

## Judge refuses to give up Heath fraud case

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By LOU HIRSH / The Press-Enterprise

CORONA - Riverside County Superior Court Judge Ronald Taylor on Monday turned down a defense motion that he withdraw himself from the D.W. Heath investment fraud case.

Taylor, who was assigned to the case Friday, said he has not discussed details of the case with other county judges and does not know any of the case witnesses on lists totaling more than 100 names, submitted by prosecutors and defense attorneys. The attorney for defendant Daniel W. Heath had maintained county judges might know some of the witnesses and should be barred from hearing the case.

The judge said attorneys and the court have agreed on a tentative trial schedule in which jury selection will take place from July 30 through Aug. 10. Opening arguments are slated to begin the week of Aug. 27.

Due to the number of witnesses, the judge and attorneys expect the trial to take several weeks. Extra screening time will be needed to find jurors who can serve for a prolonged period.

Daniel W. Heath, who was president of D.W. Heath & Associates, along with his father, John Heath, and Denis O'Brien, were arrested in July 2004 and charged with numerous felony counts of securities fraud and grand theft.

The defendants are accused of bilking more than 1,600 investors, many of them seniors who turned over their life savings and retirement accounts. Investors put more than \$192 million into what prosecutors contend was a Ponzi scheme that used money from new investors to pay earlier ones.

Taylor may rule later this week on a second pretrial motion, filed in June by the attorney for defendant Daniel W. Heath, to have county prosecutors disqualified from the case and replaced by the state attorney general's office.

The court will rule later on a third motion, seeking a change of venue due to pretrial publicity, after seeing results of an upcoming juror questionnaire.

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