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PRESS RELEASE

No Charges in Johnny's Cathouse Bar Incident

There will be no criminal charges filed against Phillip Ortega, age 30, for his assault on Timothy Summit, age 30, at Johnny's Cathouse Bar on May 16, 2009.

Redding Police responded to Johnny's Cathouse Bar located in the City of Redding at around 12:30 a.m. following a report of an assault at that location. When they arrived, Timothy Summit was unconscious, lying on a sidewalk near the Bar. Mr. Ortega was not present at the time. Summit was transported to Mercy Hospital for treatment.

Police interviewed witnesses and learned that Ortega worked as a bouncer at the bar, apparently under the table. His job that night was to guard the exit. His job was to prevent alcohol from leaving the bar and to prevent patrons from re-entering from that location. He is on parole for a 2003 first degree robbery (Shasta # 03F1093) for which he was sentenced to six years in prison.

At about 12:30 am on May 16, 2009 while Ortega was working the exit door of the bar, the head bouncer escorted the victim, Timothy Summit, out of the bar. The head bouncer told Ortega he would be back in a minute. Summit was highly intoxicated and yelling that he wanted his six dollars back and the drink he had purchased.

The head bouncer did not return within a few minutes and Summit became more agitated. Summit lunged at Ortega and at times blocked the exit area so that other patrons couldn't exit. Ortega admitted he pushed Summit away once to clear the exit path. Summit continued to lunge at Ortega and eventually approached Ortega in an angry, confrontational manner. Ortega pushed Summit to the ground to keep from being assaulted. Summit got up and became even more enraged. According to Ortega, as well as other witnesses related to Summit, Summit came at Ortega swinging his arms wildly, "like throwing a haymaker." Ortega threw one punch at this time, striking Summit in the head and knocking him to the ground.

Summit hit his head on the ground, causing a skull fracture, for which he was admitted into the ICU. Summit told the officers he had no recollection of the incident. He only remembered going to the bar after the Rodeo with two girls, one named Cindy, and waking up in the hospital.

While at Mercy Hospital, Summit was conscious and highly combative. Officers and medical personnel had to restrain Summit so that doctors could treat him. He was highly intoxicated and later determined to have a blood alcohol level of .30 - well over the .08 level for DUI +- two hours after the punch. A family member of Summit's told investigators that Summit has an alcohol problem and that this was not the first time he had "passed out" from intoxication. According to the family member, Summit becomes very combative, mean, and evil when his is intoxicated.

RPD did receive a phone call from a person who claimed to have been a witness to this incident. This caller stated the suspect waited until the victim looked away then pushed the victim to the ground. The caller also stated the suspect waited until the victim looked away a second time then punched the victim, knocking him out.

Ortega was interviewed and was cooperative throughout the investigation. A parole violation was filed based on this incident, but was not sustained - meaning the Board found no criminal violation.

Based on the above, it is clear that Ortega was acting in self-defense at the time he threw his punch. The response was reasonable given the circumstance. Therefore, no charges will be filed against Ortega.

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