

HIGH DESERT

SECTION B • SUNDAY, APRIL 24, 2011 • VICTOR VALLEY & THE HIGH DESERT

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Pot delivery case up in smoke

DA dismisses charges against medical marijuana collective owners

BY TOMOYA SHIMURA
STAFF WRITER

VICTORVILLE • Prosecutors dropped felony charges in what they believed to be

“ I never wanted this. I never thought it was going to turn into a witch hunt. ... I'm never gonna start a collective in the High Desert. I'm done.”

Kenneth Elswick, medical marijuana dispensary owner

the first criminal case in the High Desert against an alleged medical marijuana dispensary. County District Attorney's office filed the charges against Kenneth Elswick, 47,

and Harvey Wolfe, 63, last year in the midst of the county's effort to crack down on medical marijuana. The owners of California Association of Dispensaries in Phelan were charged with selling marijuana.

But Deputy District

SEE COLLECTIVE • PAGE 7

Rash of burglaries target Hesperia businesses

Officials seeking information from public to help solve cases

FROM STAFF REPORTS

HESPERIA • At least four Hesperia businesses have been hit by burglars within the past week and authorities are looking to the public to try to solve the cases, San Bernardino County Sheriff's Hesperia station officials said.

Two Radio Shacks, a Farmer's Insurance office and a Super Dollar Days were all burglarized this week, Roxanne Walker, spokeswoman for the Hesperia station, said.

On Tuesday, a Hispanic man with tattoos on his face and neck walked into the Radio Shack on Main Street and C Avenue and made off with a 7-inch television surveillance system with four cameras. Walker stated. The burglar jumped into a light green pickup truck with a matching camper shell.

The next day, a man matching the description of the person who made off with the surveillance system walked into the Radio Shack in the 12700 block of Main Street in the SuperTarget complex with a woman and a child. The man grabbed two scanners and fled.

“The two Radio Shack ones sound like they're related,” Walker said. “The description of the

SEE BURGLARIES • PAGE 7

SPECTATORS, SPEED, RAGING INFERNO AT RACEWAY



MORE THAN 80 CARS COMPETE: Racers slide around a curve on Victorville Raceway Park's track during one of Saturday night's races at the San Bernardino County Fairgrounds. Fans filled the stands to watch

JONATHAN BERG, FOR THE PRESS DISPATCH more than 80 cars compete — sprint cars, sport mods, street stocks, dwarf cars and sport compacts. Spectators also got a chance to see the 'Raging Inferno' firetruck melt a motor home to scrap metal with its jet engine.

WETIP
CALL ANONYMOUSLY TO REPORT A CRIME AT (800) 78-CRIME

IN YOUR CORNER

Canceling unsolicited lifetime membership

BY TOMOYA SHIMURA
STAFF WRITER

Maurice Mongeon still doesn't understand what was going on. All he knew was he was getting bills with notes warning him his name may be sent to a collections agency.

The Hesperia resident ordered a \$280 globe he found in an advertisement from the History Network thinking it would be a great gift for his grandchildren.

After making two payments of \$28, he found that the same globe sold for \$45 at a local store, Mongeon said. He stopped making payments and sent a note to History saying he didn't want the globe anymore.

But he kept receiving bills, which added up to \$196 by the time he contacted the Daily Press consumer advocate for help.

Mongeon didn't know that by purchasing the globe, he had also signed up for a lifetime membership to the History Channel Club, which costs \$28 a month.

“He signed up, but he didn't know what he signed up for,” said Brandi Huff, assistant to Daily Press Consumer Advocate Jimmy Mettias. “It was praying on people who would be buying a specific product but less inclined to read the fine print.”

Huff called History's

SEE IN YOUR CORNER • PAGE 7

TALKBACK

What readers are saying about local stories. You can join the conversation by going to www.VVDailyPress.com.

