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FILED

JAN 06 2020

3 Attorney for Defendant: Susan Bassi

4
Clerk of the Court
Superior Court of the County of Santa Clara
BY Shen Fanham DEPUTY

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

7
8 THE PEOPLE OF THE STATE
OF CALIFORNIA,

No. C1777801

9 Plaintiff,

10 NOTICE OF HEARING ON MOTION TO
RECUSE DISTRICT ATTORNEY'S
OFFICE AND MOTION TO RECUSE
11 DISTRICT ATTORNEY'S OFFICE;
POINTS AND AUTHORITIES IN SUPPORT

12 vs.

13 SUSAN HAZLETT BASSI,

Date: Nov. 15, 2019

Time: 9:00am

Dept.: 49

Time Est: Full Day

14 Defendant(s). /

15 TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND TO THE DISTRICT
ATTORNEY FOR SANTA CLARA COUNTY:

16 NOTICE IS HEREBY GIVEN that on the date and time specified above, or as
17 soon thereafter as the matter may be heard, in the above named department of the
18 above entitled court, the defendant, by and through counsel, will move this Court to
19 disqualify the Santa Clara County District Attorney's Office from serving as the prosecuting agency
20 for this criminal case. (Pen. Code, § 1424, subd. (a)(1).)

21 This motion will be based on the grounds set forth in the attached memorandum
22 of points and authorities, exhibits, the papers and records on file with the court, and any further
23 evidence or argument which will be presented at the hearing on this matter.

24 Dated : October 31, 2019

Respectfully Submitted,

25
26 Leah Gillis
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. Overview:**

3 Susan Bassi is a journalist and has lived in California for many years. She has no criminal
4 history. Ms. Bassi’s coverage of local news as a journalist and her participation in local county
5 politics as an activist includes harsh criticism of the Family Court System and of the Santa Clara
6 County District Attorney’s Office. (Exh. A, ¶ 2, Exh. H, p. 58, ¶ 11.)

7 The motion to recuse the Santa Clara County District Attorney’s Office from continued
8 involvement in the resolution of this criminal matter should be granted because the totality of
9 evidence described herein demonstrates “a reasonable possibility that the DA’s office may not
10 exercise its discretionary function in an evenhanded manner.” (*People v. Cannedy* (2009) 176
11 Cal.App.4th 1474, 1479 - 1480, quoting *People v. Conner* (1983) 34 Cal.3d 141, 148.)

12 That office has already levied charges selectively against Ms. Bassi, as addressed below and
13 in the companion, selective prosecution motion pursuant to *Murgia v. Municipal Court* (1975) 15
14 Cal. 3d 286, and has attempted to circumvent the Fourth Amendment to the United States
15 Constitution by using a subpoena duces tecum to obtain private information from Ms. Bassi’s
16 computer and cell phone which may only be lawfully seized through a search warrant, as addressed
17 here and in the companion motion to quash.

18 In addition, Kasey Halcon, the Director of the Victim Services Unit of the District
19 Attorney’s Office recently filed a civil restraining order lawsuit against Ms. Bassi. Ms. Halcon,
20 attached a copy of the then four count misdemeanor criminal complaint filed by the District
21 Attorney’s Office against Ms. Bassi as an exhibit to her civil case. That complaint charged Ms.
22 Bassi with three counts of taking photographs in the courthouse in violation of a local rule of court
23 and one count of resisting arrest. The elected District Attorney Jeffrey Rosen inserted himself into
24 employee Halcon’s civil restraining order case against Ms. Bassi, when he provided a sworn
25 declaration for that lawsuit describing his own personal interactions with Ms. Bassi, which included
26 his description of his fear of her and his negative opinions about her.

27 Within the past few weeks one of Mr. Rosen’s Deputy District Attorneys has merged the
28 factual issues in employee Halcon’s civil restraining order case into Ms. Bassi’s criminal case by

1 filing three new misdemeanor charges alleging that Ms. Bassi violated a temporary restraining order
2 issued in that civil case when she purportedly sent three non-threatening, work-related emails to Ms.
3 Halcon in her capacity as the director of District Attorney Victim Services. The totality of evidence
4 adduced for this motion shows that the Santa Clara County District Attorney's Office has exercised
5 disparate treatment and further demonstrates apparent and actual bias toward Ms. Bassi in the
6 charging and prosecution of her case.

7 ARGUMENT

8 **I. Pursuant to Penal Code Section 1424, the Santa Clara County District Attorney's 9 Office Must Be Recused from Further Involvement in this Prosecution Because a 10 Conflict of Interest Exists That Would Render it Unlikely That the Defendant Would 11 Receive a Fair Trial.**

12 **A. Statement of the Case and Procedural History.**

13 Initially Ms. Bassi was charged in docket C1777801 with a single misdemeanor count of
14 violating Penal Code § 166(a)(4) [willful violation of a court order for disobeying the terms of a
15 Santa Clara County Local Court Rule prohibiting the use of recording devices in a courthouse],
16 which allegedly occurred on August 31, 2017. After Ms. Bassi insisted on a speedy trial, the
17 prosecution added two additional counts for alleged violations of the same code section. As the case
18 was being litigated, and when the defense raised the need to file a second *Murgia* motion and a
19 motion to disqualify the District Attorney's office for bias and conflict, the prosecution continued to
20 add charges.

21 Currently, Ms. Bassi faces seven counts, including three just added on October 2, 2019.
22 Ms. Bassi is currently charged with the following: Counts 1 and 4 allege misdemeanor violations of
23 Penal Code § 166(a)(4) [violation of local court rule prohibiting photography/recording]. These
24 offenses were alleged to have occurred on August 31, 2017, and March 19, 2018. The specific
25 misdemeanor crime with which Bassi has been charged for taking photographs is criminalized only
26 through the local court order and is not conduct otherwise condemned by state penal statute.

27 Counts 2 and 3 allege another misdemeanor violation of Penal Code § 166(a)(4) [violation
28 of local court rule prohibiting photography/recording] and a violation of Penal Code § 148(a)(1),
resisting, delaying or obstructing an officer. These two charges arose out of a November 14, 2017,

1 incident where police grabbed Ms. Bassi's cell phone from her hand because she was filming a
2 hostile encounter between sheriff deputies and a citizen inside of the courthouse. Ms. Bassi filed a
3 civil rights law suit against the Santa Clara County Sheriff's Department for the injuries inflicted
4 during this encounter. (Exh. A, ¶¶ 3 - 4.) That action is pending.

