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## LEGAL DEFENSE FUND News Articles

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### SANTA MARIA JUDGE GORES CITY ADMINISTRATOR FOR TERMINATING INNOCENT OFFICER

As our avid readers will recall, we previously chronicled the saga of fired Santa Maria Officer Tom Radzynski, whose *Petition for Writ of Mandate* to overturn the termination was granted by Superior Court Judge Zel Canter on January 5, 2000. Radzynski, who previously served with great distinction in the U.S. Marine Corps, and the LAPD, was discharged for backing his unit into a mailbox while en route to an urgent call, and allegedly lying about it. In granting the *Writ*, Judge Canter found no merit to the findings of city administrator Tim Ness, whose decision was rubber-stamped by the City Council.

After our story went to press, the city filed a *Motion for New Trial* to be heard on March 15, 2000. The city should have better heeded the soothsayer of Shakespeare, who bid Caesar, "Beware the Ides of March!" In a devastating carving that would have earned the admiration of Brutus and Cassius, Judge Canter sliced through the City's specious arguments, and left no doubt that he sought to bury, not praise, Ness along with his tainted decision.

Judge Canter described Ness' strained efforts to find Radzynski guilty of misconduct as "disingenuous", stating that Ness "went out of his way to find that the police officer lied. I found that to be abhorrent and rejected it out of hand." Ness, he said, was "a corporate man, ready to sacrifice the individual's rights..., in my opinion the worst kind possible to be in any position of a judicial office of any sort." Ness' tortured reasoning, he continued, was "so faulty that it was an abuse of his powers."

Notwithstanding that the court had exonerated Radzynski of misconduct, the city's lawyers frivolously claimed that they would have to shield Radzynski from field duties, incomprehensibly citing "*Pitchess*" considerations. Judge Canter abruptly scolded them, stating that their problem lay in the pathetic lack of justification given by Ness for the termination, and that they should "get a better hearing officer next time you want to railroad somebody out of the department." Deftly delivering the ultimate coup de grace, Judge Canter concluded that Ness "should be a tobacco executive."

After denying the city's *Motion*, Judge Canter drafted an *Order* finding Radzynski "factually innocent of the charges brought against him", and sternly revisited the city's asserted position that Radzynski would have to be confined to a desk job:

"It is clear to the court by the argument of counsel for respondents...that despite petitioner's exoneration by this court, and his exemplary record of service, the city does not intend to comply with the court's decision and to fully reinstate petitioner, but instead to regard him as a sort of pariah to be confined to desk jobs. If such harassing conduct does indeed take place, petitioner will not be without a remedy."

Bill Hadden, of Silver, Hadden & Silver, led the fight to forge the Superior Court victory. The city, shamelessly intent on continuing to waste its taxpayers' money, immediately filed an appeal to delay Radzyminski's return to work, validating Judge Canter's assessment of its despicable behavior. LDF will continue to support Radzyminski in his fight for justice, and we will accordingly keep our readers posted.

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