

CITIZENS AGAINST HOMICIDE

September 2008

Non-Profit 501(c)3
Tax I. D. #68-0330408

Join Us To Make A Difference

A non-profit, public benefits organization serving families and friends of homicide victims.

Next Meeting:
Sunday
September 14th
10:00 a.m.
302 - 4th St.
San Rafael

JAMES MICHAEL (JIM) LIPPITT



Lest We Forget
1978 In Memoriam 2008
By John Lippitt

James Michael (Jim) Lippitt, my only son, was born in San Francisco, October 18th, 1948. Shortly thereafter his mother suffered an injury after which Jim's care and feeding fell to me for the first few months of his life and a bond formed between us that was cemented with the passage of time.

Jim grew into a beautiful little boy and then matured into an outstanding young adult. I had been a flyer in WWII and for many years following something may have rubbed off on Jim. From as far back as I can recall he wanted to fly. When we lived in Hawaii during Jim's sophomore year

in high school, he heard about a program teaching aspiring aviators to fly gliders at Bellows Field on the windward coast of Oahu.

Bellows Field, where the first Japanese midget sub was captured, December 7th, 1941, is ideally located for glider flying; the easterly trade winds swirl against the sheer cliffs of the Koolau Mountains keeping gliders aloft as long as pilots may desire. Jim soloed in short order and flew gliders the rest of the time we were in The Islands.

After high school, Jim enrolled in USF majoring in accounting, but his sights were set on flying. He became friends with Sarah Frances (Sally) LaBoyteaux, who was a classmate and by coincidence the daughter of one of my USF classmates, she was majoring in nursing. In Jim's sophomore year he applied for the AVROC (Aviation Reserve Officer Candidate) Program. He was among a select few accepted and spent the next two summers in a Marine boot camp in Pensacola, Florida. Upon graduation from USF in 1970, Jim received his commission as a Naval Officer. He and Sally were married soon thereafter and then they left to begin flight training in Pensacola. *con't on page 5*

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Become a CAH Member!

CITIZENS AGAINST HOMICIDE

Who We Are

The majority of the board members of Citizens Against Homicide have had a family member murdered. They are surviving the devastating loss of a loved one and still suffer the continued emotional trauma of coping with our criminal justice system. We have joined together to create a voice for the survivors and friends of murder victims.

CAH Objectives

- ◇ Assist families through the complicated criminal justice system.
- ◇ Provide trial and courtroom support to victims.
- ◇ Accompany victims to parole hearings in their endeavor to keep the convicted murderer in prison.
- ◇ Provide information on pending crime legislation.

Protecting Your Own Interests

You can't prepare for the event that makes you a victim. You can only react. You need to know how to deal with the subsequent trial, sentencing and unavoidable parole hearings. CAH helps you take action to protect your own interests.

If you have friends or family who may be in need of our assistance, please pass along the information regarding our organization.

Location for Meetings

We hold monthly meetings on the second Sunday of each month at 302 4th Street, San Rafael, CA. The monthly meeting starts at 10:00 a.m. We encourage anyone interested to attend meetings.

Officers

Jan Miller	Co-Founder
Jane Alexander	Co-Founder
Perfect Printers	Newsletter Editors
Alice Ostergren	Treasurer
Carol Silveira	Corresponding Secretary
Anne Poverello	Victim Representative
Jaquie MacDonald	Victims Voice-Publicity
Jude Cote	Recording Secretary
Gene & Shellie Cervantes	Victim Advocates
Marilyn Day	Communications

Advisory Board

Jack Miller	Bill Miller
Terri de la Cuesta	Chuck Mitchell
	Ed Sullivan

CITIZENS AGAINST Homicide

P. O. Box 2115
San Anselmo, CA 94979

Tel 415-455-5944 Fax 415-454-0298

E-Mail VCTMSMURDR@AOL.COM
Website: www.citizensagainsthomicide.org

LETTERS

FYI, below is a letter I sent to the LA Times about the George court decision, and horrible rationale, to parole a murderer. All victims must respond, let the media and public know how we feel. Get involved.

"The evil that men do lives after them, the good is oft interred with their bones" Shakespeare.

