

Sentencing postponed for one defendant in Heath & Associates investment fraud case

February 28, 2008

By LOU HIRSH / The Press-Enterprise

Sentencing is expected to be postponed for Denis T. O'Brien, one of three people recently convicted in the \$190 million Heath & Associates investment fraud case. His sentencing had been scheduled for Friday.

O'Brien's attorney, Joel Renk, said this morning he will file a motion to continue while his office investigates potential new evidence about his client that could affect sentencing or future requests for a new trial. He did not elaborate, but said there are issues relating to investigations conducted by the state Department of Corporations before the investment firm closed in 2004.

Riverside County Superior Court Judge Ronald Taylor said he will likely be setting a new date for O'Brien's sentencing Friday once the continuance motion has been presented.

O'Brien, 53, was convicted last month on 70 criminal counts and faces a prison term of up to 37 years. Daniel W. Heath, 51, president and sole officer of the investment firm, was convicted on 400 counts and faces up to 117 years in prison at his sentencing, scheduled for March 21.

Last week, defendant John W. Heath, 81, was sentenced to 28 years and four months in prison for his conviction on 52 counts. The three defendants bilked 1,600 investors and were convicted on charges including securities fraud, selling securities without a license and theft from the elderly.

Reach reporter Lou Hirsh at (951) 368-9559 or lhirsh@pe.com.

Copyright 2008 The Press-Enterprise