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Woman sues over police shooting of son

By MARY SCHLEY

CARMEL POLICE violated state and federal laws by using “excessive and unreasonable force” in the fatal shooting of 27-year-old James Marshall near the Golden Bough Theater last October, according to a lawsuit filed by his mother, Ellen Barrett, against the City of Carmel in federal court Friday.

Although Marshall was seen carrying an assault-rifle-style BB gun and a crowbar in the area near the Monte Verde Street home he shared with his mother and reportedly threatened people before retreating to his backyard, where he was eventually shot, Barrett’s lawsuit says he wasn’t a threat at all.

‘Not threatening’

Marshall “was not verbally or physically threatening any person, including defendants, and decedent never verbally threatened any person, including defendants,” nor was he “attempting, willing or threatening to inflict harm on anyone,” according to her complaint. “However, defendant officers unreasonably used force against decedent, including when they repeatedly shot decedent without justification.”

According to Barrett’s Woodland Hills lawyer, Dale Galipo — who has made a career of suing law-enforcement agencies and claims to have achieved more than 30 multimillion-dollar verdicts — on the morning of Oct. 25, 2024, Barrett called police to report that Marshall, who was bipolar, was having a mental breakdown.

“The call for medical help quickly turned into tragedy and the worst day of her life,” he said in a statement. “The officers knew her son had a history of mental illness, as they had been to her home previously in response to a similar call. Nevertheless, a crisis intervention team did not respond, which had previously been effective.”

A Monterey County District Attorney’s review of the incident that was released in February and cleared the officers of wrongdoing stated that neighbors called 911 at 8:40 a.m. to report Marshall pointed an assault-style rifle

A call for help ‘turned into the worst day of her life’

When a kitten’s temper is a very good sign



PHOTO/SPCA MONTEREY COUNTY

A bobcat has been returned to Andrew Molera State Park in Big Sur after a three-week stay at the SPCA Monterey County’s wildlife center, where she was treated for injuries that probably resulted from being hit by a car. See page 14A.

at them and demanded they remove a security camera he believed was spying on him. The victims “provided photographs of Mr. Marshall taken from their balcony, where he was wearing a tactical helmet, a ballistic vest, a backpack and gloves,” the report says. “He was holding a black rifle and had a yellow crowbar next to him.”

Asked for help

As Carmel Police officers staged at Dolores and Eighth, they asked the Monterey County Sheriff’s crisis negotiation team to respond but were told it was unavailable, according to the DA’s report.

Shortly before 9 a.m., Barrett called the police department line about her son and phoned again a few minutes later to say “he wanted to die and had a BB gun on him,” according to the DA’s report. She also said Marshall was “trying to look as menacing as he could so the police would shoot him.”

A neighbor called 911 to report Marshall was on his roof with a rifle. The alleged gunman also confronted workers at the nearby Golden Bough Playhouse — including one

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Tomasi to retire — and he means it this time

By MARY SCHLEY

CARMEL POLICE Chief Paul Tomasi will retire Aug. 4, and Cmdr. Todd Trayer, who joined the department in January after a lengthy career with San Jose P.D., is set to be sworn in as acting chief the next day, city administrator Chip Rerig announced earlier this month.

The date will mark the second time Tomasi has retired from Carmel P.D. The first was in 2021, when he left to take a position as head of security for the Monterey Bay Aquarium.

Many chiefs

He returned in fall 2023 following a couple of years of turmoil at CPD headlined by the short tenure of Alan Ward, who became chief in June 2022 but was put on leave in January 2023 pending investigation into multiple complaints against him. While the city refused to reveal anything about the allegations, Ward departed just over a year after his arrival. Jeff Watkins, the former commander, became chief but decided to leave in late 2023, and that’s when Rerig asked Tomasi to come back.

“There were so many things happening and so many

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Paul Tomasi



Todd Trayer

Between epic adventures, they visit home

By CHRIS COUNTS

ELEVEN YEARS after sailing 40,000 miles around the Pacific, Indian and Atlantic oceans on a 30-foot boat, a local family is back home for the first time in eight years following a lengthy and difficult journey through the Arctic.

While the trip from New England to California via the Northwest Passage happened during the late summer of 2023, it became possible in

2017 when John and Kara Pennington sold their 30-foot sailboat and replaced it with a 39-foot craft they located in the Netherlands. With the birth of their son, Dean, the couple needed a larger boat. They traveled to Europe to start fixing up the vessel.

“It was almost 50 years old and not in very good shape,” explained Pennington, who

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PHOTO/JOHN AND KARA PENNINGTON

Kara, Dean and John Pennington (left) during their sailing voyage through the Northwest Passage, which surrounded them with breathtaking Arctic scenery (right). The family returned to Monterey in May for the first time in eight years.

SADE’S COULD BE FORCED TO CLOSE

By MARY SCHLEY

SADE’S BAR has been around for decades, first as a restaurant and cocktail lounge on the south side of Ocean between Lincoln and Monte Verde, and then solely as a bar in the spot on Lincoln south of Ocean it has occupied since 1994. But owner Parker Logan said this week that its days are numbered.

He said his landlords, Lizette Fiallo and Maria Martinez — who bought the building, which includes Dametra restaurant and a swimwear shop, in August 2018 for \$8 million, according to Monterey County records — have decided not to renew his lease and are negotiating with one of Dametra’s owners to take it over and operate a high-end cocktail lounge.

“My landlord has decided not to renew my lease and is going to offer it to Bashar Sneh for over \$270 a foot plus a percentage of the business, which will force the closure of Sade’s just after its 100th birthday,” Logan said, adding that he pays

more than \$9,000 per month for the roughly 400-square-foot space.

And while he holds the liquor license — a valuable item in a county where the state is not issuing new ones for the onsite consumption of beer, wine and spirits — the space’s designated use as a bar stays put. Years ago, the city limited the number of drinking establishments to three. Barmel on San Carlos and A.W. Shucks on Ocean are the others.

‘Ridiculous law’

“Carmel’s ridiculous land use laws state that even though Sade’s is my business, the use permit to operate a bar is exclusive to the location,” Logan said. “Obviously this allows my landlord to grossly overcharge for the space and force me out of business.”

But Martinez insisted no deals have been made and that she and Fiallo are simply researching their options and seeking suggestions and proposals from potential tenants who

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