



## Judge sets 2010 trial date for Kurtenbach

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Ramona businessman James Kurtenbach will stand trial for murder, arson, insurance fraud and other charges on Jan. 12, 2010, a judge ruled Monday, in the case involving his employee's death during an intentionally set fire that destroyed Kurtenbach's vacant home in 2008.

Kurtenbach, 48, pleaded not guilty to all charges before El Cajon Superior Court Judge Peter Deddeh. He also waived his right to have a speedy trial and remains free on \$2 million bond. He lives in Poway.

Kurtenbach is accused of murder in the Oct. 31, 2008, death of Joseph Nesheiwat, 24, who had worked for Kurtenbach for years at his Star Gas Station in Ramona. Nesheiwat died of terminal burns and smoke inhalation after an explosion destroyed the home at 16421 N. Woodson Drive. He died very quickly after the blast and he was found 4 feet from the blazing house.

Deputy District Attorney Fiona Khalil filed a new charge Monday against Kurtenbach, which is conspiracy to commit arson with an intent to defraud. She listed 21 "overt acts" in the charge that led up to the conspiracy charge. It takes two to make a conspiracy, but the other person alleged to have plotted with Kurtenbach to torch the house was not named in the complaint.

A relative of the victim was given immunity from prosecution and he testified during the preliminary hearing that he acted as a driver. He claimed he was recruited by Kurtenbach to be the driver.

Khalil said she filed the new charge because it was supported by evidence during the four-day preliminary hearing. She also filed another arson charge that had been dismissed by the judge. The second arson count alleges that Kurtenbach torched his house with the intent to defraud.

Kurtenbach's attorney, Kerry Steigerwalt, said Monday he will be filing motions before another judge to seek dismissal of the murder charge and possibly other counts. He said there is not enough evidence to prove a murder had occurred. It is not known why Nesheiwat was inside Kurtenbach's home at the time of the fire. Both attorneys said the reason for the 2010 trial date was due to their schedules. Steigerwalt is one of the busiest criminal defense attorneys in the county and operates Kerry Steigerwalt's Pacific Law Center. He has defended murder suspects and other high profile cases for over 20 years.

The prosecutor said the trial would last at least a month, and that is with prosecution witnesses. She said she doesn't have a time estimate from Steigerwalt as to how long his defense will last or how many witnesses he will call.

Khalil said they didn't want to have this trial heard in the weeks before Thanksgiving or Christmas holidays, so both attorneys thought it was best to set it for January 2010.

The house that burned was insured for \$915,000. Kurtenbach had added insurance coverage to it nine months before the fire, and he added another \$15,000 in coverage the day before the fire with another insurance agent. Kurtenbach is also accused of income tax evasion, making misrepresentations, false statements and a labor code violation about the number of employees he had and their pay. The number of workers is required for purchase of workers' compensation insurance.

Kurtenbach was arrested about a week before Christmas. He was able to post \$2 million bond and was released from jail on Jan. 31.