

Returning to the wild

Rescued heron takes flight



DAN HONDA/STAFF

Jackie Annis of International Bird Rescue coaxes the last remaining bird, a black-crowned night heron, to be released at the Arrowhead Marsh of the Martin Luther King Jr. Regional Shoreline in Oakland. The Audubon Society, International Bird Rescue and Oakland Zoo released a number of mature herons and egrets, many of whom were rescued in recent months from Oakland streets after falling out of their nests.

Contra Costa County

Six file for county education board

Four challengers face longtime incumbents Mirabella and Gomes

By Joyce Tsai

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MARTINEZ — Two challengers will face off against longtime incumbent Pamela Mirabella in the Nov. 8 election to represent

Area 1 on the Contra Costa County Board of Education. The challengers include Fatima Alleyne, an outspoken West Contra Costa school district critic and education advocate who served as a member of that district's Budget Advisory Committee and has raised questions about how the school district is spending its Measure G parcel tax money.

Also competing for the seat which covers El Cerrito, El Sobrante, Kensington, San Pablo, and parts of Pinole and Richmond, is former West Contra Costa board trustee Elaine Merriweather, who ran unsuccessfully for re-election two years ago. They face Mirabella, who has served on the county board since 1988.

In the board's Area 3 race, two challengers are competing against incumbent Daniel Gomes, who was elected in 2000. They are vocational school chairman Leon Sloan and professor and business owner Vikki Chavez.

Gomes' seat covers Pacheco and parts of Clayton, Concord, Martinez, Pittsburg, Pleasant Hill and Walnut Creek.

Contact Joyce Tsai at 925-945-4764. Follow her at Twitter.com/joyceatsai.

Murder case

No decision expected on Sierra trial

As capital trial nears, so does state death penalty vote Nov. 8

By Tracey Kaplan

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SAN JOSE — A judge is not expected to make key rulings in the trial of the man accused of killing missing teen Sierra LaMar until next week at the earliest, after a hearing on the matters resumes Tuesday.

But no matter how Superior Court Judge Vanessa A. Zecher rules on defense motions to move the trial of Antolin Garcia-Torres out of Santa Clara County and exclude potentially incriminating evidence against him, another thorny question still looms.

Should jury selection in the capital murder case begin before or after California voters decide seven weeks from now — on Nov. 8 — whether to abolish or streamline the death penalty?

LaMar, 15, vanished on her way to the school bus stop near Morgan Hill on the morning of March 16, 2012. Her body has not been found.

Defense attorneys have continually warned that it is unlikely they will be ready for trial by the end of September, as the judge would like. They have not mentioned the pending election, but observers say both sides can't help but be keenly aware of it. Prosecutors have said they're ready for trial. Nei-

ther side will comment on the case outside the courtroom.

But advocates for Proposition 66, which would streamline the death penalty, and for Proposition 62, the abolition measure that would replace it with life without parole, expressed strong opinions Friday on the timing of the trial. (Since the two ballot measures conflict, if both passed, the measure receiving more votes would take effect.)

If the jury is selected before Election Day — and if the death penalty winds up being repealed — the stiffest punishment Garcia-Torres would face is life without parole. But the jury would be "death-qualified," meaning made up of people willing to impose the death penalty.

"Studies over the past 30 years show that a death-qualified jury is more likely to convict," said Santa Clara University law professor Ellen Kreitzberg, director of the Death Penalty College, a residential training program held at the university each August to train lawyers assigned to the defense of a capital case. "They're even called 'guilt jurors.'"

But Kent Scheidegger, legal director of the Criminal Justice Legal Foundation and a supporter of streamlining the costly, decades-long death penalty process, disagreed. "I don't think we should stop following California law because we're thinking about changing the law," Scheidegger said. "There are always proposals out there."

San Jose

Baby born after crash improves

Christopher's mother died from injuries she received in accident

By Jason Green

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SAN JOSE — The condition of a baby boy born two months premature during an emergency delivery after his mother was fatally injured in a crash early Wednesday has been upgraded from critical to serious, according to a hospital spokeswoman.

Doctors delivered the baby, named Christopher, as his 18-year-old mother, Dulce Capetillo of San Jose, lay dying in an operating room at Santa Clara Valley Medical Center in San Jose.

VMC spokeswoman Joy Alexiou said Christopher's condition was upgraded

from critical to serious Friday.

"The baby's condition is better," she said.

The crash happened on Highway 101 near Tully Road about 1:50 a.m. Wednesday when a Honda Civic in which Capetillo was riding struck a BMW 745i stopped on the shoulder, according to the California Highway Patrol.

She died of traumatic chest injuries several hours later.

Capetillo's 20-year-old brother, Carlos Capetillo-Hernandez, was behind the wheel of the Honda. He was hospitalized with moderate internal injuries at Regional Medical Center in San Jose.

The CHP said the driver of the BMW — Hung Tran, 22, of San Jose — was treated for minor injuries at Regional Medical Center and later arrested on suspicion of driving under the influence. It re-

mains unclear why he was stopped on the side of the freeway.

Capetillo had finished a shift at a Morgan Hill Taco Bell and was on her way with Capetillo-Hernandez to pick up her 20-year-old boyfriend, Pedro Cortes of San Jose, from his shift at an Alum Rock Taco Bell when the crash happened.

Friends described the young couple as hard workers who wanted to build a life for their growing family.

A gofundme page (www.gofundme.com/2kcg1x5) has been set up to cover funeral expenses for Capetillo.

As of 8 p.m. Friday, about \$8,700 had been raised from roughly 170 donors.

Contact Jason Green at 408-920-5006. Follow him at Twitter.com/JGreenMercNews.

Christopher had the Best Day Ever!

BEST DAY CERTIFIED

I Won at Graton!

CHRISTOPHER FROM SAN PABLO WON BIG!

EAST BAY WINNERS

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WILLIAM WON \$27,341	CAROL WON \$9,887
SALLY WON \$13,500	JOHN WON \$9,441
ROBERTA WON \$10,498	BRENDA WON \$8,901
EDNA WON \$1,200	NANCY WON \$2,900

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