

## Old shoplifting case haunts candidate Arnold in supervisors race

*By Rob Rogers*

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Northern Novato has been blanketed with mailers detailing a 13-year-old shoplifting incident involving supervisorial candidate Judy Arnold.

Craig Miller of Novato, a supporter of candidate Pat Eklund, mailed 606 copies of his letter outlining the old case to neighbors in the Atherton and Black Point areas this week.

The letter describes a 1993 shoplifting citation against Arnold, which was dismissed later.

It also describes "several civil, criminal and eviction cases during the past two decades" in which Arnold was involved, referring to a 1992 civil suit against Arnold and her husband following a real estate deal.

Arnold dismissed the letter as an 11th-hour smear tactic by Eklund, whom she believes orchestrated the effort.

"This shows how desperate my opponent is," Arnold said. "She almost lost in June, and now she's so desperate that she's bringing up 13-year-old matters that were dismissed. This is old news.

"All of those problems are in the past."

Eklund denied any knowledge of Miller's actions.

"Councilwoman Arnold knew that when she entered public service, her life would become an open book," said Eklund who, like Arnold, is a member of the Novato City Council. "The voters deserve an explanation."

Eklund said she has known Miller since 1996 but added he is not affiliated with her campaign. Miller made two donations to her campaign totaling \$750, Eklund said.

The shoplifting citation against Arnold surfaced during her first campaign for county supervisor in 1996, when she lost in the primary election for the seat ultimately won by Steve Kinsey, who still holds the post.

Arnold's citation involved shoplifting at Longs Drugs in Novato. The district attorney's complaint said she took merchandise "with the intent to steal said merchandise."

The Marin Municipal Court dismissed the charge after Arnold attended a "self-awareness" class and served six months' probation.

Arnold maintained her innocence of the charge in a 1996 Independent Journal interview, and said she had only agreed to participate in the class and probation in order to avoid an expensive jury trial.

Miller said his wife discovered a 1996 newspaper article that included the charges while doing online research. He said he decided to publicize the information after local newspapers endorsed Arnold.

"Quite frankly, I'd hoped the media would have done their homework, rather than an average citizen having to reveal this information," Miller said. "After I saw the editorials in the Marin Independent Journal and the Novato Advance endorsing Judy Arnold, it took me over the edge. I felt compelled to do something."

Arnold believes the information came from the Eklund campaign.

"Of course it came from Pat Eklund," Arnold said. "She's desperate. She's not getting the support she thought she would get. She's not getting the endorsements from newspapers, elected officials, or from Novato.

"She's going to do whatever she can, including muckraking up a 13-year-old story."

Arnold adds that she does not expect the incident to become a campaign issue. "The matter was dismissed, and I think people are aware of that," she added.

Political analyst Brian Sobel believes the incident could end up backfiring on the Eklund campaign, even if it is not the source of the letter. "The timing is suspicious," said Sobel, a Petaluma-based consultant. "If a person had information on these allegations, why wouldn't they choose to release them weeks ago, when all parties had time to respond to it? To do it this late in the campaign could turn off voters."

The pattern follows that of 1996, when the petty theft charge against Arnold was published three weeks before the election by the Point Reyes Light. At the time, Arnold accused the weekly paper of conducting "a smear campaign against me."

Sobel said candidates "tend to know what's going on," and added, "When someone comes out of the woodwork to lob charges like this, it's highly unlikely that they're acting alone."

But Miller maintains that he acted independently.

"I have nothing to do with the Pat Eklund campaign," he said. "But I'll vote for her."

## no contest

n. in criminal law, a defendant's plea in court that he/she will not contest the charge of a particular crime, also called *nolo contendere*. While technically not an admission of guilt for commission of the crime, the judge will treat a plea of "no contest" as such an admission and proceed to find the defendant guilty as charged. A "no contest" plea is often made in cases in which there is also a possible lawsuit for damages by a person injured by the criminal conduct (such as reckless driving, assault with a deadly weapon, aggravated assault), because it cannot be used in the civil lawsuit as an admission of fault. "No contest" is also used where there has been a "plea bargain" in which the defendant does not want to say he/she is guilty but accepts the sentence recommended by the prosecutor in exchange for not contesting the charge (which is often reduced to a lesser crime). It is standard practice for the judge to ask either the attorneys or the defendant, "Is there a factual basis for the plea?" before accepting it and finding the defendant guilty.

