

The San Diego Union

SAN DIEGO, CALIFORNIA, FRIDAY MORNING, JANUARY 21, 1966

City's Outstanding Young Man Picked

Jaycees Honor Judge Earl Gilliam, 34; Also Name Year's Top Educator, Boss

A 34-year-old Municipal Court judge was named San Diego's "Outstanding Young Man of 1965" last night at the 18th annual Junior Chamber of Commerce distinguished awards banquet.

The Jaycees also selected an "Outstanding Young Educator" and the "Boss of the Year" at ceremonies at the U. S. Grant Hotel Palm Room.

Earl B. Gilliam, who was named by Gov. Brown to the municipal bench six years after



—San Diego Union Staff Photo

Jaycee award winners admire plaques. From left are William B.

Beckett, Dr. Alfred E. Friedl; Municipal Judge Earl B. Gilliam.

Boxer Sentenced In Traffic Death

Former Mexican lighthweight boxing champion Amado Vasquez was sentenced yesterday to a 90-day jail term for the vehicular death of a downtown hotel resident.

Superior Court Judge Earl B. Gilliam rejected a defense bid to place Vasquez, 29, of 551 Fifth Ave., on straight probation for three years and denied a request that he consider placing Vasquez on a work furlough program.

"I feel that some time is warranted," Gilliam said and added, "this isn't a work furlough case."

Vasquez pleaded guilty Sept. 11 to a misdemeanor manslaughter charge in the April 23 traffic death of George Wesley Graves, 56.

Judge Backs Use Of Plea Bargaining

Action Called Alternative To Huge Outlay On Cases

By CECIL SCAGLIONE
Staff Writer, The San Diego Union

CHULA VISTA — Plea bargaining is the only alternative to spending millions of dollars to process the San Diego Municipal Court case load, Judge Earl B. Gilliam said here yesterday.

The judge told about 50 persons at the South Bay Exchange Club luncheon honoring South Bay policemen that the San Diego Municipal Court system determined in 1970 that it would take four years to handle a case from the date a not guilty plea is entered.

"We handle 350,000 criminal matters a year," Gilliam said, "and there is no way we could keep up with the volume of work without spending a tremendous amount of money for handling jury trials and things like that."

He said plea bargaining involves a give-and-take situation discussed in open court at which the strengths and weaknesses, based on factors such as legal definitions and the availability of witnesses, of the prosecution and defense cases are discussed.

'CAN DO MORE'

STRIKE BILL OPPOSED

San Diego Union Staff Dispatch

EL CAJON — The City Council has voted to oppose legislation that would extend the right to strike to public employees.

The council Tuesday unanimously voted to oppose Senate Bill 275 which would extend the right to strike, collective bargaining rights and





Four judges were sworn in to the San Diego Superior Court Monday, February 9, during services held downtown. From left, are judges: Norbert Ehrenfreund, Edward T. Butler, Earl B. Gilliam, Municipal Court Judge and Sheriff John Duffy.

termore Jr. Seated at bench is Presiding Superior Court Judge Eli Levenson. The new judges were sworn in by San Diego County Sheriff John Duffy (in foreground).

Photo by Skeete

The Voice News &

VIEWPO

Gilliam nets higher court

, AUGUST 27, 1975 SAN D

Municipal Court Judge Earl B. Gilliam was one of two local men



BIG DAY — Gov. Reagan congratulates James Brown Jr., president of Logan Heights Industrial Enterprises, Inc., at the company's opening cere-

monies yesterday. Also saluting Brown was Municipal Judge Earl B. Gilliam, left, commissioner general for March of the 200th anniversary.



The Southeast Awareness and Support Coalition
cordially invites you to participate

in the

Testimonial Dinner

for

The Honorable Judge Earl B. Gilliam

In appreciation of his distinguished service
to the community of San Diego.

Friday evening January thirtieth at seven-thirty o'clock

Sheraton-Harbor Island Hotel
1380 Harbor Island Drive
San Diego, California

New
Copy

Thursday, October 28, 1971

Jurists In Tribute To 'Den Mother'

Municipal Court Judge Madge Bradley attended her last monthly meeting of judges yesterday.

It turned out to be essentially a tribute to her for 18 years of service on the bench.

The county's only woman jur-

ist, who retires at the end of the month, was surprised by gifts and tributes from her colleagues on the bench.

Presiding Municipal Court Judge Earl B. Gilliam was in charge of the regular meeting but turned it over to Judge T. Bruce Iredale, who made the presentations.

Miss Bradley was presented several pieces of sterling silver to complete a set she had started.

Then Iredale presented her with an 8-inch loving cup and a bottle of champagne.

LOVING CUP

The loving cup bore the initial of her last name in Old English script and an inscription on the bottom which read:

"To Our Den Mother 1953-71. From The Judges of the San Diego Municipal Court."

Each of the judges currently on the bench paid verbal tribute to Miss Bradley.

Iredale said: "In this day and age of changing ways, there is one thing I greatly admire about you, Judge Bradley. You've always been a lady."

'WE LOVE YOU'

"You've gained the respect of all of us," Gilliam said in his

Flag Desecration Case Dismissed

A flag-desecration charge has been dismissed against an East San Diego man who wore an American flag on the seat of his pants.

Presiding Municipal Court Judge Earl B. Gilliam took the action on a motion by the city attorney's office on recommendation of Deputy City Atty. Dennis Avery.

Daniel John Godinho, 25, of 3624 Felton St., had been charged on a citizen's arrest complaint lodged by Marine M. Sgt. Raymond Gillespie. Gillespie allegedly saw the flag sewn on upside down while both men were at a Kearny Mesa car dealership.

S.D. State Grid Star Arraigned In Kidnap Case

Harry Luther Benjamin, 21, of 6119 Horton Drive, La Mesa, a San Diego State football player has been arraigned in Municipal Court on a charge of kidnaping two girls, both 18, on last May 14.

Benjamin pleaded innocent and Municipal Court Judge Earl B. Gilliam set preliminary hearings for 9 a.m., June 13. Benjamin was released on his own recognizance.

Wednesday, March 10, 1971

50 PARKING FINES PAID

James Patrick Burke has resolved his differences with the court over 58 — that's right, 58 — separate counts of overtime parking.

County marshals arrested Burke, 45, an executive of Tomat Corp., on the overtime tickets in January. Burke pleaded not guilty before Municipal Court Judge Wesley B. Buttergore Jr.

The defendant's trial had been set for yesterday.

However, according to records of the clerk in the court of Municipal Court Presiding Judge Earl B. Gilliam, Burke pleaded guilty to 50 of the tickets last Tuesday, March 2. His fine added up to \$150 and the remaining tickets were dismissed.



—Staff Photo

Retiring Municipal Judge Madge Bradley opens gift given her at monthly judges' meeting. Judge T. Bruce Iredale, center, and Judge Earl B. Gilliam watch.

