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The Modesto Bee



Scott Peterson seeks new trial citing juror misconduct

BY TREVOR MORGAN
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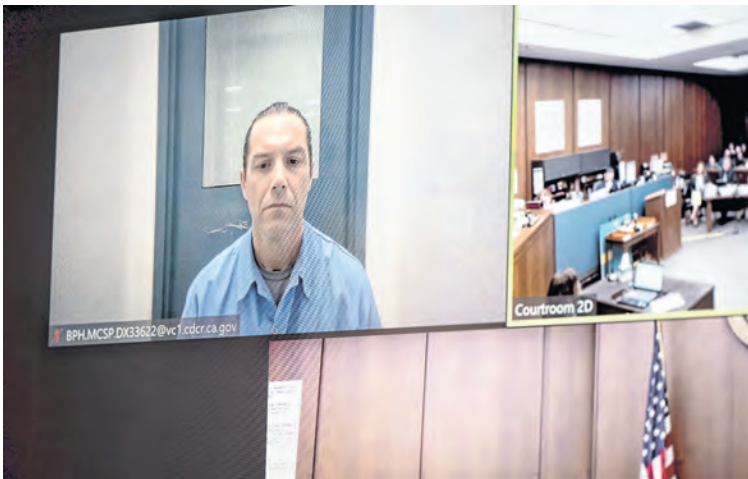
The majority of convicted murderer Scott Peterson's latest petition to be set free was denied by the California Courts of Appeal on Thursday.

But not all of the filing was dismissed and several legal options still remain for Peter-

son, 52, who has been on a years-long effort to overturn his conviction in the 2002 death of his wife, Laci, and their unborn son, Conner. Peterson is serving a life sentence, without the possibility of parole. He was originally sentenced to death in 2004, but that sentence was overturned in 2020. He was re-sentenced to life in prison the next year.

The Los Angeles Innocence Project, which represents Peterson, submitted a petition in a state appeals court on April 24 claiming he should be granted a new trial because of evidence and previously dismissed eyewitness testimony. The petition also included a 140-page declaration written by Peterson.

Only one of the 19 claims listed in Peterson's petition for



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Scott Peterson appears via video call for a status hearing at San Mateo County Superior Court in Redwood City, Calif., March 12, 2024.

writ of habeas corpus — a court order to present a defendant before a judge to justify their detention — was accepted to be

heard. The claim is that one of the jurors in his 2004 murder

SEE PETERSON, 7A



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Jenny's Place in Modesto, May 29. The housing project is at the refurbished Travelers Motel on Ninth Street. The 54-unit former motel provides permanent housing for individuals experiencing homelessness and is named for the late City Councilmember Jenny Kenoyer.

Modesto unveils new homeless housing complex, Jenny's Place

BY NAVTEJ HUNDAL
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The city of Modesto celebrated on Thursday the grand opening of Jenny's Place, a project created to provide permanent housing for people experiencing homelessness.

Named after the late City Councilmember Jenny Kenoyer, the 54-unit apartment

complex will provide residents with amenities including a mattress, refrigerator, bathroom and closet.

Of the units, 38 are for people ages 18 to 24, while the rest don't have an age restriction. The on-site manager will have a one-bedroom apartment, while all others are studio apartments.

The complex is at 710 N. Ninth St., where a Travelers

Motel previously stood.

IMPACT ON ONE RESIDENT

Maya Carter is one of the new residents at Jenny's Place. Before she moved in a couple of days ago, Carter moved from hotel to hotel with her kids for two and a half years. She also lost her job and was suffering seizures, she said.

"I was unable to pay for anywhere to stay, and I was

staying in a friend of mines' truck," she said. "I was living a really hard life."

Carter learned of Jenny's Place through the Stanislaus County Access Center. With the help of its housing assessment team, she signed her lease.

Carter currently lives alone and her family members visit

SEE JENNY'S PLACE, 7A

Diablo Grande residents face huge water rate hike

BY KEN CARLSON
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Residents of the troubled Diablo Grande resort in western Stanislaus County are facing an extraordinary water rate increase.

Under the Western Hills Water District proposal, the monthly residential flat rate would jump fourfold from \$145 to \$569, effective July 1. The plan, plotting increases over five years, would set the rate at \$610 in 2029 and \$626 in 2030.

Such rates would be eye-popping in any community, but Diablo Grande property owners are being asked to accept it because the new rates will keep a supplier from cutting off water to their homes June 30.

