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Hunger strike ends after AG rejects claim

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A Paradise man agreed to end a three-week public hunger strike Friday, saying it was enough of a victory to get state prosecutors to look into his stepson's violent arrest seven years ago, even though he strongly disagreed with their conclusions.

Asked what his first meal will be, Fidel Molina, 55, replied: "I'm so mad, I can't eat."

A prosecutor for the California Attorney General's Office on Friday said after viewing a surveillance videotape of the 2000 incident, two Butte County sheriff's deputies did not use excessive force during the arrest of Molina's inebriated stepson outside an Oroville gaming casino.

Molina is upset investigators never attempted to get his side of the story before reaching that conclusion.

"I apologize to the public for backing out of this," he said of his decision to end the 18-day hunger strike.

"But if they're not going to really take a look at this, what's the use?" the ridge protester added glumly.

Molina had been fasting since July 17 at City Plaza — consuming only water and salt packets — to force an outside investigation of the seven-year-old casino incident.

Sue Hilderbrand, director of the Chico Peace and Justice Center, which intervened on Molina's behalf, said the ridge protester's public fast was successful in "raising much awareness about police brutality in Butte County," adding her group has since been contacted by several others with similar experiences.

On Friday morning, Hilderbrand and another official with her group delivered a letter to the state attorney general in Sacramento, asking for a full investigation of Molina's complaint, accompanied by a copy of the casino surveillance tape.

Senior Assistant Attorney General Michael P. Farrell pointed out in a two-page response that after hearing testimony in the case and examining the same videotape, a Butte County Superior Court jury had rejected excessive force claims against the two arresting officers, when it convicted Molina's stepson, Andy Fulton Jr., of assault and resisting arrest charges in the 2000 casino incident.

The conviction was later upheld by a state appeals court, which also had access to the videotape, Farrell noted.

The Attorney General's Office Friday also rejected a related complaint by Molina that the subsequent arrest of his stepson in 2005 during a break in Molina's own resisting arrest trial, was "bogus" and "orchestrated" by the District Attorney's Office.

While a DA employee did claim to have seen the stepson put a weapon in Molina's car in the court parking lot, the arrest was later validated when Fulton pleaded guilty to the possession of a dirk or dagger, the state prosecutor stated.

Molina claimed that detaining him, his stepson and his teenage grandson at gunpoint in front of three of Molina's jurors, forced a mistrial in his own case, preventing him from being acquitted by a jury and telling his side of the story.

But the state prosecutor pointed out it was Molina's attorney who requested the mistrial and because the charges were later dismissed by the judge, the matter is closed.

Both Molina and the Peace and Justice Center had requested that state investigators compare the surveillance video with written transcripts of the arresting officers' testimony to show they may have perjured themselves on the witness stand.

Cathy Webster, a member of the Peace and Justice Center's board of directors, said prior to turning over a DVD containing the black-and-white surveillance tape Friday, they held a news conference in front of the attorney general's office, during which they read a letter seeking justice for Molina and his stepson.

"We were not asking them to retry the case," said Webster. "What we're looking for is an explanation of the actions by police on the video. It looked like excessive force to us," she added.

In his two-page written response, which was hand-delivered to Molina Friday in City Plaza, Farrell said the evidence showed that after Molina and his stepson were ousted from the Oroville Gold Country Casino in July 2000 for being "intoxicated and belligerent," "witnesses observed both you and Mr. Fulton to be aggressive and non-compliant to the deputy's directives" and observed (Molina) to "encourage (his stepson) to be violent."

Fulton's jury subsequently found him guilty of assault and resisting arrest, but reduced the charges from a felony to a misdemeanor.

"Because one can be convicted of resisting arrest only when a peace officer acts lawfully, the jury's verdict also reflects its conclusion that the deputies did not commence an 'unprovoked beating' on your stepson," the state prosecutor concluded.

Molina alleges that after his handcuffed stepson was rendered unconscious with a carotid choke hold, one of the arresting officers dropped all of his weight on Fulton's neck, striking him twice with his baton and punching him in the side of the head with his closed fist.

Molina also claims that during the trial, one of the government's witnesses testified Molina was just trying to protect his stepson, not incite him to fight the officers.

After viewing the surveillance tape Friday, the state prosecutor said Fulton's jury "found that the officers acted lawfully and the surveillance video confirms that. ... I believe the jurors did an excellent job."

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