

# Homeless man sues after police shooting

BY STEVEN MAYER  
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Adding to a long string of lawsuits being filed against local law enforcement, a 19-year-old man paralyzed from the waist down after being shot last year by a Bakersfield police officer who found him sleeping in his car is suing the officers involved and the City of Bakersfield.

The lawsuit, filed in U.S. District Court in Fresno on Tuesday — exactly one year after the incident in question — claims the plaintiff, Gilberto Fajardo, “was asleep, unarmed, and did not pose a

threat of death or serious bodily injury to anyone” on the evening of May 17, 2015, when he was approached in a church parking lot by Bakersfield police officers Lindy DeGeare and Juan Orozco.

“It’s very tragic,” said Fajardo’s attorney, Neil Gehlawat, of the Bakersfield law firm Chain Cohn Stiles. “We’re talking about a very young kid who is now paralyzed for the rest of his life.”

Fajardo was essentially homeless at the time. While he was often able to stay with siblings, that night he was left with only one option, sleeping in his car.

“He was there because he

**“We’re talking about a very young kid who is now paralyzed for the rest of his life.”**

— Neil Gehlawat, plaintiff’s attorney

believed the safest place he could sleep was in a church parking lot,” Gehlawat said.

Bakersfield City Attorney Ginny Gennaro said Friday she was aware the lawsuit had been filed, but the city had not been served with it.

As soon as the city is served, the case will go to outside counsel, Gennaro said. She noted there will certainly be two sides to the story.

According to the timeline outlined in the complaint, the front driver’s-side window was rolled down about three inches when officers arrived at the church lot in the 600 block of Planz Road for a “check the welfare” call.

The complaint says Orozco and DeGeare began yelling profanities at the plaintiff, who awoke “startled and perplexed.”

Orozco broke off both the driver’s-side and passenger-side door handles, then “proceeded to bash

in the front windshield of plaintiff’s vehicle after plaintiff turned on his vehicle,” the complaint states.

The lawsuit continues: “DeGeare then shot plaintiff multiple times while he was in the vehicle. One of her shots pierced plaintiff’s spine, causing him to become paralyzed instantly from the waist down.”

No longer in control of his body, the plaintiff’s foot collapsed on the accelerator, causing his vehicle to slam into a nearby van, it said.

According to the timeline, the two officers then dragged Fajardo from the vehicle and onto the pavement, jumped on him, kned

Please see **LAWSUIT / A8**

## Battle of the Badges



PHOTOS BY ROD THORNBURG / FOR THE CALIFORNIAN

Javier Hernandez, left, of the California Department of Corrections and Rehabilitation, goes at it with Eric Medrano from the California Highway Patrol at the 22nd annual Battle of the Badges. The fundraising boxing event was held Friday night at CSUB’s Icardo Center and put on by Bakersfield Police Activities League, a nonprofit charitable organization.



ABOVE: Jared McCombs of the Tehachapi Police Department gets a hard blow from German-Lira Carrillo, fighting for the U.S. Navy. Carrillo got a TKO for the win.



RIGHT: Women show the crowd signs showing who is sponsoring the round. See more photos on page A10.

## Woman takes plea deal in Arvin double homicide

BY JASON KOTOWSKI  
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A woman accused of instigating a shooting in an Arvin bar that left two men dead pleaded guilty Friday to three felonies and faces 12 years in prison.

Lourdes Olvera, 30, entered guilty pleas to attempting to dissuade a witness and two counts of soliciting a murder.

She had faced the death penalty when first charged with murder in the killings. Prosecutors later waived death but sought life imprisonment during a trial that ended in a hung jury March 3.

Prosecutors dismissed the murder charges under the plea deal.



Olvera

“This is the beginning of the end of a very sad case for her,” said Olvera’s attorney, Deputy Public Defender Paul Cadman.

He said Olvera has completely lost faith in the criminal justice system due to the first trial and comments jurors made afterward. Some jurors said she “looked evil,” Cadman said, and had made up their mind she was guilty before deliberations even began.

The trial ended with jurors voting 11-1 for guilty. The lone holdout later reported “all kinds of misconduct” on the part of the jury, Cadman said.

Olvera didn’t kill anyone, the attorney said. She cooperated with police and helped them find the shooter.

