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## A cop in handcuffs and cases in ruins?

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The Stanislaus County district attorney's office is reviewing cases involving former Turlock police officer Jorge Cruz, who is charged with three felony sex crimes against a 17-year-old Pitman High School student and one misdemeanor count of inappropriately touching a 16-year-old Turlock girl.

Assistant District Attorney Carol Shipley said her office will review Cruz's work on a "case-by-case basis," and if Cruz is active in any pending cases as a witness or investigator, defense attorneys will be made aware of his situation.

It's the second time in recent months that the arrest of a Stanislaus County law enforcement officer has forced prosecutors and attorneys to re-examine cases involving those officers. Their involvement can give defense attorneys a chance to challenge a verdict.

Michael Galvan, a former sheriff's deputy who had been accused of rape and stealing public money, pleaded no contest to two lesser charges in Stanislaus County Superior Court on Thursday as part of a plea deal that will result in a 16-month prison sentence.

The sentencing of Jose Ulisses Duran, who was found guilty of killing 11-year-old Doris Castro, his girlfriend's little sister, was held up for months because Galvan acted as a translator in the case. It was determined that Galvan didn't have a significant role in the investigation.

"There have been a few cases in which a deputy is charged, and we have to look at each case or notify defense and let them make a motion," Shipley said. "It depends on the case. Was he the first arresting officer? Was he the second officer on the scene?"

Shipley didn't know how many cases involved Cruz.

Any case he participated in as an officer is subject to question, especially cases in which he was the lead investigator or sole provider of crucial evidence, said Stanislaus County Public Defender Tim Bazar.

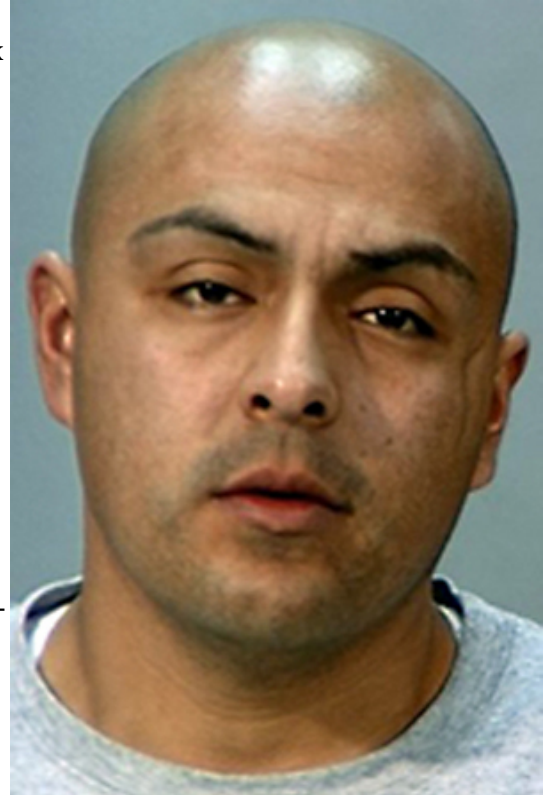
Cruz, who had been with the Turlock Police Department three years but no longer works there, met the 17-year-old through the Explorer program, which encourages teens interested in law enforcement to work with local police.

Cruz also is charged with dissuading a witness from testifying on the day police announced his arrest.

Would a jury think twice?

"I would guess a jury would have a lot of problems with someone sworn to uphold the law engaged in sexual impropriety with an underage member of the community," Bazar said. "It would give a lot of pause. It affects creditability very sharply."

Cases such as home invasions and violent crimes are less likely to be affected, he said, because several officers often



Jorge Cruz - Unknown - Unknown

arrive at those scenes and a number of people are involved in collecting evidence such as witness or victim statements.

DUI cases, on the other hand, are different, Bazar said. With DUIs, a single officer is usually the sole investigator, witnessing the car swerving, conducting the field sobriety test, running the Breathalyzer at the jail.

"You can expect that to be dismissed by prosecution," Bazar said.

Maybe not, said Martha Carlton-Magaña, who spent 30 years in the public defender's office and now has a private practice in Modesto. The original rape charge against Cruz was dropped. Unlawful sexual intercourse, sodomy of a person under 18 and oral copulation were added. Many potential jurors wouldn't have a problem with a consensual relationship with a 17-year-old, Carlton-Magaña said, and that's what the charges suggest.

Cruz is scheduled to appear in Stanislaus County Superior Court at 1:30 p.m. April 2.

The district attorney's office took over the investigation of Cruz from Turlock Police as soon as allegations were made. Police Chief Gary Hampton said his department will assign a full-time investigator to review Cruz's previous cases if needed.

The department has reviewed all of Cruz's hiring paperwork, an elaborate series of background checks and interviews, and there were no red flags, Hampton said.

But for more than a year, residents of Turlock's west side have questioned Cruz's integrity and lodged formal complaints against him at the Police Department.

Suave Barnel said she has complained about harassment by Cruz several times. Her 16-year-old son, Luis Peralta, along with Moses Rodriguez Jr., 25, were killed in October 2006 on Kerley Lane in south Turlock.

Peralta and Rodriguez arrived at a party at 986 Kerley Lane as a group of young men and teen-agers in the street started smashing cars and causing trouble, Barnel said.

Shots came from the back yard of the home. Peralta and Rodriguez died from gunshot wounds to the head.

At the time, 986 Kerley Lane was rented by relatives of Cruz.

After the shooting, Barnel and her family were stopped several times by Cruz, as were relatives of Rodriguez, Barnel said.

Barnel said she thinks Cruz was fearful of retaliation against him and his family. He wanted information: "Who was after him? Who put a price on his head? Who in his family were they looking for?" Barnel said. "He pulled us over constantly and he never gave us a ticket."

Hampton acknowledged Barnel's complaints and said he wrote her personal letters discussing the case. Barnel said she's never seen a letter from the department.

Other officers in trouble

Cruz and Galvan are the most recent example of officers finding themselves in handcuffs. Others include:

A Stanislaus County sheriff's jailer was arrested on the job in January on suspicion of continuous sexual abuse of a child, a felony that carries a possible sentence of six, 12 or 16 years in prison. Deputy Alfred Lowell Husky pleaded not guilty in March and is free on bail.

A former Ripon police officer was sentenced to three years of probation and 30 days in jail for lewd acts and misdemeanor attempted sexual intercourse with a 17-year-old girl. Daniel Icedo pleaded guilty to the charges in August.

"Police officers never think they'll be caught. They enter into these shady crimes and can do shady things because they think they'll never be caught," said William Bourns, associate professor of criminal justice at California State University, Stanislaus. "They ride the edge."

Bourns said ethics are pounded into recruits and criminal justice majors -- he teaches "Police Ethics and Liability" at the university -- but students tend to sleep through it. There's a sense in most people that they know right from wrong, so

they tune out, Bourns said. Problems are compounded when individuals who haven't paid attention start to think, "I am the law," he said.

"Officers engaged in these shady behaviors, they start to think, 'It's OK, I'm a police officer,' " he said. "It's a slippery slope and they usually slide until they get caught."

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