

Friends, family outraged as officer cleared

The district attorney's probe into the shooting death of Hector Hernandez in Fullerton concludes that no charges will be filed.

BY BEN BRAZIL

For more than a year since Hector Hernandez was shot and killed by a police officer in his frontyard, his family and friends waited for the results of an investigation into his death.

When Dist. Atty. Todd Spitzer's office released that much-anticipated report to the public last week, it didn't dispense the justice they had hoped for. Instead, Spitzer's investigation concluded that no charges will be filed against Fullerton police Officer Jonathan Ferrell, who it says was justified in shooting and killing Hernandez.

"The totality of the available evidence shows that the prosecution will not be able to prove beyond a reasonable doubt that Cpl. Ferrell was not justified in believing that Hernandez posed a significant threat of death or serious physical injury to Cpl. Ferrell at the time Cpl. Ferrell discharged his firearm," the report says.

In response to the report, the Justice for Hector Hernandez coalition, which includes about 20 organizations, held a news conference on Monday a few houses down from where Hernandez was killed.

The coalition has spent the last year advocating for Ferrell to be held accountable with protests and by attending City Council meetings to put pressure on city officials.

The news conference began with a presentation by attorney Garo Mardirossian, who is representing Hernandez's family in a lawsuit against the city. Mardirossian is well known in Fullerton for representing Kelly Thomas' family after the mentally ill man was beaten to death by Fullerton police officers.

Mardirossian took umbrage with the conclusions of the D.A. report, calling it "disgusting" and "misleading."

"The OCDA is just trying to cover up what happened that day," Mardirossian said.

Several others from the community and coalition expressed similar sentiments as they spoke at the event.

"Let it be known that our community

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Photos by Don Leach | Staff Photographer

IRVINE RECEIVED \$14.5 million to complete the Jeffrey Open Space Trail at Trabuco Road that will connect coastline to the mountains.

Irvine gets funding to finish open space trail

Irvine received \$14.5 million this week to complete the Jeffrey Open Space Trail, which will connect the coastline to the Santa Ana Mountains and the Cleveland National Forest.

The trail is currently 3.5 miles long, spanning east to west along Jeffrey Road from Portola Parkway to the 5 Freeway.

That portion of the trail cost \$30 million and was formally dedicated in 2015. With the new funding, the last 1.5 miles can now be developed.

State Sen. Dave Min (D-Irvine) presented city leaders with the check on Wednesday during a news conference. Work is expected to begin next summer on the trail.

"I'm thrilled this year's state budget designates \$14.5 million to fund the completion of JOST," Min said in a statement.

"Open space preservation is smart policy, which not only supports our sustainability efforts but also improves the quality of life for our residents and brings our community together. Thank you to my hometown, the city of Irvine,



THE ENTRANCE to the Jeffrey Open Space Trail. With new funding, the last 1.5 miles can be developed.

for being a fantastic partner in this endeavor! I'm excited about the possibilities for hikers, bikers and other outdoors enthusiasts once the Jeffrey Trail is completed."

The Jeffrey Open Space Trail is used by hikers, bikers, runners and families. The trail

pays homage to 500 years of local history, with displays along the trail providing a timeline back to 1510, when the first Spanish explorers arrived — though native tribes were already here.

"Continuing to enhance our great city's open space areas is

something I couldn't be more proud of accomplishing," Mayor Farrah Khan said. "Our community thrives on being healthy and enjoying our master-planned community, and I'm so grateful for the partnership with Sen. Min."

— From staff reports

Dumpling restaurant empire expands into Orange County

CHEFS PREPARE food in the kitchen at Paradise Dynasty at South Coast Plaza on July 20.



Scott Smeltzer Staff Photographer

BY LORI BASHEDA

It took a total of one day for dumpling fans and foodies of all stripes to sniff out one of the buzziest Orange County restaurant debuts in recent memory.

Paradise Dynasty opened its first U.S. location at South Coast Plaza July 20 with zero advertising, and the next day people were piling up outside the restaurant, waiting up to two hours for a seat.