We read your article with disbelief and shock, then sadness. Justices George, Kennard, Werdegard and Moreno made a horrible, insane decision that is an outrage to all homicide survivors and a gross insult to all murder victims.

There are so many things wrong with this decision. Here are just a few:

The U.S. Supreme Court noted that 90% of all prisoners are found unsuitable for parole, while 85% are found unsuitable at the second and subsequent hearings. Justice George trashes this finding, apparently determining that there are "good" murderers. Sandra Lawrence is the jurist's example, she viciously murdered a woman without provocation then escaped arrest for eleven years.

The Justices think it wonderful that Lawrence used state resources to educate herself and used her time productively. In their decision these actions make a murderer worthy of parole. The victim is still dead. Will the Justices give living victims and homicide survivors a parole from the life sentences of loss and suffering given them by "good" murderers?

The Justices say the viciousness of the crime is not important, not to them anyway. What an insulting, warped, evil opinion. Apparently victims and survivors mean nothing to these judges, its all about the welfare of the murderer. To them it is all about the process, no consideration of the crime or the victim.

The Justices have sent a message to all prisoners that they can "game" the judicial process and that George and the others can be rolled.

Justice George has usurped the authority of the Governor to protect society by denying parole to vicious killers, rapists, pedophiles and molesters. Fortunately Californians can get rid of arrogant, wrong headed jurists. Remember Rose Bird.

Thank you for reading,
Genelle and Jack Reilley
28812 Shady Place
Laguna Beach, CA 92651



COURT RULING MY CAUSE MORE LIFE SENTENCED INMATES TO BE RELEASED FROM PRISON

By Paul Elias, Associated Press Writer

A divided state Supreme Court on Thursday ruled that Gov. Arnold Schwarzenegger was wrong to deny parole to a murderer who was a model prisoner during the more than 23 years she served behind bars.

In a 4-3 decision, California high court said the governor must consider more than just the nature of the crime when he overturns Board of Parole Hearings' decisions granting parole. The majority decision, written by Chief Justice Ronald George, said the governor must show "some evidence" that the parolee is a danger to public safety. In response, the governor's legal affairs secretary, Andrea Hoch, said the ruling "adds an inappropriate level of review, which unnecessarily limits the governor's discretion to decide the parole of a convicted murderer based on what is in the best interest of public safety."

The court's ruling Thursday stems from the board's decision to grant parole in 2005 to Sandra Davis Lawrence, 61, who after rejecting a plea deal for a two-year prison sentence was convicted of first degree murder in 1983 and sentenced to a life term for killing her lover's wife 12 years earlier.

In August 2005, the parole board for the fourth time in 12 years granted her parole because it found her to be a discipline-free prisoner who accepted responsibility for the killing, expressed remorse and showed no signs of being a danger to the public. Lawrence volunteered for many prison organizations and earned a master's degree in business administration.

Still, Schwarzenegger reversed the panel's decision as he had done previously, finding the killing to be particularly egregious. Lawrence shot and stabbed Rubye Williams to death in 1971 and then spent 11 years on the run before turning herself in to police accompanied by the late Los Angeles attorney Johnnie Cochrane.

Schwarzenegger said in his 2006 veto that Lawrence's crime was "a cold, premeditated murder carried out in an especially cruel manner and committed for an incredibly petty reason." Governors Pete Wilson and Gray Davis also made similar reversals when they were in office, likewise determining that the nature of Lawrence's crime made her a danger to society.

On Thursday, the divided court said that while the underlying crime is always a factor in parole decisions, it shouldn't automatically disqualify parole grants to murderers sentenced to life in prison.

"Indeed, it is not the circumstance that the crime is particularly egregious that makes a prisoner unsuitable for parole," George wrote for the majority, "it is the implication concerning future dangerousness that derives from the prisoner having committed that crime." George said it is undisputed that Lawrence is

rehabilitated, saying she posed no danger to society. He also wrote that the court's focus "upon the inmate's current dangerousness should not produce a wave of reversals of decisions denying parole."

Justices Joyce Kennard, Kathryn Werdegar and Carlos Moreno joined George.

Justice Ming Chin in a dissenting opinion wrote that the "awesome responsibility of deciding whether to release a convicted murderer on parole...lies with the executive branch, not the judicial branch."