“And the thanks she got was being charged with murder and facing the death penalty,” he said.

Olvera will begin serving her sentence as prosecutors focus on the accused shooter, Olvera’s former boyfriend.

Please see **OLVERA / A8**

## Sound Off

# Is Planned Parenthood now surgically transgendering kids?

Robert Price

*This feedback forum is designed to give readers a way to voice criticisms and compliments or ask questions about The Californian’s news coverage. Your questions — which may be edited for space — are answered here each Saturday.*

**Reader:** As the Obama administration continues the Hellenization of our nation’s schools, some parents and politicians are outraged at the demand that children of all sexes be allowed to shower and use all restrooms together. The greatest hang-up appears to be the possibility that children with different genitalia will be naked in each others’ company.

Can it be mere coincidence that Planned Parenthood has decided to get into the sex-

change operation business? After all, they have been performing abortions on schoolgirls for decades without the parents’ knowledge or consent in the name of privacy. Now they could turn boys into girls and vice versa through the school system without informing the parents, as “the student may not want to involve their parents in their gender transition” (USA Today, May 14). Perhaps they could even start an in-school organ donation program.

— Carl Guilford

**Price:** Planned Parenthood is not getting into the sex reassignment surgery business — not for minors, not for anyone. Planned Parenthood provides trans-



gender hormone services, but patients must be 18.

Last Saturday, in our USA Today section, we published a synopsis of a U.S. Department of Education letter to school districts that included guidance on how transgender students are defined and how they are identified. “The Department of Education says schools cannot require a medical diagnosis or other documentation to prove transgender status,” it read in part. “The guidance assumes that the parents of students under 18 will inform the school. But it also suggests that in some cases, the student may not want to involve their parents in their gender transition.”

Ideally, transgender-

## ON THE WEB


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ing students will let mom and dad in on the fact that they want to make this dramatic change, but it’s understandable that some may be afraid to do that.

I know (or maybe just hope) your tongue is somewhat in your cheek, but if you’re seriously suggesting that Planned Parenthood is prepared to start taking scalpels to children without even asking their parents about it, you’re wrong on all counts. That’s a real doozy.

...

**Reader:** Regarding your comment in the  
Please see **SOUND OFF / A9**




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Public safety

# Fourth suspect arrested in pot shop beating

THE BAKERSFIELD CALIFORNIAN

Police arrested a fourth and final suspect wanted in connection with a beating at a medical marijuana dispensary in March.

David Michael Vinson was arrested Thursday in the 2000 block of South H Street and is charged with crimes including attempted murder. Three other men — Jonathan Vinson, Jessie Cupis and Juan Ruiz — have previously been arrested and have a court hearing scheduled for June 2.

Police say the men entered the Green Door Cafe in the 800 block of H Street on March 30 and beat a man, striking him in the head with a gun. The man suffered major head injuries.

**A fire at a west Bakersfield apartment building Thursday evening caused an estimated \$200,000 in damage and injured one person, firefighters said.**

Arson investigators are looking into the cause of the fire that broke out in the 5100 block of Marsha Street at 6:50 p.m. and damaged eight apartments.

One person was treated for respiratory issues, and 27 residents were referred to the Red Cross for assistance.

**A man disguised as a technician tried burglarizing a residence east of Cal State Bakersfield earlier this month, but fled after an alarm sounded.**

The incident occurred in the 7400 block of Calle Privada between May 6 and May 9, police said. The man entered the home through a garage window.

The suspect is described as Hispanic, in his 30s, 5 feet 8 inches to 5 feet 10 inches tall, 200 pounds, black hair that was possibly a wig, medium complexion, black mustache and goatee. He wore an orange long-sleeve shirt, dark blue jeans and black shoes.



**ABOVE: Suspect in attempted burglary of home in 7400 block of Calle Privada. BELOW: Vehicle of suspect.**



He drove a 2000s dark blue Dodge Charger. Anyone with information is asked to call Detective Brian Looney at 326-3541 or the BPD at 327-7111.

