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Judge Christopher Plourd sounds alarm over drug trade at US-Mexico border

By Ricardo Pineda

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EL CENTRO – Ground zero for the opioid trade that is plaguing America is in El Centro, the tiny town 6 miles from the Mexican border. Imperial County Superior Court Judge Christopher J. Plourd has a front-row seat, and has been trying to sound alarms.

“Fentanyl is flooding across the border,” he said in a recent interview, pointing south to Mexicali, where drug cartels base their drug running operations.

“The pills are coming in 18 different ways,” Plourd continued. “You can buy here two for a dollar. ... You take it to L.A. and it’s worth \$5. You take it to New York, it’s worth \$20 to \$30. It’s cheaper here, so more people are using it.”

Imperial County’s sparse population – fewer than 180,000 spread over 4,482 square miles, according to a 2020 census – makes the problem more visible.

Plourd brings law enforcement officers and fellow bench officers to high schools to talk about the science of drugs and how they affect the mind and body. He also educates fellow jurists when he can.

Among his many legal and scientific associations, Plourd was chair of the Organization of Scientific Area Committee with the Forensic Sciences Standard Board, which promotes quality benchmarks and consistency in the forensic science community.

Along with the National Institute of Standards and Technology and the Department of Justice in Washington, D.C., Plourd said he



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assisted in identifying what was causing black tar heroin addicts to die with a needle in their arms at an alarming rate, when the first signs of fentanyl became notable in the streets of the nation’s capital.

“Just to give you the latest,” he explained, “there is a fentanyl now being laced with this new animal tranquilizer, which is called xylazine [or tranz], not susceptible to the Narcan,” a nasal spray used to treat opioid overdose.

“In other words,” he warned, “it’s a different type of a sedative that is not an opioid recipient. And it’s kind of moving here. But it’s 10-15% of the cases now. ... And I don’t think a lot of people are aware of it. But I’ve been speaking about that.”

In his courtroom, where he managed the criminal master calendar this past year, Plourd dealt with a lot of toxicology reports, particularly involving drunken drivers or those high on a drug that has no test measurements. And he has another warning.

“One of the things I really want to emphasize to all the members of the bench is that, nowadays, with marijuana being so prevalent, most of the driving under the influence cases are not with alcohol,” he asserted. “It’s actually a combination of drugs, either alcohol and marijuana or other street drugs.”

A related concern for the judge is domestic violence. “Meth and domestic violence is lethal, especially

when there’s choking involved,” he said.

Plourd also has a mental health diversion calendar for homeless people having psychotic episodes stemming from their addictions.

“How do we get them out of jail and into a placement and start addressing their mental health issues?” asked the judge, who sees as many as 10 to 15 repeaters a year. “And it’s just a question of whether or not they’re willing to accept treatment.”

His philosophy is that anybody can solve their own problems, but someone needs to provide them with the proper tools. “And sometimes it takes a couple of times to do it,” he added.

But limited space in Imperial County means, “We send people to places in L.A. on a daily, weekly basis.”

Deputy District Attorney Wayland C. Chang has appeared before the judge many times, first as a deputy public defender, and explained how Plourd’s awareness helped his client get treatment and a break on his criminal charge.

Chang explained in an email, “I was having difficulties getting local agencies to agree to implement military diversion, but Judge Plourd immediately understood the equal protection problem about how defendants would be denied an option simply because they resided in a rural county, and was able to bring everyone together to implement military diversion.”

The judge said, “Getting veterans care over here is a little tough, because it’s all in San Diego. And so we’ve been pushing that pretty hard, to try to get the [Veterans Affairs] to give them more services available to them here.”

Before his appointment as a judge in 2011, Plourd said he worked as a consultant for defense attorneys in high profile cases, such as the “unabomber” Ted Kaczynski. Plourd also was part of the defense teams in the murder trials of record producer Phil Spector and O.J. Simpson, where he helped prepare counsel to question DNA experts on the stand.

Another high mark, so to speak, included representing Ray Krone, an Arizona man who spent 10 years in prison because of wrong testimony by the government’s bite mark expert. According to the Arizona Justice Project, Plourd “conducted a meticulous investigation in a trial that lasted seven weeks. His primary focus relied on the physical evidence, which included shoeprint and DNA.” The defense also showed that Krone’s teeth could not have bitten the victim.

Plourd cowrote an article on the Krone case as part of a 300-year review of bite mark evidence for the Journal of the California Dental Association this year.

Does he plan to write a book about that someday?

“I might,” he said. “But I don’t have the time now. I don’t want to retire, necessarily.”

Plourd’s goal is to stay on the bench for at least another six years.

He credits his involvement with forensic evidence as helping him improve his analytical abilities throughout the years.

“The scientific method is pretty straightforward. You’ve got to have a basis for this decision,” Plourd said. “And the same analytical skills that a scientist has I think any judge should have.”