5 On July 3, 2019, Kasey Halcon, the Director of the Victim Services Unit at the District
6 Attorney's Office started civil restraining order litigation against Ms. Bassi. Ms. Halcon and a
7 second civil plaintiff, Nicole Ford, a local family law attorney who serves as the Administrative
8 Vice Chair of Santa Clara County Domestic Violence Council, by appointment by the County Board
9 of Supervisors, both filed nearly identical actions against Ms. Bassi on July 5, 2019, and provided
10 each other with declarations in support of the other's lawsuit. (Exh. A, ¶ 5, Exh. H.) The two
11 women serve together on the Domestic Violence Council. (Exh. H, p. 20, ¶ 8.)

12 The elected Santa Clara County District Attorney Jeffrey Rosen inserted himself as a
13 witness into these two civil restraining order matters on behalf of his employee Halcon, and on
14 behalf of County Board appointee Ford, by filing his own declaration detailing his personal
15 interactions with, and negative opinions about, Ms. Bassi during or after meetings within the
16 courthouse. (Exh. A, ¶ 5. Exh. H, pp. 52 - 54.)

17 Both Ms. Halcon and Ms. Ford attached a copy of the misdemeanor criminal complaint
18 filed by Mr. Rosen's office against Ms. Bassi as an exhibit to their declarations in support of their
19 requests for a temporary restraining order in each of their civil cases. (Exh. H, pp. 26 - 28.) At that
20 time, the complaint filed in Ms. Bassi's criminal case included four misdemeanor counts. (Exh. A, ¶
21 5, Exh. H, pp. 26 - 28.) Ms. Halcon also attached a declaration from a District Attorney's Office
22 Investigator, Jefferey Nichols. (Exh. H, pp. 55 - 60.) He expresses his negative opinions about Ms.
23 Bassi and describes his self-initiated "threat assessment" about Ms. Bassi which he bases on
24 observing people other than Bassi, hearsay about Bassi, while ignoring the fact that she is a middle-
25 aged woman with no criminal history, one of the factors he has declared that he has been trained to
26 consider when making a "threat assessment." (Exh. H, pp. 55 - 60, p. 56 ¶ 5.)

27 On October 2, 2019, the Deputy District Attorney assigned to Ms. Bassi's case, Ms.
28 Daniella Rich, added three new charges, counts 5, 6, and 7, to the criminal complaint alleging

1 misdemeanor violations of Penal Code § 166(a)(4). The three newest counts charge Ms. Bassi with
2 sending three specific emails on September 10, 13, and 19, 2019, to Kasey Halcon, Director of
3 Victim Services, purportedly in violation of a temporary civil restraining order. Please note that the
4 new misdemeanor criminal charges in counts 5, 6, and 7, do not pertain to Ms. Nicole Ford, the
5 local family law attorney and second civil restraining order litigant.

6 The September 10, 2019, e-mail to Ms. Halcon at the District Attorney's Office sought
7 information about available victim compensation for specific domestic violence victims under
8 Marsy's Law. (Exh.I, pp. 2854 - 2856.) Ms. Bassi, closed her September 10, 2019, email to Ms.
9 Halcon by listing her full name, address, and phone number. (Exh. I, p. 2856.) The other two
10 emails, charged as counts 6 and 7, were sent to Ms. Halcon seemingly as part of a larger blind cc
11 distribution list. These two emails discussed some of her ongoing investigative journalistic pursuits,
12 announced journalism and domestic violence related forums, meetings, films, and contained links to
13 promotional videos and web sites publicizing upcoming community events. (Exh. I, pp. 2857 -
14 2860.) These e-mails to Ms. Halcon included a standard email header listing Ms. Bassi's full name
15 and her email address which also included her last name. (Exh. I, pp. 2854, 2857.) This is not a case
16 of anonymous or threatening contact, according to the listed victim and to the officer who took the
17 report. (Exh. I, pp. 2846, 2861.) For continuity, the page numbering in Exhibit I retains the
18 sequential numbering previously used for discovery purposes.

19 On October 17, 2019, the prosecutor assigned to Ms. Bassi's case, Ms. Daniella Rich, filed
20 a subpoena duces tecum, which the defense has challenged in the companion motion to quash. That
21 subpoena seeks many months worth of personal records from Ms. Bassi's email account, internet
22 search results, and GPS tracking data from her cell phone. That subpoena also made the same broad
23 search and seizure request as to Nicole Ford, who as mentioned above, has no connection to the
24 criminal charges pending against Ms. Bassi, but serves on the Domestic Violence Council with
25 Halcon. (Exh. H, p. 20, ¶ 8, See criminal complaint.) The District Attorney's Office knows or
26 should know that it is unlawful and improper to try to use a criminal subpoena to obtain computer
27 and cell phone information protected by the Fourth Amendment and to further try to obtain the same
28 private information on behalf civil litigant Nicole Ford who is a friend or business associate of
District Attorney's Office employee Halcon. (Exh. A, ¶ 5, Exh. H, p. 20, ¶ 8.)

1 **B. Defense Discovery Motions and California Public Records Act Request**
2 **Supporting Discriminatory Enforcement of the Local Rule of Court Forbidding**
3 **Courthouse Photography/Recording.**

4 Predecessor defense counsel Dmitry Stadlin, brought three separate motions to compel
5 discovery during the pendency of this case. In January, 2018, Mr. Stadlin, sent a discovery request
6 to the prosecutor assigned to this case, requesting *Murgia* discovery. (Exh. A, ¶ 3.) The prosecutor
7 replied that the requested materials fell outside the scope of her discovery obligations. (Exh. A, ¶ 3.)
8 Mr. Stadlin filed a *Murgia* discovery motion supported by the sworn affidavits of himself and two
9 other local lawyers declaring that they had personally seen many people take photographs in and
10 around the court house and inside court rooms without being prosecuted for violating the rule of
11 court for which Ms. Bassi now faces prosecution. (Exh. A, ¶ 3.) That discovery motion was opposed
12 by the prosecution and was denied by the court. (Exh. A, ¶ 3.)

13 Meanwhile, pursuant to a February 19, 2019, California Public Records Act Request, Ms.
14 Bassi obtained internal emails from the District Attorney's Office delivered to her by Santa Clara
15 County Counsel Deputies Hayley Reynolds and Kavita Narayan in multiple email batches. (Exh. C,
16 pp. 4 - 8, see also email headers Exh. D, E, F, G.) These emails show frequent correspondence
17 between Stanford professor Michele Dauber and five different Deputy District Attorneys during
18 Dauber's efforts to spearhead and publicize the recall campaign of Judge Aaron Persky. (Exh. C, D,
19 E, F, G.) As detailed below, Dauber asked different Deputy District Attorneys to interpret
20 "screenshots" she took of documents within court files in violation of the same local court rule
21 charged against Ms. Bassi.