Kern County Water Agency, the water supplier, said in a May 28 letter that it will shut off water deliveries June 30 if the majority of Diablo Grande parcel owners reject the rate increases and the resort can't make monthly payments to Kern.

The Western Hills Water District, serving Diablo Grande, is conducting a Proposition 218 process before implementing the first rate hike and is scheduled to tally the protests at a June 28 hearing. Proposition 218 allows property owners to reject new assessments through a majority protest.

"If the rate increase is successful and WHWD begins to make monthly payments to the agency for administrative and variable costs, the agency will continue supplying water to WHWD

SEE RESIDENTS, 7A

'It's hot and I'm angry': Protesters target GOP fundraiser

BY KATHLEEN QUINN
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Inside Whiskey Jack's on Friday evening was a Republican fundraiser, replete with food, well-dressed guests and speeches. Outside, in the 98-degree heat, were over 100 protesters with signs, trying to shame people as they entered the restaurant.

Signs read "GOP Greed Over People" and "McClintock town

hall, nope, \$\$\$ HAUL." Several protesters had baseball caps meant to look like chickens, directed at Rep. Tom McClintock, who spoke at the event but has not held an in-person town hall and only recently reopened his Modesto District office.

The cost to attend the Modesto fundraiser was \$125 general admission or \$1,300 to \$3,500 for a table or host fee. McClintock entered and exited the venue without being spot-

ted by the protesters.

The protest on the sidewalk surrounding the Kansas Avenue restaurant was organized by groups including Indivisible Stanislaus, the Modesto Peace/Life Center, Be The Change and Turlock Dems.

The fundraising event, known as the Lincoln Day Dinner, was keynoted by Republican gubernatorial candidate Steve Hilton, but McClintock appeared to be the main focus of the protest.

Linda Nelson said she was thankful to find a spot under a tree where there was some shade. "We just have to stand up to the GOP, and especially Tom McClintock, who refuses to meet with anybody but his donors who are here today," she said.

Colby Zavala, a member of Indivisible, said he went by the congressman's office May 28 and met with two new staffers who were setting up.

As of May 30, the office was open, with McClintock's chief of staff answering the door. He referred all questions to McClintock's spokesperson, who did not respond to The

SEE PROTESTERS, 5A



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Camp giving a taste of STEM careers is open to Stanislaus 6th- to 12th-graders

BY JULIETTA BISHARYAN
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A summer biotech camp in Manteca will give Central Valley students and teachers hands-on experience in science and technology careers.

BEAM Circular and the San Joaquin County Office of Education are teaming up to host two programs this month at the Durham Ferry Outdoor Education Center. An Advanced Biotech Camp for students will be held June 16-18, and a professional development workshop for teachers June 9-11.

The programs are funded through BEAM Circular's Bioeconomy Early Career Exposure Grant Program, which focuses on increasing access to science and technology careers, especially for under-

served and first-generation students.

"The San Joaquin County Office of Education is thrilled to partner with BEAM Circular and deeply values this innovative collaboration," said Katie Wipfli, division director for STEM, workforce development and innovation at the SJCOE, in a press release. "Together, we are creating a one-of-a-kind experience that inspires students through immersive, hands-on biotech learning and empowers educators through advanced professional learning."

BEAM Circular is a non-profit focused on advancing the circular bioeconomy, workforce training and industry growth in California's agricultural regions. It partners with more than 100 organizations across the North San Joaquin Valley and beyond

to turn waste into useful products, create local jobs and address environmental issues.

The teacher workshop will offer training and classroom resources to help integrate biotech and bioeconomy topics into school curriculum. Teachers will attend training sessions, work with fellow educators and learn teaching methods used in the biotech industry.

The student camp is open to sixth- through 12th-graders who have completed earlier biotech camps or a high school biotech class. It includes lab activities, mentorship from STEM professionals and real-world applications of biotech in the region's agricultural and bioindustrial sectors. Students will receive a lab coat, safety glasses, a research notebook and lunch. The

cost is \$25.

Both programs will be held at the Durham Ferry Outdoor Education Center, 29442 Airport Way in Manteca. Space is limited and early registration is encouraged.

"These programs are part of BEAM Circular's efforts to build an inclusive, innovation-driven economy in the Central Valley," said Gloriamar Gamez, chief program officer at BEAM Circular. "We are creating pathways for students to participate in and lead the future of sustainable biotechnology."

More information and links to register can be found at www.sjcoe.org/services-and-support/stem-and-outdoor-education.