EXECUTIVE SENTENCED IN FALSE AD CASE

Municipal Court Judge Earl B. Gilliam yesterday ordered the regional manager of an appliance sales firm to leave the business as a condition of three years' probation.

Gilliam imposed the sentence on Ed Pauliuk, regional manager of National Products Co., 3251 Adams Ave.

Pauliuk pleaded no contest to charges of false and misleading advertising in connection with the business operations.

He and two others were charged with false and misleading advertising in connection with mailed notices



— Staff Photo

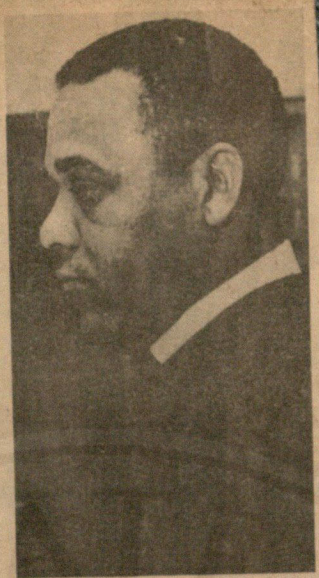
Judge Earl B. Gilliam, with his mother, Mrs. James Earl Gilliam, shows Hartwell W. Ragsdale, right, the plaque

presented to the judge last night by the Southeast Awareness and Support Coalition.

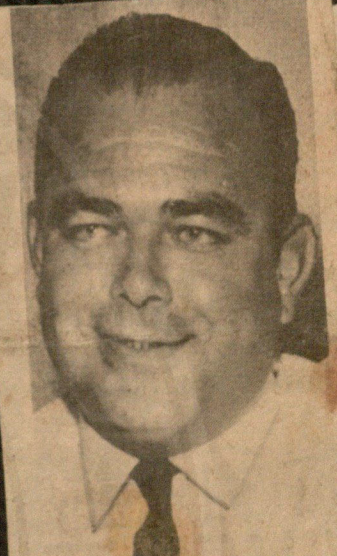
FRIENDS ATTEND

Dinner Honors Judge Gilliam





EARL B. GILLIAM
... to higher court



W. B. BUTTERMORE JR.
... from Municipal bench

Two Judges Here Named By Brown

Gov. Brown elevated two Municipal Court judges to Superior Court posts here yesterday, filling two of four vacancies on the higher court's bench.

Brown named Municipal Court Judges Earl B. Gilliam and Wesley B. Buttermore Jr. as Superior Court judges. He also announced appointment of attorneys Raul Rosado and James M. Edmunds as Municipal Court judges.

Rosado replaces Gilliam on the Municipal Court bench and Edmunds will fill a newly created post in the South Bay Judicial District.

Gilliam, 44, and Buttermore, 48, are San Diego residents and both were appointed to the Municipal Court bench by Brown's father, former Gov. Edmund G. (Pat) Brown. Gilliam was named a Municipal Court

200 YEARS AGO

In The Southwest

At Mission San Juan Capistrano, founded 56 days before, after a year of delay, Padre Pablo Murgartegui performed the third baptism of an Indian.

109th YEAR

The San Diego

SAN DIEGO, CALIFORNIA, SUNDAY MORNING, DECEMBER



— Staff Photo by Bob Ivins

Superior Court Judge Earl B. Gilliam spends a family moment with his mother, Mrs. J. E. Gilliam, and his two sons, Earl, 19, left, and Derrick, 13. Gilliam, the first

black named to any court in the county, says the love and guidance that his parents gave him when he was growing up led to his success.

SAN DIEGO PROFILE: EARL GILLIAM

Courage, Ability Lead To Judgeship

By JENNIFER WILLIAMSON

Staff Writer, The San Diego Union

For a black child born in the 1930s who manages to succeed despite the pressures of discrimination and prejudice and the uncertainty of just being different, there is a story to tell.

In Superior Court Judge Earl Gilliam's case — the story should be dedicated to his parents who gave him the courage and the ability to surmount the obstacles.

Today, at age 45, Gilliam is the first black named to sit

political clout who like you and respect you and you have to have a reputation as a good lawyer."

Gilliam's been building a reputation ever since his family moved to San Diego in 1941. "It was a small town like a suburb of a large city, Los Angeles, where everyone knew everyone," he said.

He remembers those years well.

"As late as 1949, even after San Diego had just started to grow during the war years, I could sit on my front lawn and see almost all my black friends pass by at one time or

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summer,

Statutory Rape Admitted By 5

Five area men pleaded guilty in Superior Court yesterday to statutory rape charges involving a 15-year-old illegal alien from Mexico.

Scheduled for sentencing July 20 by Judge Earl B. Gilliam are James Paul Bolton, 22, a Navy man stationed at Miramar Naval Air Station; Robert Edward Ferrell, 18, of 1237 Downing St., Imperial Beach; Michael Floyd Mackey, 19, of 94 E. Palomar Drive, Chula Vista, and Todd Daryl Upton, 18, of 2850 19th St.

