

## **DRUNKS AND THIEVES PART 2 June 16, 2014**

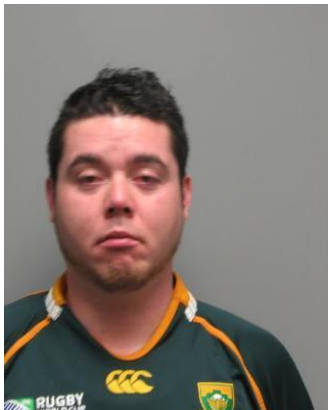
We continued with our semi-annual look at the criminal justice system in West St. Louis County. To read our past looks at jurisprudence "West County Style" go to our website <http://johnhoffmann.net> and look under the "newsletters" link.

### **CHESTEFIELD:**

**DRUNK DRIVER WITH DWI PENDING GETS OFF WITHOUT ANY POINTS AFTER SECOND DWI ARREST:** **Christian Beck-Ceballos** was a butcher at the Kehrs Mill Schnucks store. He has a Chesterfield mailing address but really lives in Ballwin at 2319 Westpar Drive at his parent's house. He had recently been arrested for DWI and had the case pending when on Wednesday April 17 at 2:21am he was driving drunk again. Chesterfield Police Officer Hernandez spotted him driving a 2008 Toyota Highlander SUV NB on 141 just entering the Chesterfield city limits from Town and Country.

Officer Hernandez reported that the Toyota was all over the road. At one point it appeared as if the Toyota was going to turn into St. Luke's Hospital, only to have the driver swerve back onto the road narrowly missing a streetlight pole. Officer Hernandez followed the car and watched it swerve four more times on the empty highway before he stopped the driver in the area of Hwy 141 and Olive Blvd. When pulling to the right and stopping the driver drove half of the car off of the shoulder.

The driver Christian Beck-Ceballos could not give Officer Hernandez a driver's license, because it had been seized in connection with another DWI arrest and was suspended. He appear to be highly intoxicated.



Beck-Ceballos admitted he had been drinking while at the Hollywood Club in East St. Louis saying he had "two beers and whiskey and coke." His estimations of how much he had would later change at the police station to "five whiskey and cokes."



Beck-Ceballos clearly should have read some of the customer reviews on the Hollywood Club before going.

Don't go!! Drinks are watered down! Girls are mediocre. Most look under the age of 21. 20\$ to get in? For what??!!! Don't go!! Take my advice!! Check out the strip in Brooklyn Illinois, you'll get a lot more for your money, alcoholic drinks, party less freaks, private dances for half price, better music, smoking.

I would give this sin bin one star if it weren't for Pandora. She saved the entire experience from being a complete train wreck

the porn being played on the televisions was quite distracting. I was surprised by how they actually lie to themselves pretending they are a up standing establishment.

I will never come here again. The girls aren't dancing or anything. I want my money back. You can't dance to this music.

(Now if nothing else you have something to talk about with the butcher at Schnucks.)

Beck-Ceballos and his passenger began to beg Officer Hernandez to cut them a break and call someone to pick them up. Hernandez wrote in his report, "I declined."

The passenger was driven to Steak n' Shake on Olive where someone came to pick him up. Beck-Ceballos after failing field sobriety tests was arrested for Improper Lane Use, Driving on a Suspended License, Fail to Wear Seat Belt and DWI and taken to the Chesterfield Police Station.

At the station Beck-Ceballos wanted to call his lawyer and had his lawyer's business card that was in his wallet. Then he didn't call and simply refused to take a breath test.

However after being given his rights he agreed to be interviewed. When asked if he had been drinking he said "No." He apparently forget about that answer as Hernandez next asked him how much he had to drink. He then admitted to the "five cokes and whiskey" drinks.

Beck-Ceballos' lawyer was the son of Des Peres Municipal Judge and former Monarch Fire District Attorney Charles Billings and a partner with his dad in the firm Bruntrager & Billings, P.C. Charlie Billings moved the case from Chesterfield Muni Court to the County Circuit Court.

11 months after his arrest on March 25, 2014 Beck-Ceballos pled guilty to DWI (remember his second in months) before Judge Joseph Durkee. He was given a "no-record" SIS probation term with no fine on the DWI. The Improper Lane Use for his near accident with a light pole and weaving across lanes on Highway 141 was reduced by Chesterfield's prosecutor Tim "No Points" Englemeyer to "Illegal Parking" with a \$377 fine. The suspended License charge was reduced by Englemeyer to "Illegal Parking" with a \$177 fine.

Englemeyer did get a straight-up conviction on a final charge, Operate a Motor Vehicle While Failing to Wear a Seat Belt, which resulted in a \$10 fine.

