

# BARDSLEY & CARLOS LLP

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## News and Media

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### **Indicted politician will seek seat again**

#### **Councilman calls charges 'baseless'**

A Chula Vista councilman facing a potential trial on felony perjury charges said yesterday that he will seek re-election in June. "I am putting together my campaign right now, working with folks to assemble a strategy to move toward re-election," Steve Castaneda said.

Castaneda's announcement ended months of speculation by City Hall insiders about whether the court battle would shift his focus from a campaign.

Castaneda could not serve on the council if he were convicted of a felony. His attorney, Marc Carlos, filed a motion in Superior Court on Friday seeking dismissal of the 13 felony perjury counts.

"I expect to be completely vindicated of these baseless and politically motivated charges," Castaneda said.

A county grand jury indicted Castaneda in June, after investigating whether he received special treatment while he lived in the Sunbow Villas apartment complex.

The complex was being converted to condominiums. Castaneda did not buy a Sunbow condo and now lives elsewhere. He answered "no" when asked several times during sworn testimony if he had thought about buying a unit in the complex. Prosecutors believe he once intended to buy one, even though he didn't ultimately do so.

His trial, originally set for September, has been delayed twice. The new trial date is April 7. A judge will consider the motion at a hearing scheduled for March 11.

Carlos said the main issue raised in the motion filed last week is whether prosecutors can prove that Castaneda's statements were intended to influence a criminal investigation. He said prosecutors never told Castaneda the subject of the investigation and that Castaneda believed he was a witness, not a suspect.

Furthermore, Carlos said, the charges don't make sense because buying a condo is not a crime. Castaneda "could have bought a condo," Carlos said. "There would have been nothing illegal about that."

Prosecutor Patrick O'Toole, who convened the grand jury, said he found no evidence that Castaneda received special treatment at Sunbow.

O'Toole told the grand jury, "I'll go right out here and say it: I do not have evidence that Mr. Castaneda lived there free and then gave official benefits (to the developer) for doing that or anything like that," the transcript stated.

O'Toole said the charges are not related to Castaneda's residency, and are about "lying about the facts" during an investigation.

Last year, Castaneda accused District Attorney Bonnie Dumanis of having O'Toole investigate him to pressure him to resign. Castaneda said Dumanis was aligned with Mayor Cheryl Cox, whom he challenged in the June 2006 mayoral primary. Dumanis has declined to comment on those statements.

Castaneda was elected to the council in November 2004. His decision to run again came days after the Jan. 31 deadline for candidates to file their economic disclosure forms. He has not raised any money but said he has commitments from several donors.

Two people have filed papers to challenge him for Seat 4, Pat Moriarty and Scott Vinson. Moriarty, a health care professional, raised \$595 and lent herself \$4,600. Vinson, a planning commissioner and CEO of Coldwell Banker Royal Realty, announced his candidacy last week and has not reported any contributions.

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The other city election race is for seat 3, now held by Jeff Vandone, who must step down because of term limits. The candidates are Russ Hall and Pamela Bensoussan. Hall, a special education instructor, raised \$17,116 in contributions, according to the disclosure forms. Pamela Bensoussan, a planning commissioner and certified appraiser, raised \$13,355 and lent herself \$1,000.

The candidates were required to file economic disclosure statements with the City Clerk by Jan. 31. The forms covered the 2007 calendar year.