Justices Marvin Baxter and Carol Corrigan joined Chin's dissent. Hoch, the governor's legal affairs secretary, said the ruling limits the intent of voters, who approved a ballot measure in 1988 giving governors exclusive authority to review board decisions regarding paroles for convicted murderers.

"Gov. Schwarzenegger will continue to consider each of these lifer cases individually and based on the entirety of their record, including original crime and time in prison, will decide whether or not a lifer inmate poses an unreasonable safety risk to our communities if released," Hoch said.

Courts have ruled against Schwarzenegger's parole denials at least two dozen times in the last two years and prisoners continue to file lawsuits accusing the governor of wrongfully reversing parole board grants because of politics. State Senate Democrats have also blocked four of the Republican governor's nominees to the board, complaining the panel releases too few inmates who have served lengthy terms.

On the other hand, some crime victims organizations complain that Schwarzenegger is too lenient when it comes to granting parole to convicted killers. The California Crime Victims Action Alliance states on its Web site that since Schwarzenegger took office in November 2003 he has allowed the parole of 270 prisoners with life sentences out of the 890 approved by the board at that time.

In a second, related case Thursday, an unanimous court upheld Schwarzenegger's denial of parole to another murderer it said remained a danger to public safety.

Using the legal standards spelled out in Lawrence's case, George wrote that Schwarzenegger was right to deny parole to Richard Shaputis because the prisoner failed to take responsibility for killing his wife and there was "some evidence" that he remains a danger to society. Shaputis was convicted of second-degree murder in 1987 for shooting his wife and sentenced to 15 years to life in prison.

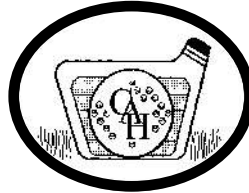
Chin wrote a separate, concurring opinion again stating that it's the governor's decision; rather than the courts & #8212; to make parole decisions. He was joined by Baxter and Corrigan.

15th Annual Charity Golf Classic



Our MC & Friends

2008 GOLF WINNERS



**1st & 2nd Place Flight A
(Tied Score)**

Flight A

1st place: Wyatt, R - Ferrette, M - Martinez, A - Wormsley, C - scoring 60

2nd place: Cervetti, R - Davis, B - Audisio, T - Darnell, K - scoring 60

3rd place: Miller, S - Miller, J - Miller, P - Fradckuzui, J - scoring 62

Flight B

1st place: Holmberg, D - Holmberg, D jr - Kirtley, D - Pellenacci, R - scoring 63

2nd place: Perotti, R - Perotti, K - Auld, R - Chalk, B - scoring 64

3rd place: Perotti, D - Anderson, O - Reeves, J - Kamys, J - scoring 65

Closest to the Pin - Ladies: Geri Jennings - 16'

Closest to the Pin - Men: Christian Neidlinger - 10' 4"

Long Drive - Ladies: Terri Verhunce

Long Drive - Men: Dusty Lofrano

Long Drive Ladies over 50: Miriam Dixon

Long Drive Men over 50: Al Kovaleff

Putting contest winners: 1st place: Jeff Grady

Logo Ball Winners: Dave Lawler, Tom Linehan, Christian Neidlinger, Al Kovaloff

Grand Prize Winners were:

Las Vegas, NV: Marilyn Norwood of Colorado Springs, CO

Hilton Head SC: Ron Perotti of Santa Rosa, CA

Sedona AZ: James Dalessandro of San Rafael, CA



3rd Place Flight A



1st Place Flight B



3rd Place Flight B



2nd Place Flight B

VICTIM PROFILE

- con't from page 1

Jim completed single engine training including carrier landing and launch from the USS Lexington. His final phase was at NAS Corpus Christi, Texas flying the twin engine Grumman S2 ("Stufe").

On graduation he was awarded the coveted Navy Wings of Gold and became a member of one of the most exclusive fraternities of superbly trained pilots in the world. Jim was assigned to Washington, DC, first at the Navy Yard and then to the Naval Detachment, Andrews AFB. Until he left the Navy in 1977, he accumulated some 5000 flying hours in the S2. In quest of a career as an airline pilot, he applied to United and Western, among others; in the interim, he took a position flying air tankers (S2's) for the CDF (Calif. Department of Forestry, now called "Cal Fire").

