

Shanking of Judge in Stockton Brings Focus Back on Courtroom Security

By Greg Katz

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LOS ANGELES - Tehama County Judge Richard Scheuler knows what makes him feel safe. He packs a .380 pistol under his robe.

"Why wouldn't you?" said Scheuler during a telephone interview Monday. Scheuler's predecessor in the courts was shot at with a 12-gauge shotgun in 1985 by a litigant. The shot missed.

"Every year a lawyer or a judge somewhere gets attacked," he said.

On the heels of last week's stabbing of a judge in a Stockton courtroom by a murder defendant, judges and court officials across California have again turned their attention to safety. It was only the latest in a string of high profile cases that intermittently make headlines.

In 2001, child-molestation defendant Edward Lansdale shot a witness and her husband before killing himself at a Siskiyou County courthouse.

In 1993, a Northern California woman, Ellie Nesler, became a national folk hero after shooting her son's alleged molester in a Tuolumne County courtroom.

In the latest incident, San Joaquin County Judge Cinda Fox was stabbed with a jail-made shank by murder defendant David Paradiso during a break in his trial.

Fox, who returned to work Monday, could not be reached for comment, but her colleagues around the state said her attack has unsettled them and made them realize that in spite of all the security measures in the state's courthouses, anybody is vulnerable.

"It seems to be happening more and more, and I don't know why," said Los Angeles County Judge Ricardo Ocampo, who was a Compton prosecutor in 2001 when a defendant tried to shank him during a sentencing.

In spite of the risk, judges have little choice but to show up for work, said Judge Bernard Garber, a colleague of Fox's at the San Joaquin County Superior Court.

"I've been a judge for 25 years," he said, "and let me say this: the day I'm afraid to take the bench is the last day I'll take the bench. You can't be afraid. You just have to have faith in the system."

A 2007 study by the Administrative Office of the Courts found 35 percent of the state's jurists were threatened, with one-third of those threats considered "imminent."

In a courtroom, "a place where justice is supposed to happen ... I was shocked to see that," Fresno County Judge Gary Orozco said of Fox's attack. "My other question was, how did he get something like that? Was there a breakdown in security?"

Stockton court officials declined comment, saying the incident is under investigation.

Paradiso was testifying Wednesday in his murder trial when members of his family cried out from the audience. That attracted the bailiff's attention, and though Paradiso was wearing a restraining leg brace, he somehow managed to produce a six-inch metal shank and stab Fox in the neck and the arm. Paradiso was shot by a detective and killed. Fox was taken to a hospital and released after receiving stitches.

Los Angeles County Sheriff Lt. Mark McCorkle, who oversees security for the county's downtown courthouses, said a variety of restraining devices are available for hostile defendants planning to testify.

Though Paradiso's brace kept him from running, McCorkle said it's possible to restrain a defendant even more without using visible contraptions that prejudice the jury. And, he added, his department goes through "painstaking searches" for shanks, as defendants discover new ways to conceal them.

"It's too quick to fault the [San Joaquin County] Sheriff's Department, but certainly it's something that all of us have to be aware of," he said.

Paradiso's lawyer, Sacramento attorney Charles Pacheco, said the blame for last week's attack was on legal restrictions on searching defendants. Officials may need warrants in certain circumstances.

"You can't handcuff law enforcement and prevent them from doing their job," he said. The criminal defense attorney said even though he was representing Pacheco, "you gotta tell it like it is."

Laurie Levenson, a Loyola Law School professor, noted that during the recent attack, the bailiff in the courtroom was attending to the defendant's distraught family.

"One of the issues is, do we have enough personnel in the courtroom so that we have somebody who can really concentrate on the defendant?" Levenson said.

Aside from personnel, the attack also raised questions about safety equipment. An AOC report several years ago found dozens of courthouses lacking metal detectors and x-ray machines. Since then, most of those courts have gotten security screening equipment, the AOC said. And, of the few courthouses left over, most are in line for new buildings and equipment from a \$5 billion courthouse construction bond that Gov. Arnold Schwarzenegger approved last year. The Stockton courthouse will be replaced by a new facility funded by that bond.

Scheuler, the pistol-packing Tehama County judge, is in a courthouse with no metal detectors. But it is slated to be replaced with a new facility as well.

For now, he said, the lack of metal detectors at his courthouse doesn't bother him much - violence is just one of the risks when dealing with people who have ended up on the wrong side of the law, he said.

"If that guy had tried to come over the bench to me," Scheuler said, "he would've been looking down the barrel of a .380."

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