

County settles case of Oildale grandmother killed in crash with speeding sheriff's deputy

BY STEVEN MAYER
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A \$2.5 million settlement has been reached in the wrongful death case of Oildale resident Nancy Garrett, who died in September 2014 when a patrol car driven by then-Kern County sheriff's Deputy Nicholas Clerico ran a red light at high speed and crashed into Garrett's vehicle.

The agreement, which was entered in early spring between the county of Kern and attorneys for Garrett's two grown children, was not made public until late Thursday.

"This case resulted in five years

of protracted litigation in federal court," said Matt Clark, an attorney with Bakersfield firm Chain Cohn Stiles.

Clark, the lead attorney on the case, said its resolution represents the culmination of nearly a decade of work representing not only the family of Nancy Garrett, but the families of Daniel Hiler, Larry Maharrey and others who have been killed in crashes involving Kern County Sheriff's Office personnel.

"We are pleased with the outcome especially in light of the fact that the civil rights components of the case were fought at

every turn," Clark said. "This case is an example of how the wheels of justice do in fact grind slowly.



Garrett

We appreciate that we had patient clients who believed in the civil rights aspects of the case to see it through to the end." On that long-ago night, Garrett was returning home from a Los Angeles Dodgers baseball game she attended with family and friends when the crash occurred at North Chester Avenue

and West China Grade Loop. The California Highway Patrol found the deputy at fault in the crash, and Clerico would go on to plead no contest to a charge of misdemeanor vehicular manslaughter.

It was the second time in less than three years that a Kern County sheriff's deputy crashed into and killed innocent bystanders in Oildale while driving in excess of 80 mph toward a call for assistance.

The lawsuit, filed in 2015 on behalf of Garrett's adult children, Mark McGowan and Deborah Blanco, and against the county of Kern and Clerico, asked for mon-

etary damages as well as changes within the sheriff's department in how deputies were trained.

"This case is in the public interest," the lawsuit stated. It also referred to similarities between the case and that of Deputy John Swoesrengin, who struck and killed two people, Daniel Hiler and Chrystal Jolley, as they walked across Norris Road in 2011.

That case resulted in a combined \$8.8 million settlement to the families of the deceased.

The CHP's investigation of

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CLEANER AIR APPARENT



ALEX HORNWATH / THE CALIFORNIAN

Traffic through Bakersfield on Highway 99 near Olive Drive is brisk Monday. Total traffic volume on this stretch of the 99 decreased by 18.9 percent in March, 40 percent in April, and 24.4 percent in May, Caltrans found. Not surprisingly, the southern valley saw a corresponding improvement in air quality.

Fewer miles driven during pandemic contributes to decrease in vehicle pollution

BY STEVEN MAYER
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Nobody likes a pandemic. But if there's a silver lining to the coronavirus pandemic — and the state-ordered lockdown that followed — it may be marked improvement in air quality residents enjoyed in the San Joaquin Valley.

"During the early days of the pandemic, a lot of people were sheltering in place, working remotely and not commuting to work," said John Liu, Caltrans District 6's deputy director for mainte-

nance and operations.

"There was a very large reduction in traffic volume on almost all the highways," he said.

Highway 99, the busiest traffic artery in Bakersfield and the major north-south corridor on the eastern side of the valley, experienced a stunning phenomenon as traffic volume plummeted.

According to Jessica Olsen, program manager for the San Joaquin Valley Air Pollution Control District, an analysis of vehicle miles traveled on the valley portion of Highway 99 showed an estimated 45 percent reduction in April, compared with

the same month last year.

Even commercial truck traffic in the valley took a hit, with trucks on Highway 99 logging some 26 percent fewer miles in April 2020 than they did in April 2019, Olsen said. And with trucks being among the biggest polluters in the valley's troubled air basin, the reduction in total miles translated to a reduction in pollutants that cause ground-level ozone. The main ingredient in smog, ozone can trigger a variety of health problems, particularly for children, the elderly and those who

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Lawsuit: Kern court is denying access amid pandemic

BY JOHN COX
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Civil liberties groups filed a federal lawsuit Friday alleging that the Kern County Superior Court has illegally denied the public and news media constitutionally required access to legal proceedings during the COVID-19 pandemic.

COVID-19 PANDEMIC

The suit in the U.S. District Court in Fresno asserts local officials have barred people including criminal defendants' family members from witnessing hearings and other court proceedings in violation of the First Amendment to the U.S. Constitution. It asserts civil court proceedings also have been inappropriately closed to the public.

Other courts have provided public access during the pandemic by employing teleconferencing technology. Plaintiffs in the case say the Superior Court also has done so but only on a limited basis.

The suit was brought by the American Civil Liberties Union of Southern California, the First Amendment Coalition and five family members of criminal defendants. It names as defendants Kern County Superior Court Executive Officer Tamarah Harber-Pickens, Presiding Judge Judith K. Dulcich and Kern County Sheriff Donny Youngblood.

A senior staff attorney with the ACLU in Northern California said in a news release that denying public access to court amounts to a secret proceeding.

"No one can have confidence that a court proceeding is fair if no one can watch," stated the attorney, Kathleen Generatone.

Plaintiff Jamie Randle, whose son has been charged with attempted murder, said in a declaration for the lawsuit that it's unfair she cannot watch her son's court proceedings.

"The Bakersfield mall is now open, as are some casinos in the county," Randle stated. "I do not understand why it is OK to open up casinos but we cannot go into the courthouse."

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Scanner chasers provide fresh perspective to viewers through on-scene livestreaming

BY QUINN WILSON
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Inspired by his friend's success in Los Angeles with scanner chasing and selling footage to local news stations, Bakersfield native Alexander Rodarte tried his luck in his home market with his Facebook page, Califed Lives, in 2018.

However, after hustling on a nightly basis trying to sell his footage, it was no avail.

"I was going to give up and drop it. But I said, hey, I got my equipment, my vehicle and my scanners,

let me try and do it for the community through (livestreaming)," Rodarte said.

Rodarte continued with his Facebook page and YouTube accounts and has gained more than 12,000 followers combined. He said livestreaming on his social media platforms allows him to get the "whole story," an aspect of the venture which has allowed him to press forward.

While he used to livestream daily, he's scaled back to once a week from 8 p.m.

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Alexander Rodarte, Travis West and members of the media observe a crime scene while livestreaming the interaction on Facebook Live.

COURTESY OF ERIC ESCOBAR



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