The Singapore dumpling empire has 45 other locations in nine countries throughout Asia, but this is their first in America — a long-awaited dream, says Eldwin Chua, who co-owns the chain with his younger brother, Edlan.

"All the biggest brands are from the U.S.," he told me. "To have that international eyeball, it has to be an outlet in the U.S."

The brothers have been trying to land a spot at a Southern California shopping center for the past decade. Every mall they lobbied though, from the Grove in Los Angeles to the Americana at Brand in Glendale, already had a Din Tai Fung, a Taiwan-based restaurant chain that is the undisputed juggernaut for soup dumplings in the U.S.

Malls didn't want to lease to a competitor, particularly one without a track record in this country. South Coast Plaza was no exception. A Din Tai Fung opened there in 2014 and still

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Irvine becomes first city in O.C. to pledge carbon neutrality

BY BEN BRAZIL

With the Irvine City Council's unanimous approval of an aggressive climate resolution on Tuesday night, the city became the first in Orange County to make a pledge of carbon neutrality.

As California begins exploring ways to become carbon neutral by 2035, cities are faced with quickly adopting their own climate action plans to help the state achieve its goal. The Irvine ACHIEVES resolution, which calls for the city to reach a zero-carbon economy by 2030, will guide its climate action plan.

In addition to being the first in the county, Irvine is only the third city in the state to set a carbon neutral goal, Irvine spokeswoman Kristina Perrigou said.

The approval of the resolution comes just a day after the United Nations' Intergovernmental Panel on Climate Change published an alarming report calling climate change a "code red for humanity" that is already being felt across the world and will only continue to accelerate.

"We really are at a crisis point right now," said Irvine Vice Mayor Tammy Kim. "And I believe that Irvine can definitely be one of the leaders when it comes to our role in climate change."

Mayor Farrah Khan said the resolution is a good first step. Councilman Larry Agran said achieving carbon-neutrality by 2030 is "really really aspirational."

"To adopt and implement the policies to make that happen, it seems like we should have started five or 10 years ago," Agran said. "... Unless we get super serious and super aggressive about solarization and electrification ... the 2030 carbon neutrality, aspirational date will appear to be a cru-

el joke."

Due to the city's ambitious climate plan, Irvine has a chance to be a part of the Cool City Challenge, which is funded by the Empowerment Institute, an international consulting and training organization specializing in empowering cities to meet their carbon reduction goals.

As part of this initiative, three California cities will receive \$1 million each to roll out their climate programs.

The city that develops the most innovative program will receive the Carbon Neutral City Prize, along with \$25 million in funding.

That funding can help the city implement its climate plans outlined in the resolution.

The resolution proposes a number of methods to help reach carbon neutrality, including considering zero-carbon standards for new buildings and making older buildings energy efficient, and installing more vehicle charging stations throughout the city.

According to the city's strategic energy plan, buildings, transportation and waste account for 56%, 33% and 11%, respectively, of Irvine's greenhouse gas emissions.

Ayn Craciun, a policy advocate with the local Climate Action Campaign, called Irvine's climate resolution "groundbreaking" and an important first step for the city.

"A journey of 1,000 miles begins with a single step," she said Wednesday during a phone interview.

Craciun praised the city's resolution for focusing on environmental justice. The resolution says that the city will strive to ensure environmental, economic and social justice in its climate policy by seeking input from community stakeholders, "protecting com-



Raul Roa | Staff Photographer

A LARGE CROWD gathered to draw attention to the issue of climate change in Irvine in September 2019.

munities that are vulnerable to environmental damage."

"It will help ensure social justice in the city's climate actions and protect communities that are vulnerable to environmental damage," Craciun said. "That's important because, while the climate crisis affects all of us, it impacts communities of color first and worst."

Craciun said it's a "huge reach" for the city to become carbon neutral by 2030, but it is already in a better spot as a member of the Orange County Power Authority, the county's first community choice energy program.

