

Chukchansi twists: Tex McDonald roughed up in jail; Oliver Baines supports Vernon King

By Marc Benjamin

Security video from Chukchansi Gold Resort & Casino shows some of the confrontations that occurred Oct. 9 when a rival tribal leadership faction entered the hotel-casino. The clash led state and federal government agencies to close Chukchansi Gold. SPECIAL TO THE BEE

The fallout from last month's takeover at the Chukchansi Gold Resort & Casino continues to take odd turns.

Wednesday, the lawyer for jailed Chukchansi tribal faction leaders Tex McDonald and Vernon King provided the interesting tidbits:

- McDonald was injured in a fight in the Madera County jail over the weekend, possibly suffering a broken jaw.
- The legal file in support of King includes a letter of reference from Fresno City Council Member Oliver Baines.

More turns are likely to come Wednesday morning, when attorney Jeff Reich is expected to argue that McDonald and King are no danger to the community and should be freed from jail on their own recognizance or on significantly reduced bail.

All of it stems from the takeover Oct. 9 by the McDonald-led faction, which raided the gaming offices of the Coarsegold casino seeking documents its leaders say are needed to satisfy federal officials who had been threatening closure because of late audits.

TIMELINE: Chukchansi casino's creation and controversy

The next day, the National Indian Gaming Commission and state Attorney General's office stepped in to close Chukchansi anyways on the grounds that it was unsafe for employees and patrons.

Fresno-based U.S. District Judge Lawrence J. O'Neill extended the closure indefinitely after an Oct. 29 hearing, saying tribal factions weren't making any progress on settling their differences.

And on Oct. 31, Madera County District Attorney Michael Keitz announced charges against 15 McDonald faction men. Six including McDonald and King (a treasurer for the McDonald faction) are in custody; the others including tribal police chief John Oliveira remain at large.

McDonald, 64, is being held at the Madera County jail on \$2.4 million bail and King, 59, remains behind bars awaiting \$1.75 million bail. Their bails were raised last week during arraignment. McDonald is charged with kidnapping, assault with a deadly weapon and false imprisonment.

Reich describes the charges as "frivolous and politically based." He said McDonald's and King's actions were "righteous, just and proper."

At his north Fresno office Tuesday, Reich continued to call McDonald and King "patriots" for the Chukchansi people.

He said the warrants were a "political stunt by the district attorney right before" the Nov. 4 election. (Keitz was defeated by challenger David Linn.)

Reich said he'll focus on tribal sovereignty and the right of tribal leaders to protect their interests during Wednesday's

hearing. The actions the McDonald-led men took on Oct. 9 should have been “respected by local law enforcement,” Reich said.

He said Madera County Superior Court Judge Matthew Rigby does not have jurisdiction in tribal governance and any action he takes in this case will show some degree of jurisdiction over tribal matters. O’Neill, who is overseeing the federal and state casino closure order issues, has acknowledged that he does not have jurisdiction over tribal governance.

The police action by security forces loyal to the McDonald faction was designed to pry control of the tribal gaming office from the Reggie Lewis/Nancy Ayala faction, which had entered the casino in August and took over the hotel’s top floors and casino operations. Reich said because the missing audits demanded by the National Indian Gaming Commission were from years when the casino was controlled by other factions, the McDonald group had no choice but to raid the gaming office.

The plan, Reich said, was to gain “their rightful control of the Chukchansi casino.”

“The court need not and, in fact, cannot, make a finding as to whether defendants were legal representatives of the tribe taking part in a valid police action. That is an issue that must be determined according to tribal law,” Reich said.

Support from Baines

Besides arguing the case Wednesday on tribal law, Reich said he’ll ask the judge to consider community member’s support of his clients.

McDonald, for instance, has letters of reference from leaders at Sierra Tribal Consortium, where he worked as a substance abuse counselor for about a decade.

And King has a letter of reference from Baines, who is about to start his second term on the Fresno City Council.

Baines said Tuesday he has known King for about five years. He said King is always ready to volunteer and help people in his southwest Fresno council district.

“I’m saddened to hear what’s been going on with the tribe,” Baines said. “As far as our community is concerned, Vernon is always there. Many, many times using his own resources.”

Baines called King “a stand-up man” and “one of my favorite people.” He said King has donated countless hours to volunteer programs. Baines also heads a scholarship program to which King is a significant donor: “It is his money that funds the scholarship, but he doesn’t want any credit for it.”

King retired from his job with the Internal Revenue Service to become a tribal council member.

McDonald left Sierra Tribal Consortium last year to become a tribal council member.

Larry Bruce, fiscal manager with the consortium, says in his letter that McDonald never displayed an angry temperament: “My assessment of Mr. McDonald is that he displayed good character in his performance of duties.”

McDonald got in a fight in the Madera County jail over the weekend. The details, Reich said, were not clear, but he said it appears McDonald may have suffered a broken jaw and a deep scratch on his neck from a makeshift weapon. McDonald was not taken to a hospital, Reich said.

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