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Former King City chief to face perjury charge

By Ana Ceballos, aceballos@montereyherald.com, [@cebillosap](https://twitter.com/cebillosap) on Twitter

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Salinas >> King City's former police chief is being charged with perjury for allegedly lying under oath about his involvement in transferring a police vehicle title to another officer.

Nick Baldiviez testified in August he had no involvement in the transfer of the police vehicle title given to officer Mario Mottu Sr., even though DMV records — which were lost for about four years — bore what appeared to be his signature.

Baldiviez attorney Brian Worthington said it's a stretch to charge him with perjury when his client hasn't been found guilty of embezzlement concerning the vehicle transfer.

Bruce Miller, another former King City police chief who is accused of being involved in the King City towing scheme that targeted low-income Latinos, testified Thursday he had conversations with Mottu about the patrol car's transfer. He said he talked to Baldiviez about making the transfer, despite giving statements to the contrary to investigators earlier.

"If the D.A. wants to go with a theory that Miller did have those conversations, then Miller lied to the D.A. investigator," Worthington said. "He is unreliable, he is a co-conspirator in the (towing) case."

Miller was granted immunity from prosecution for his testimony on Thursday, and any statements can't be used against him during his own criminal case, which involves several charges including bribing a police officer.

On Thursday, Miller said he talked with Mottu and Baldiviez about the vehicle transfer. An email detailing an exchange with Mottu, which Miller does not remember sending, said Miller talked with the chief and told Mottu to bring the pink slip for Baldiviez to sign. Miller testified he never saw the pink slip and he was not involved in the exchange.

Superior Court Judge Russell Scott said Miller's testimony was "indirect, but powerful," despite the defense's argument that the testimony of a "co-conspirator" should be treated with more suspicion.

"That pink slip is not reliable to prove anything," Worthington said. "He (Mottu) is the only person who can say he ever saw the pink slip and he always said he lost it and then four years later it reappears."

When the pink slip "reappeared" it bore Baldiviez's signature. But Worthington said experts have yet to verify Baldiviez's signature or the date on the document.

Prosecutor Steve Somers said there is no conspiracy against Baldiviez, saying a fake email, fake pink slip and false testimony — on top of Baldiviez not remembering what happened — would be too much of a coincidence.

In the end, the court found enough probable cause to believe Baldiviez committed perjury and scheduled Baldiviez back in court Nov. 14 for arraignment. However, his Dec. 1 trial may be delayed due to Mottu, Baldiviez's co-defendant, needing a new attorney due to an illness.

Worthington said he will oppose a motion to have the new perjury charge tried with the rest of his charges in front of the jury. He says a jury will think he is guilty for lying on charges he hasn't been proven guilty of yet.

Miller is scheduled for trial in January, along with co-defendants Brian Miller, his brother and owner of Miller's towing, and Bobby Carrillo.

Ana Ceballos can be reached at 726-4377.