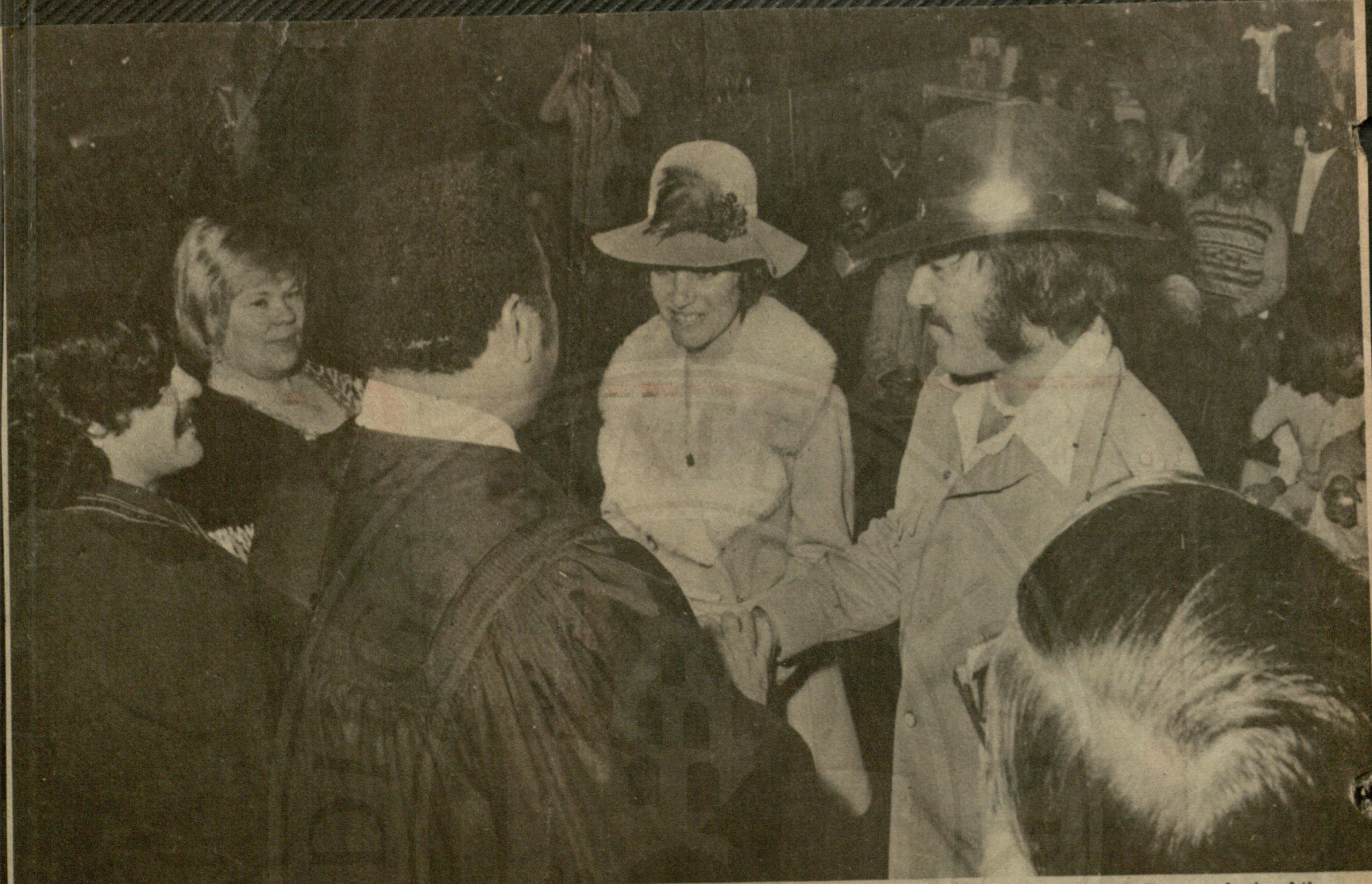
Scheduled for sentencing July 23 is Terry Albert Hawley, 21, a Navy man stationed at the 32nd Street Naval Station.

The girl said she was raped by "at least four men" March 23 in a house trailer near the border after crossing the border with her cousin at night, according to testimony at a preliminary hearing. The cousin reportedly fled after a group of men were seen approaching.

Four of the men were arrested the same night in Imperial Beach.

The men originally had been charged with kidnaping, robbery and forcible rape.





PRE-GAME CEREMONY — Stadium tailgate parties have become a way of life for many of the staunch supporters of the Chargers — parties that are as varied as the fans. Last night was no exception. Annette Robinson and John Peterson exchanged wedding vows

before watching their favorite team chalk up its second win of the season. Municipal Court Judge Earl Gilliam performed the ceremony before friends of the couple and interested passersby.—Photo by Ted Winfield, Evening Tribune Staff Photographer



Judge Gilliam Named 200th Commissioner

San Diego Municipal Court Judge Earl B. Gilliam yesterday was named Commissioner General of the 200th Anniversary for March.

Gilliam succeeded Clinton D. McKinnon, commissioner general for February, during ceremonies at 200th headquarters.

Provided with the keys to the official automobile and the official record of activities, Gilliam now will represent the bicentennial at public events.

The judge, born in Clovis, N. M., came to San Diego in 1941 at age 10. He was graduated from San Diego High School and San Diego State. He obtained his law degree from Hastings College, University of California, San Francisco.

An "Outstanding Young Man of the Year" in San Diego in 1965, Gilliam was appointed to the Municipal Court Bench in 1963.

"I have been thrilled about the concept of this celebration from the beginning," he said yesterday.

"And I'm particularly happy about being so closely involved." Other duties of Gilliam will be hosting dignitaries and government officials at various functions during March.



Municipal Court Judge Earl B. Gilliam, right, receives 200th key from Clinton D. McKinnon. —Staff Photo

Firm Fined \$500 in False Ad Case

Municipal Court Judge Earl B. Gilliam yesterday fined Dilday Recreation Center Inc., 7699 El Cajon Rd., \$500 and placed the firm on three years' probation, following a guilty plea to two counts of false and misleading advertising. Deputy City Atty. Janet I. Kintner said the charges, misdemeanor violations of Business and Professions Code, were based on comments by two consumers who responded last September to classified ads placed by the firm, which sells homes. Mrs. Kintner said one of the ads stated the firm was selling factory bankrupt homes to the highest bidder. In another ad, she said, listed price of a motor home at \$9,998, when the actual price paid by a consumer was \$13,376, or \$2,378 higher than the advertised price. The firm's guilty plea was

entered by attorney Paul Pinerik, who specified the company is not owned by auto dealer Pascal Dilday. Gilliam set the following terms of probation:

That the defendants not represent the sales price of any motor home or other vehicle to be lower than the actual price; that the firm not advertise that merchandise will be sold to high bidders if the firm is not actually auctioning off products.

Mrs. Kintner said the consumer complaints were filed by James Lambert, 4540 Cape May Ave., and Paul Ricotta, 501 Barsby St., Vista. She said Lambert offered a bid on a unit and it was refused because it was not high enough. She said Ricotta attempted to buy a unit at the advertised \$10,998 price, learning the actual price was \$13,376.

his son Frankim A. at their first for 13 years

JUDGE EARL GILLIAM NAMED COMMISSIONER OF 200TH FETE

Municipal Court Judge Earl B. Gilliam has been appointed commissioner general of San Diego's 200th anniversary celebration for March.

Gilliam succeeds Clinton D. McKinnon, February's commissioner.

He has been a member of the 200th Anniversary Inc. board of directors since June.

Gilliam was named San Diego's Outstanding Young Man of the Year in 1965. He has lived in this community since 1941 and has been a Municipal Court judge since 1963.

His duties as commissioner general include playing host to visiting dignitaries.



JUDGE EARL B. GILLIAM Leader for March

Life Sentence Given

A San Diego man was sentenced yesterday to life in prison on his conviction on charges of kidnaping with intent to rob, attempted robbery, assault with a deadly weapon and being an ex-felon in possession of a firearm.

Superior Court Judge Earl B. Gilliam imposed the sentence on James E. Gauden, 27, of 2639 E St.

Gauden was convicted by a jury in connection with a Jan. 23 incident involving

Yellow Cab driver James Henry, 46, as the victim.

Deputy Dist. Atty. Richard Neely of the major violators unit said Henry picked up Gauden at 25th Street and Broadway. Near Harbor Drive, Gauden allegedly pulled a gun and ordered Henry to drive east on Laurel.

