

Chukchansi casino raid case switches judges; security guard released without bail

By Marc Benjamin



The front facade of Chukchansi Gold Resort & Casino in Coarsegold.

ERIC PAUL ZAMORA — THE FRESNO BEE [Buy Photo](#)

A Madera County Superior Court judge presiding over the Chukchansi Gold Resort & Casino raid case was disqualified Wednesday morning following a defendant's challenge, and the newly assigned judge allowed one defendant released without bail.

A defendant can exercise a "peremptory challenge" to disqualify a judge. Defendant Eric Suniga, who was arraigned Wednesday, made the challenge through his lawyer, Mark Coleman.

Coleman said he believed Judge Mitchell Rigby treated his clients and others in the case unfairly by setting bails too high.

"The bails in this case are ridiculous," Coleman said following the hearing.

Former Chukchansi tribal council Chairman Tex McDonald is in jail on \$2.45 million bail; fellow former council member Vernon King has a bail of \$1.75 million.

Rigby permitted Suniga's challenge and moved the case to another courtroom. He made no other comment. The

case is now being heard in Judge Dale Blea's courtroom.

There are 15 defendants being prosecuted for their alleged involvement in the Oct. 9 raid of the casino office by representatives of one of the competing leadership groups of the tribe that runs the Coarsegold casino and hotel. Both were closed the next day by the state and federal government and have not reopened.

Three weeks later, the men were charged with multiple counts of kidnapping, false imprisonment and assault.

One of Blea's first actions was to allow a security guard working with McDonald's forces the night of the raid, Miguel Ramos, to be released on his own recognizance. Ramos had been jailed since Nov. 3. His bail was \$500,000, according to Madera County Corrections records. Blea also agreed to a bail hearing next week for King at the request of his lawyer, Bonnie Bitter.

Coleman is representing nine men who were serving as tribal police officers and one security guard from the raid. Several of the men have distinguished military records and worked as police officers. The security personnel were following directions of the tribal police officers during the raid, he said.

"I was really concerned that this judge (Rigby) made up his mind and completely disregarded the background of our clients," Coleman said following the hearing. "All we are asking for is fairness."

Coleman said there are layers to the criminal charges. He said that the tribe's sovereignty should protect tribal officials, such as McDonald and King, from prosecution. The police officers were sworn in and working as officers of the tribe during the casino raid and should be exempt from charges for discharging their duties, Coleman said.

Separate dismissal motions were filed by lawyers Antonio Alvarez and Serita Rios. Alvarez represents McDonald and Rios is the lawyer for security guard Tyrone Bishop. They say that tribal members have immunity in cases that occur on tribal lands, and police and security also are immune from prosecution when carrying out duties as employees of the tribe on tribal lands. The motions for dismissal said that nontribal law enforcement agencies can't arrest tribal officials and their employees on tribal lands.

Blea allowed several of the tribal police officers who live outside the Central Valley to waive appearances for most future hearings. Four of the men who had not previously been arraigned — Brian Auchenbach, David Anderson, David Dixon and Suniga, a security guard for the tribe — pleaded not guilty Wednesday. They had all previously bailed out.

Coleman said that the state has "no jurisdiction" and that the officers were duly appointed by the tribe "and are immune from these charges."

In another defendant's case, security guard Miguel Ramos, who had been in Madera County Jail since Nov. 3 for his involvement in the gaming office raid, was released on his own recognizance.

Ramos, 23, previously had bail of \$500,000. His lawyer, Craig Collins, said Ramos is a military veteran who served in Afghanistan and had no involvement in violent acts during the takeover. Blea ordered him not to have any weapons, and Ramos agreed. Ramos, who is married and the father of an infant son, has no criminal history, Collins said.

Prosecutor Nicholas Fogg didn't oppose Ramos' release. He said his office conducted further investigation and found that "Mr. Ramos is situated quite differently than every other defendant in this matter."

He said Ramos, who lives in Chowchilla and graduated from Chowchilla High School, took no action against anyone and also was not involved planning the raid.

Lily Ramos, 17, his younger sister, said the family was glad to learn of her brother's release.

"We were all so excited," she said. "We called everyone from L.A., Mexico, we called all the family members to say he

was all right and he was coming out. I just hope he gets here soon.”

She said she plays basketball and watches scary movies with her brother.

“I just can’t wait to go out with him to the movies and just have fun with him,” Lily said.

The next hearing for all defendants is Feb. 11. A hearing on motions, which will determine whether the case goes to trial, is set for March 16.

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