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LA COUNTY POLICE BRUTALITY

The Miracle Trial

Franky Carrillo spent 20 years wrongfully imprisoned. Then, the impossible happened. Twice.

Cerise Castle | March 23, 2021



Part of [A Tradition of Violence](#), an extensive investigation into more than five decades of abuse, terror, and murder carried out by gangs within the Los Angeles County Sheriff's Department.

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(including murder) carried out by law enforcement officials. Please exercise self-care and check in with yourself before choosing to read.

There are at least 18 gangs within the Los Angeles County Sheriff's Department. Officials at various government agencies, including the Los Angeles County Board of Supervisors, the Los Angeles County District Attorney, the California Senate Senate Subcommittee on Police Officer Conduct, and the United States Commission on Civil Rights have heard testimony on the violence inflicted on communities at the hands of deputy gangs for decades. And yet, there have not been any internal investigations or significant policy changes to address the issue. Deputy gangs have killed at least 19 people, all of whom were men of color. At least four of them had a mental illness. Los Angeles County keeps a list of lawsuits related to the deputy gangs. Litigation related to these cases has cost the County just over \$100 million over the past 30 years.

Under section 186.22 of the California Penal Code a criminal gang is described as any organization or group of three (3) or more people that

- 1. has a common name or identifying sign or symbol,*
- 2. has, as one of its primary activities, the commission of one of a long list of California criminal offenses, and*
- 3. whose members have engaged in a "pattern of criminal gang activity" ... either alone or together.*

Sheriff's gangs fit the description.

Despite requests, the Los Angeles County Sheriff's Department did not provide comment to Knock LA for the series.

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captured the gaze of the media more than that of Francisco “Franky” Carrillo, who was framed for a murder by a Viking and spent 20 years wrongfully incarcerated.

The Murder of Donald Sarpy

In 1991, Franky Carrillo was a 16-year-old high school student. Although he had friends and relatives in Lynwood, his family recently moved out of the area. He wasn’t in a gang, but he was friends with people who were, and that made him a target. He had been stabbed in the past, and his dad was worried. The Carrillos relocated to Maywood, which Carrillo described to [WitnessLA](#) as a “a brand new life.” He was expecting his first son with his girlfriend at the time, and all was mostly well. But like other Black and Brown men living in the area, he was harassed by sheriff’s deputies. Once, a deputy stopped and photographed him while riding bikes with a friend. That image was later included in a photobook featuring potential members of the Young Crowd gang, a mostly Latinx group in the Lynwood area. Very quickly, Carrillo’s life was put on a collision course with another tragedy.

On January 18, 1991, 15-year-old Dameon Sarpy was hanging out in front of his house with a few friends. He was raised in the Lynwood neighborhood and loved it. He told Netflix’s [The Innocence Files](#) he loved rap music at that point of his life and spent a lot of time at home with his friends discussing their favorite tracks. Scott Turner, who was there that day, told Netflix they were “probably talking about music most likely or girls.” The group of around five young Black men were gathered near the curb. Around 7 PM a car filled with Latino men drove by, which the friends noted. At the time, the predominantly Black Neighborhood Crips gang was in conflict with Young Crowd, and Turner was affiliated with Neighborhood. Donald Sarpy,

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something like “FUCK N CROWD!” (a reference to the Neighborhood Crips). Shots rang out, and the group scattered. Donald Sarpy never got up again.



Donald Sarpy (Source: Netflix)

The teenage boys who witnessed the shooting were badly shaken, but they cooperated with deputies. They were initially interviewed by telephone but couldn't remember many details. They agreed to go down to the Lynwood Station around 1 AM for another round of interviews. [Turner was interviewed](#) by Deputy Craig Ditsch, a member of Lynwood's Operation Safe Streets (OSS), the gang enforcement unit. A year earlier, [Ditsch held a family](#), including a bedridden woman, at gunpoint during a botched raid.

Ditsch was familiar with Turner, as he'd [provided the deputy with information](#) in the past. Ditsch handed the teenager a book filled with photographs of potential Young Crowd members (referred to as a “six-pack”) which contained Franky's photo. “This guy Ditsch, he was a bad

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It's like you're riding a bike in a park one night... and now their picture is being shown to witnesses."

