

Be careful what you wish for

Guest column

Richard A. Gammick

Special to the Bonanza

On October 20, 2009, Jim Clark wrote a column that was critical of the Washoe County District Attorney's Office, and me in particular. Since Jim never inquired of me or anyone in this office concerning the allegations, his article was definitely one-sided as to the tax issue and the claims made by Roger Whomes.

In my 15 years as Washoe County District Attorney, I have found it is not unusual for disgruntled former employees to harbor resentment which results in half truths and exaggerations. Mr. Whomes left the office on Dec. 6, 2006, and soon afterward became a Washoe County Deputy Public Defender representing criminal defendants, a position which he still holds today. If Mr. Whomes is willing to sign a waiver of confidentiality, I will be glad to discuss the circumstances of his departure and provide even more of the rest of the story.

Over the last 10 years there have been 28 legal actions filed by property owners of Incline Village in various courts. While it is true that there is a continuing legal conflict between the Village League to Save Incline Assets, Washoe County Assessor Josh Wilson and Washoe County, I am not aware of any efforts by this office or any of our clients which have resulted in "jerk[ing] the Village League around for years."

As the attorney for Washoe County, I have an ethical and sworn obligation to give my clients the best legal advice possible,

which is accomplished through a professional and dedicated staff. Incline Village taxpayers who have complied with the current laws and rules and have received a favorable ruling from a competent court have already received tax refunds. Unfortunately, several decisions and rulings have not adequately resolved many of the legal issues created by the various forms of legal filings. Those issues impact much larger areas of the law and the county. The entire legal system in this country is premised on settling issues such as this through a structured set of laws and procedures. A proper administrative appeal gives authorities the opportunity to review these procedures and correct them if necessary. On the other hand, a lawsuit makes the entire process much more formalized which necessarily incorporates all of those laws and procedures.

With respect to the employee-related lawsuit that was filed, there are former employees of the District Attorney's Office making claims against some of their supervisors. That case is currently proceeding through the legal process to determine if there is any legitimacy to their allegations. As the litigation unfolds, the rest of the story will be told there too.

As to the claim that my conduct in the Mack case was "outrageous," I suggest that knowledge of the facts reveals how appropriate my conduct really was. On June 12, 2006, Judge Weller was shot in the chest through the window of his judicial chambers. A short time later it was discovered that Charla Mack, the wife of

Darren Mack, had been slashed and murdered in Darren's residence. Darren Mack could not be located and a massive manhunt involving local, state and federal agencies began. His known death threats toward other Washoe County residents were particularly concerning. On June 19, 2006, Darren Mack telephoned me. Other law enforcement agencies traced his calls to Mexico. During subsequent telephone conversations, all of which Darren Mack initiated, he made statements confirming that he had killed Charla and shot Judge Weller. While arrangements were being made to get Mack back to Reno, he contacted attorneys and I have not spoken to him since. Later there was an issue raised as to whether a recently revised Nevada Supreme Court Rule governed the calls Mack made to me. To ensure that Mack's contact with me would not be an issue in his prosecution I asked the Clark County District Attorney's Office to take the case and it turned out I was not a witness at trial. If assisting in returning an international

fugitive to Reno to face justice is "outrageous conduct," I'll continue to be outrageous.

As to the comments concerning my family, the statement that my son "was being shielded by the district attorney's office" for his arrearages in child support is absolutely false and a figment of someone's imagination. This office does not have the case nor have I done anything to interfere with it. This leads to the same question I asked the Reno Gazette Journal — how is this private matter between my son and his ex-wife newsworthy?

Jim, here is the "rest of the story."

By the way, Roger Whomes the self-styled "strict constructionist" and "supporter of the 2nd Amendment" is a registered Democrat as of May 12, 2009.

Richard A. Gammick is Washoe County District Attorney. He can be reached for comment at dammick@da.washoecounty.us.



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