On 'Victorville to tackle \$8.4M deficit Tuesday'

What is amazing is that there are other cities out there holding events and festivals along with other fun things to do that can bring in anywhere from \$2 million to \$6 million a year. When our city tries so hard to imitate the other cities, they overlook what makes the money and what brings in all of the people to begin with. Then they find themselves further in debt because they didn't pay attention in the first place.

I wonder why the complete meeting and workshop documents are not posted on the city's website so people can see what jobs are being suggested or recommended for layoffs. This is a huge hit to all of the city workers who work hard and are innocent bystanders in this mess. Yes, the economy is bad but the city wasted millions on power plants, treatment plants, etc. The money wasted would have been in the general fund now to save good, hard-working employees' jobs. Very sad.

The city could always hold bake sales and car washes to earn a little extra income. I do actually have a more serious suggestion: Stop spending more money than you take in. Problem solved!

On 'Co-defendant testifies against friend'

Just remember boys and girls, when you're thinking about joining a gang, your homeboys and homegirls won't have your back. They will turn on you in an instant if it is in their best interest.

I certainly hope he offered more useful testimony than "I saw a flash and heard multiple gunshots"

SEE TALKBACK • PAGE 7

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Page edited by Amber Gillies

Our Desert Home

Blowing in the wind

DESERTUSA.COM

Virtually everyone recognizes the mature Russian thistle, which looks like the skeleton of a normal shrub. Plants may be as small as a soccer ball or as large as a Volkswagen beetle. Most people, however, would fail to recognize the seedling and juvenile plant's bright green, succulent, grass-like shoots, which are usually red or purple striped. Inconspicuous green flowers grow at axils (where leaf branches off of stem) of the upper leaves, each one accompanied by a pair of spiny bracts. Mice, bighorn sheep and pronghorn eat the tender shoots.

"Tumbleweed," "Russian thistle" and "wind witch" are the common names for this symbol of the American West. Native to the arid steppes of the Ural Mountains in Russia, the



WEEDING: Members of a work release program clear tumbleweeds, also known as Russian thistle, from Highway 18. Native to the Ural Mountains in Russia, the plant is now a symbol of the American West.

tumbleweed is now ubiquitous throughout the West, growing in

SEE TUMBLEWEEDS • PAGE 7

FILE PHOTO: PRESS DISPATCH

COLLECTIVE: Deputy DA says he was not ready to go to trial

FROM PAGE 1
 Attorney Kurt Maier told the court Friday morning his office dismissed the case because he was not ready to go to trial. Elswick rushed out of the courtroom as soon as Judge John Tomberlin declared the dismissal. "I never wanted this. I never thought it was going to turn into a witch hunt," Elswick said, trying to fight back tears. "I'm a good person. I've never committed any crime in my life. I've never done anything wrong in my life."

In the preliminary hearing in January, the prosecution tried to prove Elswick and Wolfe profited from their medical marijuana delivery service.

According to voter-approved state law and the attorney general's guidelines, medical marijuana collectives or cooperatives must only serve internal members with doctors' recommendations and operate as nonprofits.

Maier said Friday he couldn't comment on the dismissal because there was a possibility of re-filing the case in the future.

Defense attorneys say the prosecution lacked evidence.

Wolfe's attorney, Deputy Public Defender Luke Byward, said his client had articles of incorporation and a seller's permit to legally run the collective and Wolfe properly kept medical records of his clients. The defendants also submitted tax records of the collective last week.

San Bernardino County Sheriff's officials had shut down the facility off Phelan Road near Johnson Road in December 2009 after responding to an early

morning alarm and finding its window and front glass door broken.

Elswick said the alarm system was connected to the Sheriff's Department because the collective had nothing to hide.

In July, Wolfe tried to get his confiscated property back in court.

The District Attorney's office filed criminal charges against them one month later, which Elswick claims was a retaliation against Wolfe's action.

Although Wolfe and Elswick had their charges dismissed, medical marijuana collectives are now facing a greater challenge operating in San Bernardino County.