22 Ms. Dauber's 15 violations of the local "no-photography" rule are as follows:

23 **1. Six Violations (Exh. D, pp. 10 - 12.)**

24 In emails exchanged between Assistant District Attorney Brian Welch and Michele Dauber,
25 they discuss two criminal cases and Dauber sends questions and six screenshots from a specific case
26 file on October 6, 2016. (Exh. D, pp. 10 - 12.) Dauber states in these emails: "I sent you the court
27 file along with some screenshots." (Exh. D, p. 9.)
28

1 **2. Nine Violations (Exh. E, pp. 29, 31 - 33.)**

2 In emails exchanged between Dauber, and Assistant/Deputy District Attorneys Terry
3 Harmon, Cindy Hendrickson, Luis Ramos, and Alaleh Kianerci, they discuss the procedural history
4 and dispositions in several criminal cases. (Exh. E, pp. 1 - 33, 41 - 43.) In the course of this
5 correspondence, Dauber sends nine screenshots. (Exh. E, pp. 29, 31 - 33.) In a Sept. 26, 2016, email
6 which included questions, and three screenshots, she states: “On this screenshot from the file, the
7 Judge indicated....” (Exh. E, pp. 21 - 22.) On July 13, 2016, A.D.A. Terry Harman in an email to
8 Dauber states: “From reviewing the documents you sent, it appears....” (Exh. E, p. 28.) On July 8,
9 2016, Dauber asks A.D.A. Harman: “I have a question about how to read this file” and
10 attaches “jpeg” images, five of which are later reproduced in color in the California Public Records
11 Act discovery. (Exh. E, p.29, 31 - 33.) On July 19, 2016, in an email from Dauber to D.D.A.
12 Harmon “Re: Robert Chain child pornography question,” there originally appeared to have been an
13 attached labeled “Screen Shot 2016-07-19 at 8:04:46 AM.png.” (Exh. E, p. 30.)

14 **3. Unlawful Screenshots Circulated Within the D.A’s Office.**
15 **(Exh. F, pp. 1 - 6.)**

16 On September 27, 2016, A.D.A. Terry Harmon forwarded Dauber’s emails with three
17 screenshots to D.D.A. Luis Ramos. (Exh. F., pp. 1 - 2.) On September 30, 2016, D.D.A. Cindy
18 Hendrickson asked Dauber to “send [her]” the “entire plea agreement” in a Judge Persky domestic
19 violence case which Dauber previously had asked questions about. (Exh. F, p. 3, Exh. E, p. 5.)
20 Dauber attached the requested plea agreement to her email, sent it to D.D.A. Cindy Hendrickson,
21 who then forwarded it to A.D.A. Brian Welch. (Exh. F, pp. 3 - 6.)

22 As shown in these emails over the course of nearly a year, Ms. Dauber was never warned
23 by law enforcement (i.e. the five Deputy District Attorneys) that photographing court files was
24 unlawful, she was not told to stop, nor was she prosecuted for taking photographs in the court
25 house. (Exh.s D, E, F, G.) Although she committed the same offense pending against Ms. Bassi, and
26 committed it more frequently than Ms. Bassi, she was treated with something approaching
27 deference since she was pursuing a widely-publicized, political goal with which the District
28 Attorney’s Office agreed and which they actively sought to advance through their participation with

1 Ms. Dauber behind the scenes. (Exh.s D, E, F, G.) The District Attorney's Office coordination with
2 Ms. Dauber in connection with her efforts to gather and distribute newsworthy information to
3 support the recall effort included: compiling lists of Judge Persky's cases from the District
4 Attorney's internal data-base for Ms. Dauber's use (Exh. E, pp. 17 - 18), formulating targeted
5 publicity materials (Exh. E, p. 27), agreement to avoid publicizing the "alcohol hookup culture"
6 (Exh. E, p. 27), an agreement not to discuss specific cases and information Dauber found during her
7 Persky file search with others who might "gossip" in order to arrange "press exclusive" interviews
8 for Dauber (Exh. E, p. 24), and in late May 2016, working with Dauber to edit a letter to be signed
9 by Dauber and included D.D.A. Alaleh Kianerci's "sentencing brief." (Exh. E, pp. 41 - 43.) Dauber
10 kept the Assistant and Deputy prosecutors with whom she worked informed about the publicity she
11 was bringing to the Brock Turner case, domestic violence, and "rape culture," while receiving praise
12 from Deputy District Attorney Luis Ramos for her efforts. (Exh. G, pp. 1 - 16, Exh. E, 34 - 40, See
13 also Exh. G, pp. 7 - 16.)

14 The need for recusal is readily apparent from the totality of these facts, but most
15 particularly because the elected District Attorney and two of his employees are now enmeshed in
16 the facts at issue in counts 5, 6, and 7, of the criminal case. All three have already expressed
17 negative opinions about this defendant in written declarations filed in the civil case. In Counts 1, 2
18 and 4, defendant has produced actual, not just theoretical, evidence that as least five Assistant
19 and/or Deputy District Attorneys participated in and were willing to ignore violations of the same
20 local misdemeanor rule of court charged against Ms. Bassi when their political goals coincided with
21 the lawbreaker's goals.

22 **D. Applicable Legal Standard.**

23 Under Penal Code section 1424, a motion to disqualify the district attorney "may not be
24 granted unless the evidence shows that a conflict of interest exists that would render it unlikely that
25 the defendant would receive a fair trial." (*People v. Bell* (2019) 7 Cal.5th 70, 97; *People v. Cannedy*
26 (2009) 176 Cal.App.4th 1474, 1479.) A conflict under section 1424 "exists whenever the
27 circumstances of a case evidence a reasonable possibility that the DA's office may not exercise its
28 discretionary function in an evenhanded manner." (*Id.* at pp. 1479 - 1480, quoting *People v.*
Conner (1983) 34 Cal.3d 141, 148.)

1 In *Haraguchi v. Superior Court* (2008) 43 Cal.4th 706, the California Supreme Court
2 “delineated what constitutes a conflict of interest that would warrant recusal under Penal Code
3 section 1424.” (*Cannedy, supra*, 176 Cal.App.4th at p. 1483.) The Court explained: “the first half of
4 the inquiry asks only whether a ‘reasonable possibility’ of less than impartial treatment exists, while
5 the second half of the inquiry asks whether any such possibility is so great that it is more likely than
6 not the defendant will be treated unfairly during some portion of the criminal proceedings.” (*Ibid*,
7 quoting *Haraguchi, supra*, 43 Cal.4th at p. 713.)