See also: *nolo contendere* *plea* *plea bargain*

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# NOVATO'S SHOPLIFTING SUPERVISOR

By [Hutch Turner](#), Patch Poster, | Jun 2, 2014 11:45 am ET 33

This post was contributed by a community member.

Arnold forfeited any consideration for "past indiscretions" to be overlooked by recently mailing to Novato voters two last minute "hit pieces" accusing Shroyer of mudslinging when Arnold's pieces do exactly that and mock Shroyer's work on behalf of the Novato Police department. Arnold's entire campaign strategy from the beginning has been to relentlessly attack Shroyer from the beginning as a person while ignoring performance and accountability issues where Arnold is vulnerable. Arnold has a history of continually attacking with derogatory "hit piece" mass mailing, avoiding issues while letting her massive out-of-district campaign funds overwhelm the voters with venom against her opponent.

Arnold will maintain that the damaging information that follows is a smear tactic. Not at all, it is simply a matter of public record. In this case a very bad one for Judy Arnold. . If you have any doubts about the veracity of the facts check Marin Court records or Rob Rodgers Independent Journal article dated 14 Oct 02 at [http://www.marinij.com/ci\\_4492836](http://www.marinij.com/ci_4492836) "Old shoplifting case haunts candidate Arnold in supervisors race."

The tipping point for disclosure came when the IJ recently published a letter to the editor by Patsy White a well-known political co-conspirator and member of Arnold's political inner circle. The last paragraph includes the statement "...Shroyer cannot come close to measuring up to Judy Arnold in experience, wisdom or integrity."

If serving in 1993 a six-month probation for shoplifting after pleading *no contest* to shoplifting charges brought by Longs Drugstore in Novato defines integrity, then Shroyer certainly doesn't measure up to Arnold's standards. While not technically an

admission of guilt for commission of a crime a judge will treat a plea of "no contest" as an admission and proceed to find the defendant guilty as charged.

Standard practice is for a judge to ask either the attorneys or the defendant, "Is there a factual basis for the plea?" to affirm the facts of the case before the bench and the accused person's acceptance of the facts as being true. If the defendant agrees the facts are true the judge then accepts the plea, finds the defendant guilty and sentences the defendant, e.g., in Arnold's case guilty and six months of probation. <http://dictionary.law.com/Default.aspx?selected=1327> - <http://legal-dictionary.thefreedictionary.com/No+Contest>

Arnold would later deceptively maintain that the charge was dismissed. However, this was only after she served out the sentence of six months' probation. It is "old news" according to Arnold. To us non-shoplifters, for a grown woman and public officeholder to be caught shoplifting, charged and effectively plead guilty is a big deal regardless of time, and particularly when she is publicly trashing someone running against her who has not been convicted and has a clean criminal record. Ethics are never "old news".

If a mother was going to hold up someone as a role model for their children, should it be the 4-H club founding, graffiti erasing, pennies for police dogs Toni Shroyer or the guilty shoplifter Supervisor Arnold?

Voters rejected Arnold in 1996 when she lost the election against Steve Kinsey for the Supervisor race in District 4. The defeat was partly attributed to Arnold's conviction.

Arnold's last hit piece accuses her opponent of having "...spread blatant lies and exaggerations." and being "...a pure demagogue with no idea what she's doing." Arnold sounds like she is becoming unhinged by the prospect of being tossed out of her cozy office.

People who live in glass houses shouldn't throw rocks. Judy Arnold foolishly never learned that lesson.

Arnold has a smarmy reputation in political circles. Her open use of County workers on her re-election staff is particularly troubling. Her stints on the ethically challenged and controversial Burton, Giacomini and Midgen political staffs and her similar behavior while in office generates an uneasiness among many of her constituents that they are merely pawns in a much bigger political game.

I for one prefer not to have a convicted shoplifter as a representative of my District. If I vote for her or my fellow district voters elect her we are in effect endorsing what she has done, something she has never apologized or publicly admitted (except to the sentencing judge).

The rest of Marin finds the shoplifting Supervisor case as an affirmation of their poor opinion of Novato. What other Supervisor District would elect a convicted shoplifter?

Novato can and deserves better – Elect Toni Shroyer.