

## 15 charged with felonies in Chukchansi Gold casino armed confrontation

By Marc Benjamin and Carmen George



Tex McDonald, right, emerges from federal court following a brief hearing over the closure of Chukchansi Gold Resort & Casino Wednesday, Oct. 29, 2014 in Fresno. ERIC PAUL ZAMORA — THE FRESNO BEE

Fifteen people involved in the Oct. 9 armed confrontation at Chukchansi Gold Resort & Casino have been charged with multiple felonies, Madera County District Attorney Michael Keitz announced Friday.

The forced takeover of the casino occurred when people directed by Tex McDonald, the leader of one of the contentious factions of the Picayune Rancheria of Chukchansi Indians, took over the gaming center from a tribal faction overseen by Reggie Lewis and Nancy Ayala. The casino and hotel has been closed since then.

Those charged include McDonald; his fellow tribal council member, Vernon King; McDonald's tribal police chief, John Olivera; David Lee Dixon; Timothy Tofaute; Shawn Fernandez; Tyrone Mark Twain Bishop; Benjamin James Rhodes; Jim Glasscock; Brian Lec Auchenbach; John David Cayanne; Ronald Jones; David Paul Anderson; and Miguel Ramos.

All are charged with various felonies: kidnapping, false imprisonment, assault with a firearm, assault with a deadly weapon, battery inflicting serious injury and assault with a stun gun. McDonald's bail will be set at \$1 million, while the other 13 will have bail set at \$800,000 apiece. McDonald has two prior strikes dating back to 1992 and 1995 for assault with a deadly weapon and making criminal threats.

A 15th man, Eric Domingo Flores Suniga, was charged with assault with a stun gun. His bail will be set at \$25,000.

The McDonald faction had sole control of the casino for most of 2014 until Aug. 24, when members of the Lewis group entered the casino in the wee hours and holed up in offices and suites in the hotel's 10th and 11th floors. The McDonald group then entered the casino on Oct. 9, provoking the battle in an attempt to gain control of gaming commission offices to unearth audit information.

During a hearing in U.S. District Court in Fresno on Wednesday, Judge Lawrence O'Neill referred to a declaration filed by the state Attorney General indicating that at least one member of the Lewis-Ayala security forces was armed with a gun. Other guns were found on the casino grounds, too, in the possession of the Lewis-Ayala faction's security forces, the declaration said.

### **TIMELINE: Chukchansi casino's creation and controversy**

Sheriff's reports recommending charges were sent to the district attorney on Tuesday, said Michael Keitz, Madera County district attorney.

"After several meetings with the Madera County Sheriff's Office, we developed complaints in the case, those complaints were taken before a judge (Thomas Bender in Madera County Superior Court) today," Keitz said during Friday's news conference.

Two separate complaints — because of the large number of defendants — were issued, each charging 29 counts.

As of late Friday afternoon, Keitz said, no suspects had been arrested. Keitz said suspects can turn themselves into law enforcement or they will be found and arrested.

If convicted of the charges, those arrested could face a "significant amount" of time in state prison, Keitz said.

Regarding previous problems at the Picayune Rancheria of Chukchansi Indians, submitted to Keitz, he said: "The cases that I am familiar with, that have been turned over, have been declined for prosecution because the evidence did not meet the beyond-a-reasonable-doubt standard."

Keitz said that his office has jurisdiction to deal with criminal allegations on tribal lands under federal legal guidelines, but has no jurisdiction to address civil matters. "It is not our duty here to get involved in the disputes between the tribal members. It is our duty to enforce the laws where there is a violation of the laws."

In a prepared statement, David Leibowitz, a spokesman for the McDonald faction, said he and the others "did nothing wrong and nothing illegal."

Leibowitz said the McDonald group had the authority to get control of the tribal gaming commission, and that the leaders and tribal officers "put no patrons in danger and they harmed no one."

Said Leibowitz: "We fully intend to work cooperatively with the District Attorney's Office to bring this matter to a quick conclusion and to clear these trained professionals' and leaders' names, just as we will continue to pursue justice for the Chukchansi people in the eyes of the law."

Richard Verri, lawyer for a tribal faction led by Reggie Lewis, said the arrests were a "welcome development."

"What these men did to the tribe, casino, employees and the community was a great loss," he said.

Reggie Lewis said the arrests should have occurred weeks ago.

"I think it's been a long time coming. A lot of people, me included, thought arrests should have happened, if not that night, at least the next day because they were all shown the videotapes of what happened and it was pretty clear that laws had been broken."

He said people told him they didn't feel safe, but that the arrests are a positive step. The order from Judge O'Neill on Wednesday put the blame squarely on the McDonald group, Lewis said.

"If you read the court order, it specifically pointed out that it was the McDonald faction that did these things and now that they've been arrested," he said. "Hopefully, that will make a big impression on the NIGC and folks in Washington, so they see that the criminal element has been removed."

He said he is still "hoping maybe they can get the casino open in a few weeks."

A spokesman for the state attorney general said the office had no comment on the charges being filed.

The Attorney General's Office and the National Indian Gaming Commission closed the casino three weeks ago. The injunction filed by the attorney general was supported by U.S. District Court Judge Lawrence O'Neill on Wednesday in Fresno. Efforts to reach the NIGC officials were unsuccessful.

The criminal complaints were filed four days before Election Day, and Keitz is fighting for his seat in a tight battle with private attorney David Linn.

Linn said Keitz's announcement Friday smacked of political opportunity.

"Mr. Keitz has resisted the pleadings of law enforcement to get involved for years (at the rancheria) and refused to listen," Linn said. "Now that eastern Madera County has been significantly impacted financially by the casino shutdown, he decides he wants to do something and help his campaign."

Contact Marc Benjamin: [mbenjamin@fresnobee.com](mailto:mbenjamin@fresnobee.com), (559) 441-6166 or [@beebebenjamin](https://twitter.com/beebebenjamin) on Twitter. Contact Carmen George: [cgeorge@fresnobee.com](mailto:cgeorge@fresnobee.com), (559) 441-6386 or [@CarmenGeorge](https://twitter.com/CarmenGeorge) on Twitter.

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