On the blazing hot afternoon of August 20th, 1978, two career troublemakers, Cary Bartlett and Gary Berchtold decided the sun-parched dry brush along the Branscombe Road in Mendocino County, California was made to order for a wildfire. While Bartlett played lookout at the wheel, Berchtold lit a series of matches without result; then to his hands and knees with the whole matchbook and the evil deed was done. With the fire underway, the two fled the scene. Unfortunately for them, they were seen and recognized by passers-by.

CDF Air tanker 95, piloted by Jim Lippitt, was called around 5 pm and he immediately took off. Upon reaching the location, Jim had to make a steep descent and in leveling off, for reasons we can never know, Air tanker 95 crashed practically into Berchtold's fire.

None of us will ever forget the day the police came to the door with the devastating news that we had lost our Jim. Among the emotions that followed were shock and disbelief. Because Bartlett and Berchtold were seen at the scene, they were shortly apprehended and that should have been the beginning of the end. Instead, it was the end of the beginning.

As if our loss of Jim were not catastrophic enough and things would not get worse, they did. It began to look as if a significant number in Mendocino County and elsewhere were ready to close ranks behind the perpetrators.

After the perpetrators were identified, there was a preliminary hearing that was more of a charade than

anything. (I do not know if these two spent jail time or not.) That hearing was presided over by one Galen Hathaway. The "prosecution" by a deputy DA was so feeble and lackluster that Hathaway had no trouble dismissing everything and turning the two arsonists loose.

With no other place to turn, a wrongful death action was filed. The defense lawyer, Leo Cook, came up with something called the Fireman's Rule in order to shift blame from the guilty to the innocent. To his eternal credit, Judge Broaddus summarily dismissed that specious ploy with these words, "This was a case of willful arson - the Fireman's Rule was not meant as a place of refuge for criminals."

The civil jury, having bought into the above, voted eight to four in favor of arson. There matters have rested despite repeated requests to District Attorneys to file murder charges, including filing a suit in Mendocino Superior Court to force the issue. Since there is no statute of limitations on murder, the District Attorney could bring charges this very day. So far, each has refused to act. One DA, amazingly, sent me a letter in which she expressed this demand: "I must insist that you stop inciting the public."

It has been said that a man lives again in his own son; conversely, part of me died with my Jim. Jim is remembered every August 20th by CDF/Cal Fire with station flags at half staff. Jim is memorialized on a plaque in Larkspur, at Marin General Hospital and the Fireman's Memorial on the capital grounds in Sacramento.

Epilogue

How have Jim's widow and children fared since that fateful afternoon in 1978? Prevailing opinion would likely have the widow on welfare; the children delinquents:

Sarah Frances Lippitt, RN (Sally), now 60, works as a nurse to this day-with time out for an advanced degree in nursing. After some years she remarried and enjoys such life and happiness as the trauma of 1978 has not extinguished.

con't on back page.

FAMILY OF 3 VICTIMS BLAMES S.F. POLICY

By Jaxon Van Derbeken

August 23, 2008

San Francisco's immigrant sanctuary policies played a "substantial" role in the slayings of a father and two of his sons by allowing city officials to shield the alleged killer from deportation, despite his violent history, according to a legal claim filed Friday on behalf of the victims' family.

The claim is likely to be followed by a wrongful death lawsuit in which the family of Tony Bologna and his sons could seek millions of dollars from the city.

Bologna, 48, and his sons Michael, 20, and Matthew, 16, were shot to death on a street in the Excelsior district June 22 by Edwin Ramos, 21, of El Sobrante, who authorities say is a member of a street gang, has been charged with three counts of murder.

Tony Bologna's wife Danielle, and other relatives denounced the city's sanctuary practices after The Chronicle reported that Ramos, a Salvadoran native suspected of being in this country illegally, had committed felony attempted robbery and assault as a juvenile.

The Chronicle reported that officials with the Juvenile Probation Department, relying on their interpretation of San Francisco's sanctuary city ordinance, had not referred Ramos to federal immigration authorities for possible deportation. The ordinance bars city officials from cooperating with federal crackdowns on illegal immigrants.

