

*January 10, 2006*

*To: Major Media Outlets*

*From: The Covelli Family*

*We are appealing to the news media, to help expose very questionable actions, or should we say inactions, by the Kern County Sheriff's Department and the Kern County District Attorney's Office.*

*Our 22 year old son, Nicholas Patrick Covelli, was shot and killed by a Kern County deputy, David Benson, on February 9, 2003 in the small town of Frazier Park, California. We have been through a federal civil trial held in Fresno and are currently appealing the decision in the case.*

*As time has gone by, we have discovered a great deal of information that leads us to believe our son was brutally assaulted and beaten, prior to the circumstances he faced when the deputy shot him twice, once in the chest and a second time, in the top of the head. He died almost instantly, on a dirt road and was left out there for many, too many, hours.*

*We have discovered this information through helpful residents of Frazier Park and through the exhaustive investigative efforts of Mr. John C. White, Ace Detective Agency, Bakersfield, California, (661) 325-7007. This investigation is ongoing and fluid. There is some reason to believe the assault was motivated by discrimination or a "hate crime." We have information that the alleged assailant may have perceived our son as gay. The investigation includes first hand accounts of the alleged assailant "bragging," to three separate people, on three separate occasions, that he 'beat him, took his shoes and glasses, and left him for dead at the local gravel pit.' The alleged assailant tells our investigator he was not involved, never met our son and besides, "I was working with this guy till 3:30 am that morning, pouring concrete." We have interviewed "this guy," he tells us the alleged assailant was not working with him at that time. We have a statement to refute a further claim that he was "banned" from the local tavern in Frazier Park at the time. Just hours before we believe our son was abducted and assaulted, this man was in the tavern, shooting pool, when our son entered and per a witness statement "walked right behind him, like he was looking for someone" around the pool tables and back out the door. We have an additional statement from an individual who heard the two people we believe committed the assault, at the gravel pit, threatening someone who told them he was going to the police. We believe this was our son, just prior to the assault. All of the above statements and all other evidence we have gathered, has been dismissed by the sheriff's department and the district attorney, as "unsubstantiated" and "unreliable!"*

*Our son was unarmed, bleeding, barefoot, without his glasses (his uncorrected vision was 20/400) and the temperature outside was about 17 degrees. He was clearly heard by at least three witnesses, yelling loudly, "help, help me." He approached a home in the rural town of Frazier Park at about 1:30 am and asked to be taken to the hospital. He told the resident that was calling the ambulance, when asked what had happened, "it's a long story, I can't go into it now."*

*Before the ambulance could get to the scene, a deputy, Benson, arrived. Just as this deputy arrived, a vehicle delivering the Bakersfield Californian, Sunday newspaper, was directly in front of him on the same roadway. When our son, who was sitting on the porch of the home, awaiting the ambulance, saw this delivery vehicle, something made him leap up and run down*

*the stairs towards the vehicle. The information we have uncovered over these past many months, has shown the person we believe to be directly responsible for the assault and possible abduction of our son, owned a vehicle very similar to that delivery vehicle. We have surmised the only reason our son would have, to engage in the act of running at this vehicle, yelling at it, was he believed his attackers were returning to "finish him off."*

*He leaped on the hood of the vehicle and climbed over the cab and rolled off the side as they accelerated forward. This is where the issues we litigated in the civil suit, merge with the issues of a prior criminal assault and possible kidnapping. The deputy witnessed the event with the delivery vehicle and then went into, we believe, a very questionable, inconsistent account of the events that followed. His ultimate decision, to use deadly force on our unarmed, injured, bleeding, barefoot son, is a battle we continue to fight in the federal court system. We have no intention to end that fight, even if we have to petition the U.S. Supreme Court to review the case.*

*The nightmare we face, is that the legal entities of the county, the Sheriff's Department and the District Attorney's Office, want no part of investigating the events that occurred prior to the deputy arriving at the scene. They have determined our son had a "psychotic episode," and ran from his house in Frazier Park, barefoot and coatless, proceeding to run through very rough, mountainous terrain, to sustain all his injuries. These injuries included a broken nose, a "freshly chipped tooth," bloody face and horrific bruising over most of his body. They base this wild speculation, on an absurd belief our son was in the throes of some kind of "psychotic episode," that detective Karen Smith conjured up, after seeing a very steep hill near the scene and surmising "he must have climbed up this mountain!" This mountain was described by Smith as "too steep for her to climb," so they never even inspected the alleged route our son took, for any evidence he took it! Detective John Soliz stated at the shooting review board hearing, "at NO time during the investigation did we determine what caused the individual to be injured, what led him with bloody face, bloody nose, up to that residence."*