The Board of Supervisors outlawed medical marijuana dispensaries in unincorporated areas last month with limited exceptions to state-run providers and hospitals. The county's 24 cities have already placed permanent or temporary bans on dispensaries.

Elswick is calling it quits. Physically disabled, Elswick said he started the collective to get free medication to kill the pain and help others like him.

He suffered a chronic limp from shattering his left leg at work, Elswick said.

He's had an attorney since he started the collective to make sure it was run legally, Elswick said.

"I'm tired. I can't fight the system," he said. "I don't have that much money to fight these guys. I've got too much to lose, a wife and three kids. ... I'm never gonna start a collective in the High Desert. I'm done."

Tomoya Shimura may be reached at (760) 955-5368 or tshimura@VVDailyPress.com.

BURGLARIES: Officials trying to determine if cases related

FROM PAGE 1
 male suspect was the same but there still needs to be more investigating done."

Then early Thursday morning deputies were called to a Farmer's Insurance office in the 9500 block of I Avenue. Someone had broken the glass out of the front door and took two computer monitors, officials stated.

Only 15 minutes later, deputies were called to the Super Dollar Days store in the 17300 block of Main Street, she said. Deputies found the window smashed and the criminals had made off with change from a coin-machine game.

"In the Farmer's and Super Dollar (burglaries) there was no suspect description so it's hard to say if they are related," Walker said.

According to Walker, despite the four burglaries happening within a short period of time, more information is needed to determine if they are related.

"Sometimes you get sets of crimes that are similar in motive but they have to investigate to find out if they are related or a random thing," she said.

Anyone with information on any of these cases is asked to contact the Hesperia station at (760) 947-1500 or call WeTip at (800) 78-CRIME.

Sony's Ohga, credited with developing CDs, dies

BY YURI KAGEYAMA
 AP BUSINESS WRITER

TOKYO • As a young man, aspiring opera singer Norio Ohga wrote to Sony to complain about the quality of its tape recorders. That move changed the course of his life as the company promptly recruited the man whose love of music would shape the development of the compact disc and transform the Japanese electronics maker into a global software and entertainment empire.

Sony's president and chairman from 1982 to 1995, Ohga died Saturday in Tokyo of multiple organ failure, the company said. He was 81. Ohga's connection to music steered his work. The flamboyant music

connoisseur insisted the CD be designed at 4.8 inches in diameter to hold 75 minutes worth of music — in order to store Beethoven's Ninth Symphony in its entirety.

From the start, Ohga recognized the potential of the CD's superior sound quality. In the 1970s, when Ohga insisted CDs would eventually replace record albums, skeptics scoffed. Herbert von Karajan, Stevie Wonder and Herbie Hancock spoke up in defense of Sony's digital sound.

Sony sold the world's first CD in 1982 and CDs overtook LP record sales in Japan five years later. The specifications are still used today and fostered the devices developed since.



CD DEVELOPER: Former president and chairman of Sony, Norio Ohga, holds a Sony Mini Disc in New York in May 1991. Ohga has died at the age of 81.

IN YOUR CORNER: Retiree loses everything

FROM PAGE 1
 customer service on behalf of Mongeon, telling the company the advertisement was misleading. The company soon sent her an email confirming the membership had been canceled and Mongeon had a zero balance.

Huff recommends consumers read the fine print of anything they're purchasing and contact the sellers immediately if they get an invoice for something they didn't want.

Millious Slider was ready to enjoy his retirement after working 35 years for Mitsubishi Cement Corp. in Lucerne Valley.

That's when a company called Integrity

Retirement Partners approached the Victorville man in 2006, offering him a bonded life settlement deal that would increase his investment by 10 percent each year, Slider said.

Slider entrusted his lifetime savings of \$100,000 to Richard Provenzio of the company, hoping to receive \$139,100 after three years.