After other Chronicle stories on the city's practices appeared, however, City Attorney Dennis Herrera's office reiterated a 1994 legal opinion that nothing in the law prevented the city from handing over juveniles to federal immigration authorities, if the minors have committed felonies.

The city attorney has 45 days to respond to the Bologna family's claim. The city typically rejects such claims, after which plaintiffs are free to file suit.

A spokesman for Herrera declined to comment on the matter Friday, saying attorneys had not yet reviewed the claim.

In response to the claim, Mayor Gavin Newsom released a statement saying, "I am deeply saddened by the Bologna family's terrible loss. My heart goes out to the family during this difficult time."

Nathan Ballard, the mayor's communications director, said it would be inappropriate for Newsom to comment on the specifics of the legal claim.

The claim does not make a specific request for damages. Lawyers for Bologna's wife and his two surviving children assert in the claim that the city's sanctuary policy was illegal, reckless and a "substantial factor" in the slayings.

The claim says the city knew that Ramos was an illegal immigrant and was part of a gang, the Mara Salvatrucha (MS-13), that attacked Latinos and African American men who were not members of the gang.

Police have theorized that Ramos shot the Bologna's because he mistook them for rival gang members. The father and his sons were shot in their car as they returned home from a Sunday afternoon family barbecue.

Ramos' attorney, Robert Amparan, has denied his client was a gang member or an illegal immigrant. Ramos has pleaded not guilty to the murder counts.

The Bolognas' claim asserts that the city knew that federal immigration and customs enforcement officials were

targeting illegal immigrant gang members for removal from the United States and would have sought to deport Ramos immediately had they known of his juvenile record.

"It was highly foreseeable that Ramos, upon his return to the streets of San Francisco, would murder men who appeared to be Latinos or African Americans," the claim says.

The claim places blame on the city's Juvenile Probation Department for adopting "official and unofficial policies" that amounted to unlawfully harboring illegal immigrants who committed violent crimes.

The claim says the city's sanctuary policies and practices violated federal laws that grant "unfettered discretion" to local authorities to report to immigration officials any "dangerous person" not in this country legally.

"There are clearly many, many restrictions on when and whether (San Francisco) police officers can communicate with the federal government on an individual's immigration status - and those restrictions played a role, in a significant way, to horrible events that unfolded on June 22," said one of the family's lawyers, Kris Kobach, a one-time counsel to former U.S. Attorney General John Ashcroft.

"It was just a horrific tragedy because it was preventable," Kobach said. "If the city had followed the law, Anthony, Matthew and Michael Bologna would most certainly be alive today."

The claim cites a 2006 bulletin to police officers signed by Chief Heather Fong limiting how and when officers could communicate with immigration authorities.

It also cites a directive issued by Newsom in March 2007, which prohibited "dissemination" of immigration information by police or other city departments to the federal government unless the agencies were required to do so by U.S. law.

The claim says the city created an environment that was hostile to anyone who would report offenders for deportation.

"All of these official enactments, orders, mandates and endorsements of...sanctuary policies were reinforced by an unwritten but enforced policy that discouraged police officers from reporting any illegal alien," the claim says.

Citizens Against Homicide says....

This is only one of the hundreds of terrible tragedies that occur each year in every one of our "Sanctuary Cities" across this nation. It is sad and it is disappointing.

It is going to be up to each and every law abiding citizen to get involved. When someone that has been elected to an office and they take the oath to uphold the laws of their City and their State and then they turn around and kick sand in all of our faces....they say they will do what they want to do...that is the day impeachment MUST start. If we did this just a few times the people in office will realize that they WORK for us...we PAY their salaries. We are the boss...but we are now all absentee bosses...we must come to the realization that we must care enough or there will be more and more murders that innocent families will have to endure. The cost to the Citizens of these "Sanctuary Cities" and to the citizens of all of the surrounding cities and counties is not just murder. It is rape, assault, robbery etc, etc. At CAH we are addressing the topic of murder since that is the area of the criminal justice system that we are involved with.

PAROLES....

