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FOR IMMEDIATE RELEASE

January 9, 2023

FACTS MATTER: GET THE COMPLETE AND ACCURATE PICTURE BEFORE JUDGING THE MCKAY TRIAL JUDGE

***The tragic murder of Riverside County Deputy Sheriff Isaiah Cordero and the
judge who presided over the defendant William McKay's case.***

On the behalf of the San Bernardino/Riverside Chapter of the American Board of Trial Advocates, we wish to extend our deepest sympathies to Deputy Isaiah Cordero's family, his friends, his colleagues, and his fiancée during this most difficult time.

His bravery and dedication in law enforcement for our County and State will not be forgotten. We honor him.

The judicial branch is prohibited from making comments about pending cases and is severely limited to responding to criticism about the handling of specific cases involving criminal law. It is, therefore, important for attorneys involved in our judicial system to provide insight whenever possible regarding certain rulings in cases.

The San Bernardino/Riverside Chapter of ABOTA is not a political organization; it does not comment on lawyers representing either plaintiff or defense interests, but rather we are dedicated to the preservation of the right to trial by jury guaranteed by the Seventh Amendment of the United States Constitution. Members specifically are dedicated to the principle of advocacy through ethics, integrity, and stability.

For Immediate Release
San Bernardino/Riverside Chapter of ABOTA
January 9, 2023
Page Two

As a national, state and local organization we have developed specific protocol to respond to what would amount to unfair criticisms of our local judges.

We wish to state clearly that San Bernardino/Riverside ABOTA respects and supports the public's first amendment right to criticize and protest on items of public interest, including issues related to appropriate sentencing and/or bail as it might relate to specific adjudicated crimes. But we strongly oppose efforts to recall any judge without knowing all the true and correct facts which have occurred.

Unfortunately, there have been serious and damaging misstatements that have been made to the press about the Judge's handling of the William McKay case.

Here are the most important statements that we feel must be addressed:

- 1) The Judge was not an appointment of the current Governor. The handling judge was appointed by Republican Gov. Arnold Schwarzenegger in 2007.
- 2) The Judge handling the William McKay case was in fact a 13-year career prosecutor prior to the appointment as a judge.
- 3) Public officials have commented on numerous occasions that the trial judge in the William McKay case had repeatedly "let him go." In fact, the trial judge never allowed Mr. McKay to be released. William McKay was originally held on \$950,000 bail.
- 4) After William McKay's November 8, 2021 trial, he was found not guilty of the two most serious felonies, and was in fact convicted on four lesser felony charges. Thereafter, a motion to reduce bail from \$950,000 was made. The trial Judge ordered the bail to be set at \$500,000. The court immediately ordered William McKay to be remanded to the custody of the Sheriff. A presentencing report was ordered on November 8, 2021. Both the prosecutor and the defense attorney stipulated to continue sentencing at least 4 times.
- 5) After the Trial Judge remanded William McKay to the custody of the Sheriff, William McKay did in fact make bail. Standard conditions of bail require the defendant to violate no law.
- 6) After conviction, but before October 21, 2022, hearing date regarding sentencing, William McKay was arrested in Fontana on a new drug charge on October 15, 2022. William McKay was arrested by the Fontana PD and transported to the San Bernardino County Jail. He was processed and while in jail, the standard bail of \$50,000 was set. The defendant posted bail *with no court hearing and was released*.

For Immediate Release
San Bernardino/Riverside Chapter of ABOTA
January 9, 2023
Page Three

7) Defendant William McKay's sentencing on the felony convictions was to occur on October 21, 2022 in the Rancho Cucamonga Branch Courthouse for the County of San Bernardino. The Trial Judge was out of the country and his hearing was handled by a different San Bernardino County Judge. There was a failure to appear by the defendant McKay relative to sentencing. Therefore, a warrant for arrest was issued and bail was forfeited. A new bail order was issued in the amount of \$600,000 by the second "fill-in" Judge.

The fact is the Trial Judge, who has been the target of so much public criticism, never allowed William McKay to be released other than setting bail at \$500,000 after his convictions. The judge's handling was legal and within guidelines.

We bring these facts to the public's attention because of serious and credible threats which have been made against this Trial Judge.

Our system of justice cannot survive if we allow such threats to go on without being appropriately addressed by those members of the legal community. Attorneys are Officers of the Court and should not stand by idly while such threats are made against our judicial officers.

Our obligation as ABOTA members is to bring to the public the facts. In this instance the Judge involved in this case cannot publicly defend herself by the rules of being a sitting judge. Therefore, it is our responsibility to bring forth the true facts so that there is a true and fair dialogue as to what factually happened in this tragic case.

Comments by public officials have repeatedly referred to the Judge as having "repeatedly let him out" and which demonstrates sufficient "reason" the Judge should resign. This Trial Judge did not release William McKay from custody, let alone "repeatedly release William McKay" as certain public officials have represented to Fox News.

It is *factually* clear that the Trial Judge handling the William McKay case did not act or rule in the manner that has been represented to the public. These criticisms by public officials do not agree with the facts of the case. We see these threats against the Trial Judge having been inflamed by commentary which is not factual.

Sincerely,

Steven Geeting

President

San Bernardino/Riverside Chapter of the American Board of Trial Advocates