But when 2009 finally arrived, he didn't hear from Provenzio, Slider said. He called the company, but the operator kept telling him neither Provenzio nor anyone in the office could help him, Slider said. The operator soon turned into an answering machine.

Two years later, Slider, now 66, turned

to the Daily Press consumer advocate for help. But even the legal expert couldn't locate Provenzio.

"We have been in contact with one of the other investors and have been told the same thing," Huff said. "They have not been able to get in touch with Mr. Provenzio, either."

Huff said Slider needs to find a large law firm to help him fight a civil suit such as this. She estimated it would cost Slider close to \$50,000 by the time the case is resolved.

Even then, Huff doubts if Slider could get his money back because the defendant may file bankruptcy.

Huff suggests people conduct research before making big investments, preferably consulting a certified accountant

or lawyer. Even simple Google searches of a company's name helps, she said.

Slider said he doesn't have money to hire an attorney. He said he's barely making it living off Social Security and his wife's earning.

"I might have to move under the bridge if she wasn't working," Slider said. "It's pretty much everything I had. Now I have nothing."

To seek Mattias' help, write a letter that clearly and briefly describes the problem, with your full name, mailing address, daytime phone number and email address. Include the name, address and phone number of the opposing party. Letters may be emailed to TShimura@VVDailyPress.com. Letters may also be sent to "In Your Corner," c/o Daily Press, P.O. Box 1588, Victorville, CA 92386.

TALKBACK: 'County eyes building skate park'

FROM PAGE 1
 before fleeing the scene" for his plea bargain. It seems to me his statements weren't very damaging to his friend and do not offer any information that wasn't already known.

On 'County eyes building skate park in Wrightwood'
 Great to see the children

of Wrightwood get a place to keep them out of trouble. When I was a child, we had a skate park in Montebello and it was a great place to keep out of trouble during the summer.

Who is going to pay for the insurance for this? The county is just injuring itself up to a lawsuit for injuries!

I love it. That's the way it ought to work. The citizens tell

the local government how they want their tax dollars spent and the local government obliges. Simple as that.

That is great. There isn't a lot a child can do in that community. Although they might want to consider making it for both bikes and skateboards, so they don't have to revisit it in a few years. Do it right the first time.

Wait... I thought they were so broke they needed to rob their employees? Where did the money for this come from?

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TUMBLEWEEDS: Thriving in West

FROM PAGE 1
 disturbed soils such as agricultural fields, irrigation canals, and roadside shoulders and ditches.

Tumbleweeds were first reported in the United States around 1877 in Bon Homme County, S.D., apparently transported in flax seed imported by Ukrainian farmers. Within two decades it had tumbled into a dozen states, and by 1900, it had reached the Pacific Coast.

Plants thrive in salty and alkaline soils but will generally be out-competed by natives in undisturbed habitats.

Elevation range is from below sea level in Death Valley to more than 8,500 feet.

As it rolls down a desert road, tumbleweeds do what they do best: disperse seeds, which typically number 250,000 per plant. Seeds are unusual in that they lack any protective coat or stored food reserves. Instead, each seed is a coiled, embryonic plant wrapped in a thin membrane. To survive winter without a warm coat, the plant does not germinate until warm weather arrives.

Like many invasive weeds, the Russian thistle exploited the destruc-

tion of native ecosystems. When farmers removed prairie grasses, they created a perfect environment, smooth and flat, for a plant that could roll across the landscape dispersing seeds. Herbicides now control the spread of Russian thistle by disrupting the maturation process of the plant.

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This year's **SUMMER GUIDE** will be publishing on May 26. If you or your organization is having an event that is happening anytime May 26 through early October and would like it listed in the Summer Guide, please send the information (event name, contact name and phone number, event date, event location and brief description) to the Daily Press Special Sections Editor at 13891 Park Avenue, Victorville, CA 92392 or e-mail to mbrown@vvdailypress.com. The deadline for submissions is Monday, May 9, 2011. For more information, please call (760) 951-6264.