

Attorney fled dictatorship; now defends U.S. law enforcement

By Harvey M. Kahn

There is probably not an attorney around with such a varied background like that of Tristan Pelayes. The former mayor of Adelanto has worked in the San Bernardino County Sheriff's SWAT division as well as a patrolman and narcotics investigator. While working at the county jail, it was Pelayes who had the assignment of fingerprinting and booking Phil Genaway, the chief of police of Adelanto, who was charged with embezzlement. He said that experience motivated him to get involved with his local government.

"I heard rumors that the leadership of the Adelanto Police Department had problems. We fired the top two guys and retrained the rest of the department and contracted it to the San Bernardino County Sheriff's," said Pelayes. The transition wasn't smooth. Pelayes and his family would sometimes be tailed by the disgruntled Adelanto police and received bogus parking tickets. Pelayes was the mayor of Adelanto from 2000-2003. "At the time I was still a sheriff's investigator and going to law school. Serving as mayor was more time consuming than I thought. On the way to city council meetings my stomach would churn." He did say working SWAT detail helped pre-



IECN COURTESY PHOTO

Tristan Pelayes and his parents fled from Argentina to San Bernardino when he was 12. In 2001, the Inland Empire Latino Lawyers Association named Tristan the Latino Lawyer of the Year. He was also twice the recipient of the Wiley Manuel Award from the California State Bar for his pro bono work within the Inland Empire. He currently runs a private practice with law partner Dennis Wagner in Riverside, and serves exclusively as defense to law enforcement.

pare him as a mayor. "I knew how to slow things down and remain

calm."

According to Los Angeles Times reporter David Kelly, Pelayes received death threats in Adelanto. The Times also reported that the mayor prior to Pelayes was a convicted drug smuggler and the Adelanto mayor after him was accused of embezzling funds from the local Little League. The Times went on to detail other dispicable city hall crimes after Pelayes' tenure in Adelanto including police brutality and animal cruelty. "Government corruption can be limited only after it is recognized and then have the people around willing to bring it to the surface," said Pelayes.

Pelayes is also an Army veteran who worked as a munitions and explosives expert. His resume lists four years as a deputy council for San Bernardino County. His assignments included defending sheriff's officers against civil charges and against more serious offenses like officer involved shootings. Although now in private practice in Riverside with law partner Dennis Wagner, he still serves exclusively as defense to law enforcement.

However as a youngster in Argentina, Pelayes was exposed to those who worked the law against the public's civil rights. His father was a lawyer who defended the citizens of Mendoza, Argentina against the heavy hand of President Juan Peron. Finally, the

Pelayes family was forced to flee Argentina. "We came to San Bernardino when I was 12. I started school and didn't know a word of English. I learned English by translating a book about the life of Houdini. I was not ready for school and was not a fan of it either," said Pelayes. He adapted well enough at San Bernardino High to make all-league in soccer and tennis, but before his senior year, he was a student at Milor Continuation School in Rialto.

"Yes, I had trouble at public school and it was somewhat my choice to go to continuation school. I didn't want to be like the rest and I wouldn't change a thing about that. In fact, it taught me about the trouble that people can get into." His early memories motivated Pelayes to give back in the way of pro bono (free) legal service to a number of legal aid associations. He is a two-time recipient of the Wiley Manuel Award, presented by the California State Bar Association for his pro bono work. He was named the 2001 Latino Lawyer of the Year by the Inland Empire Latino Lawyer's Association.

Pelayes said most cases filed against the police are of the same theme, containing allegations which are usually unraveled because of inconsistencies of the plaintiff. "The police face horrible allegations but the story changes in court." Pelayes said when com-

pared to other areas, charges against San Bernardino law enforcement are small in comparison. "In Orange County, the sheriff went to prison. In Los Angeles, there are more excessive force charges."

Pelayes said that every complaint against the police and government officials should be looked at. "San Bernardino County is currently doing that. There is room for improvement but the image is getting better. There are checks and balances in place. Invoices can be checked." Pelayes said his law partner, Dennis Wagner, was interim San Bernardino County Council when the famous \$102 million Colonies Investments settlement proposal came before him. "Dennis Wagner wouldn't sign off on it but the former board of supervisors approved the settlement. My partner left the county soon after but not because of the settlement."

Pelayes still serves as an instructor at the San Bernardino County Sheriff's Academy where he teaches civil liabilities. He advises the public that when pulled over by the police, keep your hands on the steering wheel and don't start moving around or reach into the glove box. "Keep in mind that the officer doesn't know what to expect. Just be as calm as possible and let the officer explain why he pulled you over."

Tougher anti-metal theft law reflects costly damage to property and risk to public safety

A new anti-metal theft law, authored by Assemblymember Wilmer Amina Carter, D-Rialto, stiffens penalties for a crime that's epidemic and makes the punishment more reflective of the millions of dollars in damage caused to property when copper wiring is stolen.

"Due to the increasing value of metal, more and more thieves are stealing copper wiring from construction sites, digging up underground telecommunication wires and cutting wires at utility stations," said Carter, a Rialto Democrat whose measure, AB-316, went into effect on Jan. 1.

"The damage to property and the risk to public safety can be much

greater than the value of the metal lost," Carter said.

Assemblymember Carter's legislation combats metal theft by classifying stolen copper materials exceeding a value of \$950 as Grand Theft, which carries the harshest penalty possible. The new crime carries a fine of up to \$10,000 and a maximum of three years in state prison.

"This very important law is helping to deter these thefts by increasing the penalty," said Lieutenant Barbara Ferguson, Legislative Liaison for the San Bernardino County Sheriff's Department. Metal theft accounts for one-third of all property crimes in San Bernardino County.

If charged as a misdemeanor, the fine increases from \$1,000 to \$2,500 with the possibility of up to a year in prison. In addition to fines, those found in violation are now responsible for paying the amount of damages and any economic loss to the victim.

In Assemblymember Carter's 62nd District, a theft of wire from a utility site caused an outage that left 25,000 residences without power in sweltering August heat.

"Now that these new penalties are in place, my hope is that thieves will think twice before they steal from our farmers, schools, churches, business owners, utilities and California taxpayers," Assemblymember Carter said.



IECN PHOTO COURTESY OFFICE OF ASSEMBLY MEMBER WILMER AMINA CARTER

From left, California Highway Patrol Officer **Chris Solberg**, who investigates metal theft on state property, with Assemblymember **Carter** and CHP Captain **Glen Dominguez** at a state highway construction site in Rialto.



IECN PHOTO COURTESY OFFICE OF ASSEMBLY MEMBER WILMER AMINA CARTER

Assemblymember **Wilmer Amina Carter** with Governor **Jerry Brown** at a symbolic signing ceremony for AB-316, which stiffens penalties for the rapidly growing crime of copper metal theft.

Traditional Funeral

\$1,595

Includes Casket

Complete Cremation

\$595

Includes Transportation

Family Funeral Chapel and Cremation

Burials • Cremations • Reception Patio

909-875-9000 Rialto

128 North Riverside Ave
2 Blocks Below Foothill

Hablamos Español

familyfuneralchapel.com

Free Hugs

FD 2034