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CALIFORNIA'S BUDGET CRISIS

Poll: State backs tax vote

ONLINE EXTRA

Read more about Gov. Jerry Brown's budget plans and vote in our poll about whether you support his plan to extend tax hikes at www.mercurynews.com/california-budget.

Two-thirds of likely voters say special election a good idea, and most support Brown's proposal

By Steven Harmon

sharmon@bayareanewsgroup.com

SACRAMENTO — Gov. Jerry Brown's plan to close the state's budget gap has a huge amount of public support, and a majority of likely voters support tax hikes to prevent deeper cuts in education and social services, according to a new survey by the Public Policy Institute of California.

Two-thirds of likely voters back Brown's call for a June special election to

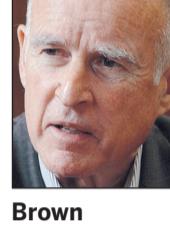
extend temporary hikes in income, auto and sales taxes for five years.

That's significantly more voter support than Arnold Schwarzenegger had when the Republican governor called special elections in 2005 and 2009.

Voters also appear to be giving the new Democratic governor some slack in his first month — 47 percent approve of his performance in office, 20 percent

See BROWN, Page 4

A POSITIVE REPORT CARD



Brown
More results from the Public Policy Institute of California survey, PAGE A4

Do you approve of Gov. Jerry Brown's performance?

47% 20% 33%

Approve Disapprove Not sure

Do you favor the governor's proposal that voters approve tax and fee increases to avoid more cuts?

54% 41% 5%

Favor Oppose Don't know

HARMS CASE

911 audio of killing captures chaos, fear

Peet's Coffee worker ushers patrons to safety while calling for police

By Sean Webby and Mark Gomez

Mercury News

In a rare decision that may signal a move toward greater public transparency, San Jose police Wednesday released the 911 audio recording capturing the chaos and fear of a coffee shop employee as a vigilante-style murder-suicide unfolded, leaving the suspect in the 2001 disappearance of Jeanine Harms and her brother dead.

The recordings shed no new light on the Harms mystery. But they capture an employee's rising anxiety as a Jan. 15 verbal confrontation in a Peet's Coffee in the El Paseo de Saratoga shopping center escalated into a horrific slaying.

While the employee was locked in the bathroom with other customers, the sound of a single gunshot can be heard on the recording.

"Oh my God, he shot somebody! Oh my God,

See 911 CALL, Page 4

JAN. 7 DEATH

Homicide victim felled by beating — 12 years later

By Lisa Fernandez

lfernandez@mercurynews.com

In a murderous month in San Jose, Lowell Noble is perhaps the most surprising victim of all: The 82-year-old man died Jan. 7, authorities say, because of a savage beating that occurred almost 12 years ago.

His attacker has been locked up for years, but on Wednesday, after an unusual ruling by the coroner, San Jose police reopened the case as a homicide.

Noble was suffering from heart problems and diabetes when he died. While he needed a walker to get around, he enjoyed bridge and Reader's Digest in his final years.

However, despite his advanced age and health problems, the most significant factor



Noble
Victim of 1999 beating died early this year from injuries.