En route, according to police, Henry swerved over a curb, got out of the cab and ran, with Gauden in pursuit.

se do not faze visiting judge

circumstances of the case, are at question here. He gave the attorneys five days to submit affidavits and declarations.

If there is one thing Judge Gilliam knows, it's how to keep a courtroom running smoothly. He was a state court judge from 1963 to 1980 when he became one of President Jimmy Carter's final appointments to the federal bench.

"One of the big differences between the federal bench and the state bench is that in state court the lawyers more or less control what happens," he said. "In federal court, the judge is in control."

There really isn't much difference between the courts in Montana and California, he noted. "I'll be hearing some contract and auto accident cases here that are similar to what I would hear in California."

Accompanying the judge during his stay in Montana are his law clerk Michelle Martin and his court reporter Pat Strobel.

Miss Martin, who plans to use her weekends to explore Montana, took a lot of kidding from her friends back home.

"They were saying things like, 'how you going to get there? Stage coach?'"

She was surprised to find Billings wasn't a small town and was pleased to learn she had hit the state in time for the Yellowstone Exhibition and Crow Fair.

Mrs. Strobel, who has been court reporter for Judge Gilliam for 10 years, brought her husband and 18-year-old son along. While Mrs. Strobel is in court, her family is testing the waters of Montana's many fishing areas.

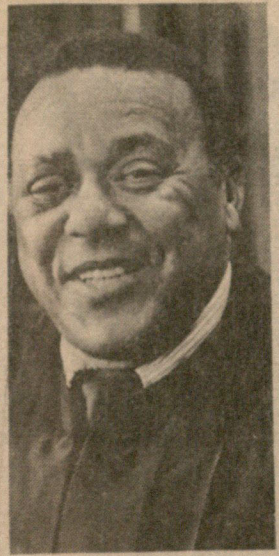
One of the first things the two women noticed about Montana was the friendly people in the stores.

"People are so friendly," Mrs. Strobel said.

"We just can't get over how friendly everyone is."

"And there's no sales tax," added Miss Martin.

"We noticed that right away."



JUDGE GILLIAM
'here to work'



se do not faze visiting judge

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JUDGE GILLIAM
'here to work'



Dear Mom
I know you
I talk to
morning.
The folks
a son in jail
and his se

Aug 16, 1982

Dear Mom

I know you are well -

I talk to you every
morning.

The folks here ^{celebrated} celebrated

a senior judges birth day

and his Sec - they ^{were} were

kind ~~of~~ enough to include

me - we did that this

morning at 10:30.

Enclosed please ^{find} find my

check for \$1200⁰⁰ - I'll

also pay my interest that

may ^{be} be due ^{re} re ^{the} the same

^{thank} Thank you ^{for} for ^{the} the help!

I'm still ^{not} not ^{sure} sure ^{when} when

I'll set ^{away} away - Over

Also enclose find

a newspaper ^{article} article ^{that} that

appeared in the local Sunday
paper -

See you soon -

Emil

8/25

\$235,237 Awarded In F-14 Crash

By BILL OTT

Staff Writer, The San Diego Union

Two men who were injured when a Navy F-14 Tomcat jet fighter smashed into their pickup truck on Interstate 15 near Miramar Naval Air Station in March 1978 were awarded damages totaling \$235,237 yesterday.

U.S. District Judge Earl B. Gilliam assessed the government \$166,319 in damages in favor of Kaiser Musurlian and \$68,918 in favor of Rodney J. Rodr.

Both were in a pickup truck driven by Rodr when the plane hit the vehicle as it crashed and skidded across the highway, killing Walt Laskowski, a radar intercept officer. The pilot, Lt. Brian Shaw, survived.

Gilliam's decision followed four days of non-jury trial that focused only on the amount of financial dam-

ages. The government had admitted liability earlier.

Rodr, as a result of the accident, still suffers from a back problem and Musurlian lost the use of an arm because of a nerve injury.

Capt. Richard Rahe, a Navy doctor who made an independent evaluation, attributed a heart attack that Musurlian suffered 15 months after the crash to stress lingering from the accident.

The plaintiffs' attorney, William T. Tyson, said Rodr still works as an employee of Musurlian's Ditch Witch of El Cajon, which sells and leases landscaping and trenching equipment. They were delivering equipment at the time of the crash.

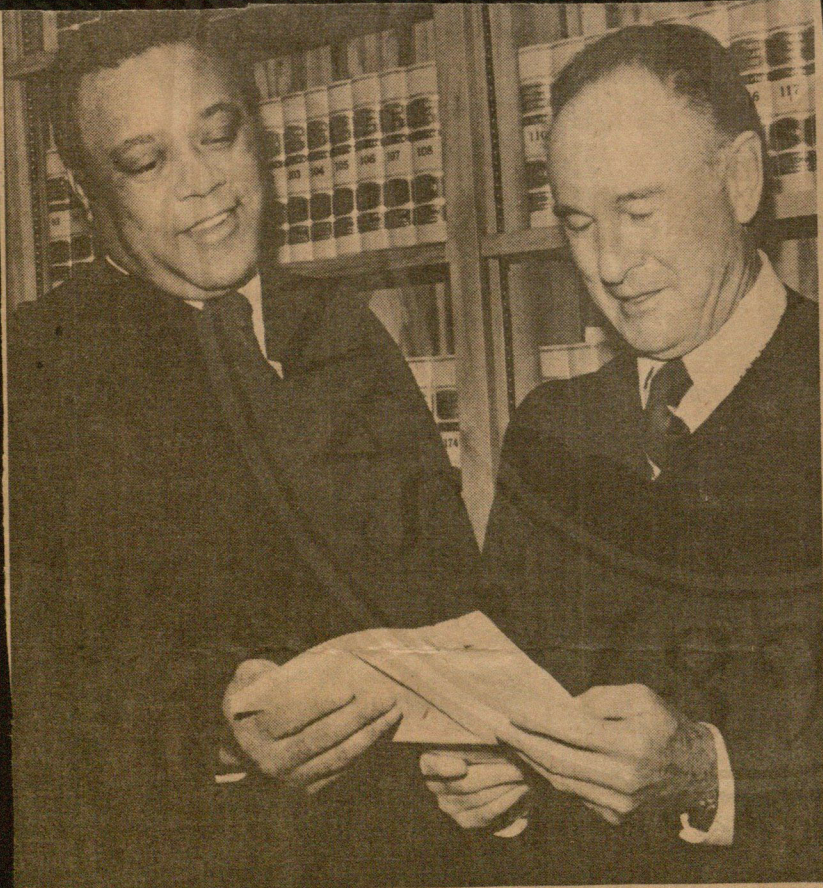
In an interview after the crash, Rodr said he punched the gas pedal of the truck and "tried to get out of there" as the plane roared toward

them. But the plane hit the truck and sent it rolling across the freeway. Musurlian said that when the vehicle came to rest on its top, he had been thrown into the driver's seat and Rodr into the passenger seat.