8 The court further explained, “the two parts of the test are to some extent continuous rather
9 than discrete, as many factors relevant to the overarching inquiry may be framed in terms of their
10 effect on the existence of a conflict or its gravity.” (*Cannedy, supra*, 176 Cal.App.4th at p. 1483,
11 quoting *Haraguchi, supra*, 43 Cal.4th at pp. 717–718, fn. 13, italics omitted.) To establish whether
12 the prosecutor suffers from a disabling conflict of interest, “the trial court must consider the entire
13 complex of facts surrounding the conflict to determine whether the conflict makes fair and impartial
14 treatment of the defendant unlikely.” (*People v. Eubanks* (1996) 14 Cal.4th 580, 599.)

15 Recusal of an entire office as opposed to a single prosecutor “is a disfavored remedy that
16 should not be applied unless justified by a substantial reason related to the proper administration of
17 justice.” (*Cannedy, supra*, 176 Cal.App.4th at p. 1482.) Recusal has been properly denied where
18 one non-attorney employee of the District Attorney’s Office is called as a witness (*Cannedy, supra*,
19 176 Cal.App.4th at pp. 1489, 149), or where “one or more deputy district attorneys are witnesses,”
20 without more. (*People v. Merritt* (1993) 19 Cal.App.4th 1573, 1580 [Recusal of DA Investigator
21 from participation in criminal prosecution cured conflict].)

22 Situations which have been recognized as likely to give rise to a more prejudicial type of
23 conflict which merits recusal include “having a financial or partisan interest in the outcome of the
24 case,” “the so-called ‘role conflict’ caused when one attorney acts as both advocate and witness,” or
25 “the appearance of interest” or lack of “objectivity.” (*Cannedy, supra*, 176 Cal.App.4th at p. 1488,
26 citing *People ex rel. Younger v. Superior Court* (1978) 86 Cal.App.3d 180, 204 - 211.) Where the
27 conflict at issue involves a Deputy District Attorney who is in “a supervisory capacity,” it becomes
28 more likely that recusal of the entire office is appropriate. (See *Merritt, supra*, 19 Cal.App.4th at p.

1 1580, and cases cited therein.) Recusal is required where the defense can show “‘real, not merely
2 apparent,’ potential for prejudice.” (*Bell, supra*, 7 Cal.5th at p. 98, quoting *Eubanks, supra*, 14
3 Cal.4th at p. 592.)

4 **E. Defendant Has Met Her Burden of Showing Both a “Reasonable Possibility” of**
5 **Less Than Impartial Treatment and “That it Is More Likely than Not” She Will**
6 **“Be Treated Unfairly During Some Portion of the Criminal Proceedings.”**

7 The “entire complex of facts” in this case tip the scales in favor of the need for recusal.
8 First, bias, selectivity, and a lack of evenhanded application of the law, are demonstrated by the
9 actions by multiple Assistant and Deputy District Attorneys who participated with or watched
10 Michele Dauber commit the same county-specific misdemeanor as Ms. Bassi, but did nothing.
11 (*Eubanks, supra*, 14 Cal.4th at p. 599.) The fact that some of Dauber’s emails with attached
12 phonographs from court files were distributed from D.A. to D.A. within the office or sent up the
13 chain of command (Exh. F, pp. 1 - 9), is circumstantial evidence that the “crime” at issue was not
14 regarded as serious enough to mention when Dauber committed it, but was serious enough to charge
15 when Ms. Bassi committed it.

16 The unequal application of this county-specific crime is corroborated by local defense
17 attorneys who know about Ms. Bassi’s prosecution and have submitted declarations that they have
18 personally witnessed others committing specific violations of this local rule and have never known
19 anyone to be prosecuted for the crime charged against Ms. Bassi. (Exh. B, pp. 1 - 2.) The emails
20 between Dauber and five Assistant or Deputy District Attorneys and the declarations of local
21 counsel, constitute a showing of “‘real, not merely apparent,’ potential for prejudice” in the
22 charging decisions made in this case. (*Bell, supra*, 7 Cal.5th at p. 98, quoting *Eubanks, supra*, 14
23 Cal.4th at p. 592.)

24 Second, bias, partisanship, and an underlying intent to help insulate the Santa Clara County
25 Sheriff’s Office from civil liability, may also be inferred from the fact that defendant’s
26 photography/recording crime in count 2 was charged with a second misdemeanor violation of Penal
27 Code section 148 in count 3. Ms. Bassi filed a civil rights lawsuit because the Santa Clara County
28 Sheriff’s Deputies injured Ms. Bassi’s hand while grabbing her phone in order to stop her from
filming an altercation between those deputies and a third person in the courthouse. (Exh. A, ¶¶ 3 -

1 4.) The facts criminalized in counts 2 and 3, involve issues of civil liability and should be sorted out
2 between Ms. Bassi and the County in the context of the pending civil case. When the District
3 Attorney's Office ignores more blatant violators of the local, no-photography crime, but charges the
4 injured party in criminally with that crime, further suggests a "partisan interest in the outcome of the
5 case" and a lack of "objectivity." (*Cannedy, supra*, 176 Cal.App.4th at p. 1488.)

6 Third, now that District Attorney employee Halcon's civil litigation has been incorporated
7 into the criminal case through the latest three charges added to Ms. Bassi's complaint as counts 5, 6,
8 and 7, the elected District Attorney's choice to involve himself in that litigation has ripened into a
9 conflict of interest for his Office to continue as the governmental agency pursuing a criminal
10 conviction against Ms. Bassi. Ms. Halcon is the alleged victim in three of the seven counts charged
11 in Ms. Bassi's criminal complaint and the elected District Attorney has already gone on the record
12 in a sworn declaration expressing his negative opinion, fears, and worries about the defendant.
13 (Exh. H, pp. 52 - 54.)

14 Such a declaration by the head of the office is an expression of a "partisan interest in the
15 outcome of the case" and shows a lack of the necessary "objectivity" about this defendant.
16 (*Cannedy, supra*, 176 Cal.App.4th at p. 1488; *Merritt, supra*, 19 Cal.App.4th at p. 1580.) It also
17 impacts "the proper administration of justice" by his office. (*Cannedy, supra*, 176 Cal.App.4th at p.
18 1482.) The elected D.A.'s declaration creates unique pressure in Ms. Bassi's case on all of the
19 prosecutors under his control and who serve at his pleasure to pursue measures in conformity with
20 the views of their boss. The assigned Deputy District Attorney is placed in the untenable position
21 where she is not free to disregard the judgment her boss has already made about this defendant.