See HOMICIDE, Page 5

SPORTS » C1

Raiders' new coach knew the way out of the 'hood



NATION » A3

Color-coded terror alerts to phase out

BUSINESS » D1

Some call for public probe of pipe safety



WEATHER

Mostly sunny

H: 65-70

L: 43-47

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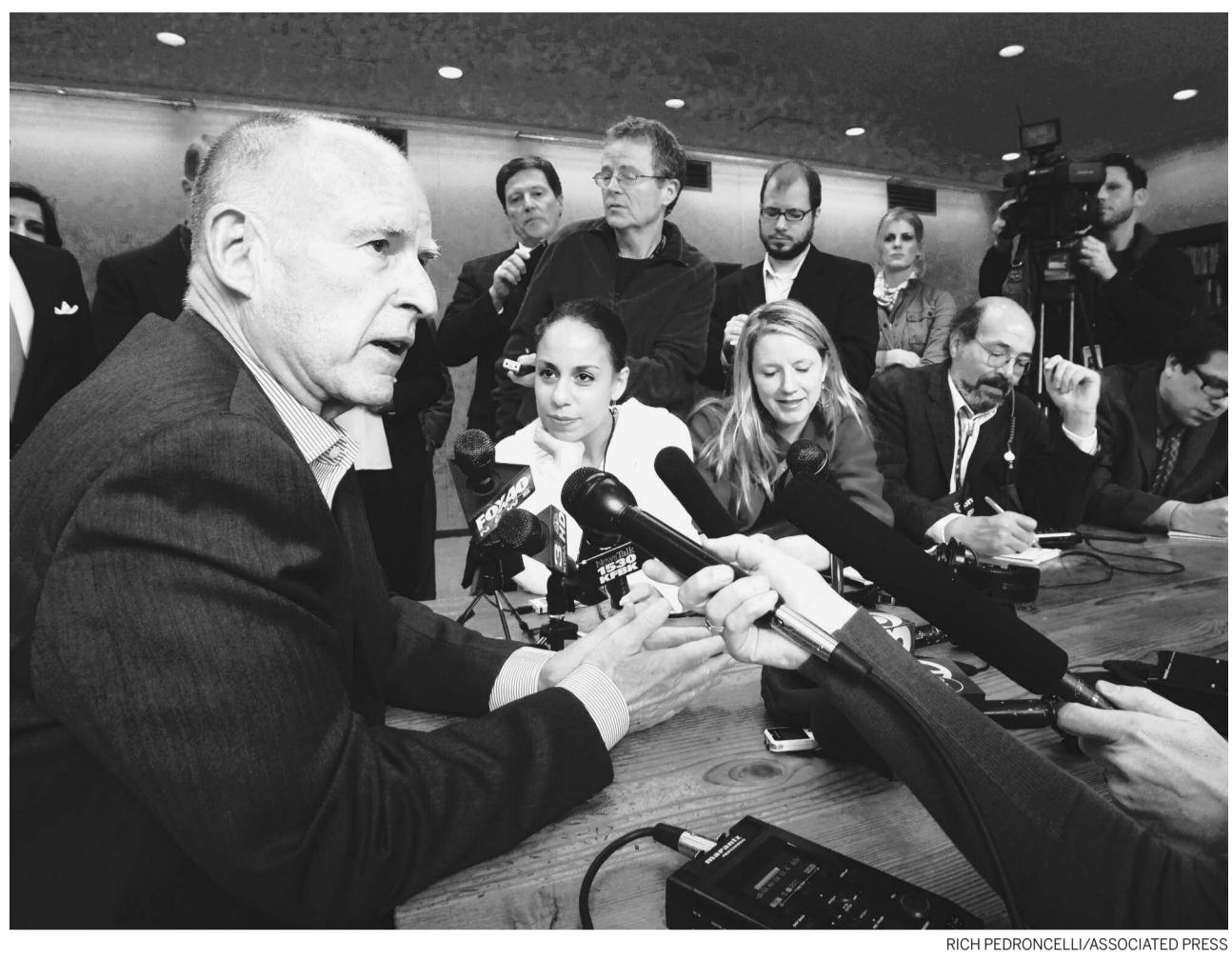
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Gov. Jerry Brown talks with reporters about the state budget on Wednesday in his Capitol office in Sacramento.

Brown

Continued from Page 1

disapprove and 33 percent are not sure — and they appear to be more optimistic about the future of the Golden State.

Since October, Californians who feel their state is moving in the right direction has more than doubled, to 38 percent from 16 percent. And more than half — 52 percent — of voters believe the new Democratic-controlled Legislature and Democratic governor can work together and accomplish a lot this year.

"Voters are starting the year in a more hopeful frame of mind than in the last several years," said Mark Baldassare, president and CEO of the Public Policy Institute of California, which polled 2004 Californians, including 987 likely voters, from Jan. 11 to Jan. 18.

"All of this is pretty fragile, though," Baldassare said. "Is the economy going to hold up? Will there be so many voices in opposition that people begin to have doubts?"