They smashed a window to get out and as they raced across the freeway they heard ammunition exploding in the plane.

Tyson said the two were placed into an ambulance by Navy medics, but the rear doors were not secured and as the ambulance was speeding away they started to slide out.

The crash caused jet fuel from the F-14 to ignite on the highway, burning the plane and the truck in which Musurlian and Rodr had been trapped. A trailer the truck was pulling and trenching equipment also were burned.



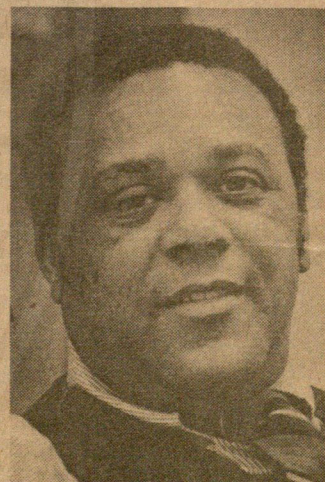
— Staff Photo by Dennis Huls

GILLIAM OFFICIALLY JOINS FEDERAL BENCH

Earl B. Gilliam, left, officially moved across the street from Superior Court to federal court yesterday when he was sworn in as a new federal judge for the district that includes San Diego and Imperial counties. Discussing his duties with him minutes before the swearing-in ceremony is Chief U.S. District Judge Edward J. Schwartz. Gilliam joins six other judges on the federal bench here.

B-6 THE SAN DIEGO UNION, Wednesday, September 17, 1980

Earl Gilliam Prepares For U.S. Cases



Newly appointed federal Judge Earl B. Gilliam, who recently vacated his post on the Superior Court bench, was at work with his new office staff at the federal courthouse yesterday preparing for his first court calendar, scheduled for Sept. 29.

Gilliam, who has had a series of upcoming cases assigned to him over the past few weeks, is temporarily occupying Courtroom 7 on the third floor of the courthouse.

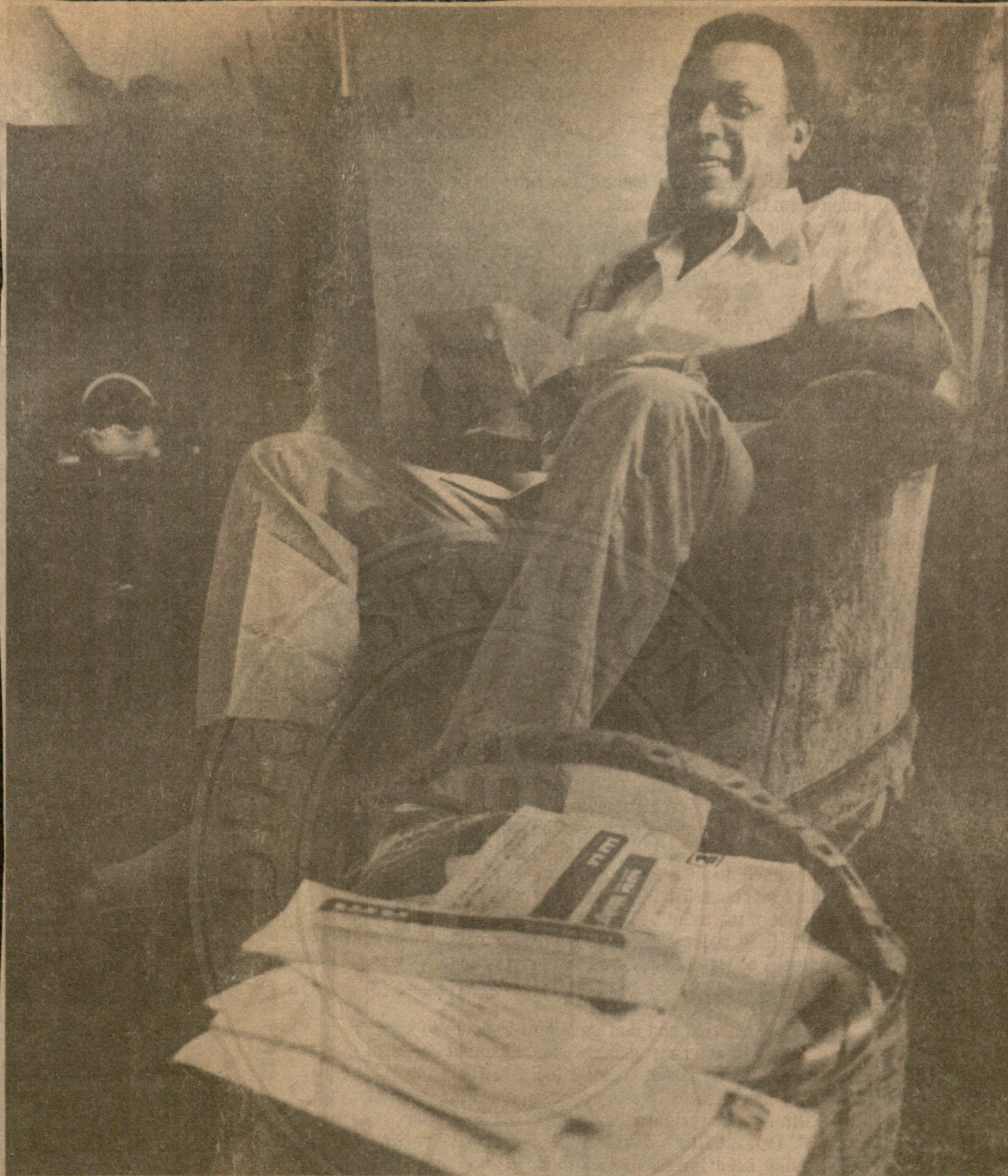
At his informal swearing-in ceremony on Aug. 27, he had indicated he would take

Judge Earl Gilliam

his post on the federal bench on Oct. 12, planning a vacation, but has abandoned that plan.

Gilliam was at the federal courthouse last week, preparing to take his post and conferring with judge





The San Diego Union/Peter Koelmo

U.S. District Judge Earl Gilliam, recuperating at his mother's Southeast San Diego

home after open-heart surgery, reads one of a steady stream of get-well messages.

RECOVERING FROM HEART SURGERY

Gilliam Resting, Is In Good Spirits

By BILL OTT

Staff Writer, The San Diego Union

"People have been wonderful, just wonderful."