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San Joaquin County Office of Education STEM camp

A student works in a classroom lab.

FROM PAGE 1A RESIDENTS

through Dec. 31, 2025, to allow WHWD to develop an alternative water supply," Kern's letter said.

The Kern board took action May 27 to end the year 2000 contract because Western Hills owes \$13.5 million for water and hasn't made a payment since 2019. With water use charges on top of the flat rate, Diablo Grande residents could be paying around \$600 a month starting in July.

"It's our understanding if a majority are opposed to it, we will definitely have our water turned off," said Linda Powell, a 76-year-old homeowner whose husband is a disabled Marine Corps veteran. "It's going to be tough for us to make that kind of payment. We don't feel like we have a choice."

An original developer and World International, which acquired the Diablo Grande development out of bankruptcy in 2008, formerly subsidized the water purchases from Kern County while trying to develop the project into a 5,000-home destination resort. But only 600 homes were built. World unloaded the debt-ridden project to another firm in 2020, which hasn't paid debts and taxes.

BUYING TIME TO FIND NEW WATER SOURCE

Debbie Antigua of the Diablo Grande Community Action Committee said the rate increase will allow Western Hills to make payments to Kern and buy time for finding a different water source for the 600 households.

According to a district water rate study, the extraordinary bills will cover water purchases from Kern, treatment expenses, community water service and securing an alternative supply, but won't cover money owed to the Kern agency.

Western Hills has looked into an agreement with the Patterson Irrigation District to deliver San Joaquin River water to the district, which has treatment facilities. But it could take two or three years to get approval and build a 5,000-foot pipeline to connect with Western Hills, Antigua said.

The community also is trying to get assistance from the state Department of Water Resources to find another district to sell water that could be delivered to Western Hills' facilities via the California Aqueduct. If a new water source is secured at affordable cost,

the water rates could be adjusted down to a more acceptable level, Antigua said.

Antigua acknowledged the new rate will be too much for many renters, some of whom live on \$1,800 a month in Social Security or less. But the situation is desperate.

"My feeling is that a majority of people (at Diablo Grande) understand if they protest they will not have water and they are putting their homes in jeopardy," Antigua said. "You have a lot of renters up here that don't want to pay the increase."

According to a rate increase notice, Western Hills provides treated drinking water to about 1,800 people through 600 residential connections.

Jennifer Hamilton, a Diablo Grande homeowner for eight years, said Monday it's upsetting that the Kern County agency won't renegotiate its 25-

year-old contract with Western Hills. The residents are billed for 8,000 acre-feet of water annually but Diablo Grande neighborhoods use only 400 acre-feet of that.

"If we were to get the correct amount of water, the residents would be able to pay," Hamilton said, adding that customers deserve a clearer accounting of what's done with the excess water. "I don't want to pay for water we are not using."

A spokesman for Western Hills couldn't be reached Monday. The Western Hills website says one of the district's services is raw water provided to vineyards, construction and the two golf courses, which are closed.

WILL THE COUNTY RED-TAG HOMES?

In a May 23 letter to water district customers, Stanislaus County officials discussed potential ram-

ifications of a water shutoff, citing a state law requiring homes to have access to potable water.

Robert Kostlivy, county environmental resources director for the county, wrote that his department has a complaint-driven approach to consider red-tagging homes that are uninhabitable and that it does not inspect without a formal complaint.

The county is "operating under the assumption that individual residents and property owners have taken steps to secure basic sanitation needs including access to water, in light of the potential shutoff," said the letter also signed by Fire Warden Erik Klevmyr. "There is no intention to conduct sweeping or preemptive enforcement actions."

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Maya Carter moved into one of 53 units at Jenny's Place in Modesto on Thursday. The supportive housing project helps transition people out of homelessness, and is named for former Modesto City Councilmember Jenny Kenoyer.

FROM PAGE 1A JENNY'S PLACE

her on weekends. She viewed the opportunity as a "last chance for me, and there's no way that I'm gonna mess this up or try not to mess this up, intentionally, but I'm very happy."

Now with a fresh start, Carter plans to attend Modesto Junior College and look for a job. She hopes other people facing a similar situation take advantage of the resources available.

"You're never too old to try to go back and get something done right. All you have to do is look within yourself and know that the only person you're lying to is yourself," Carter said.

City of Modesto spokesperson Sonya Severo stated in an email to The Bee that 16 units at Jenny's Place are occupied. Residents moved in dur-

ing early May.