Dear CAH,

I am writing once again to ask CAH's help in opposing parole of a murderer. In February 1992, Patrick Flynn, a small time drug dealer in the San Jose area, started an affair with a young woman named Amy Gasman Amy was married to Bill Gasman, age 31, a genial hardworking carpenter. Amy was unemployed and supposedly attending Gavilan College in Gilroy, but in fact spent most of her time using methamphetamine and other drugs with Flynn. During the ensuing months, Flynn became more possessive of Amy and began telling Amy that he should kill Bill. He acquired a sawed-off shotgun and began practicing with it. There is some evidence Amy encouraged him to kill her husband.

In October, Flynn drove past the Gasman home in Morgan Hill and fired a shotgun blast at the garage door. Bill suspected Amy was having an affair but she denied it and denied knowledge of the source of the damage to the garage.

Late at night on November 5, 1992, Flynn armed with his shotgun, drove to the Gasman home. He knocked on the door. When Bill opened it, Flynn aimed the shotgun at him and fired twice. Bill tried to turn and run but was hit with a blast in the upper left portion of his back. He died almost instantly. Flynn immediately fled in his car and later hid the shotgun in some bushes. Morgan Hill police recovered the weapon about a month later.

During questioning over a period of several days, Amy told police she had no idea who killed her

husband or why. She said she had been in a back room reading when it happened. She denied any affairs and later claimed Bill had been killed by drug dealers who he had not paid. However, telephone records indicated she had spoken with Flynn twice that evening. When Flynn was questioned, he initially denied any affair with Amy and denied any knowledge of the events. But after law enforcement recovered the shotgun and discovered that ammunition found in Flynn's car matched the cartridges used in the shooting, Flynn changed his story. He claimed he shot Bill because Bill had abused Amy. There was never any evidence that Bill ever had used drugs or had abused Amy.

At trial, Flynn was convicted of second degree murder. Amy was called as a witness but took the Fifth Amendment. Amy later pleaded guilty to the felony charge of accessory.

MURDERER:

Patrick Flynn
CDC # J-25604

SEND LETTERS TO:

Classification & Parole
Representative
California State Prison, Solano
P.O. Box 400
Vacaville, CA 95696

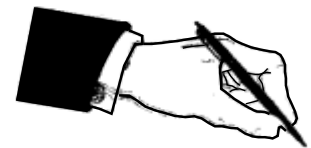
COPY TO:

Michael D. O'Reilly
Deputy Attorney General
455 Golden Gate Ave.
Suite 11000
San Francisco, CA 94102

Please write immediately, parole hearing is 10/29/08.

Thank you.

Write Today!



*Sample parole
opposition letter.*

(For California Only)

Today's Date

Classification & Parole
Representative
California State Prison, Solano
P.O. Box 400
Vacaville, CA 95696

Re: (Convict's Name)
(CDC# or ID# Number)

Please **DO NOT** grant a parole date to the aforementioned convicted murderer.

The heinous nature of this crime should preclude this prisoner any consideration.

Thank you,

Your Name
Address
City/State/ZIP

VICTIM PROFILE - con't from page 5

James Michael (Mick) Lippitt Jr., 35, graduated in accounting at USD (University of San Diego), played professional baseball in Barcelona Spain, passed the horrendous CPA Exam and worked in public accounting; then accepted a very attractive offer from Morgan Stanley where he has remained.

Amy Corinne, 33, graduated SF State, worked in real estate and is planning marriage in September.

Mary (Molly) Elizabeth, 30, graduated USD, straight A's in such abstruse subjects as chemistry and biology and is now an analyst at Sonoma Winery.

In a manner of speaking, it could be said that history has repeated itself: Michael Francis (Mike) Tribolet, the "baby" of the family, upon whom my daughter bestowed Jim's and Sally's middle names, was born very premature on what should have been Jim's 30th birthday.

He grew and blossomed and he was a police cadet in high school; and then a volunteer fireman with time out for work in a lumber mill in Alaska. After service with the Marin County Fire as a seasonal, he was hired full time. He is also stand-in fire chief in Stinson Beach. As this is written (July) Mike is leading a strike team from Marin County battling wildfires out of Ukiah.

Jim would be proud!

Due to the length of this article, please go to our website: www.citizensagainsthomicide.org to read all the details under Victims Speak - California.

FIRST CLASS
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***Citizens Against Homicide
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San Anselmo, CA 94979***