22 This is not merely a theoretical concern. There are already two concrete indications in this
23 record demonstrating that the negative opinions expressed by the elected District Attorney, and his
24 open support for Ms. Halcon's civil restraining order litigation, have influenced the decisions and
25 actions of the Deputy District Attorney assigned to Ms. Bassi's case. First, D.D.A. Rich made the
26 belated election to add the three criminal charges arising from the civil litigation based on
27 allegations that Ms. Bassi sent one non-threatening email and failed to remove Ms. Halcon from an
28 email distribution list, in violation of the civil temporary restraining order. Charging these

1 objectively non-threatening acts as crimes resulted in dragging the messy civil litigation between
2 Ms. Bassi and Ms. Halcon, into the criminal arena. Second, Ms. Rich soon thereafter, served a
3 subpoena duces tecum for a broad-based, unlawful search of Ms. Bassi's computer and cell phone,
4 primarily aimed at finding additional violations of her work colleague, Kasey Halcon's temporary
5 civil restraining order *and* of finding new violations of uninvolved party Nicole Ford's temporary
6 civil restraining order. The subpoena was an improper use of criminal processes to further her
7 colleague's civil litigation interests and the interests of a friend of her work colleague.

8 The fact that Ms. Rich served a subpoena, rather than try to obtain the legally necessary
9 search warrant based upon probable cause, shows a deliberate or negligent failure to conform to
10 black letter Fourth Amendment law. As addressed further in Ms. Bassi's motion to quash, the fact
11 that D.D.A Rich also misrepresented to the court in her declaration in support of that subpoena that
12 the materials she sought were relevant to the currently charged case, when the requests pertained
13 only to potential additional charges, shows an intent to mislead the court to the prejudice of this
14 defendant. (See *Pickering v. State Bar of California* (1944) 24 Cal.2d 141, 144; *Davis v. State Bar*
15 (1983) 33 Cal.3d 231, 240 [There is a presumption that when the prosecution makes misleading
16 statements to the court, it intends for the court to act to the detriment of the opposing party based on
17 its misrepresentation.].) D.D.A. Rich's actions, in conformity with her boss's negative view of this
18 defendant, meet the standard of a "real, not merely apparent, potential for prejudice." (*Bell, supra*,
19 7 Cal.5th at p. 98, quoting *Eubanks, supra*, 14 Cal.4th at p. 592.) Her charging decision and her
20 unlawful and over-broad pursuit of private information from Ms. Bassi's computer and cell phone,
21 is circumstantial evidence of a "partisan interest in the outcome of the case" and a lack of
22 "objectivity." (*Cannedy, supra*, 176 Cal.App.4th at p. 1488.)

23 The totality of these actions clarify the need to recuse the District Attorney's Office from
24 further involvement in this criminal prosecution. The defense has met the standard for recusal under
25 Penal Code section 1424 under any formulation of that standard by the California Supreme Court.
26 The defense has shown that there exists a "reasonable possibility that the DA's office may not
27 exercise its discretionary function in an evenhanded manner" (*Cannedy, supra*, 176 Cal.App.4th at
28 pp. 1479 - 1480, quoting *People v. Conner, supra*, 34 Cal.3d at p. 148), and that the "possibility [of

1 less than even-handed treatment] is so great that it is more likely than not the defendant will be
2 treated unfairly *during some portion of the criminal proceedings.*” (*Cannedy, supra*, 176
3 Cal.App.4th at 1483, quoting *Haraguchi, supra*, 43 Cal.4th at p. 713, emphasis added.)

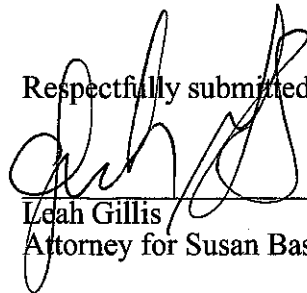
4 The elected District Attorney and his opinions about this defendant are now hopelessly
5 enmeshed in Ms. Bassi’s criminal prosecution. The totality of all actions undertaken by the District
6 Attorney’s Office in pursuing Ms. Bassi’s criminal case demonstrate a “reasonable possibility” that
7 the entire office has both an actual and an apparent lack of “objectivity” and a “partisan interest” in
8 the outcome of the same factual issues involving the same parties now pending in both the civil and
9 criminal cases. (*Cannedy, supra*, 176 Cal.App.4th at p. 1488, citing *People ex rel. Younger v.*
10 *Superior Court, supra*, 86 Cal.App.3d at pp. 204 - 211.) Recusal is mandatory because the ““real,
11 not merely apparent,’ potential for prejudice” has been shown. (*Bell, supra*, 7 Cal.5th at p. 98,
12 quoting *Eubanks, supra*, 14 Cal.4th at p. 592.)

13 CONCLUSION

14 For these reasons, this Court should recuse the Santa Clara County District Attorney’s
15 Office from further involvement in prosecuting Ms. Bassi’s case and ensure that the case is turned
16 over to the Attorney General’s Office.

17
18 Dated: October 31, 2019

Respectfully submitted,



Leah Gillis
Attorney for Susan Bassi

1 **PROOF OF SERVICE**

2 I declare that I am over the age of 18, not a party to this action and my business address is 350 W.
3 Julian Street #9, San Jose, Ca 95110. On the date shown below, I served the within *Motion to Recuse*
4 *Santa Clara County District Attorney's Office, Exhibits in Support*, to the following parties
hereinafter named by:

5 **BY PERSONAL DELIVERY and by EMAIL** to the addresses shown below:

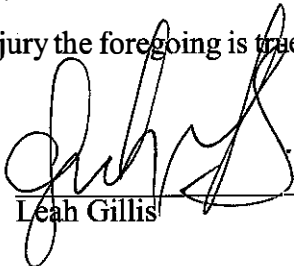
6 Daniella Rich
7 District Attorney's Office
8 70 West Hedding, West Wing
9 San Jose, CA 95110

10 Daniella Rich [drich1@da.sccgov.org]

11 **BY DEPOSIT IN THE U.S. POSTAL SYSTEM** to the addresses shown below:

12 Office of the Attorney General
13 455 Golden Gate Avenue,
14 Suite 11,000
15 San Francisco, CA 94102

16 I declare under penalty of perjury the foregoing is true and correct. Executed October 31, 2019,
17 at San Jose, California.

18 
19 Leah Gillis

Motion To Recuse Exhibit List

- Exhibit A - Declaration of defense counsel Leah Gillis
- Exhibit B - Declarations of Two Eye-Witness Attorneys (Mayfield, Coughlin)
- Exhibit C - California Public Records Act Request; Responsive Letter from Santa Clara County Counsel; Emails from County Counsel transmitting responsive documents in pdf format as email attachments from County Counsel Kavita Narayan to Ms. Bassi.
- Exhibit D - Emails between Assistant District Attorney Brian Welch and Michele Dauber [6 screenshots]
- Exhibit E - Emails between Assistant District Attorney Terry Harmon, Deputy District Attorney Cindy Hendrickson, Deputy District Attorney Luis Ramos, Deputy District Attorney Alaleh Kianerci, and Michele Dauber [9 screenshots];
- Exhibit F - Forwarded emails within the D.A.'s office with attached screenshots
- Exhibit G - Deputy District Attorney Luis Ramos emails with Dauber
- Exhibit H - Kasey Halcon, Director of Victim Services, District Attorney's Office, civil suit w/ declarations.
- Exhibit I - Police Reports, counts 5, 6, 7.