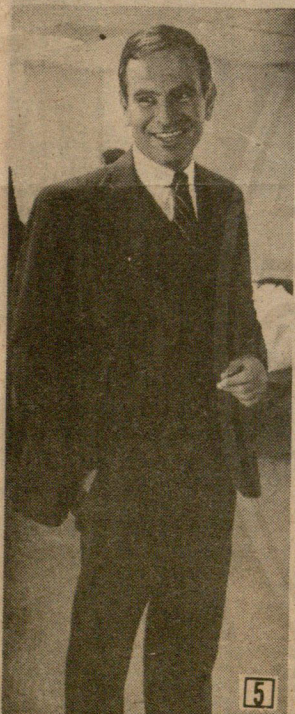
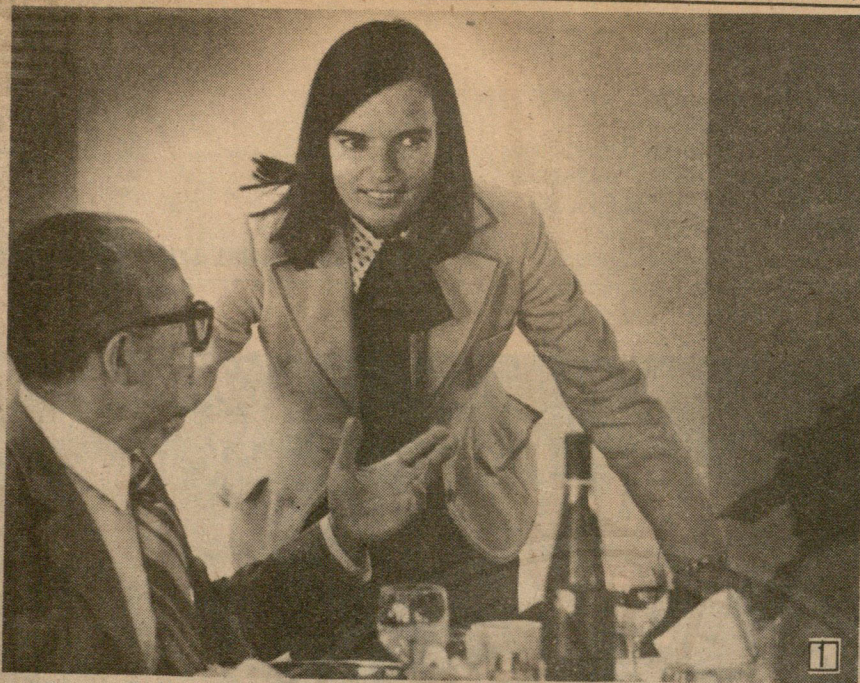
With a steady stream of get-well messages still coming in, U.S. District Judge Earl B. Gilliam expressed his deep appreciation yesterday at the Southeast San Diego home of his mother, Lula May, where he is recovering from open-heart surgery.

Still resting, but in good spirits, Gilliam also expressed

be from six to nine months before his recovery is complete. He said Liddle has indicated that, after four or five months, he should have no further problems other than maintaining a normal blood pressure.

As of yesterday, it was still uncertain when Gilliam will be able to return to the bench here. Other judges at the federal courthouse have absorbed cases from his trial calendar for the month of August.

Gilliam, 49, was stricken with a severe aneurysm — enlargement of a weakened section of an artery wall —



— Staff photos by Joe Holly

At the San Diego Square opening: 1. Mavourneen O'Connor and John Malkind 2. Monida Cummings and Mayor Wilson 3. Maureen O'Connor 4. Judge Earl Gilliam 5. Bob White.

They tied it up with big red ribbons. Like a Christmas package. And it would be hard to imagine a nicer package for San Diego's elders. Mayor Wilson was there the other afternoon to cut the red ribbons and open San Diego Square, the new downtown high-rise, low-rent apartment complex for senior citizens.

Something like 800 guests, most of them in the over-60

Lucy Killea, Jim Bates, Gil Johnson, Judge Earl Gilliam, Bob White, Leon Williams, and the O'Connor twins' father. Complimented on his spiffy sweater, the ever-dapper Jerome O'Connor recalled that he had bought it in Ireland.

White tents were set up in a parking area for the big luncheon. (A few dignitaries ate upstairs in a meeting room, but the menu was the same in both places.)

As they left the party, a companion asked 88-year-old

THE PARTY LINE



BURL ST

An baby nose Wolf hair look An Lipp hon



HONORED — U.S. District Judge Earl Gilliam holds the plaque he received last night as winner of the Boys' Clubs of San Diego's Golden Man and Boy Award. He was honored for his leadership in

FOR YOUTH WORK

Judge Gilliam Wins Award

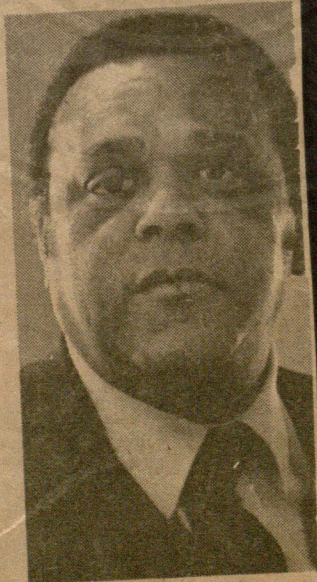
U.S. District Court Judge Earl B. Gilliam, the first Black appointed to the bench in San Diego County, yesterday was named the 19th recipient of the Golden Man and Boy Award.

The 49-year-old jurist will be honored at an award dinner May 6 at the Town and Country Convention Center, a benefit for the Boys' Clubs of San Diego.

Boys' Club President William Kolender announced Gilliam's selection, citing him as an outstanding example of the organization's youth leadership programs.

Gilliam said that "I was happy and thrilled that they picked me" for the award. The jurist, who joined the Boys' Clubs in 1943, one year after its founding, said the experience "was an inspiration in my life, it helped me."

The jurist has served on the boards of both the county



JUDGE GILLIAM

25-Year Term Handed Down In Fraud Case

By **BILL OTT**

Staff Writer, The San Diego Union

A Salt Lake City man yesterday was sentenced to 25 years in prison for his conviction of multiple counts of mail fraud, wire fraud and securities fraud in soliciting about \$2 million from investors.

U.S. District Court Judge Earl B. Gilliam imposed the penalty on Snelten M. Johnson, who was described by Assistant U.S. Attorney Raymond J. Coughlan Jr. as a "career criminal" who used shell corporations to bring "misery to hundreds of people, including investors, employees and vendors."

Johnson and a co-defendant, Spencer Hooper, were tried on charges stemming from solicitation of investments in a maritime satellite navigation system that never got off the ground. Coughlan said NAVSAT Systems, the firm involved, was "a paper company."

Hooper also was convicted of multiple fraud counts but was granted a 90-day diagnostic study in custody. He will be returned to court for a determination on his penalty.

Defense attorney James W. McConkie told Gilliam that Johnson is willing to make what restitution he can and already has made some reimbursement. He said Johnson is continuing his efforts through his talent in art.