CCE programs provide cities with an alternative to major energy providers like Southern California Edison, the energy titan serving most of Orange County and the region. Through a CCE,

local governments can retain control of purchasing power, setting rates and collecting revenue, though the local utility still maintains the electrical grid. CCE's can choose to purchase more renewable energy sources. Irvine is a member of the power authority along with Huntington Beach, Buena Park and Fullerton.

Craciun's group led the charge for the establishment of the O.C. Power Authority, though the agency has faced scrutiny for transparency issues and how committed it is to renewable energy.

"As long as they implement 100% renewable energy for all electricity users in this city, then that will put them well on their way," Craciun said.

A few other representatives from local organiza-

tions showed up to the meeting to show support for the city's climate resolution.

Suyama Bodhinayake, director of sustainability and advocacy at the American Institute of Architects Orange County, said his local group and the statewide chapter of the AIA sent a letter to the city in support of the ACHIEVES resolution.

"California cities will have to take urgent action to meet the zero emissions goals set by the state as early as 2035," Bodhinayake said. "Cities cannot wait to pass policies to go into effect even five years from now and hope to meet these targets."

Bodhinayake took aim at the energy consumption and emissions of Irvine's buildings.

"This city has to urgently

address ways to reduce the emissions and improve the energy efficiency of all buildings," he said. "A readily available, cost-effective option is building decarbonization through electrification ... The AIA supports the Irvine ACHIEVES proposal for zero-net carbon building codes in all new construction and for incentivizing existing buildings to be energy efficient, and zero carb."

Linda Kraemer, co-chair of Climate Reality Orange County, said her group supports the climate resolution.

"There is a huge opportunity here to be the leader in clean tech in Orange County and set the example for other cities," Kraemer said.

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Newport Beach police ID cold case killer from 1980

BY SARA CARDINE

On the afternoon of Nov. 26, 1980 — the day before Thanksgiving — Irvine resident Judy Nesbitt left for Marina Dunes Yacht Anchorage to show the family's listed 35-foot cabin cruiser to a potential buyer.

The appointment had been set for 1 p.m., but hours later, Nesbitt still hadn't returned home. Husband Fred traveled to the marina, found the slip where "Felicidad IV" was tied up and descended into the cabin.

There, he found the body of his wife amid a scene investigators would describe as one of violent struggle. Judy Nesbitt, mother of four, had been shot once in the head and left for dead, the Los Angeles Times reported in 1980.

Some credit cards, a checkbook and cash pointed to robbery as a possible motive for the murder. But even after working through the Thanksgiving holiday, Newport Beach police could not obtain a clear lead on a suspect in what became a cold case that spanned the next four decades.

NBPD officials on Monday announced that with the help of DNA extraction and some genetic genealogy,

they'd finally identified the killer — Kenneth Elwin Marks, who died in 1999 — and delivered the news to Nesbitt's living family members.

"This is a case that has hung heavy in the hearts of our community, our department and the Nesbitt family," Newport Beach Police Chief Jon T. Lewis said in a statement.

"Kenneth Marks has passed away, but he no longer gets to hold the secret of his deeds. Through incredible advances in technology and the tireless dedication of these investigators, we now have some closure for all who knew and loved Judy Nesbitt."

Police described in Monday's release how hairs from an unknown suspect were kept in evidence until 2002, when a limited DNA profile was extracted from their roots and entered into the FBI's Combined DNA Index System, a database that catalogs genetic information for use by law enforcement agencies.

For the next 16 years, the DNA profile sat in the system, unmatched with any other sample, while Newport Beach police continued to puzzle over whom the hairs belonged to, the release indicated. Then, in 2018, a technological ad-

vance provided investigators the break they needed to identify the suspect.

Green Laboratories, LLC, was able to extract an expanded DNA profile from the remaining hair shafts that with the help of genetic genealogist CeCe Moore, were used to identify Marks as Nesbitt's killer, police reported. Police said it was the first case in the nation in which DNA extraction was used to identify a murderer in a criminal investigation.

An obituary printed in Texas' Fort Worth Star-Telegram, reveals that Marks, 44, succumbed to cancer at his home in California on April 30, 1999. The notice was published with a Santa Ana dateline and indicated Marks was to be buried at Thomas Cemetery in Bridgeport, Texas. It is unclear whether he had been connected to any other crimes.