Bednarski says Ditsch worked out of a trailer behind the Lynwood Station reserved for OSS. Every Monday, Ditsch met with Deputy Loy Luna, Commander Kevin Goran, and other members of the OSS team and share information about shootings over the weekend or any changes to the street gang hierarchy. As part of their investigations, the unit put together six-packs and showed them to witnesses in hopes of getting positive identification on suspects. Ditsch [testified in a deposition](#) that he asked Turner to pick out a suspect from the Sarpy shooting from a six-pack Goran prepared for a different case.

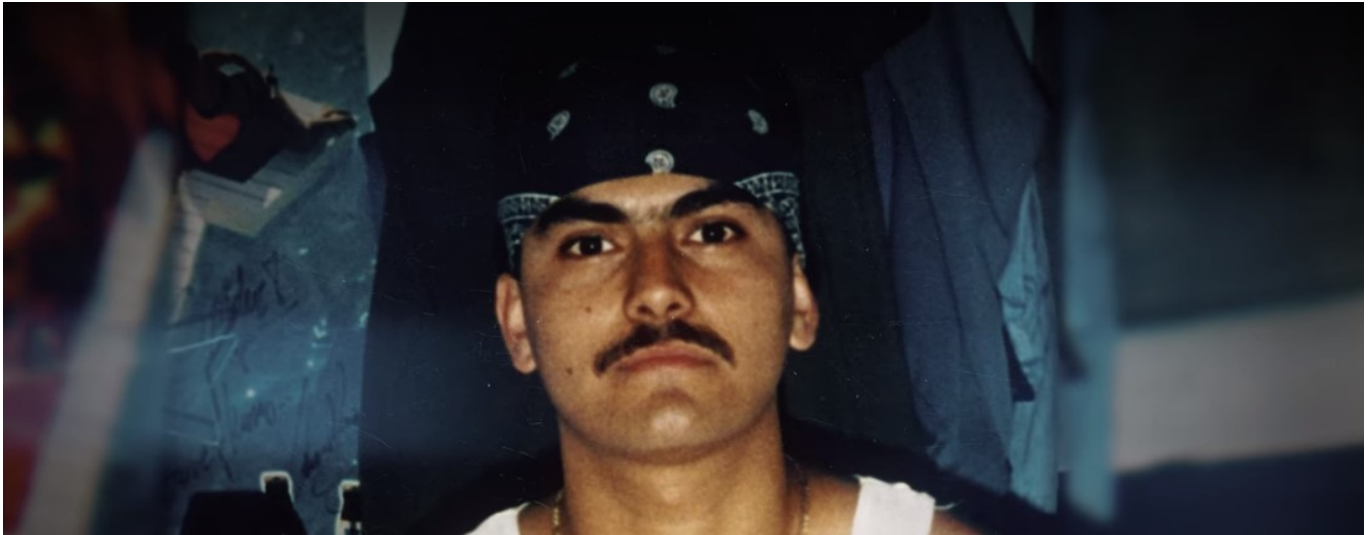
Ditsch watched as Turner went through the photographs and asked him to identify Sarpy's killer. As Turner went along, Ditsch [provided commentary](#) on each of the subjects, telling the teenager why they couldn't possibly be the triggerman. When Carrillo's picture came up, Ditsch told Turner that he was probably the shooter, according to depositions. "That suggests that [Ditsch] didn't really care who did it so much as he cared about putting one more suspected gang member behind bars," Caitlin Weisberg, one of Carrillo's attorneys, tells Knock LA. After Turner's release, he told his friends about Ditsch and said the deputy told him he had correctly identified the shooter in the photo. Six days later, Carrillo was arrested for the murder of Donald Sarpy.

The Case Against Franky Carrillo

Even though his father provided Carrillo with a solid alibi, the District Attorney's office continued their prosecution. Of the five teen witnesses, Turner was the only one who saw the six-pack, but by the time they got to

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identification of Carrillo was a mistake. He was no longer willing to testify against Carrillo. Turner was in custody at that point for an unrelated issue and was transported to the court from a juvenile detention center. Carrillo told Netflix he approached Turner in the holding tank. After a few minutes of talking, Turner stated he knew that Carrillo was innocent.



Franky Carrillo (Source: Netflix)

Carrillo also overheard Turner recant to the prosecutor, Deputy District Attorney Maria Escalante. However, she refused to accept. At some point, Deputy Ditsch was asked to step into the lockup to interview Turner. David Lynn, a private investigator looking into the Vikings around this time, was at the court that day in June 1992. Carrillo's attorney asked that Lynn accompany him to observe. In a deposition, Lynn stated that Turner recanted prior testimony and Ditsch responded by [threatening him](#): "No more breaks if you get arrested in Lynwood." Lynn [also testified](#) that as he and Ditsch left the holding area, Ditsch stated "I'll tune him up," a euphemism for assault. "It's like a way of saying I'm after you," Bednarski says.

