

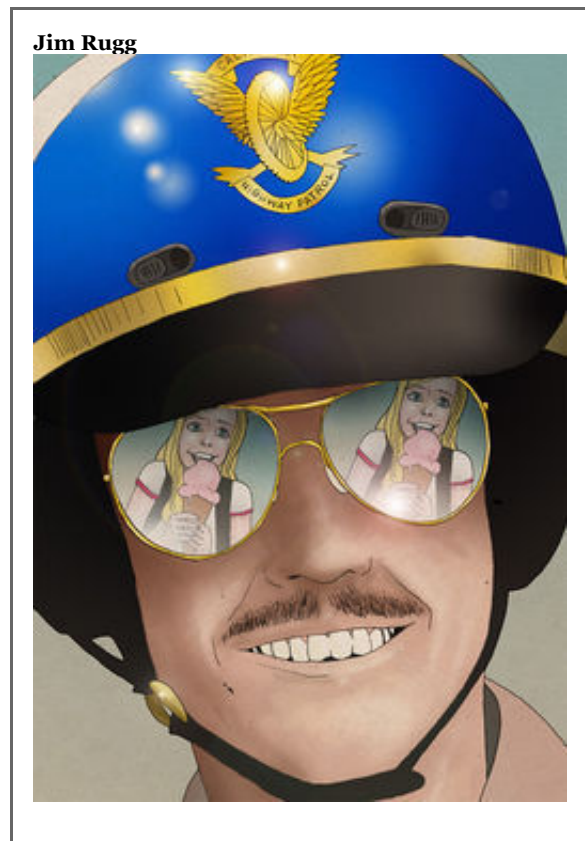
Judge Goes Easy on CHP Pervert

[Moxley Confidential] After trying to screw a minor, Lieutenant Stephen Deck predicted he'd walk. He was very nearly right

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One Orange County judge signals his philosophy to jurors by hanging a poster of a shoot-first-ask-questions-later Clint Eastwood character in his courtroom. Judge M. Marc Kelly is more subtle. The wall to Kelly's left—the one that faces jurors who sit in his 10th-floor courtroom—is loaded with Notre Dame paraphernalia, including a headshot of the university's loudmouth former football coach, Lou Holtz. It's odd artwork in a criminal-justice setting for several reasons, including that Holtz famously uttered about a player, "He had shoulder surgery on his elbow." In the Orange



County district attorney's office, many believe Kelly recently made his own gaffe. He ignored prosecution and probation department requests of stern punishment for a condom-carrying, 51-year-old police officer who attempted to have sex with a 13-year-old Laguna Beach girl after she revealed her parents had left home for the evening. Prosecutor Robert Mestman wanted Stephen Robert Deck sent to prison because Deck had loudly proclaimed his innocence, lost a lewd-conduct jury trial in 2009, isn't remorseful and "continues to be a danger to society."

During the March 19 sentencing, a weepy, trembling Deck—who was a California Highway Patrol (CHP) lieutenant in OC when he was arrested in February 2006—pleaded for mercy. Reading from a handwritten note, he told Kelly that he had "no excuses," he wasn't a pedophile, and he's "tackled the issues."

"I'm asking for the opportunity to be on probation," said Deck, who was handcuffed to his chair and wearing an orange OC Jail jump suit. "I will do well. I'm truly sorry for my actions."

Deck's acts were despicable. He used the Internet to search for underage sex partners in the sixth, seventh and eighth grades—or younger. For example, according to law-enforcement records, the CHP officer told Kristin, his 13-year-old Costa Mesa online-chatting partner, to turn off the Yahoo Messenger archiving feature on her computer so her mother couldn't discover their relationship. Then he tried to lure the girl to a hotel room near South Coast Plaza. He hoped to get her pregnant there, according to a later-recovered chat log.

Court records show Deck also solicited Allison, a 13-year-old girl living in the Pacific Northwest. During an online chat, he sought sex with her and her 10-year-old sister. The veteran cop suggested that after they met, the trio's foreplay should begin in the kitchen, where they'd eat food off one another's naked bodies.