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EXHIBIT A

1 LAW OFFICE OF LEAH GILLIS
350 W. Julian Street #9
2 San Jose, Ca 95110
Phone: (408) 357-3975

3 Attorney for Defendant: Susan Bassi
4

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

7 THE PEOPLE OF THE STATE
8 OF CALIFORNIA,

No. CI 777801

9 Plaintiff,

NOTICE AND MOTION TO RECUSE
DISTRICT ATTORNEY'S OFFICE;
POINTS AND AUTHORITIES IN SUPPORT

10 vs.
11

12 SUSAN HAZLETT BASSI,
13 Defendant(s).

Date: Nov. 15, 2019
Time: 9:00am
Dept.: 49

14
15 **DECLARATION OF COUNSEL LEAH GILLIS**

16 I, Leah Gillis, declare as follows:

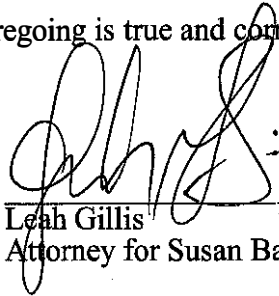
- 17 1. I am an attorney licensed to practice law in California. I am the attorney appointed to represent the defendant, Susan Bassi, in the above entitled case.
- 18 2. I am personally aware that Ms. Bassi is an independent journalist and that she reports on local events, has made public comments at the Board of Supervisors meeting or hearing, some of which were critical of the Santa Clara County District Attorney's Office, the Victim Services Unit of the District Attorney's Office, and/or Jeff Rosen, the elected Santa Clara County District Attorney.
- 19 20
- 21 3. I am personally familiar with the pleadings and procedural history of this criminal case.
- 22 4. I am personally aware that Ms. Bassi filed a civil rights law suit against the Santa Clara County Sheriff's Department for the injuries inflicted during a November 14, 2017, incident where police grabbed Ms. Bassi's cell phone from her hand because she was filming a hostile encounter between sheriff deputies and a citizen inside of the courthouse. That incident resulted in criminal charges filed against Ms. Bassi which are Counts 2 [P.C. 148] and 3 [P.C. 166(a)(4)] of the Third Amended criminal complaint.
- 23 24 25
- 26 5. I am personally familiar with the pleadings and procedural history in the civil restraining order cases filed against Ms. Bassi by Kasey Halcon, the Director of the Victim Services Unit from the Santa Clara County District Attorney's Office (Case No. 19CH008843), and by Nicole Ford, a local family law attorney who also serves as the Administrative Vice Chair of Santa Clara County Domestic Violence Council, by appointment by the County Board of Supervisors (Case No. 19CH008844). Both civil actions are identical in that the same
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supporting declarations by Kasey Halcon, Nicole Ford, Jeffrey F. Rosen, and Jeffrey Nichols, a District Attorney's Office Investigator, the same points and authorities, and the same copy of the criminal complaint against Ms. Bassi as it existed on April 3, 2019, with four of the seven current counts, among other attachments, were filed in each of the two civil plaintiff's actions.

- 6. On October 2, 2019, the Deputy District Attorney assigned to Ms. Bassi's case, Ms. Daniella Rich, added three new charges to the misdemeanor criminal complaint when she learned that Ms. Bassi, through counsel, would be pursuing a motion to recuse the District Attorney's office for conflict of interest and bias and would be filing a *Murgia* selective prosecution discovery motion based on uncovering new evidence through a California Public Records Act Request revealing that a similarly situated person, who was working directly with several different Deputy DA's to unseat Judge Aaron Persky, had committed the same county-specific misdemeanor of taking photographs in the courthouse more frequently than Ms. Bassi, but has never been prosecuted for the same crime charged against Ms. Bassi.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2019, in San Jose, CA.



Leah Gillis
Attorney for Susan Bassi

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EXHIBIT B

DECLARATION OF COUNSEL IN SUPPORT OF MOTION

I, DANIEL M. MAYFIELD, declare as follows:

1. I am an attorney licensed to practice law in California.
2. I have been practicing in Santa Clara County since 1982.
3. My practice is almost exclusively criminal defense.
4. I have personally witnessed people taking photographs or video inside Courtrooms and Courthouses in this county.
5. I have seen this happen even after October 10, 2017.
6. It is hard to say how many times I have witnessed this. However, it is common for people in the clerk's office to photograph files (despite the notice telling them not to) and it is common for lawyers to photograph copies of "snap outs" so that the client can keep a copy and the lawyer can have an electronic copy.
7. In addition, I believe that the definition of "Courthouse" includes the area outside the doors of the courthouse and immediately adjacent to the courthouse. In this area I have seen numerous individuals and news organizations take photographs.
8. To the best of my knowledge, none of those people were prosecuted by the District Attorney's office for taking photographs in Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on July 5, 2018, in San Jose, California.

Daniel Mayfield
DANIEL M. MAYFIELD

DECLARATION OF COUNSEL IN SUPPORT OF MOTION

I, Patrick Coughlin, declare as follows:

1. I am an attorney licensed to practice law in California.
2. I have been practicing in Santa Clara County for 6 years.
3. I have personally witnessed people taking photographs or video inside Courtrooms and Courthouses in this county.
4. I have seen this happen even after October 10, 2017.
5. Specifically, I have witnessed the following:
 - a. During a matter set in a felony case management courtroom, my client took photographs on a date her matter was set for entry of plea. The assigned courtroom Sheriff's deputy asked her to stop. Unfortunately, I had not witnessed the initial exchange. My client did not stop. She was apprehended by several deputies and remanded. While her request to be released in light of a recent change of plea was denied, the judge made it clear that she would not be prosecuted for any violation of an order.
6. Based on my personal knowledge, I know that none of those people were prosecuted by the District Attorney's office for taking photographs or video in Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 3, 2018, in San Jose, California.