Beck-Ceballos left the courthouse in Clayton with no points against his driver's license.

Englemeyer in his charge reductions totally disregarded the safety and welfare of the residents of Chesterfield and continued his non-support of the police officers trying to enforce laws.



Chesterfield prosecutor's actions of not looking out for the safety and welfare of the Chesterfield residents and refusal to provide any support for Chesterfield police officers filing cases is apparently perfectly alright with all the elected officials in Chesterfield, with the exception of former mayor and councilwoman Nancy Greenwood who voted against his reappointment.

## **DRUNK 18-YEAR-OLD OVERTURNS HIS CAR ON CHRISTMAS EVE MORNING**

**AND GETS OFF:** Officer McBride was dispatched to a one car accident on Eatherton Road and Wild Horse Creek Road at 4:53 Christmas Eve morning 2012.

On his arrival at the accident scene Officer Trevor McBride found the driver and only occupant of the overturned Chevrolet sedan sitting in a Monarch fire ambulance joking with paramedics.

The driver was 18-year-old David Wirkus of St. Peters. Wirkus told Officer McBride he was speeding down Eatherton Road when he crashed. He added he had been drinking at a party. Paramedics took Wirkus to Mercy Hospital in Creve Coeur, where Officer McBride continued to interview him after his treatment.

At the hospital Wirkus still appeared to be very intoxicated. He agreed to be interviewed. In that interview Wirkus thought the time was 1 am when in fact it was 6:05am. He also stated that he believed the day was Thursday. It was actually Monday.

The 18-year-old stated that he had been drinking since the day before, starting in the afternoon and continued drinking alone in his car prior to the accident. He added that he thought he was under the influence of alcoholic beverages. He continued that he had used marijuana two days earlier, smoking "a gram" at his house.

Concerning the accident Wirkus said he was doing about 50 mph down Eatherton Road and "could not handle the turn." He said he was surprised he was not badly hurt since he was not wearing a seatbelt when the car flipped onto its roof.

Wirkus agreed to have his blood drawn. A test of the blood showed the Wirkus's BAC level was .162%. He was admitted to the hospital for observation and was never booked and photographed at the police station.

Despite having the best evidence of a blood sample testing at .16% BAC, Chesterfield Prosecutor Tim Englemeyer dismissed the DWI. He did accept a guilty plea for Careless Driving that resulted in a \$1,000 fine. The speeding charge was reduced to "Illegal Parking" with a \$350. The Minor in Possession of Alcoholic Beverage by Consumption was reduced to "Littering" with a \$250 fine.

So Wirkus was an exception to most Chesterfield drunk driving stories. No, he pled guilty to Illegal parking and Littering, which he was never accused of doing...that is standard operating procedure for prosecutor Tim Englemeyer. He had the DWI charge

completely dropped, something else that isn't too unusual, since Englemeyer is never very interested in actually protecting the public. The big difference is that Witrkus left the courthouse with 2-points on his license for the Careless and Impudent Driving charge. Now that is unusual!



County Judge Dennis Smith accepted this ridiculous charge reduction. To hell with the public's health, safety and welfare.

### **GOOD SAMARITAN RETURNS STOLEN AMERICAN DOLL...SUSPECTS STEALS**

**ANOTHER: Hector F. Escamilla** of O'Fallon, Missouri had been a cook at the Stony River Restaurant but was fired on July 31, 2013. Escamilla, who goes by his middle name of Fernando, was back in the area of the restaurant on August 2 with this wife. However they were at the American Doll Store, separately but not together. What they did was documented by the store's video surveillance system.

Escamilla went into the American Doll Store and contacted an employee telling her he was the manager of the Stony River Steakhouse and wanted to see the manager of the American doll store. When the employee asked for his business card he could not produce one, claiming he was out of cards.

The employee left to go back to the office and Escamilla was seen looking at dolls and apparently picking one out. The employee returns and informs Escamilla that the store's manager is not there and is on vacation. The salesperson then leaves.



Next Escamilla is seen taking a doll in a box out of the store at 5:52pm.

At 5:57 the video show a customer walking into the store carrying an American Doll box. She tells a store employee that she found the box with the doll next to a SUV with Texas license plates on the parking lot. The shopper stated that she feared someone had bought the doll and while putting packages in the car forgot about it. She had the license plate number of the SUV the doll was next to.

The store video shows a large woman with a child and a large black purse leave the store following Escamilla just as the good Samaritan is walking into the store. The women is Escamilla's wife Kristina. The video shows her stopping and staring at the woman carrying the box. The video showed Kristina putting down the child and her purse, taking out a phone and starting to text.



