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Key Evidence Ruled Invalid in \$10.2 Million Bank Theft

BY ROBERT RAWITCH

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The government's case against computer analyst Stanley Mark Rifkin was dealt a severe blow here Tuesday when U.S. Dist. Court Judge Matt Byrne Jr. ruled that the arrest warrant for Rifkin was invalid and that a mass of evidence—including a reported confession—could not be used against the man accused of stealing \$10.2 million from Security Pacific National Bank in Los Angeles last November.

Federal prosecutors said they will now have to reevaluate the evidence that may still be used against Rifkin and decide whether to go to trial before Byrne in Los Angeles as scheduled Feb. 15 or appeal the judge's ruling to the U.S. 9th Circuit Court of Appeals.

If the government does appeal Byrne's ruling, which appears a distinct possibility, it would delay all further proceedings against Rifkin until the issue is decided. Though such appeals are supposed to get expedited treatment from the appellate court, in past cases it sometimes has been as long as a year before rulings were handed down.

Asst. U.S. Atty. Kathryn Ann Stoltz, who is prosecuting the case, said a decision on whether to appeal Byrne's ruling likely will be made no later than next Monday.

Rifkin is charged in a four-count indictment alleging that he entered a bank to commit a felony, fraud by wire, interstate transportation of sto-

len property and smuggling goods into the United States.

Throughout several days of hearings periodically over the last couple of weeks, Byrne has made it clear he believed that both the FBI in San Diego, which arrested Rifkin at a friend's apartment in Carlsbad Nov. 6, and the U.S. attorney's office in Los Angeles had handled the case poorly.

In his remarks Tuesday, the judge said that contrary to established legal procedure, the FBI affidavit submitted to a U.S. magistrate to justify the arrest warrant for Rifkin "was void of any sources of information whatsoever."

Byrne said it was impossible to tell from the affidavit who had supplied information to the FBI about Rifkin and such data are necessary for a magistrate to make a determination on whether to sign an arrest warrant.

Even after declaring the arrest warrant invalid, Byrne said the FBI had probable cause to arrest Rifkin had he been spotted on the street or in any public place.

However, the judge held that since the 31-year-old Sepulveda man was

Please Turn to Page 31, Col. 1

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