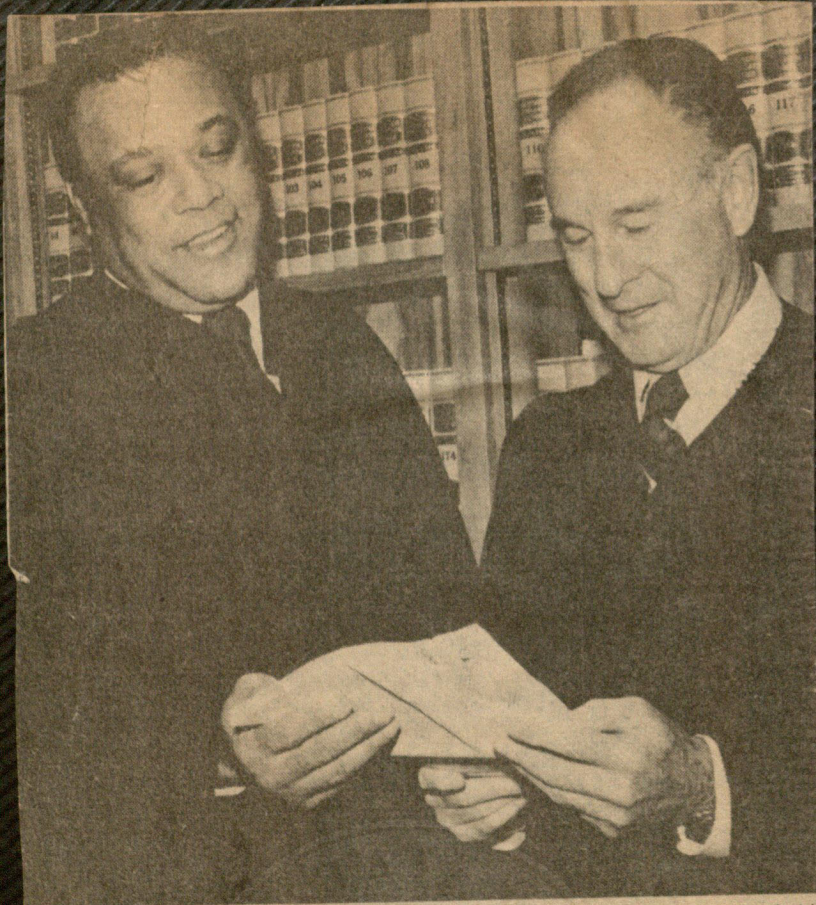
"That's more of the same," Coughlan countered. He said the effort was "a classic tax shelter scam ... that's not Picasso."

But Johnson, through his attorney, insisted that the plan is legitimate.

Coughlan, in a pre-sentencing memorandum, said that Johnson established shell corporations and each company eventually failed, ostensibly due to business risks.

"But in the interim, Johnson lives extremely well," he said. "His own trial evidence showed virtually no earnings at any time, but that he lived for years on borrowed funds."

Coughlan said the original NAVSAT actually closed without funds in late 1969 despite having raised more than \$1 million. The prosecutor went on to say NAVSAT was revived and, during 1975 to 1976, Johnson and Hooper raised about \$2 million from California and Nevada investors, who were told that the firm had "great potential."



— Staff Photo by Dennis Hul

GILLIAM OFFICIALLY JOINS FEDERAL BENCH

Earl B. Gilliam, left, officially moved across the street from Superior Court to federal court yesterday when he was sworn in as a new federal judge for the district that includes San Diego and Imperial counties. Discussing his duties with him minutes before the swearing-in ceremony is Chief U.S. District Judge Edward J. Schwartz. Gilliam joins six other judges on the federal bench here.

Chula Vista Woman Awarded \$1.1 Million

By **BARBARA MORAN**

Staff Writer, The San Diego Union

A Chula Vista woman was awarded \$1.1 million in federal court yesterday because she was left crippled four years ago by a swine-flu shot.

Maryalice Beauton, 50, sued the federal government, contending she developed Guillan-Barre syndrome after participating in the government's mass-inoculation program against flu. Family members said Beauton would have no comment on the decision rendered by U.S. District Judge Earl Gilliam after five days of testimony.

Since the government has admitted liability in all the Guillan-Barre damage suits across the country, the lawyers in this case debated only the amount of damages Beauton deserved.

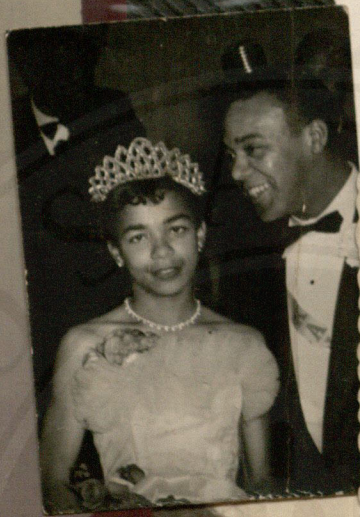
Her attorney, Don DeCamara, said that prior to getting the swine-flu shot Nov. 2, 1976, at Bay General Hospital, Beauton was employed there as a medical transcriptionist. Within days of receiving the shot, she began to manifest the crippling symptoms of the syndrome, which attacks the nervous system.

For four years she has been unable to walk without leg braces, has hand tremors, cannot bend or stoop and suffers from almost constant back pain and tires easily.

Part of the settlement was \$372,000 in special damages and \$529,760 in general damages for "physical and mental pain and suffering, emotional stress, depression

(Continued on B-4, Col. 4)

To the one and only
Earl



To a real great guy,
your friend always,
Lella
51-

POST RECENTLY CREATED

Gilliam Named U.S. Judge

Earl B. Gilliam, the first black judge in San Diego County, was selected by President Carter yesterday for a federal judgeship here.

Mr. Carter announced the nomination of Gilliam, 48, now the supervising judge of the criminal division of Superior Court. Gilliam was named to the Superior Court in 1975 after serving on the municipal bench starting in 1963.

Gilliam was born in Clovis, N.M., and came to San Diego in 1941 with his parents. For many years he helped his father turn a small fish business into a successful enterprise. His father died in 1974.

After being graduated from San Diego High School, Gilliam attended San Diego State University and went to Hastings College of Law at the University of California at Berkeley.

His law school classmates included a number of persons who became noted in California government and politics: George Moscone, the late mayor of San Francisco; Assemblyman Willie Brown and former U.S. Rep.

Yvonne Brathwaite Burke, now a Los Angeles supervisor.

Gilliam, who could not be reached yesterday, will fill one of two new federal judgeships created here by Congress. The U.S. Senate must approve his nomination after hearings expected to take place next month.

Chief U.S. District Court Judge Edward J. Schwartz, when advised of the nomination, said: "Oh, good . . . I feel sure he will be approved by the Senate and I hope the approval will be speedy so we can have the benefit of his services as soon as possible."