Members of the Newport Beach Police Department met with the Nesbitt family to inform them that the cold-case murder had finally been solved, according to the release. A department spokeswoman did not immediately return calls seeking further information on the case.

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Judge grants new trial to convicted Sunset Beach killer as snitch scandal continues to impact cases in Orange County

BY BEN BRAZIL

Though it's been seven years since the Orange County snitch scandal was first brought to light, it continues to impact important cases.

This week, Orange County Superior Court Judge Patrick Donohue granted a new trial to a man convicted in 2010 of stabbing a Sunset Beach man to death after sheriff's deputies declined to testify in court about their alleged misuse of illegal informants to obtain incriminating information from accused defendants.

Paul Gentile Smith was sentenced to life in state prison for torture and murder after he stabbed his longtime high school friend Robert Haugen so many times that he almost decapitated him in his Sunset Beach apartment in 1988. He then set the apartment on fire.

Some of the most damning evidence that led to Smith's conviction came from conversations he had with a jailhouse informant.

Dist. Atty. Todd Spitzer's office requested the new trial late last week after deputies refused to testify.

The request came amid a set of hearings that were requested by assistant public defenders Scott Sanders and Sara Ross regarding whether Smith's constitutional rights were violated when he was allegedly targeted by informants. The public defenders also allege that this information was withheld from defense attorneys.

Spitzer indicated this week that he is hiring an outside firm to conduct an independent investigation to the case.

Sanders uncovered the snitch scandal during the trial of Scott Dekraai, who was responsible for the county's worst mass shooting, killing eight people inside of a Seal Beach salon in 2011. Sanders found that sheriff's deputies and pro-



Gary Coronado | Los Angeles Times

CONVICTED KILLER Paul Gentile Smith was illegally targeted by informants while in the Orange County Jail in Santa Ana. An Orange County Superior Court judge granted a new trial this week after issues were raised over whether his constitutional rights were violated.

secutors had targeted high-profile defendants with jailhouse informants to obtain confessions and incriminating information, a violation of their constitutional right to have an attorney with them. An Orange County judge ended up removing former Orange County Dist. Atty. Tony Rackauckas' office from the case.

"We have confidence in the facts that resulted in the defendant's 2010 murder conviction," Spitzer said last week in a statement about the Sunset Beach case. "Irrespective, we had no choice but to concede a new trial as a result of a failure by the prior district attorney administration to provide proper discovery to the defense in addition to the recent revelation that Orange County Sheriff's deputies and investigators would refuse to testify."

When Smith was booked at the Orange County Jail, he was placed in L-20, which was identified during the informant scandal as one of two "snitch tanks" where high-value defendants and informants were



Allen J. Schaben | Los Angeles Times

ASSISTANT PUBLIC DEFENDER Scott Sanders represents Paul Smith, for whom a judge has granted a new trial.

routinely placed.

Sanders said three informants — Art Palacios, Paul Martin and Jeff Platt — then worked to get information from Smith. The most conclusive evidence against Smith came from Palacios, who testified that Smith had admitted the murder to him.

However, Sanders said that the two other informants were concealed from the defense.

A 2009 interview of Platt

wasn't made known to the defense until 2019.

"The interview of an informant related to this case was in the Orange County Sheriff's file the entire time," Spitzer said. "There are numerous references throughout the investigation that this individual was also an informant. Another informant who testified at trial also referred to this first informant repeatedly when investigators interviewed him.

"The Orange County district attorney's office, under the prior administration, had a responsibility to determine that first informant was interviewed and to turn that information over to the defense. That was not done until nearly nine years after trial."

Sanders said it's clear why prosecutors dreaded the disclosure of the interview and chose to withhold it from the defense.

"In the interview Platt describes how he, Palacios and Martin obtained the alleged confession," Sanders said.

"He admits that they were not simply good listeners, but that they worked Smith to get him to speak about the crime."