The code on the box was scanned and determined the doll had not been purchased and should have still been inside the store on a shelf.

The video next shows Escamilla and his wife conversing outside of the store. They both enter the store. Escamilla goes and selects another MY AG doll and exits the store without paying. at 5:58. His wife and child leave six minutes later.



The MY AG doll retails at \$110.

Three days later the stores security staff puts everything together and called the Chesterfield Police. Officer McBride responded ran a license check on the plate number given by the good Samaritan and found the plate was registered to Escamilla on a Toyota SUV.

The next stop for Officer McBride was at the Stony River Steakhouse. There police learned that Escamilla had been fired a week earlier and also obtained his phone number and address in O'Fallon.

McBride called Escamilla and he agreed to come to the police station. He arrived at 9 pm and was arrested. He stated that he thought his wife bought the doll and picked it up and left the store. At one point he said he had been drinking and later he said he was "wasted." Officer McBride noted that no store employee who had contact with Escamilla indicated he was intoxicated.

He could not provide an explanation when asked why he did not stop the good Samaritan who had picked up the doll and walked back into the store. When Officer McBride told him it looked like his wife was involved Escamilla said she wasn't involved in the theft and that it was "his mistake."

He was charged with two counts of Stealing Under \$500 for taking both dolls with a total value of \$220. He posted a bond and told Officer McBride he would return with the doll that night.

At midnight Escamilla returned the doll to the police station. At 3pm on August 6 the doll was returned to the store.

Later that night on August 6 Kristina Escamilla came to the police station. In an interview she denied being involved with the theft and said she "could not think of a reason for her husband to steal it." Officer McBride determined there was not enough evidence to charge Kristina Escamilla.

On 10/29/13 Escamilla made a "jury demand" to have the case moved to the Circuit Court in Clayton. The attorney Derek Rudman with law offices on Big Bend in Richmond Heights may have wanted to move the case closer to his office and away from the most lenient judge know to man, the Chesterfield municipal hippie judge, Rick Brunk.

On December 12 Chesterfield city prosecutor agreed to reduce the stealing charge to "Littering." Escamilla pled guilty in front of Judge Dennis Smith and was fined \$295.50 for littering.



Dennis Smith who makes it a regular habit of allowing reduced charges from serious offenses such as DWI, Careless Driving, Speeding over 100mph or theft to such non-serious charges like "Illegal parking" or "Littering."

## **21-YEAR-OLD WRECKS CAR THEN HIDES FROM POLICE IN BUSHES**

**Eric S. Fafoglia** crashed his Subaru off the road at White Road and Rainy Lake Drive on Saturday night/Sunday morning September 30, 2012 at 3:40am.



Officer Trevor McBride responded to the accident scene and found a badly damaged Subaru with no driver or passenger to be found. He did find a set of wet shoe prints leading from the crash site toward a nearby elementary school. The keys were out of the ignition but a number of other expensive items, such as an iPod, GPS and radar detector were still in the car.

The vehicle was registered to Eric and Nick Fafoglia on Shady Village Drive. An officer went to the house and contacted Nick Fafoglia who said the car belonged to his son Eric. He called Eric and found out that Eric did not flee the crash site without taking his cell phone. Dad allowed Officer Tim Decker to speak to son, Eric, who was hiding in some bushes near the crash site at the school. Decker asked why he ran away. Eric responded that he was "scared" and admitting to having "a couple of beers."

Decker told him to walk back the accident scene and speak with officers. When the 21-year-old reached the officers at the accident scene they immediately thought he may



have had more than "a couple of beers." Fafoglia then was given a set of field sobriety tests which he promptly failed leading to his arrest for DWI.

At the police station he took a breath test that showed his BAC level to be .17%, more than twice the legal limit.

His "two beers" statement changed after the breath test to "two beers and a couple of mixed drinks" at a bar on Washington Avenue in downtown St. Louis.

He also stated that he was driving too fast and lost control of his car turning onto White Road. He added if he had not been drinking he did not think he would have wrecked the car. He stated that reason for being on White Road at 3:30 in the morning was that on his way home he decided to "go see a girl."

Fafoglia was charged with DWI, Careless and Impudent Driving and Leaving the Scene of an Accident.

Fafoglia hired a lawyer from St. Charles County who had the case moved to the St. Louis County Circuit Court. This is something that I would normally claim is a bad idea, moving a case away from the easiest judge in the region. However thanks to Chesterfield Prosecutor Tim Englemeyer things worked out in Fafoglia's favor and against the general well being of the public.