Severo also said there is no application, as individuals are referred through a Coordinated Entry System (CES). Managed by Stanislaus County Community Services Agency and its Community System of Care, the CES helps individuals and families navigate housing resources by going through one centralized system.

Residents of the new complex will be housed through a one-year lease agreement with the option to renew.

'OPENING THE DOORS TO HOPE,' MAYOR SAYS OF JENNY'S PLACE

Over 30 attendees were present at the site Thursday and were allowed to explore some unoccupied units following a speech and ribbon-cutting ceremony.

"Jenny's Place is opening the doors to hope, safety and stability, to those who need it most," Mayor Sue Zwaehlen said. "They no longer have to worry about where they are going to sleep at night or feeling safe."

According to a press release, the project cost \$23 million. The city, the California Homekey Program, the Stanislaus County Community System of Care and the Health Plan of San Joaquin all contributed funding.

In October 2023, the city and the project's co-developers, Upholdings and RH Community Builders, received a \$16 million grant from the state's Homekey Program, a statewide initiative to expand housing for anyone experiencing homelessness or at the risk of homelessness.

Caity Meader, director of supportive housing for Upholdings, said the project's construction began in February 2024 and concluded in April of this year.

In March, Modesto received a \$5.7 million grant from the state to help people experiencing homelessness transition to shelters and permanent housing. Later that month, Dignity Village Modesto opened a 42-unit complex to help individuals facing homelessness and other obstacles.

On Jan. 24-25, 2024, the Stanislaus Community System of Care conducted a 24-hour Point-In-Time count that found 2,052 people were experiencing homelessness in the county. Out of those, 1,622 were in Modesto.

FROM PAGE 1A PETERSON

trial should have been dismissed.

Peterson has 60 days to respond to the appeals court's decision.

The juror matter was previously heard and ruled on during an appeal in county court two years ago. At that time, Peterson's attorneys argued that Juror No. 7, Richelle Nice, was biased against Peterson. The claim was based on how she answered her juror questionnaire, where she stated she'd never been the victim or witness of a crime, or a party in a lawsuit.

This turned out to not be entirely accurate, because Nice was involved in a domestic violence incident with her boyfriend in 2001 and a year prior had filed a restraining order against that boyfriend's ex-girlfriend. Peterson's attorneys argued that this and other evidence were reasons Peterson should be granted a new trial.

San Mateo Superior Court Judge Anne-Christine Massullo rejected Peterson's claims, saying at the time, "The Court concludes that Juror No. 7's responses were not motivated by preexisting or improper bias against Petitioner, but instead were the result of combination of good-faith misunderstanding of the questions and sloppiness in answering."

Peterson is now challenging this decision in appeals court, with the LA Innocence Project — not affiliated with the

Innocence Project — arguing he was deprived of his Fifth, Sixth, and Eighth Amendment rights to a fair and impartial jury due to juror misconduct and bias.

LAIP's claims of new evidence and all other claims tied to this new appeal were rejected Thursday with the court writing that Peterson's request "does not show that any extraordinary reason exists" for it to be heard by the state appeals court.

WHAT'S NEXT?

Janey Peterson, sister-in-law and advocate of Peterson, indicated LAIP likely would respond to the court's decision. She said the appeals court process would not have any hearings, so a public appearance by Scott Peterson is unlikely.

All of the other claims rejected by the state appeals court can and should be filed in a Superior Court, according to the appeals court's decision. Peterson also can file his claims and appeals in California's Supreme Court and in federal court.

A federal petition would start in the U.S. Northern District Court, since the

case was tried in San Mateo County. If Peterson lost his case there, it could be appealed to the U.S. Ninth Circuit Court of appeals and finally, he could seek review of the habeas petition by the U.S. Supreme Court.

Janey Peterson said that while slim, an argument by the LAIP could be made that while proceedings are taking place, Peterson should be released due to time served. Courts can release a prisoner if there's a favorable ruling on their behalf in appeals, but it is not common.

Laci Peterson, 27, was eight months pregnant when she vanished from the couple's Modesto home on Christmas Eve 2002. The remains of her body and of the unborn child were found washed up on a rocky shore in San Francisco Bay in April 2003 by a woman walking her dog. Laci and Conner were found near where Scott Peterson had told police he had been fishing when his wife disappeared. Four days after the remains were discovered, Peterson was arrested for murder.

Peterson is now serving his life sentence at Mule Creek State Prison.

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