The prosecutor in charge of the Smith case was Brahim Baytieh, a high-ranking member of Rackauckas' administration and now Spitzer's senior assistant district attorney.

Sanders said that Baytieh, a candidate for Superior Court judge, intentionally withheld information on the informants from the defense.

Baytieh regularly argued against the existence of the Rackauckas department's use of jailhouse informants as the scandal played out over the years.

"The evidence is ultimately overwhelming that Baytieh knew that Platt was an informant soon after Platt was interviewed in July 2009," Sanders said. "Baytieh intentionally withheld knowledge and evidence that Platt worked alongside the testifying informant Art Palacios, as well as informant Paul Martin."

Sanders said Baytieh can't claim that he wasn't aware of Platt's role as an informant. He referenced that in 2009, Palacios told investigators that Platt was attempting to assist Smith in assaulting or killing lead investigator Raymond Wert and witnesses.

But Platt was never pros-

ecuted for the alleged plan. Sanders said this shows that Baytieh knew Platt was an informant.

"But if Baytieh believed Platt had conspired to kill or assault, Baytieh would have had Platt investigated and prosecuted," Sanders said. "That never happened and Platt was allowed to remain out of custody on his felony case as he allegedly engaged in discussions with Smith aimed at bringing violence to Investigator Wert and others. Very clearly, the entire prosecution team realized Platt was an informant beginning in 2009."

D.A. spokeswoman Kimberly Edds responded to Sanders' claims about Baytieh in an emailed statement on Thursday.

"The Orange County district attorney's office tries its cases in a court of law as professional prosecutors," she said. "Despite promises and reassurances from Public Defender Schwarz, Mr. Sanders continues to try his cases in the press. We do not engage in such tactics."

Sanders provided a response to the D.A.'s statement.

"This D.A. policy of not discussing cases with the press is one that apparently applies only to this case," Sanders said.

"And it just so happens it's on a case where prosecutor who oversees evidence disclosures withheld evidence for a decade, while still finding time to appear with his investigator on a reenactment documentary about the case."

O.C. Sheriff Don Barnes responded this week to the department's alleged use of illegal informants in the Sunset Beach case.

"The People v. Smith case is a 1988 homicide that went to trial in 2010, long before the discovery of issues regarding the use of informants in the jail," Barnes said in an emailed

See **Trial**, page R4



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Photos by Scott Smeltzer | Staff Photographer

KELSIE ANDERSON, right, and others participate in a Brazilian capoeira class at Segerstrom Center's Argyros Plaza in Costa Mesa on Tuesday.

Martial arts blends with rhythm and song

BY SARA CARDINE

Segerstrom Center for the Arts' Argyros Plaza in Costa Mesa was a scene of mass movement Tuesday evening, as locals participated in a dance tradition dating to the 16th century that seamlessly blends martial arts, rhythm and song.

In the span of a one-hour class, students learned the fundamentals of capoeira, a Brazilian style of movement developed by West African slaves as a secret fighting technique, cloaked in song and dance, that has developed into an innovative and rhythmic art form practiced and appreciated all over the world today.

Instructor Jackson "Mosquito" Ferreira, of San Francisco's ABADÁ-Capoeira, learned the practice in 1989 in Porto Alegre, Brazil and began teaching classes in capoeira's nation of origin in 2007.



MARK AND DINA WATERS practice capoeira at Segerstrom Center's Argyros Plaza.

On Tuesday, he shared brief highlights of the tradition and coached dancers through movements set to music.

The class was the second of five sessions that run each week, from 6:30 to

7:30 p.m., through August as part of Argyros Plaza's Tuesday Night Dance series.

Marytza Rubio, Segerstrom's director of community engagement, said the weekly dance classes have

become one of the most popular offerings at Argyros Plaza and part of a commitment to open the space to the wider public.

"We really want the plaza to be a place that feels like a community center, where

everybody is welcome," she said.

"The instructors we chose are charismatic and engaging and know how to appeal to all levels of dancers. And we're outside, so people feel free to dance and listen to music — it's a really good energy."

