do that and their logic baffles me sometimes.

JUDGE AUSTIN: Okay. Listen, on just what you just said, uh, please, now, now our minds (unintelligible) that they release people there, they have no idea why they're releasing, and there are people like Moreno, but they, okay – thank, thank, I appreciate, thank you for that. Okay, good night. Good night, or good morning. Thank you.

SGT. MELTON: Good night

VALERIE: Watch Central's Office, Valerie.

SGT. MELTON: Hi, this is Sergeant Melton at Lakewood. Can I talk with your watch commander, please?

VALERIE: Sure. Hold on.

SGT. MELTON: Thanks.

APPROX. TIME: 2:41 a.m.