## Worth Noting | Business

# Hospital workers vote to unionize, local office market improves

BY JOHN COX  
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Workers at three Bakersfield hospitals voted this week to join the SEIU-United Healthcare Workers West labor union. Monday's vote puts 64 clinical lab scientists at Bakersfield Memorial Hospital, Mercy Hospital Downtown and Mercy Hospital Southwest — all owned by San Francisco-based Dignity Health — under the umbrella of a union with more than 85,000 members across the western United States.

**Vacancies in Bakersfield's overall office market became a bit more rare during the first three months of this year, even as some of the city's best work spaces suffered a declining occupancy rate, according to a new report.**

The report by Cushman & Wakefield | Pacific Commercial Realty Advisors says the overall market improved from an 8.3 percent vacancy rate at the end of 2015's fourth quarter to 8.1 percent in this year's first quarter.

Meanwhile, Class A office space, the city's most desirable offices, went from 10

percent vacancy to 10.5 percent, the brokerage reported. It said asking rents for such space held almost unchanged at \$1.77 per square feet.

The city's medical office market tightened, with overall vacancies going from 10 percent at the end of last year to 9 percent in the first quarter, Cushman & Wakefield's report says. Asking rents improved slightly to \$1.79 per square foot from \$1.78 in the fourth quarter.

**An upcoming event at Mercy Hospital Downtown will highlight a local internship program available to people with disabilities.**

Project SEARCH, offered by PathPoint of Kern County, will be the subject of an open house from 11 a.m. to 1 p.m. at the hospital, 2215 Truxtun Ave.

The program is a year-long, competitively awarded internship giving people with disabilities the opportunity to gain work experience and serve on hospital rotations.

It also includes career development classes.

PathPoint is having its own open house from 5:30 to 7 p.m. Thursday at 4701 Stockdale Highway.

## LAWSUIT

CONTINUED FROM A7

him and handcuffed him, causing further injuries.

The following July, a BPD Critical Incident Review Board cleared DeGeare in the shooting. She was returned to full duty.

According to a BPD investigation, the incident unfolded when DeGeare and Orozco came upon a vehicle backed into a parking stall surrounded by large vans on each side and across the parking access lane.

Fajardo was in the driver's seat slumped over the steering wheel.

The vehicle was not running and the driver's-side front window was lowered several inches, the BPD said.

There were no license plates on the vehicle; a license plate found in the dash returned to a different make and model vehicle, the department said. It was unclear if the vehicle was stolen.

Plaintiff's attorneys say it was not, and Fajardo was not charged with auto theft.

According to the BPD's timeline, officers woke Fajardo, identified themselves and asked him to step out of the vehicle.

"During their several minute conversation with Fajardo, the officers ordered him to exit the vehicle numerous times and he refused," police said in a news release.

Fajardo rolled up his window, started the vehicle, revved the engine and rapidly accelerated out of the parking stall, police said.

DeGeare, who was on the driver's side, lost sight of Orozco, who was on the passenger side, the BPD said.

"Believing her partner had been or was being run over, she fired her duty firearm at Fajardo, striking him," police said in the release.

Fajardo hit a van that was parked across the parking access lane from where he was initially parked. Fajardo was taken to Kern Medical for treatment.

DeGeare and Orozco were not hurt. Adding insult to injury, Gehlawat said, Fajardo was charged with assault with a deadly weapon, the weapon being the vehicle.

Should he be convicted in criminal court, it could bar the civil case from moving forward, Gehlawat said. Should Fajardo be acquitted, it could open the possibility of a malicious prosecution claim.

## OLVERA

CONTINUED FROM A7

Prosecutors say Olvera called the boyfriend, Juan Pablo Vega, and told him to come to El Potrero Night Club the evening of June 8, 2015, and shoot two men who were bothering her. Vega arrived at the bar shortly after their last phone call and gunned down Jorge Zavala and Federico Moreno.

A third man was shot but survived.

Deputy District Attorney David McKillop has said Olvera knew Vega carried a gun at all times and was willing to kill for her. She called him multiple times that evening, and McKillop said witnesses at the bar said they heard her talking about getting Vega to carry out the shooting.

Vega is charged with murder and is scheduled to go to trial Aug. 15.

A third defendant, Salvador Chavez, has pleaded no contest to being an accessory to the crime and was sentenced to time served and five years' probation.