In addition to evening weekly dance sessions, Segerstrom plans to host a silent disco on Aug. 28, during which participants have music piped into headphones and dance individually and collectively. Meanwhile, plans are in the works for a full day of activities in honor of National Dance Day on Sept. 18.

Tuesday night dance classes cost \$10 per person. No experience is necessary, and all ages and all levels of ability are welcome. For more, visit scfa.org.

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TRIAL

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statement. "The department has rectified those issues and implemented policies and numerous safeguards. I trust the criminal justice system has processes in place to address this matter appropriately and have confidence that people will be held accountable for their criminal acts."

Pete Hardin, who is hoping to unseat Spitzer in next year's election, took aim at his opponent this week, stating that Spitzer promised to clean up the office after the snitch scandal.

"Instead, he just consigned on it," Hardin said in a statement. "At the center of the scandal is Deputy D.A. and candidate for judge, Ebrahim Baytieh, who withheld evidence in this case. Spitzer has called Baytieh his 'North Star ... someone you look up to guide you.' That guidance has left our justice system mired in scandal."

Spitzer took umbrage with Hardin's comments.

"In keeping with my promise to restore integrity at the district attorney's office, we asked for the defendant to be granted a new trial at the very first opportunity he had to be heard by the Court," Spitzer said in an emailed statement.

"Criminal attorney Pete Hardin is standing side by side with a charged murderer and is intentionally trying to jeopardize the retrial of a case where the victim was stabbed 18 times, nearly decapitated, and then lit on fire.

"Hardin's baseless attacks are intended to distract voters from the fact that he wants to turn Orange County into Los Angeles, where criminals are put first by their D.A., and victims are always last."

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CLEARED

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is in pain — angered, disgusted with how the Orange County district attorney's office has handled this tragedy," said Erika Cervantes, a member of the coalition and a legal fellow at the Disability Rights Legal Center. "Let it be known that Hector Hernandez should be with us today, with this family and with his kids today ... We will keep demanding transparency and accountability. In other words, we will not stop demanding justice for Hector Hernandez."

Bill Brown, a close friend of Hernandez, spoke at the news conference. Brown said he hasn't slept well since his friend was shot to death in front of him.

"The clear message that I take away from this from Todd Spitzer is he's telling us that there's one set of laws for law enforcement and another set of laws for the community," Brown said.

Hernandez was shot on May 27, 2020, on West Avenue.

According to the district attorney's report and an accompanying video, one of Hernandez's sons called the police to report his stepfather for being drunk, hitting his brother and brandishing a knife. The boy also reported that Hernandez had armed himself with a gun and fired the weapon.

After police arrived on scene, body-worn camera footage of the shooting shows Ferrell approaching Hernandez's home with his K-9 unit while officers have their guns drawn.

In the footage, as Ferrell gets up to the home, he directs the dog toward Hernandez, who is standing in his frontyard with his hands up. The D.A. report says Hernandez turned as though he were going back inside his home. Ferrell believed there were children still in the home.

The police footage shows and the D.A. report references that the dog disobeyed at first and ran toward other officers. Mardirossian said this shows that the dog did not



Raul Roa | Staff Photographer

NEIGHBORS AND family members attend a memorial for Hector Hernandez, on the one-year anniversary of his death.



Scott Smeltzer | Staff Photographer

ATTORNEY GARO MARDIROSSIAN speaks during a news conference concerning the police killing of Hector Hernandez.

see Hernandez as a threat. At the urging of Ferrell in the video, the K-9 turns and rushes toward Hernandez to take him down, Hernandez puts one of his arms down and takes a 3-inch knife from his pocket. After the dog takes him down, he stabs the dog near the shoulder blade.

Ferrell runs up to Hernandez, fires a shot, yells, "He's got a knife!" and fires another round.

Ferrell pulls the dog from Hernandez while it tears away at his shirt. In searching the unconscious Hernandez, police did not find a gun.

"He's just got his hands up the whole time, then they release the dog," Mardirossian said. "Then he has to try to protect himself from being mauled by a dog."

