

Neighborhood watch captain rejects plea bargain offer

By Jim Schultz of the Redding Record Searchlight

A Redding neighborhood-watch captain accused of pepper-spraying a neighbor rejected Monday a plea bargain offer that would have reduced the felony charge against him to a misdemeanor.

“If I was guilty of anything I would have taken it,” Earl Allen Boek said outside Shasta County Superior Court following his settlement conference.

Boek, who had his scheduled Nov. 1 trial confirmed, is facing up to three years in county jail if he’s convicted of illegal use of tear gas.

Prosecutors offered to reduce that felony count to a misdemeanor, but would have also added a misdemeanor assault count, Boek’s defense attorney, Joseph Tully, said.

He said that misdemeanor assault count would have prevented his client from possessing firearms for 10 years, which he called “excessive.”

Despite Boek’s rejection of the plea offer, negotiations will



Earl Allen Boek, right, is shown Monday in Shasta County Superior Court with defense attorney Joseph Tully.

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continue with the 65-year-old Boek set to return to court Oct. 28 for a trial readiness conference.

Boek is charged with one felony count of illegal use of tear gas in connection with the Jan. 5 spraying of neighbor Michael Haglan.

Boek has said he pepper-sprayed Haglan because he felt as though Haglan was about to attack him.

Prosecutors, however, contend it was Boek's overzealous actions as a neighborhood-watch captain that caused and provoked the confrontation with Haglan.

Boek has said he was patrolling his neighborhood when he believed Haglan ran a stop sign at White River Drive and Redwood Boulevard at about 60 mph in a 25 mph zone.

Redding Police Officer Jacob Provencio, who testified at Boek's May preliminary hearing and cited statements made to him by both Boek and Haglan, said Boek reportedly drove onto Haglan's lawn and confronted him about his driving.

The argument escalated, and Boek, still in his car, pepper-sprayed Haglan, who was standing about 6 feet away, Provencio testified. ■