On January 29, 2014 the DWI charge was reduced to Careless and Impudent Driving with a \$1,000 fine. The original Careless and Impudent Driving charge was reduced to Illegal Parking with a \$350 fine. The Leaving the Scene of an Accident charge was dropped all together by Englemeyer. Judge Dennis Smith allowed this plea bargain to happen.



Judge Dennis Smith, hard at work not to identify drunk drivers.

Fafoglia had been facing a possible total of 26 points against his drivers' license which would have revoked for one year. However, he left the courthouse with only 2 points on his record, no record of a DWI and nothing like a probation term over his head.

**ST.CHARLES RESIDENT ARRESTED BY TOWN AND COUNTY COP WHO WAS NOT AROUND FOR LONG:** Many DWI arrests take up to a year to be adjudicated. It took the arrest of Michael Patrick Lindeman 16 months to reach a final disposition.



Lindeman was clocked speeding on January 18, 2013 at 3am by Town and County Police Officer Masood Khan, who had recently been hired in October of 2012 from the St. Louis Police Department.

Lindeman had been clocked speeding on Westbound I-64 before Mason Road and stopped on Hwy 141 near Conway Road.

At first Lindeman denied drinking despite showing signs of intoxication. Later after his arrest he admitted he had been drinking vodka. He failed the field tests and a field breath test and was arrested.

At the station he took an "official breath test" that showed his BAC level to be at .09%.

His attorney, Gary Lauber, moved the case to the St. Louis County Circuit Court. Instead of demanding a trial, Lindeman pled guilty to his second DWI case. His first DWI conviction was in 2006 in St. Charles County, where Lindeman received a "no points" SIS probation term.

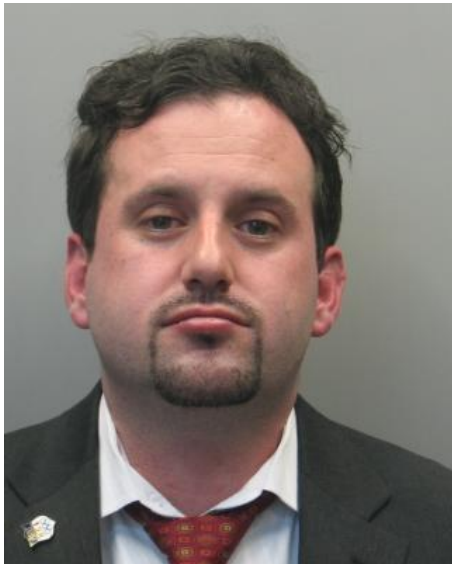
In this case he should have had the trial. It turns out the arresting officer, Masood Khan resigned from the Town and Country PD six months after being hired and two months after arresting Lindeman. He took a job with the Chicago Police Department.

It is hard to convict someone of DWI without an eyewitness. Judge Mary Schroeder did not let the fact that Lindeman have a prior DWI conviction influence her at all. She

handed Lindeman another "no record...no points" SIS probation term. He was fined \$350 for speeding.

**ANOTHER PRIOR DWI DRIVER ARRESTED:** On March 10, 2013 (Saturday night/Sunday morning) just after midnight Town and Country Officer Scott Schlager clocked a brand new 2013 BMW speeding 79 mph in a 60 MPH zone on westbound I-64 around Maryville Center. The driver exited onto SB Hwy 141 and Officer Schlager could not get the driver to pull over until after he had exited onto Woods Mill Road and reached Clayton Road.

The driver, 34-year-old **Sean D. Martin** of Ballwin denied having anything to drink and later changed that to "one beer." He failed field sobriety tests and a field portable breath test and was arrested.



Does this guy look drunk to you?

At the police station he refused to answer any questions and refused to take an official breath test.

He was cited for DWI, Speeding, Improper Lane Use. This was his second DWI having been arrested and convicted in Creve Coeur in 2005 (Before Tim "Let's Not Convict Anyone" Englemeyer became the judge.)

Martin's attorney moved the case to St. Louis County Circuit Court and then didn't show up. There are no second chances when this happens and the judge remanded the case back to Town and Country Municipal Court. Things did not go well for Martin. Town and

Country Judge Dean Waldemer is a loose cannon, sometimes he is easy on drunk drivers and sometimes he is tough. In this case he was tough.

On May 1 Martin pled guilty and Waldemer sentenced him to 90-days in jail, then gave him a SES probation term, meaning the DWI conviction is on his public court record and his driving record as are the 12 points.