"... A 2-inch or 3-inch pocket knife in your pocket is not illegal. And even then, he did not touch that pocket knife and pull it until after the dog was mauling him. And you have a right to grab whatever you can ... to stop excessive, illegal use of force against you."

In his interview with D.A. investigators, Ferrell said that his main concern was



Scott Smeltzer | Staff Photographer

SUSAN LUEVANO holds a sign during a news conference concerning the death of Hector Hernandez.

preventing Hernandez from going back into his home, potentially creating a hostage situation. Ferrell said he first saw that Hernandez had a knife when he was grabbing a hold of his dog and standing over Hernandez. He said Hernandez made stabbing motions toward him.

"Cpl. Ferrell feared for his life due to the close proximity he was to Hernandez and Hernandez's unrestrained arms," the report says. "Cpl. Ferrell maintained that he was in fear of being imminently stabbed by Hernandez."

Mardirossian said Her-

nandez never made a move to go into the home. It isn't clear in the body cam footage that he turned to walk inside. Instead, when Ferrell sends the dog toward Hernandez, he has his arms raised and is facing the officers in his frontyard.

"He never turned around, never reached for the door, his hands are up," Mardirossian said.

Mardirossian said that officers claim fear for their lives as a pretense to justify excessive use of force, and that Hernandez was never making any swinging motion with the knife toward

Ferrell. Mardirossian also said the law requires officers to warn of impending deadly force, which was not done in this case.

"What we run into often is officers that claim that they feared for their lives, and that's why you have to kill an innocent person," he said.

Members of the coalition agree that the dog should never have been directed toward Hernandez.

"The K-9 officer got concerned about his dog," Brown said in a prior interview. "The K-9 officer wasn't being threatened at all. Nobody in the frontyard was threatened, other than the dog, because the dog was attacking him."

Brown continued: "I mean he just got totally reckless because it was like he just got tunnel vision. He focused on, 'Oh, my God, he's hurting my dog, I'm gonna stop him now ...' That's exactly what it seems like happened — he lost all control of his training and reasonable thinking and just decided, I need to do this."

According to the D.A. report, deadly use of force cannot be used in defense of property. Because dogs are considered property, it wouldn't have been justifiable for Ferrell to have used lethal force to protect his dog, the report says.

When reached for comment on the coalition's and Mardirossian's claim that the report is misleading and fails to hold Ferrell accountable, D.A. spokesman Kimberly Edds said that "the legal analysis and the video speak for themselves."

Mardirossian said he hopes that if Spitzer is unseated during this year's election, the next Orange County district attorney will consider looking into the case. If not, he said he hopes the state attorney general will take up the case.

With regard to the Hernandez family's lawsuit, Mardirossian said the case was on hiatus until the D.A. report was released. He can now access more records

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Scott Smeltzer | Staff Photographer

EDLAN CHUA, left, the COO of Paradise Group, and **Eldwin Chua**, its CEO and founder, at Paradise Dynasty.



Scott Smeltzer | Staff Photographer

GUESTS EAT LUNCH during a soft opening at Paradise Dynasty.



Lori Basheda

PARADISE DYNASTY'S Rainbow Xiao Long Bao dumpling basket.

DUMPLING

Continued from page R1

draws crowds. Paradise Dynasty was sent away.

Recently, though, Irvine developer Morgan Zhang leased a giant space inside Bloomingdale's to create an elevated food hall called Collage. He then reached out to Paradise Dynasty, offering the brothers a sublease — inviting them to be the centerpiece. Jackpot.

"We are fortunate," Eldwin said. "What beats the best location in Orange County?"

He and his brother, along with a small kitchen team, flew in from Singapore a few weeks ago for the opening.

While some foodie influencers

have forecast a dumpling war between Din Tai Fung and Paradise Dynasty, Eldwin says it's not a competition: The two have different styles.

Din Tai Fung is famous for its Shanghai-style soup dumplings & noodles. Paradise Dynasty, on the other hand, has a menu that draws from eight different regions in China and includes traditional dishes like fried rice and stir fry, in addition to soup dumplings.