During trials, he doesn’t invest too much time examining the data himself, but makes sure that the jury understands the experts’ testimony.

“So I’m constantly saying, ‘Well, why don’t you define what you mean by that? Explain what this is.’ The only one where I kind of just cringe a little bit is when some expert is saying things that are just not right,” Plourd explained.

“And I know more than the lawyers and more than the witness,” he said. “The ones that are most interesting are the toxicology witnesses, because they all know me, they all know that I am knowledgeable of blood alcohol rates and, you know, how long does it stay in the system and all that. So they are nervous when they testify.”

Probate matters are not usually on his docket. But during a financial elder abuse/undue influence case, Thomas R. Laube of Sandler Lasry Laube Byer & Valdez LLP said there were a great deal of documents and that the judge not only paid careful attention to detail, but also “devoured the evidence.”

“Judge Plourd is very well-prepared,” Laube wrote in an email. “He seems to read everything and has an appetite for the details of the evidence.”

He noted that attorneys should be similarly well-prepared.

“When he takes the bench he generally focuses any oral argument on issues he had questions about, if he had questions,” the attorney explained. “He permitted and invited lengthy oral arguments which was appropriate in our case given the length of the trial before him.”

In criminal cases, Chang offered another aspect of the judge’s style. “Those making a first appearance before him might not appreciate how Judge Plourd gently ribs the attorneys who have appeared daily before him for a decade,” the prosecutor wrote. “Given the lack of rigid formality, newcomers might not also appreciate that Judge Plourd does run his courtroom in an orderly manner.”

Defense attorney John W. Breeze of Plourd & Breeze APC worked with the judge’s late father, Lewis A. Plourd. He has known the judge since 1976, when the younger Plourd was a law student.

“He never worked in this office as a lawyer, other as co-counsel where he represented one defendant,” Breeze clarified in a phone interview.

Breeze, who has also worked as an alternate public defender in El Centro, has tried many matters in Plourd’s courtroom. Breeze described him as “a stickler for following the law and the evidence. He’s difficult on the prosecution because he holds them to the highest standard and he knows the evidence code very well.”

In his chambers, Plourd has a black-and-white picture of his late father, looking over him from across from his desk. “The one thing he told me, ‘Hey, if you’re prepared, and you’re on time, no judge will not like you.’ And I found that that’s true.”

He has relayed that advice to his niece, Stacey Todd, a former district attorney who is now an assistant U.S. attorney in Oklahoma.

Good lawyers, in his opinion, know what they are doing and tend not to waste time.

“So, I’ve really had no mistrials as far as jury trials in my career,” the judge remarked. “I tend to have probably a little more hung juries than most judges. Not by much.”

When not on the bench, the judge enjoys motorcycle riding across the desert in Imperial County, an activity that started when he was a teenager, along with his siblings. “It’s my way of, you know, just letting it all go.”

Here are some of Judge Plourd’s recent cases and the attorneys involved:

- *People v. Miller*, JCF006648 – assault with great bodily injury by prisoner

For the prosecution: Gerald B. Warren, district attorney’s office

For the defense: John W. Breeze, Plourd & Breeze

- *In the matter of the Nilson Family Trust*, EPR03973 – probate

For objectors/petitioners: Scott J. Ingold, Higgs Fletcher & Mack LLP

For real party in interest: F. Thomas Hovore, Burbank; Thomas R. Laube, Sandler Lasry Laube Byer & Valdez LLP; Donald R. Dieringer, Green Bryant & French LLP

For previous trustee: Thomas L. Behr, Murrieta

For current trustee: Gregory J. Borawski, Brierton Jones & Jones LLP

For respondent: Marshall R. Cole, Nemecek & Cole; Robert Wright

For objector: Karineh Darbinian, Brown White & Osborn LLP

For conservatee: Joshua R. Furman, Encino; Glenn B. Mueller, San Diego Gas & Electric Company; Mitchell A. Driskill, Walker & Driskill PLC

- *People v. Acuna*, JCF005630 – stolen vehicle

For the prosecution: Jessica G. Moreno, district attorney’s office

For the defense: Ronald Melton

- *People v. Salcido*, JCF006852 – drugs, receiving stolen goods

For the prosecution: Wayland C. Chang, district attorney’s office

For the defense: Steven C. Honse, El Centro

- *People v. Cruz*, JCF006870 – assault with a deadly weapon

For the prosecution: Wayland C. Chang, district attorney’s office

For the defense: Steven C. Honse, El Centro

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Christopher J. Plourd

Superior Court Judge
Imperial County (El Centro)

Career Highlights:

Appointed Imperial County Superior Court judge by Gov. Jerry Brown, 2011; sole practitioner, 1988-2011; staff attorney, Defenders Inc., San Diego, 1986-88; assistant public defender, Imperial County, El Centro, 1983-86; associate, Plourd Blume Scoville Strickland & Breeze APC, El Centro, 1981-83

Law School:

Thomas Jefferson School of Law, 1980