Prior to the May 1 appearance before Waldmer, Martin appealed his license suspension for failing to take a breath test in the St. Louis County Circuit Court. On January 9, 2014 he showed up for this hearing and on 02/11/14 a court order was issued upholding the suspension. The 12-points on his license should require him to show up in Circuit Court again for a limited driving privilege drivers' license or force him to drive under a revoked status for the next year or take a lot of taxicab rides.

**TOWN AND COUNTRY MAN WITH THREE DWIs GETS SPECIAL DEALS ON DRIVING WHILE REVOKED CHARGES:** County Judge Dennis Smith throws the safety of citizens to the wolves in dealing with a three time DWI suspect and Town and Country Prosecutor Brian Malone lets him.

Gary D. Siegfried of 12817 Topping Woods Estates picked up his third DWI arrest on October 13, 2012 by the Town and Country Police. The Town and Country cops filed the case with St. Louis County Prosecutor and felony charges were issued.



Siegfried then managed to get arrested by the Town and Country Police again, this time 10 months after his Felony DWI arrest. It was for speeding and driving with a revoked drivers' license.

His attorney jury demanded these cases and they were sent to St. Louis County, where Judge Dennis Smith accepted a guilty plea to reduced charges on April 10, 2014 on the Driving While Revoked and speeding cases. It takes the local prosecutor to present a reduced charge plea deal and the judge can accept it or turn it down.

Town and Country Prosecutor Brain Malone reduced the 12-point Driving While Revoked charge to a much lesser "Driving With an Expire License." Siegfried was fined \$500.

The 2-Point Speeding charge was reduced to a No-Point "Illegal Parking" offense with a \$150. This wasn't the first \$150 "Illegal Parking" fine Siegfried has had. A moving violation citation issued by the Olivette Police on 08/09/10 was reduced to "Illegal Parking" with a \$150 fine 08/18/11 before St. Louis County Circuit Judge Lawrence Permuter.

Siegfried has shown that he has little no concern of the public's safety by repeatedly driving drunk, speeding and then driving with a drivers' license that is revoked due to his past DWI offenses. Prosecutor Brian Malone has shown no interest in supporting the police department or taking the safety of the public in account.

The felony DWI case has been continued to June 26, 2014, 20 months after Siegfried's arrest. County prosecutor Bob McCullough has said the legislature needs to get tougher DWI legislation, but prosecuting these guys in under 2-years would also be helpful.

Who is defending Siegfried on his latest DWI...none other the Law Offices of Scott Roseblum, the Ladue lawyer who was recently charged with DWI by Brentwood Police after his Bentley crossed the centerline and struck a vehicle head-on on McKnight Road.



Rosenblum's recent mug shot after DWI arrest

Besides DWI issues, Siegfried a "financial advisor" has the following recent court actions against him:

03/17/08	Div of Empl Sec v Siegfried	\$269 judgment
01/29/09	Div of Empl Sec v Siegfried	\$592 judgment
10/24/10	DOR v Siegfried	\$3,596 judgment for back taxes
11/16/10	DOR v Siegfried	\$1,120 judgment for back taxes
12/17/10	DOR v Siegfried	\$ 423 judgment for back taxes not yet satisfied
03/21/11	DOR v Siegfried	\$ 423 judgment for back taxes not yet satisfied
06/21/11	DOR v Siegfried	\$ 423 judgment for back taxes not yet satisfied
09/20/11	DOR v Siegfried	\$ 423 judgment for back taxes not yet satisfied
04/19/11	DOR v Siegfried	\$ 423 judgment for back taxes not yet satisfied
09/04/12	DOR v Siegfried	\$20,817 judgment for back taxes
12/26/12	DOR v Siegfried	\$ 675 judgment for back taxes
06/24/13	DOR v Siegfried	\$ 447 judgment for back taxes not yet satisfied
11/04/13	DOR v Siegfried	\$ 1,469 judgment for back taxes not yet satisfied
01/03/14	DOR v Siegfried	\$ 1,466 judgment for back taxes not yet satisfied

**SOMETHING WE NEVER DO:** Usually we use the final paragraphs on Part-2 of these reports to condemn the two local prosecutors who make these ridiculous deals allowing this people to plea to minor charges for illegal parking and littering (offenses they never committed). However before leaving town on June ,1 I did not have time to promote the final concert of the Route 66 Jazz Orchestra before they take a two month break. So...



Route 66 Jazz Orchestra  
**Jazz Concert**  
at Kirkwood Station  
Brewing Co.  
105 E. Jefferson Ave, Kirkwood 63122

Full menu and  
bar service available

Admission  
\$10 General  
\$5 Students  
(Cash Only Please!)

Wednesday, June 18 @ 7:30PM  
with vocalists  
Valerie Tichacek, & Ron Wilkinson  
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