PATRICK COUGHLIN
ATTORNEY AT LAW

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EXHIBIT C

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

County Government Center
70 West Hedding Street
East Wing, 9th Floor
San José, California 95110-1770

(408) 299-5900
(408) 292-7240 (FAX)



**James R. Williams
COUNTY COUNSEL**

**Greta S. Hansen
CHIEF ASSISTANT COUNTY COUNSEL**

**Robert M. Coelho
Steve Mitra
Douglas M. Press
Gita C. Suraj
ASSISTANT COUNTY COUNSEL**

March 1, 2019

VIA E-MAIL

Susan Bassi
gilroybassi@gmail.com

Re: Your February 19, 2019 California Public Records Act Request

Dear Ms. Bassi:

I write to provide the County's initial response to your February 19, 2019 California Public Records Act (CPRA) request. The CPRA requests contained in your February 15 email are listed below with responses and requests for clarification where needed:

This request is for the time period of January 1, 2010-production:

1. All records and writings evidencing the county's employment and hiring practices.

Without more specificity, it is not clear what records and writings you are seeking. Some potentially responsive records and writings are exempt or excluded from the CPRA, and will not be provided. For example, individual personnel records are exempt from disclosure under the CPRA under Government Code section 6254(c) as well as protected by individual employees' privacy rights under California Constitution, Article I, Section 1, as well as the right to privacy under state and federal law. Similarly, communications with County Counsel to obtain legal advice about specific personnel issues, and County Counsel's nonpublic legal work product are exempt from production based on the attorney-client privilege and attorney work product doctrine (Gov. Code § 6254(k); Evid. Code §§ 915, 952, 954), and will not be produced.

To the extent you are seeking documents about specific County processes, the following publicly accessible weblinks provide information and documents responsive to your request:

- County Ordinance Code, Division A25: https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIVA25PEDE;

Exh. C p. 01

Re: Your February 19, 2019 California Public Records Act Request

Date: March 1, 2019

Page 5

Evid. Code §§ 915, 952, 954), the official information privilege (Gov. Code § 6254(k); Evid. Code § 1040), and any other applicable exemptions.

- 8. All records to and from any employee of the DAO and a person known as Michele Landis Dauber, and Ken Dauber. This includes social media connections, emails, phone records, letters, calendars, notes, invitations or communications.**

Attached is a zip folder (“Emails”) and two additional attachments (“dauber to 201511 Redacted” and “CPRA_Redacted”) containing many email documents responsive to your request. Although your request seeks correspondence and communications dating back to January 1, 2015, please note that by virtue of the County’s retention policies, emails are generally only retained for two years.

We have applied exemptions narrowly to redact the following information in the attached documents:

- Private personal contact information, and in two instances private medical information, both of which are exempt from disclosure under sections 6254(c) and 6255 of the Government Code, and non-responsive to your request in any event.
- The name of the victim in the Brock Turner case, which was kept confidential during the case and is exempt from disclosure under the official information privilege (Gov. Code, § 6254(k); Evid. Code, § 1040).
- Preliminary drafts that the District Attorney’s Office does not retain in the ordinary court of business (Gov. Code, § 6254, subd. (a)).
- Records discussing or containing prosecution strategy and/or non-public details about specific criminal prosecutions, which are protected by the attorney-client privilege and/or attorney work-product protection, and are subject to the investigative exemption (Gov. Code, § 6254, subs. (f), (k); Evid. Code, § 952; Civ. Proc. Code, § 2018.030). This includes all records from the District Attorney’s Office’s internal case management system.
- Records of communications between the District Attorney’s Office and the Office of the County Counsel attorney Kavita Narayan concerning civil legal matters, which are protected by the attorney-client privilege (Gov. Code, § 6254, subd. (k); Evid. Code, § 952).
- Communications with crime victims regarding their cases, which are protected by the official information privilege (Gov. Code, § 6254, subd. (k); Evid. Code, § 1040).
- Records containing internal discussions and deliberations prior to formulation of policies and official decisions, which are protected by the deliberative process privilege (Gov. Code, § 6255; *Regents of Univ. of Cal. v. Super. Court* (1999) 20 Cal.4th 509, 540).

Exh. C p. 02

Re: Your February 19, 2019 California Public Records Act Request

Date: March 1, 2019

Page 7

13. All invoices, costs and records related to the county investigation of and representation of Mr. Webby in 2016 and 2017 related to a restraining order requested by an individual known as Stephen Patrick White.

Attached please find a zip folder (“White v Webby”) containing court filing records from the representation of Mr. Webby in the White matters. We have no responsive invoices or cost records. Other records you have requested, including County Counsel communications with the District Attorney’s Office, the case file, and other records relating to investigation and representation are exempt from disclosure under the attorney-client and attorney work product privileges (Gov. Code § 6254; Evid. Code §§ 915, 952, 954), the official information privilege (Gov. Code § 6254(k); Evid. Code § 1040), the investigation files exemption (Gov. Code § 6254(f)), and any other applicable exemptions.

Very truly yours,

JAMES R. WILLIAMS
County Counsel

HAYLEY A. REYNOLDS
Deputy County Counsel

----- Forwarded message -----

From: Reynolds, Hayley <hayley.reynolds@cco.sccgov.org>

Date: Fri, Mar 1, 2019 at 3:56 PM

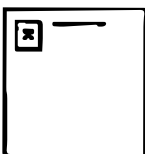
Subject: RE: Jeff Rosen - Sean Webby- California Public Records Request (3 of 4)

To: gilroybassi@gmail.com <gilroybassi@gmail.com>

Email 4 of 4

Ms. Bassi,

This is the final email with responsive documents the County has at this time.



Hayley Reynolds | Deputy County Counsel

Office of the County Counsel, County of Santa Clara

70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110

Office: (408) 299-5936 | Facsimile: (408) 292-7240

Hayley.Reynolds@cco.sccgov.org

NOTICE TO RECIPIENT: The information in this email is confidential and may be protected by the attorney-client and/or work product privileges. If you received this email in error, any review, use, dissemination, distribution, or copying of it is strictly prohibited. Please notify Administration, Office of the County Counsel, of the error immediately at 408-299-5900 and delete this communication and any attached documents from your system.

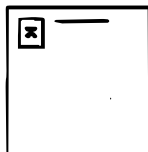
From: Reynolds, Hayley

Sent: Friday, March 1, 2019 3:54 PM

To: 'gilroybassi@gmail.com' <gilroybassi@gmail.com>

Subject: RE: Jeff Rosen - Sean Webby- California Public Records Request (3 of 4)

Email 3 of 4



Hayley Reynolds | Deputy County Counsel

Office of the County Counsel, County of Santa Clara

70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110

Office: (408) 299-5936 | Facsimile: (408) 292-7240

Hayley.Reynolds@cco.sccgov.org

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From: Reynolds, Hayley

Sent: Friday, March 1, 2019 3:53 PM

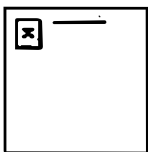
To: 'gilroybassi@gmail.com' <gilroybassi@gmail.com>

Subject: RE: Jeff Rosen - Sean Webby- California Public Records Request (2 of 3)

Email 2 of 4

Ms. Bassi,

There will be four emails due to file size limitations. This is email two of four.