In chats with Jennifer, another underage girl living in an unknown location, the unmarried, 5-foot-8-inch, 170-pound Deck repeatedly sought a rendezvous. He told the minor he wanted "to eat her beautiful, young cunt" and stuff "daddy's cock in my lil [sic] gurls [sic] pussy." It's unclear if he ever met this teen. What is certain, however, is that Deck belonged to an online incest-themed club called "Daddies & Daughters."

The worst-known case involved Amy, the 13-year-old in Laguna Beach. While chatting online, he told the seventh-grader she was "hot" and "sexy." He said he wished "people didn't make such a big deal about older/younger." He expressed concern to Amy that she might tell her mother. When at ease, he asked the girl if she "liked sucking cock."

During a Feb. 18, 2006, chat, Amy told Deck that her parents had left for the evening. It was the opportunity he craved. The off-duty cop drove 45 minutes from his San Diego County home. In anticipation of what he'd called "that daughter/daddy thing," he carried condoms.

In case it was a trap, he also carried pie as a cheap prop to help explain why he'd emphatically told the girl he wanted to eat her . . . pie. It turned out that the girl was actually a decoy working in conjunction with Laguna Beach police and Perverted Justice, the citizen group featured on *Dateline NBC's* "To Catch a Predator" series. Besides Deck, the sting nabbed 12 other men.

Kelly—a former prosecutor—knew Deck's "voracious sexual addiction" problems well: He presided over the trial. "There is no doubt in my mind that you would have gone through with sexual acts with a minor if [the Laguna Beach girl] hadn't been a decoy," the judge said. "That scares me."

According to guidelines, Kelly could have sentenced Deck to anywhere from zero to four years in state prison. Mestman wanted the maximum; Deck didn't want to spend a minute in prison. While the majority of the men nabbed in the sting quickly professed guilt and received probation plus 365 days in the local jail, two unemployed men—one Vietnamese-American, the other Mexican-American—each got 18 months in the state penitentiary.

Before making his announcement, Kelly noted that Deck, who is white, had been a cop during the commission of his crime. "That ought to count for something," said the judge. To Mestman, it meant that Deck's fall from grace was worse; after all, the CHP officer had held a high position of public trust. *The Orange County Register* had quoted Deck on crime-prevention matters.

But Kelly converted Deck's soiled badge into a get-out-of-prison ticket and granted the defendant's request for probation.

Deck, now a worn-looking 55, exhaled deeply and closed his watery eyes. Several feet away, Mestman sat silently with his chin near his chest. He stared at the law books on a table in front of him.

“Yes, Jesus!” a retired CHP officer said almost under his breath in the public section of the courtroom. “Thank you, Jesus!”

The reaction from Susan Kang Schroeder, media-affairs counsel to District Attorney Tony Rackauckas, wasn’t so appreciative. It “sends the wrong message” to the public when “a child-predator police officer” gets “coddled by the criminal-justice system,” she said.

The punishment? Deck will have to attend sex-addiction classes, serve five years of probation, pay a \$200 fine, stay in OC Jail for about another three months on top of the 88 days he has already served, and register as a sex offender for the rest of his life. He must also have supervision in the presence of children or when he’s on the Internet.

“I feel that . . .” the judge paused for about 10 seconds before continuing, “the lifetime registration is a very strong safety net for the public.”

As if sensing that those words fell flat, Kelly added forcefully, “I’m not for a minute minimizing your conduct, Mr. Deck.”

The now-red-faced judge announced that his sentence “protects society” and “deters others from committing future offenses.” He shuffled papers and looked around the courtroom, where three reporters stared back at him. Inside Orange County’s Central Courthouse, it’s exceptionally rare to see a crafty would-be molester, especially one so reluctant to come clean, win such gentle treatment.

“Only time will tell if the court has made the right decision,” Kelly said. “If you violate the terms of your probation and prove me wrong, you are going to state prison. Good luck to you, sir.”

Deck’s cocky post-arrest prediction to detectives that a jury in notoriously pro-cop Orange County would never convict a police officer like him had been technically wrong. But his instincts on the point proved correct. It was a judge, not a jury, who ultimately came to his rescue.

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