

Former CDF firefighter faces trial in arson case

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Body

No one saw who started the 50-acre wildfire that burned dangerously close to homes near El Dorado Hills in September 1999.

But authorities say they quickly turned their attention to an ex-state firefighter and Placer County fire district candidate who had a knack for showing up around fires and firefighters.

El Dorado County Deputy District Attorney Paul Sutherland said Robert Lizarraga appeared shortly after the blaze broke out near Salmon Falls Road and chatted eagerly with firefighters. In Lizarraga's car, he said, investigators found a uniform shirt, badge and flashlight stolen from a firetruck in Sacramento County.

Lizarraga, 32, faces trial today in Placerville in a felony arson case that Sutherland acknowledges will hinge largely on circumstantial evidence. Officials say it is a bizarre saga of a man who frequently turned up at deliberately set fires in Sacramento, Placer and El Dorado counties and has had run-ins with emergency personnel - including an assault that led to criminal charges in Sacramento.

Lizarraga, once a firefighter with the California Department of Forestry and Fire Protection, has pleaded not guilty to the charges. The Auburn man's attorney, Dean Starks, said officials in Placer and Sacramento counties lacked sufficient evidence to bring Lizarraga to trial in any other fire-setting case.

El Dorado County prosecutors, Starks said, are now "taking a weak case and they're trying to bolster it with other cases in which he (Lizarraga) wasn't even charged."

Starks also argued that there is a political motive to the case because some Placer County fire officials are angry at his client for leading community opposition to a controversial 1997 plan to merge two Placer fire agencies.

If convicted of the arson charge, Lizarraga could be sentenced to six years in prison. In addition, he faces a felony count of receiving stolen property in El Dorado County for allegedly possessing the stolen Sacramento County gear.

Sutherland, the prosecutor, also is attempting to introduce as evidence testimony from a Sacramento city fire investigator who twice encountered Lizarraga near trash bin fires over two days in 1997. And his

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witness list includes Placer Consolidated Fire District officials who said Lizarraga was asked to leave as a volunteer firefighter after allegedly calling in a phony blaze report in 1994.

In a pretrial hearing this week, CDF Capt. Kenneth L. Hale testified that Lizarraga was under surveillance in 1999 because of suspicions he had started several fires. Another witness, Don Kleinfelder, testified about an excited man who drove into the parking lot of a Auburn restaurant and appeared to exult over a nearby grass fire deliberately set near the Foresthill Bridge in 1995.

Kleinfelder couldn't identify Lizarraga in court as that man. But Sutherland said authorities in 1995 identified the man's car as Lizarraga's based on a license number called in by Kleinfelder.

"It's only when you start putting all the pieces together that you can see the real picture," Sutherland said.

El Dorado Superior Court Judge Eddie T. Keller ruled that much of the circumstantial evidence can be introduced at trial.

Starks contends the Placer officials' anger at Lizarraga doesn't stop with his opposition to their fire district-consolidation plan. The defense lawyer said they also resent him for his strong 1998 run for a seat on the Placer Fire Protection District board. Lizarraga finished second, winning 34 percent of the vote.

"He (Lizarraga) would have been their boss," Starks said. "And they didn't like him."

Based on testimony, Lizarraga didn't appear to like them, either.

In one court hearing, Placer County fire Battalion Chief Brad Albertazzi testified that he was confronted by the defendant after Lizarraga argued at a 1997 Placer County Board of Supervisors meeting against the fire district-consolidation plan that Albertazzi favored. Lizarraga had been asked to resign as a Placer volunteer firefighter three years earlier.

"He walked up to me, pointed a finger and said, 'It's payback time,' " Albertazzi testified. "...I kind of took it as a threat."

In Sacramento County, Deputy District Attorney ***Ed Dudensing*** said Lizarraga is to stand trial later this year on September 2000 charges of felony weapons possession and misdemeanor counts of battery on a firefighter and obstructing a firefighter carrying out his duties. Dudensing said the charges stem from Lizarraga's aggressive effort to intervene when emergency personnel were called to a restaurant to help a woman complaining of chest pains.

Sacramento city firefighter Greg Quick said in a police report that Lizarraga became unruly when his efforts to help were rebuffed.

"He intentionally threw his shoulder into my body, knocking me off balance," Quick said. "I asked what his problem was and then he squared off on me and he started threatening all the safety personnel."

Dudensing said Lizarraga was holding a small knife in his hand when police came to arrest him a short time later.

In the El Dorado case, Starks said, he has three alibi witnesses who say Lizarraga was in Sacramento County when the 1999 blaze broke out.

But Sutherland said Lizarraga, who quit the CDF in 1994 amid complaints of tardiness and failing to follow orders, showed up and started talking with firefighters trying to keep flames from a house near El Dorado Hills.

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"He told them he was checking on the status of the house of some friends who were out of town," Sutherland said. "But the people were not out of town. And they didn't know him."

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