Most Californians are willing to pay tax hikes to support schools, higher education and social services, while three-fourths are worried about potential spending reductions as the governor seeks to fill a \$25.4 billion budget hole over the next year and a half.

Brown's strategists are hoping he can tap voters' desire to avoid school cuts by showing the dire consequences that lie ahead for K-12 programs if they reject his proposal to extend the temporary taxes.

Still, the survey uncovered contradictions that are the hallmark of Californians and their attitudes toward government services and the money they pay for them.

On the one hand, 71 percent of all adults and 61 per-

cent of likely voters say they support tax increases to help reduce the budget deficit and prevent cuts to schools, universities and, to a lesser degree, health and human services. Large majorities oppose cuts to these areas, which make up 85 percent of general fund spending.

Fifty-four percent of likely voters support the package that Brown is hoping to put before them. Likely voters, by 45 percent to 41 percent, prefer a mix of taxes and budget cuts as a way to overcome the state's deficit, with Bay Area voters in favor of a mix by a 2-to-1 ratio.

But two-thirds of likely voters generally oppose raising personal income and sales taxes, while a solid majority opposes raising the auto license fee.

Since 2006, California voters have rejected eight tax-increase proposals, a record that bolsters Republicans as they try to rebuff Brown's tax plan.

But polls done by the Public Policy Institute of California during the Schwarzenegger years indicated that support for his ballot measures was relatively low.

Just 40 percent of likely voters in September 2005 said that the special election called by Schwarzenegger for November of that year was a good idea. And 50 percent felt that way in the weeks before the May 2009 election.

Republican leaders said Wednesday, however, that passage of the tax package was hardly a sure thing.

"Jerry Brown has done some things outside the box like pulling cell phones (from potentially half the state employees), and that should be applauded," said Tom Del Baccaro, vice chairman of the California Republican Party. "But tax increases will fail at the ballot box for no other reason than six of the 10 highest foreclosure areas in the na-

Brown's first report card

Some of the findings of a new Public Policy Institute of California survey of likely voters:

Q: Do you approve or disapprove of the way Jerry Brown is handling his job as governor?

Approve	47%
Disapprove	20%
Don't know	33%

Q: Do you think things in California are generally going in the right direction or the wrong direction?

Right direction	32%
Wrong direction	61%
Don't know	7%

Q: Do you think Brown and the Legislature will be able to work together and accomplish a lot in the next year?

Yes	52%
No	34%
Don't know	14%

Q: Are you satisfied or dissatisfied with the governor's budget plan?

Satisfied	58%
Dissatisfied	29%
Unfamiliar	6%
Don't know	7%

Q: Do you favor or oppose the governor's proposal that voters approve tax and fee increases to avoid additional cuts?

Favor	54%
Oppose	41%
Don't know	5%

Source: Public Policy Institute of California survey of 987 likely voters, conducted Jan. 11-18; margin of error +/- 4.2 percentage points

MERCURY NEWS

tion are in California. People don't have the money."

Californians would like to see corporations take the brunt of higher taxes. In a 13-point upward shift from September, 55 percent of likely voters said they liked the idea of raising the corporate tax. That is unlikely to happen, at least in a June special election, because Brown has made it clear he wants to avoid drawing big business

into what would be a nasty, expensive and perhaps suicidal fight over taxes.

Brown may be succeeding in persuading voters that the state is in a fiscal crisis, and that he's dealing with it in a straightforward way, political observers said. A record 35 percent of likely voters believe the budget is the most important issue facing the state, followed closely by jobs and the economy.

A strong majority, 58 percent, are satisfied with Brown's budget proposal, though 73 percent are "somewhat concerned" or "very concerned" about the breadth of proposed cuts — \$12.5 billion in all — to just about everything except K-12 education.

Brown's proposal to cut state workers' pay by 10 percent, however, has the approval of 55 percent of likely voters.

"People want to have explained to them logically and upfront what needs to be done," said Barbara O'Connor, director emeritus of the Institute for the Study of Politics and Media at Sacramento State University. "And they want to be confident that if they agree to more taxes, there won't be more waste. His cuts, eliminations of agencies and plan to transfer authority to local governments does all that."