*The dilemma is, getting the proper authorities, to conduct a proper investigation. The District Attorney's liaison to the Grand Jury, Michael Yraceburn, (661) 868-2321, has recommended to the Grand Jury, through an "inter-office memo", that the case was "properly investigated" and there is "no evidence to suggest" our son was assaulted. A formal Public Records Act Request, regarding this "memo", was sent to the DA and Grand Jury, both were denied. The conclusion arrived at by the "lead" detective, Karen Smith, that our son went "psychotic," is their "evidence" he was not assaulted. This recommendation by Mr. Yraceburn, comes after reviewing our investigator's report. He tells us the witnesses we have are, "unreliable, not credible or have a vendetta against the alleged assailant and or the sheriff's department." We cannot believe they really believe that without ever interviewing anyone themselves! They have the clothes our son wore that night. They have been "held" as evidence in the civil trial. Do you suppose if the alleged assailant was to give a DNA sample, they could examine our son's clothing, to see if there is any trace of him or anyone else on those clothes?*

*We implore the media, to support our fervent desire to get the Sheriff's Department to "reopen" this case, as it relates to the events, prior to our son's "unfortunate and tragic" encounter with this deputy. We will continue the fight over the question of "wrongful death and illegal use of deadly force," as a separate issue. Obviously, they refuse to help us, for fear it will show our son indeed was assaulted and was not having "a psychotic episode." That conclusion fits perfectly with the defense of the deputy's use of deadly force and an assault does not! We have also sent a detailed account of this information, to the California Attorney General, Office of Victims Services, in the hope they will intervene.*

*After all, when you're dealing with an unarmed, bloody, barefoot, 5' 11", 135 pound young man, in 17 degrees, and you are a fully clothed, booted, gloved, armored, vested, baton carrying, mace carrying, flashlight carrying, Glock carrying, Kern County deputy, you have to show him, "We'll Kick Your Ass" by using your sidearm to shoot him twice or you would not live up to the reputation of the "bloody baby seal award" you hope to get! The deputy has testified he thought our son was on PCP, no drugs were found in his system, but the "perception" by the deputy was sufficient to use the level of force he chose.*

*This alleged assailant is a dangerous thug, referring to the person who likely abducted and assaulted our son. He remains on the street and has a long record for assault and drug use. He has never served any meaningful sentence for any of his numerous convictions and we have reason to believe he may be a "secret informant," as described are used in Frazier Park, by the deputy who killed our son. He is currently awaiting sentencing in one drug case, (1/13/06), and a pending trial, (1/11/06), in another! We have a statement from a reliable source, that he offered evidence, in the way of photographs and drug paraphernalia, to the sheriff's department. This evidence shows the alleged assailant was dealing drugs and intimidating people at the gravel pit, on a regular basis. The sheriff's department from the sub station in Frazier Park, "was not interested" in the information and refused to investigate! Why would they refuse to investigate obvious drug dealing in Frazier Park?*

*Sheriff Wimbish, who took office just before our son was killed, promised to "clean up" the department and "restore pride" in it. With the recent and not so recent incidents this department has had exposed, we think they are going in the wrong direction, to be quite honest. The citizens of this county deserve justice, we deserve justice, and most importantly, our son deserves justice. Is there anyone out there that cares?*

*We have available, a complete investigative summary and dozens of individual statements, to corroborate that an assault occurred. The entire story needs to be publicized. As recent disclosures in the Bruce Sons case indicate, the District Attorney's office apparently withholds critical information, as it relates to cases involving law enforcement personnel.*

*We have spent our third Christmas in a row writing letters instead of wrapping presents and welcoming our son home for the holidays, his favorite time of the year. Think of how you would feel. It is not possible for anyone to understand how we feel. This should never have happened and we cannot give up until we know everything that happened, as painful and torturous as it will be, everything this person did and why, needs to be exposed. Why doesn't the Sheriff or District Attorney want it told? Is there anything to hide?*

*Our investigator is available to disclose and discuss all the details we have outlined here. This story is not fiction! This is real life, and sadly for us, death!*

*Please, please help us! We are at our wit's end!*

*Respectfully submitted,*

*Anthony & Patricia Covelli  
443 S. Oak Glenn Drive  
Bartlett, IL 60103  
(630) 830-5932 home (708) 807-1405 cellular*