Judge Howard B. Turrentine, who has had long service on the federal bench, commented: "We're very happy. He'll make a fine judge and we're looking forward to a pleasant association."

U.S. Attorney Michael H. Walsh, the chief federal prosecutor here, said, "I've always thought the world of Earl Gilliam. I think he'll be a fine and extremely fair judge to everyone who appears before him."



EARL B. GILLIAM
... first black on S.D. bench

SAN DIEGO, CALIFORNIA, FRIDAY MORNING, DECEMBER 7, 1979

The San Diego Union



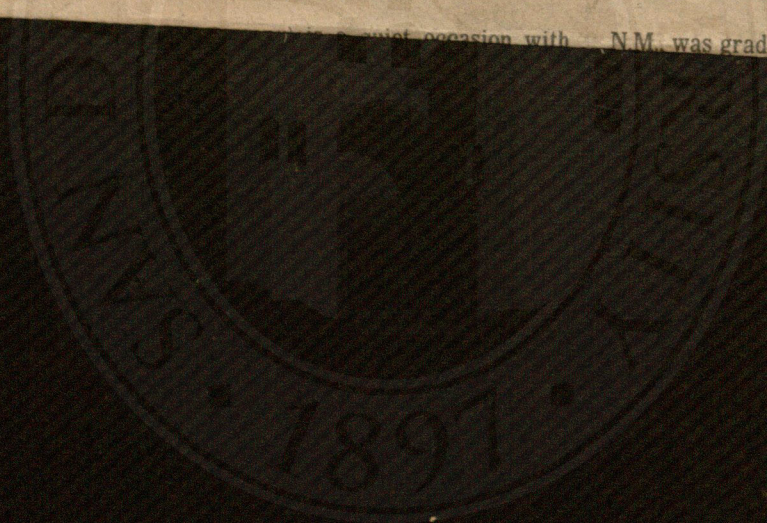
— Staff Photo by Peter Koeleman

Chief Federal Judge Edward J. Schwartz administers the oath of office to newly appointed U.S. Federal Judge Earl B. Gilliam at informal ceremonies

yesterday. Among those present were Gilliam's mother, Lula M. Gilliam, second from right, and a friend of the Gilliams, Elaine McCann.

Judge Gilliam Sworn To Federal Bench

The quiet occasion with ... N.M. was graduated from San Diego



Judge Issues Gag Order in Stolen Jet Parts Case

By RALPH FRAMMOLINO
and GLENN F. BUNTING,
Times Staff Writers

A federal judge Monday issued a broad gag order to prevent seven people charged with stealing F-14 fighter parts from the Navy and smuggling them to Iran from discussing the controversial case further with news reporters.

The gag order, issued by U.S. District Judge Earl B. Gilliam, also applies to defense attorneys, federal prosecutors and potential witnesses.

Gilliam also removed himself from hearing the case, an action prompted by what a spokeswoman for the judge characterized as a possible "conflict of interest." She declined to elaborate.

Gilliam gave no reason for his gag order. However, federal prosecutors and agents already have held two press conferences to discuss details of the alleged smuggling ring.

When one defense attorney, Lonn E. Berney of New York, tried to ask questions about the gag order, the judge cut him off in mid-sentence and admonished him to discuss "nothing about the case" with the press.

Later, Gilliam issued a statement about the gag order through his spokeswoman:

"The order directs that attorneys, court personnel, enforcement and witnesses are to refrain from releasing any information which might interfere with the rights of the defendants to a fair trial. That will be in effect until the new judge takes over and issues other orders."

U.S. Atty. Peter K. Nunez said his office did not request the gag order. By late Monday, the case was assigned to U.S. District Judge Leland C. Nielsen.

The news blackout and shift in judges are the latest twists in the case, which has drawn wide public-

Jury awards \$1 million to losing market investor

By Bill Ott
Staff Writer

Retired dentist Keith Bryant, 74, lost money in the options market in 1982, but he won a verdict for more than \$1 million in federal court yesterday.

A jury awarded him \$1 million in punitive damages against Merrill Lynch, Pierce, Fenner & Smith, finding that the brokerage's Escondido office breached its contract in handling his account.

Jurors also awarded \$50,000 in punitive damages against Schwarz, who lost \$50,000 in the account, and \$50,000 in punitive damages against the brokerage's Escondido office.

Dale Windau, manager of Merrill Lynch's Escondido office, Bryant, who lives in a mobile-home park in Escondido, also was awarded \$25,000 to cover economic loss.

The verdict came in after a trial before U.S. District Judge Earl B. Gilliam.

"I feel good, I feel great," Bryant said. He refused to discuss the verdict.

Bryant practiced dentistry in Oregon, retired in 1975 and moved here in 1980.

While Bryant won a battle, his war is not over. Merrill Lynch attorney James F. Stiven said the verdict will be appealed. Stiven said Merrill Lynch has stood firmly behind Schwarz, Windau and its Escondido office throughout the trial.

Bryant was outraged at the jury's findings. Merrill Lynch believes that such findings are not supported by the evidence introduced during the trial. Additionally, we believe that the punitive damage findings were totally out of order. Of course, we will appeal."

Attorneys Terry Singleton and

trades in Bryant's account in options on stock of Digital Equipment, a computer firm. Singleton said the brokerage recommended that Bryant "sell short" during a seven-week period in the fall of 1982 when the market was rising. This placed Bryant in a "naked" or uncovered position during one of the biggest bull markets in history, Singleton said.

Selling his Digital Equipment options short in such a rising market exposed him to high risk and loss of nearly \$43,000, the attorney said. Bryant's lawsuit cited several alleged examples, among them:

See STOCKS on Page B-6

Stocks: Jury gives million to an investor

Continued from B-1

● "On or about Aug. 17, 1982, Schwarz sold short 10 Digital Equipment calls (each call is 100 shares) without Bryant's prior knowledge or consent."

● "On or about Sept. 27, 1982, after the market continued to rise, Schwarz and Windau bought 10 Digital Equipment calls and sold 20 calls without Bryant's prior knowledge or permission."

The suit said Bryant first learned of the short sale of the options when he received notice several days after Aug. 17.

"Bryant expressed concern and fear over the defendants' transaction but was repeatedly assured by Schwarz that everything would be all right and that there was nothing to worry about," the suit said. "At no time did Schwarz inform or advise Bryant of the risks attendant to selling options short in a rising market, nor did Schwarz ever inform Bryant of the risk of losing his modest retirement income from such trading."

Singleton said Bryant, at the time, had about \$60,000 in securities and had to sell all of them to cover his losses.

Stiven emphasized outside the courtroom that Bryant was a "customer who knew what he was doing, knew what he was involved in. He had the opportunity to get out of it at any time. He knew he was at risk and was an experienced, knowledgeable person."



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