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jury believed them. Carrillo was convicted of the murder, as well as multiple counts of attempted murder. Lynn wasn't convinced and kept hunting for details about the real killers of Donald Sarpy. He got his answer from a Young Crowd gang member who previously sent him a video of someone who appeared to be a deputy flashing the Viking gang sign. In a deposition, Lynn said he found Oscar Rodriguez at home one afternoon in December 1992. Lynn asked Rodriguez to talk to him about Carrillo's case, and the two of them headed off in Lynn's car to the crime scene. On that drive, Rodriguez confessed to the murder and said he would testify to such.

The next day, Lynn took Rodriguez to court. Rodriguez's prior attorney told the court that Carrillo was not present during the murder. The judge denied a proposed delayal of the sentencing. "It was this kind of tunnel vision," says Bednarski. "They're so immersed in just putting these young kids in prison." Carrillo received one life sentence and a second sentence of 30 years to life run consecutively, reducing his chances of parole to zero.

Two Decades Behind Bars

For 15 years, Carrillo insisted on his innocence and wrote letters to private attorneys, the ACLU of Southern California, the California Office of the Inspector General, and the Innocence Projects in California and New York. Finally, an assistant state public defender named Ellen Eggers agreed to take him on. She and her team spent the next five years of their spare time working on Carrillo's case. They were attempting to get Carrillo a writ of habeas corpus, a process that allows incarcerated people to report unlawful imprisonment. "It is so hard to get a writ granted because most people plead and take a deal because they're terrified by somebody saying,

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people have to convince a judge at some point that evidence that would have made a difference in their case was hidden from them. Or in some cases that their representation was so ineffective. Imagine all these people in jail who feel that way... they can never prove it because somebody is not willing to tell the truth or the evidence never surfaces.” On top of that, Bednarski says that in many cases District Attorney’s offices will refile any charges pursued in a writ of habeas.

At Carrillo’s habeas hearing, five out of the six witnesses recanted their original testimony, while the sixth invoked his Fifth Amendment right against self-incrimination. After a week-long evidentiary hearing, Los Angeles Superior Court Judge Paul Bacigalupo granted Carrillo’s habeas corpus request and vacated his sentence. The LA District Attorney’s Office did not appeal the ruling, nor did they attempt to refile charges. Carrillo was released from custody on March 16, 2011, after over 20 years of incarceration.



Franky Carrillo at trial. (Source: Netflix)

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rights case for someone, because first they have to win their freedom,” says Bednarski. “Now you got to find a civil rights lawyer who will take your case. And you don’t have any money because you’re going to jail for all this time... you gotta find somebody who will fight an institution like the sheriff’s department knowing they’re in for several years of litigation and no guarantee of ever winning.”

During the litigation, Carrillo’s team of lawyers questioned Ditsch about his ties to the Vikings in a deposition. [Ditsch admitted](#), on the record, that he was a member of the gang, but denied that it was a racist, overzealous, or abusive group of deputies. Ditsch defined the gang as a group of hardworking men and women who trained and worked at the Lynwood Station, even going as far as to state repeatedly, “We all were Vikings.” When Ditsch was asked if he thought Carrillo was guilty, he said yes. When asked if he was upset Carrillo was released, he responded, “It just gives me job security. I have no problem with that. If the system thinks that he should be released, who am I to say? ...I’ll find them at another time and another place doing the wrong thing, and they’ll go to jail.” Ditsch retired from the department in 2013 and appears to [collect](#) a six-figure pension.

Los Angeles County settled Carrillo’s case for over \$10 million in 2016, funded by taxpayers. The attorneys who served on Carrillo’s legal team say that it was a “righteous case.” But the attorneys also acknowledge that gang culture persisted within the department. “There is a culture in the sheriff’s department being really these cowboys and really aggressive and really not having a lot of oversight or restrictions,” Bednarski says. “It just reinforces all the bad police practices.”

Although the Viking’s abuse of Lynwood residents and the lawsuits that ensued resulted in a brief media frenzy, the department did not adopt any

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findings on the Vikings, there was no follow-up investigation. “I don’t have a whole lot of hope that they will change because all this stuff has been going on for 30 years.”

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CORRECTION 3/24/21: An earlier version of this article positively identified Deputy Loy Luna as the individual who flashed a Viking gang sign on tape.

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