

motionless very quickly.

Witnesses differ about what happened next. All agree that the officers searched Dine quickly, but two reported that police lifted the man's shirt and conducted an extensive search as he lay critically wounded, and three reported that an officer reached into Dine's pocket or the fanny pack he wore on that side. All agree that an object was tossed to the side.

Another point of disagreement is when an ambulance was called. Clinton Haness, a witness who was walking on Soquel Avenue, arrived at the corner immediately after the shooting took place. He said that the police moved Dine around quite a bit, something he took note of; it struck him as very wrong to move a shooting victim before the ambulance arrived. He says he heard one officer ask the other after the search if the ambulance had been sent for yet, and that the call was made at that point. Another witness, Mike Schultz, saw the ambulance arrive as the officers were doing their search. This leaves open a question about procedure: did the police call for the ambulance before or after touching John Dine?

The first reporter on the scene was Vinnie Lombardo ("the V-man"), a reporter for Free Radio Santa Cruz, who gathered firsthand accounts from Tom Murphy, who calls himself a "tourist" and who had a simple interchange with the victim moments before the shooting; Mike Schultz and Stacey Buckelew, who observed from a car 20 feet away from the shooting; and Alani Balawejder, an employee of the New Leaf Natural Foods Store, who was on the roof of the building across the street. Murphy and Balawejder give an emphatically different picture of Dine's behavior prior to the shooting than the one offered by police. Balawejder, who was passing her break-time watching the street, saw a man "just standing there totally normal," seeming to watch a skater on the sidewalk. Murphy heard Dine speak words to the effect of "spare change?," and saw no untoward behavior.

By the time the television news crew from KCBA was filing a report two hours later, the official story had already gelled. Chery Guyro, reporter for KCBA, inserted a caveat in her report as she filed it, saying that the material was strictly from witnesses and had not been confirmed by police. But in a conversation with Becky Johnson, who produces the "Club Cruz" news program for Community Television, Guyro said that she had actually only talked to the police, and not to any witnesses. When Johnson attempted to question Lt. Joe Haebe about discrepancies in the witness statements on the scene, he brushed her

aside with a testy remark: "And have you questioned the witness in the police car? You're unaware there was a private citizen in the back of the car..." But the name of this witness, unlike all other witnesses, was not released until a week later, after the DA's press conference exonerating Officer Carey.

Like the KCBA report, the *Santa Cruz Sentinel* article that appeared the next day ignored witness statements that contradicted the police story. Two days later, after at least two of the witnesses had complained both to the newspaper and to the District Attorney's office that their statements were being ignored, another, more thorough article appeared in the paper, but the fundamental question as to whether John Dine did or did not give

Conner Carey sufficient cause to believe he was in danger was dismissed.

On November 17, Santa Cruzans for Full Disclosure (an ad-hoc group seeking out, recording, and publicizing witnesses statements relating to the shooting) held a press conference in the hall outside the District Attorney's office. Although the media were invited to come and listen to tapes of the witnesses describing what they saw and to question the witness Stacey Buckelew, the mainstream media stayed away. A cameraman from Channel 46 showed up but quickly beat a retreat; the only press representative to listen to the tapes was Steve DeCinzo from the *Santa Cruz Metro*, a weekly whose motto is "the intelligent alternative."

DeCinzo is best known for a cartoon panel in the *Metro* which has depicted the homeless in contemptuous terms before. That week's issue carried a piece roundly chastising the organizers of the press conference, questioning their motive for carrying on the investigation, and dismissing all statements of all the witnesses (among the taped statements is one which is markedly less reliable than the others).

Members of the City's two-year-old Citizens' Police Review Board considered holding an emergency meeting the week after the shooting, but decided to hold off until the regular meeting on December 8.

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The questions that remain are:

1. Was Dine behaving in a bizarre and threatening manner prior to the shooting?
2. Was Dine actually holding a toy gun in his hand or was it in his pocket or pack?
3. What motion, if any, did Dine make when told to keep still?
4. What position was he in when he was shot?
5. What facts has the DA's office used, and what facts ignored, to come to a conclusion of "justifiable homicide?"
6. What factors have decided how these facts are weighed?
7. What witnesses (other than Newman) corroborate the police story?