## OBITUARY NOTICES

### Services scheduled

**Nicholas "Nick" Kenley**, 25, Bakersfield, May 14. Memorial service 10 a.m. May 24, Southwest Christian Center, 3700 Stine Road. Additional info at [www.kernriverfamilymortuary.com](http://www.kernriverfamilymortuary.com). Kern River Family Mortuary, Oildale.

### Services pending

**Norma Armendariz**, 55, Bakersfield, May 20. Greenlawn Funeral Home Southwest.

**Deena Diane Findley**, 44, Bakersfield, May 19. Greenlawn Funeral Home Southwest.

**Mary Jane Stewart**, 93, Arvin, May 20. Greenlawn Funeral Home.

### No services

**Joel Duane Thomas**, 74, Bakersfield, May 18. Doughty-Calhoun-O'Meara Funeral Directors.

**Michelle H. Williams**, 42, Lake Isabella, May 11 in Bakersfield. Kern River Family Mortuary, Oildale.

### TO OUR READERS

The Californian provides free listings of pending services supplied by local mortuaries. To place an Obituary or In Loving Memory, call 395-7302. They will be posted at [Bakersfield.com](http://Bakersfield.com) at 9 p.m. on the day before publication.

### Jane B. Jones

April 21, 1946 - May 8, 2016



Jane will be remembered for her love of family and animals. Jane is survived by sons Mark and Troy Reiss, sister Judy Copeland, sister-in-law Gina Castillo and friends and extended family. She is preceded in death by husband David Jones and son Scott Reiss, brother Jim Russell, parents Clyde and Mildred Russell, and brother-in-law Jim Copeland. **We Love You!**

[www.bakersfield.com/obits](http://www.bakersfield.com/obits)

### Jesus Hernandez Martinez

November 18, 1921 - May 16, 2016



Jesus Hernandez Martinez, 94, died on Monday, May 16, 2016 following a brief illness. Jesus known as "Chuy" by friends and family was born in San Juan del Rio, Durango, Mexico on November 18, 1921.

He is preceded in death by his wife Nativdad Martinez.

Chuy had a strong will and lived life as he wanted to the very end. His strong faith in God gave him peace and strength. Chuy taught us that the simple things in life is what brings a person true joy and happiness- family, faith and love. We will miss his kind and giving soul but know he is at peace and joyous in heaven.

A Rosary will be held on May 22, 2016 at Basham Hopson Chapel, 620 Oregon Street, Bakersfield at 6:00pm and a funeral service will be held May 23, 2016 at Our Lady of Guadalupe Church, Bakersfield, CA at 10:00 am.

[www.bakersfield.com/obits](http://www.bakersfield.com/obits)

### Bruce Vernon Winn

June 19, 1954 - May 18, 2016



Bruce Vernon Winn, born June 19, 1954, passed away surrounded by his loving family after a hard-fought battle with melanoma on May 18, 2016.

Bruce was the son of Norman Winn and Helen Heightsman Gordon and was raised in Visalia, CA where he was an All-American tennis player at Mount Whitney High School. As a member of The Church of Jesus Christ of Latter-Day Saints, Bruce served a mission in Uruguay and Paraguay, and devoted time as a beloved teacher and leader in the church. Bruce graduated from Brigham Young University, and married Pamela Wilcox Taylor in 1977 in the Oakland LDS temple. Bruce and Pam made their home in Bakersfield where he worked for over 30 years in agriculture supply. He enjoyed golf, BYU sports, music and reading but his greatest joy was found in spending time with his family.

He is survived by his wife Pam, four children - Tiffany Rueckert, Travis, Tyler and Cortney Rudez, eight grandchildren, mother Helen, brother Brent and sister Holly Willner.

Services will be held on Monday, May 23, 2016 at the LDS church on 5500 Fruitvale Ave, Bakersfield, CA. The family will be receiving friends at 10 am, service to follow at 11 am. He will be laid to rest at Elysian Gardens in Salt Lake City, Utah on May 27, 2016 next to his father. His family would like to thank the Olive Knolls LDS ward for their continuous love and service, and John Lake and Rain for Rent for their overwhelming support and compassion.

*I have fought a good fight, I have finished my course, I have kept the faith.*  
2 Timothy 4:7

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**For information on placing an obituary or In Memory contact our Obit Advisor at 395-7302**

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