Nearly two-thirds of likely voters support Brown's proposal to shift programs to local governments and eliminate redevelopment agencies and enterprise zones.

The margin of error was plus or minus 3.5 percentage points for the total sample of all adults and was 4.2 percentage points for likely voters.

Contact Steven Harmon at 916-441-2101. Follow him at Twitter.com/ssharmon. Read the Political Blotter at IBAbuzz.com/politics.

Opera

Continued from Page 1

years ago to his chip design and programming jobs at Amdahl and then Sun. But he'd never had a whit of musical training until he turned 46 and followed his then-13-year-old daughter, Eryn, to lessons at a vocal studio in San Jose's Almaden neighborhood.

His progress since then — especially during his crash course the past three seasons with Opera San Jose — defies reason. Becoming an opera singer generally entails years of conservatory training; just one part of it learning to sing in Italian, German, French and Russian.

"Most people go through a lifetime of learning how to do this, and Silas has kind of shrunk the whole process down," says Bruce Olstad, Opera San Jose's former chorus master and one of Silas' vocal coaches for a decade.

"Silas probably works harder than any singer I've ever met. He eats, sleeps and drinks this stuff. ... I've just never seen anybody like him."

Nor had company founder Irene Dalis, a former Metropolitan Opera star, when Silas auditioned with Opera San Jose. He couldn't read music and had never worked with a conductor, yet she was

"blown away," she says, "by the quality of his voice and the command he had of that voice."

"Where are you from?" Elash recalls Dalis asking. "San Jose? How come I've never heard of you?"

Well, that was because Elash had been "shoveling sand," as his wife, Eletah Elash, puts it, during his 17 years in the computer industry. Elash adds, "Silicon sand."

They're sitting at the kitchen table in their downtown San Jose home. "I'm a hands-on guy," Silas continues. "I can lay brick. I can do plumbing, electrical. I like to build things. I don't like to program. I can do it, but when engineering became all about programming, I lost my passion."

Fortunately, he found it again singing.

"He basically has approached the voice as an engineer, analyzing and putting things together on his own," says Eletah Elash, a speech therapist in the San Jose public schools, who has supported her husband's quest even though friends thought both were crazy. "He's a very intuitive person, and he's kind of followed that thread, and he keeps finding the gold."

Growing up in Inglewood and Torrance, "there wasn't a lot of music" in the home,



Silas Elash's singing career was sparked by his daughter Eryn, who bragged to her Juilliard-trained music teacher that her dad "really has a pretty good voice."

"Most people go through a lifetime of learning how to do this, and Silas has kind of shrunk the whole process down. ... I've just never seen anybody like him"

— Bruce Olstad, Opera San Jose's former chorus master and one of Silas Elash's vocal coaches

Elash says. His mother, Virginia, was a stay-at-home mom, busy with five children. His father, Peter, was a bricklayer and steelworker. There was also a singing grandfather: Oscar Frisbie, who performed in operettas in New York. At Cal State Long Beach,

911 call

Continued from Page 1

"oh my God, oh my God!" the woman says.

Police Sgt. Jason Dwyer, a department spokesman, praised the employee — who was not named by police — for her quick actions when Wayne Sanchez, Harms' brother, shot Maurice Nasmeh inside the coffee shop. "We are all impressed with how this person reacted to such a frightening scenario," Dwyer said. "She remained calm, got everyone to safety in a bathroom and provided accurate updates to the dispatcher."

The release of the recording also marked an unusual step by a police department that has long resisted releasing such confidential case information. And some noted it as a possible change of philosophy under acting police Chief Chris Moore, who has made clear attempts in his short tenure to release more information, more quickly than his predecessor Rob Davis.

"This is a significant positive development," said Kelli Evans, associate director of the American Civil Liberties Union of Northern California. "Timely disclosure of police records, including 911 tapes where appropriate, is an essential component of a transparent and open government. Not only does such disclosure help the public to understand how certain events transpired but also helps do away with the perception that law enforcement has something to hide."

Some other local law enforcement agencies, such as Santa Clara police, have released 911 records in the past.