The thing that put Paradise on the foodie map is that they were "the first in the world" to make dumplings with a variety of flavors and colors, according to Eldwin.

"I didn't want to be labeled a copycat," he said. "Another Din Tai Fung."

Natural dyes are added to the

dumpling dough — spinach juice for green, carrots for orange, squid ink for black.

Their Rainbow Xiao Long Bao dumpling basket is almost too pretty to eat. Eight plump little pouches arrive arranged in a circle. Diners are instructed to eat them in order, from the milder OG pork dumpling to bolder-flavored fillings like foie gras, black truffle, luffa gourd, cheese and crab roe. The final dumpling is fiery red with a spicy Szechuan kick.

"The thing about Singapore is we have a lot of bold flavors from all these neighboring Southeast Asia countries," Eldwin said. "So we created our own Singapore-style Chinese flavor. The taste is bolder, with more layers of flavors. The food is more refined."

Each dumpling is sized to be eaten in one bite, although a big bite. Pop it in your mouth, sink your teeth into the soft dough, and savory broth seeps out with the filling. Fans call them flavor bombs.

Eldwin, now 44, started his culinary career at a McDonald's when he was only 12. The legal working age in Singapore at the time was 13 so he lied to get the job. Soon after he moved up to

hotel kitchens.

"It was there I learned the basic culinary skills," he said.

At 22, he took over his grandfather's coffee stall. And a few years later he opened his first Paradise Dynasty, handing out fliers on rollerblades when he wasn't buying ingredients at wet markets or working in the kitchen.

His vision then was the same as it is now, he says.

"It's the total experience. The food has to be good, the service has to be good. The price point has to be right. So it's like you are entering a very tasteful restaurant that is affordable."

The South Coast Plaza spot is contemporary, westernized with modern Asian elements and a sleek bar. Beer, wine and cocktails will be served once the liquor license is approved.

Eldwin says he hopes to have a partial reservation system by the grand opening on Sept. 13. He's also setting up a wait list via Yelp to shorten the lines, which have stretched to up to 100 people on weekends.

It's a good problem to have.

LORI BASHEDA is a contributor to TimesOC.

CLEARED

Continued from page R5

and start taking depositions. He said it will take one to two years before they get into a courtroom.

Peter Hardin, who is running against Spitzer for D.A., has been critical of the district attorney's role in the drawn-out investigation.

"It's clear that different tactics could have been employed in this incident to better ensure the safety of

the child in the home, the responding officer, the K-9, and, of course, Mr. Hernandez himself," Hardin said in an emailed statement this week.

"Our current D.A.'s failure to make a decision in this case for well over a year, when the entire incident was captured on video, is problematic for the Hernandez family, the officer involved and our community as a whole. It's a failure of leadership — we deserve more timely answers."

In response to a question about whether he would consider looking into the Hernandez shooting if he's elected district attorney, Hardin responded: "Ignoring the community's pleas and sweeping past failures under the rug has contributed to D.A. Spitzer's endless parade of scandals and lawsuits, and I will not follow in his footsteps."

"We must be willing to reflect and question ourselves with respect to cases in which justice may not

have been served — that's the only way we grow as individuals and as a profession, and that's how we restore faith in law enforcement and our justice system. That makes our community safer and stronger."

Spitzer was critical of Hardin's comments.

"Armchair quarterback and criminal attorney Pete Hardin is demonstrating yet again why he should never be allowed within 1,000 feet of the D.A.'s office,"

Spitzer said in an emailed statement.

"These are difficult and sensitive cases that require careful consideration of all available evidence and the law, yet Hardin's main critique is this decision should have been made with haste and recklessness. For Hardin, no analysis of the facts is necessary because he will simply cater to the woke criminal justice movement he is seeking to usher into Orange County. "The real kicker here is

that Hardin does not even have the requisite experience to be qualified to review such a case, and if you look at Hardin's record both as a judge advocate and in his probationary period at the O.C. D.A.'s office — including a case where his fellow marine was shot — he is incompetent as a prosecutor and would probably have difficulty catching Pinocchio in a lie."

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