



ON THE RECORD

NEWS from Pierce County Prosecutor Mark Lindquist

September
2011

Berniard Sentenced to 124 Years for Craigslist Killing



Charlene Sanders hugs Mary Robnett after sentencing.

On September 9, Clabon Berniard, 24, was sentenced to nearly 124 years in prison for the home invasion robbery and murder of 43-year-old Jim Sanders on April 28, 2010. A jury convicted Berniard, who was the last of four defendants prosecuted for the crime. Kiyoshi Higashi, Amanda Knight, and Joshua Reese were previously convicted in separate trials.

During the trial, Charlene Sanders testified that Berniard kicked her in the head as she lay on the floor, hands and feet bound with zip ties. He also pistol whipped the Sanders' 14-year-old son. Minutes later Jim Sanders lay fatally wounded after being shot by Higashi. The criminals then fled the residence with the diamond ring Sanders had advertised on Craigslist as well as other items.

Prosecutor **Mark Lindquist** said, "The Sanders family and their friends demonstrated admirable grace throughout these four trials. All of us in the Prosecutor's Office join them in thanking the jurors for just verdicts." Chief Criminal Deputy

Mary Robnett and Deputy Prosecutor **Karen Watson** prosecuted all four defendants in separate trials. Pierce County Sheriff's Detective **John Jimenez**, as well as support staff **Monica Schmuck** and **Wayne Smith**, were instrumental in supporting the prosecution.

Gang Member Sentenced to 58 Years

On August 19, Marsele Henderson, 20, was sentenced to more than 58 years in prison for the shooting death of 18-year-old Victor Schwenke at a party outside a South Tacoma home in 2008.

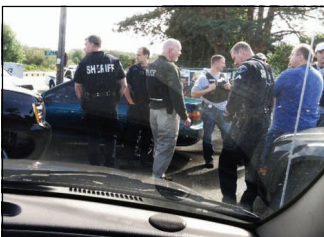
Henderson opened fire on a crowd of people attending the party. One of the bullets struck Schwenke. The shooting was in retaliation for the murder of Henderson's friend, Phillip Johnson, hours earlier. Henderson and Johnson were known associates of the Hilltop Crips street gang. Schwenke did not know the defendant and was not a gang member.

The trial was punctuated with unexpected drama when a group of three gang members seeking "street justice" assaulted Henderson as he was being led from the courtroom by corrections officers. Surveillance video captured the attack. The assailants await trial on multiple assault charges. Lead Gang Unit DPA **Greg Greer** prosecuted the case.



Greg Greer addresses the jury during trial.

Task Force Take Down



Law enforcement officers surround a defendant's car after arresting her.

On September 26, the Auto Crimes Enforcement Task Force arrested more than a dozen suspects during "Operation Bulldog", a three-month long undercover investigation. Auto theft charges were filed against 12 defendants who were involved in stealing cars and selling them to undercover operatives running a phony chop shop.

DPA **Karen Benson**, former designated auto theft prosecutor, rode along with law enforcement personnel and witnessed the arrest of defendant Brittany Decléments. Police vehicles converged on Decléments as she was on her way to sell a stolen car. One of the main players in the theft ring, Decléments is charged with six counts of auto theft and one count of attempted auto theft.

The fake chop shop was set up in response to a recent surge in auto thefts, burglaries and vehicle prowls. The operation netted 19 stolen vehicles, five firearms and various narcotics. A search warrant led to the recovery of more than 3,000 stolen items linked to 24 burglaries.



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PA CASE FILES

JOSE LUIS CASTANEDA-ORTIZ, 59, pleaded guilty to drug and weapon charges during trial and was sentenced to 10 years in prison. Castaneda-Ortiz was arrested with more than a kilo of meth and several firearms. DPA **John Macejunas** prosecuted the case.

Community Involvement



On Friday, August 19, the Prosecutor's Office held its Fourth Annual Wurst Day at Cheney Stadium. Employees, friends and family enjoyed a pre-game tailgate party that raised money for [Lawyers Helping Hungry Children](#). DPAs **Kevin McCann**, **Mary Robnett** and **John Sheeran** sponsored the event, which raised almost \$1,000 for LHC's backpack program that provides nutritious meals for children on weekends. Assistant Attorney General **Julian Brae** attended as a representative from LHC.

Jill Guernsey, DPA in the Civil Division, was recently elected to the Board of Trustees of the American Inns of Court. Guernsey chairs the Environmental and Land Use Section of the Washington State Bar Association.



Grant Blinn, and **Neil Horibe** participated in the three-day Courage Classic bike ride in August. The ride is a fundraiser for Mary Bridge Children's Hospital Abuse Intervention Department. The pair raised almost \$1,500 and rode 175 miles over three mountain passes. Blinn, pictured at right, is the Team Chief of the Special Assault Unit. Horibe is a deputy prosecutor in the unit.



More than 100 employees and family members turned out for the annual Picnic in the Park on August 19 in Wright Park. Staff members took turns flipping burgers at the lunch time event, which is organized by the office's "Pep Squad." At left are grill masters/DPAs **Scott Peters**, **Sven Nelson** and **Kevin Benton**.

Marilyn Curry, paralegal in the Family Support Division, celebrated 30 years of service to Pierce County on September 1.

Speaking Engagements

Mark Lindquist enjoys attending and speaking at community events. If you would like to invite Mark or a representative from the Prosecuting Attorney's Office to speak to your group, please [contact us](#).



PA CASE FILES

VERNON LEE WARD, 17, pleaded guilty to Robbery in the First Degree and was sentenced to 17 years in prison. Ward led a group of teens who broke into an 86-year-old woman's home and robbed her at gunpoint. DPA **Doug Hill** prosecuted Ward.

DAVID ANELLO, 47, was sentenced to six years in prison for car theft. "New York Dave" is well known to law enforcement as a prolific car thief. DPA **Erika Nohavec** prosecuted Anello.

DAMOS HANDSOM, 29, MUAU MUASAU, 42, and MICHAEL SMITH, 44, were all convicted at trial of first degree burglary. The defendants were armed with an assault rifle and handgun when they kicked in the doors of a mobile home and held the occupants at gunpoint. Handsom received 44 months, and Muasau 10 years, in prison. This was the third strike for Smith, who faces life without parole. DPA **Dione Hauger** prosecuted the cases.