Moore said he would release such recordings on a "case-by-case basis" after consulting with affected families and making sure the recordings did not interfere with active cases or prosecutions.

"After reviewing the case, talking to the district attorney and involved parties, I felt it was appropriate to release the recording in the effort to increase the level of the department's transparency," Moore said.

District Attorney Jeff Rosen said Moore called him Tuesday to confer about the release of the recording. The county's top prosecutor said he had no objections.

"Because there was no prosecution of a criminal case," Rosen said. "It's not like we have an active case."

The recording documents a single emergency phone call to the SJPD communications center on the evening of Jan. 15, after a chance meeting between Sanchez and Nasmeh at Red Robin restaurant moved to an adjacent Peet's Coffee & Tea shop.

Nasmeh was the primary suspect in Harms' disappearance. Her body has never been found; Nasmeh was arrested, charged with her murder and spent two years in prison before charges were dismissed and he was released in 2007.

The recording begins as the Peet's employee, who didn't know either of the men, asks for police help.

"I need someone escorted



Nasmeh Sanchez

THE 911 CALL

As the confrontation between Wayne Sanchez and Maurice Nasmeh escalates, a Peet's Coffee employee is reporting the incident to a 911 dispatcher. A transcript excerpt:

Employee: Holy (expletive).

Dispatcher: What is the address?

Employee: He's got a knife or a gun. He's got a gun or a knife. OK.

Dispatcher: Stay on the phone. What's the address?

Employee: OK, OK, OK. The address is 1330 El Paseo de Saratoga.

Dispatcher: And what makes you think he has a gun or a knife?

Employee: He just pulled it out.

Dispatcher: OK, but there's a difference.

Employee: It's a gun, it's a gun. OK. Go. Go. Go. In the bathroom. Go.

Dispatcher: OK and so this guy ...

Employee: Oh my god he shot somebody. Oh my god, oh my god, oh my god. Holy (expletive). Holy (expletive). OK.

Dispatcher: OK. Are you safe?

Employee: Yeah, we're in the bathroom. Locked in the bathroom.

from my store right away," she tells the dispatcher. When asked if it is a physical fight, the woman says that it is "verbal." In the recording, you can hear the sound of someone yelling.

Suddenly the situation dramatically changes tenor when the woman tells the dispatcher "Holy (expletive)," he has a knife ... or a gun!"

Then, "It's a gun." The woman herds customers and other employees to safety: "Go! Go! Go, in the bathroom."

After Nasmeh is shot, the woman tries to give a description of the shooter.

The dispatcher calmly tries to relax the frightened woman saying that police are on their way.

Asked for a more detailed description of the shooter and his victim, the woman replies, "I can't go out there."

"I don't want you to," the dispatcher reassures. "I want a good description of this guy so we can catch him."

The woman gives a basic description.

Finally the woman says, "He's gone. But somebody is shot. Oh my God. Oh my God."

The recording ends with exchanged thank-yous.

But the incident was not yet over and ended with more bloodshed.

Soon after, police arrived at the El Paseo de Saratoga Shopping Center. Officers heard a final gunshot. Sanchez had killed himself.

Contact Sean Webby at 408-920-5003.

IF YOU GO

Opera San Jose

Presenting "The Barber of Seville" by Rossini

When: Feb. 12-27

Where: California Theatre, 345 S. First St., San Jose

Tickets: \$51-\$101; 408-437-4450, www.operasj.org

San Jose in 2005, joined the chorus in 2006 and was appointed resident artist in 2008, going on to sing leading roles. Next season, he will sing the role of Mephistopheles in Gounod's "Faust." "And if I never sang another note, it would be OK," he says. "I have had such amazing experiences. I'm telling you, you can't pay for the moments I've had."

But he is also coaching singers and writing a book on vocal technique. And he is building a V-8 engine for a 1962 Jaguar Mark II, with plans to drive it to work. Where? His hope is to become one of the go-to singers for roles such as Prince Grémin in Tchaikovsky's "Eugene Onegin," perhaps even performing at major opera houses.

And, though opera is a devilishly difficult business, Dalis and Olstad say, if anyone can do it, it's Elash.