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Bail still \$2 million for officer in rape case

By Greg Hardesty

RANCHO CUCAMONGA – A Westminster detective and a man accused of being his accomplice in a kidnapping and rape were ordered Wednesday to remain in custody on \$2 million bail each by a judge who said the amount could have been set even higher.

After hearing a prosecutor recount in court details of the alleged April 3 crime in Ontario and Fontana, Judge Michael Libutti granted the district attorney's request that bail remain at \$2 million for Westminster police officer Anthony Nicholas Orban and Jeff Thomas Jelinek, a correctional officer in Chino.

Libutti's order came after attorneys for Orban and Jelinek argued that the \$2 million bail was excessive, that the defendants were not flight risks, and that they posed no threat to the community or to the alleged victim.

With a preliminary hearing set for June 3 in Rancho Cucamonga, defense attorneys are arguing that their clients have different levels of culpability in the alleged crime – although both face life in prison if convicted of all 11 counts in the felony complaint.

Orban, 30, is charged with entering the car of a 25-year-old waitress as she left work at Ontario Mills Mall, pointing a gun at her and ordering her to drive away. Jelinek stood by and watched but did nothing to prevent the kidnapping, according to prosecutors.

For at least an hour, outside a storage business in Fontana, Orban then allegedly raped and beat the woman before calling Jelinek to pick him up.

During the alleged assault, Orban threatened to kill the woman twice and stuck the barrel of his gun in her mouth, and punched her in the face, chest and stomach, according to a police report.

Using his cell phone, Orban snapped photos during the sexual assault and e-mailed at least three pictures to Jelinek, prosecutors allege.

The attack on a late Saturday afternoon occurred after a day of drinking in which Orban and Jelinek, both off duty at the time but carrying their weapons, consumed at least eight margaritas and two pitchers of beers and selected their alleged victim at random, according to prosecutors.

Orban was charged with kidnapping to commit forcible rape, two counts of forcible rape, two counts of forcible oral copulation, two counts of sexual penetration by a foreign object, two counts of sodomy by use of force, and one count of criminal threats.

Jelinek, 30, was charged with rape and kidnapping under the theory of aiding and abetting the initial part of the alleged crime. He also was charged with being an accessory after the fact.

Sitting in court Wednesday, shackled at the hands and feet, Jelinek didn't try to obscure the courtroom gallery's view of him. Orban, however, shifted in his seat so courtroom observers only could only see his back.

Orban's attorney, James E. Blatt, argued in court for a "reasonable" bail.

While acknowledging the seriousness of the charges, Blatt told Libutti that the alleged crime "appears to be an aberration" for Orban.

"He has very strong family ties, and he has lived an exemplary life in every way up until this incident," Blatt said.

In his written motion to get bail for Orban reduced to \$400,000, Blatt said Orban served in the Marine Corps for five years, earned the Navy's good conduct achievement award, served for one year in Iraq, and was honorably discharged.

"The charges...represent allegations of an isolated incident of aberrant behavior," Blatt wrote in his motion.

Blatt said in court papers that Orban's parents, who live locally, were willing to use their home, whose total equity value is about \$400,000, to secure any bond to get their son released from the West Valley Detention Center in Rancho Cucamonga.

Orban would be willing to remain confined to his Irvine home and wear a GPS monitoring device, Blatt told the judge.

One of Jelinek's two attorneys, Ciprian Turcu, argued in court that the bail was "excessive" when compared to Jelinek's annual salary of \$57,000 as a correctional officer at the California Institution for Men in Chino.

"It would take him 35 years to make that amount of money," said Turcu, arguing instead, in court papers, that bail be reduced to \$500,000 – or that Jelinek be released on his own recognizance, meaning he would promise to appear in court.

Jelinek would be willing to submit to GPS and blood alcohol monitoring while behind confined to his home in Ontario, Turcu said.

Responding to the defense arguments, San Bernardino County Deputy District Attorney Deborah A. Ploghaus said Orban and Jelinek are dangers to society who have access to guns and friends with access to guns.

She also said the injuries and threats made to the alleged victim called for high bail.

Although acknowledging that Jelinek doesn't appear to be as culpable as Orban in the alleged kidnapping and rape, Ploghaus said Jelinek did nothing during the 90 minutes when Orban allegedly was brutalizing the woman, a mother.

Jelinek also spun "elaborate lies" to cover for his friend while he and Orban were being questioned by Ontario police, Ploghaus said. Orban and Jelinek were arrested shortly after a gun police identified as Orban's service weapon was found in the woman's car.

After the hearing, Turcu and Michael J. Munoz, Jelinek's other attorney, portrayed Jelinek as a responsible person with a supportive family and a girlfriend who had no intent to help carry out a kidnapping and rape.

"In my opinion, he was at the wrong place at the wrong time," Turcu said. "I don't think he did anything wrong – legally. Morally, yes, but not legally."

Said Munoz: "Jeff's a very good guy. He's strong. He knows this (case) will take a while. He's basically praying every day that the community can see that through his eyes, he didn't do anything wrong."