Hayley Reynolds | Deputy County Counsel

Office of the County Counsel, County of Santa Clara

70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110

Office: (408) 299-5936 | Facsimile: (408) 292-7240

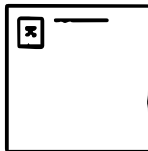
Hayley.Reynolds@cco.sccgov.org

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From: Reynolds, Hayley
Sent: Friday, March 1, 2019 3:46 PM
To: 'gilroybassi@gmail.com' <gilroybassi@gmail.com>
Subject: RE: Jeff Rosen - Sean Webby- California Public Records Request

Ms. Bassi,

Please find attached the County's response to your request, as well as a first batch responsive documents. A second email will follow with the remaining documents.



Hayley Reynolds | Deputy County Counsel

Office of the County Counsel, County of Santa Clara

70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110

Office: (408) 299-5936 | Facsimile: (408) 292-7240

Hayley.Reynolds@cco.sccgov.org

NOTICE TO RECIPIENT: The information in this email is confidential and may be protected by the attorney-client and/or work product privileges. If you received this email in error, any review, use, dissemination, distribution, or copying of it is strictly prohibited. Please notify Administration, Office of the County Counsel, of the error immediately at 408-299-5900 and delete this communication and any attached documents from your system.

From: Susan Bassi <gilroybassi@gmail.com>
Sent: Tuesday, February 19, 2019 8:12 PM
To: Williams, James <james.williams@cco.sccgov.org>; Narayan, Kavita <Kavita.Narayan@cco.sccgov.org>
Subject: Jeff Rosen - Sean Webby- California Public Records Request

Santa Clara County Custodian of Records:

This is a NEW media request for public records under the California Public Records Act ("PRA") (Government Code §§ 6250 et seq.), article 1 § 3(b) of the California Constitution, and the common law right of access to public documents and information. If any of my former requests overlap with this, this is to clarify those requests remain open and this request in no way seeks to modify, waive or terminate any prior requests.

This request is for the time period of January 1, 2010-production:

1. All records and writings evidencing the county's employment and hiring practices.
2. All records and writings related to the county's Whistleblower program.
3. All records related to a DAO employee known as Sean Webby, including but not limited to Mr. Webby's pre- employment records, interview records and employment records subject to production. This request includes a request for Mr. Webby's job description, complaint history and communications that include coordination of Mr. Rosen's schedule, press conferences, and any interactions with the press and the public related to Mr. Rosen's political campaigns and the campaign of Judge Aaron Persky in 2016-2018. The request is for Mr. Webby's resume
4. All records of communications between Mr. Webby and Mr. Benjamin Rada, the PIO for the county courts.
5. All communications Mr. Rosen has had with organizations and religious groups during the time period where he campaigned for DAO , and including communications, video and information related to any presentations , semi public presentations, made to any religious organizations located in Santa Clara County.
6. All records related to the planning and notice of any and all press conferences Mr. Rosen held , including a press conference held related to the changing of laws for cyberbullying and sexual assault from 2010 to present.
7. All records related to Mr. Rosen's travel out of country, and to San Quentin prison. This includes travel logs, expense records, emails, phone records, and communications.
8. All records to and from any employee of the DAO and a person known as Michele Landis Dauber, and Ken Dauber. This includes social media connections, emails, phone records, letters, calendars, notes, invitations or communications .
9. The formal calendars , with notes , vacation time, travel, press conferences, meetings and public appearances for Mr. Rosen for the years 2016, 2017, 2018, and 2019.

10. All records evidencing the policies and procedures of the DAO and Victim Witness Services related to the privacy of victims. This includes policies about redaction of victim names from court file and information about internal conflicts of interest.

11. All records evidencing memos, communications and writings as to how county employees, the DAO and VWS were informed that PIO Sean Webby was subject to a 2016 restraining order.

12. All policies and procedures of the DAO and VWS for checking conflicts of interest.

13. All invoices, costs and records related to the county investigation of and representation of Mr. Webby in 2016 and 2017 related to a restraining order requested by an individual known as Stephen Patrick White.

Pursuant to Govt. Code § 6253.1(a), if this request is unclear or overbroad, I ask your help with making the request focused and effective. Please assist me with identifying records and information responsive to the request or to the purpose of the request (§ 6253.1(a)(1)), and provide suggestions for overcoming any practical basis for denying inspection or copying of the records or information sought (§ 6253.1(a)(3)). I am happy to provide any additional clarifying information that will help identify the record or records (§ 6253.1(b)). I also agree to accept the records in email form, to reduce the copying costs that may be associated with this request.

If you determine that any of the information I have requested is exempt and will not be disclosed, please provide me with a signed notification citing the legal authorities on which you rely. Govt. Code § 6255. Pursuant to § 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

I look forward to your determination on this request within ten days of your receipt of it as required by Government Code § 6253, or earlier if you can make that determination without having to review the records in question. To assist with the prompt release of responsive material, I ask that you make records available to me as you locate them, rather than waiting until all responsive records have been collected.

In the event you determine a cost would be associated with producing these records, I would request access to inspect the records and identify those in which I will need to copy. Please let me know the dates and times when such inspection would be possible.

I prefer to receive my responses in email. Thank you in advance for your consideration.

Susan Bassi

P.O. Box 2220

Los Gatos, CA 95031

(831)320-6421

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EXHIBIT D

Narayan, Kavita

From: Welch, Brian
Sent: Friday, September 30, 2016 10:49 AM
To: [REDACTED]
Cc: Hamilton, Clarissa
Subject: Palo Alto DV Case

Dear Michele,

I am the Assistant DA overseeing the Palo Alto branch office. I previously supervised that office, which is now under the direct supervision of Clarissa Hamilton. Please do not to hesitate to contact me or Clarissa if you wish to discuss particular cases assigned to Palo Alto. I researched the Gunderson case when you brought it to our attention, and I have no qualms looking at other cases that interest you.

Cindy mentioned that you inquired about the Tadevosyan case. I am very familiar with that case, as is Clarissa, because of its seriousness and the challenges presented by the uncooperative victim and her retained attorney, Dennis Lempert. Deputy District Attorney Alex Adams was assigned that case, and despite his valiant efforts to persuade the victim to cooperate, she steadfastly refused to do so. Without the victim, our likelihood of success at trial was significantly reduced. The negotiated disposition was the product of our conversations with defense counsel. The court had very little input, other than to approve the negotiated terms. We agreed to extensive weekend work in lieu of straight jail time to allow the defendant to keep his job. Because the defendant financially supports the victim and her child, we were concerned that his jail term would cause him to lose his job, thus inflicting further hardship on the victim. I also view weekend work as a legitimate form of punishment in select cases. We were very pleased with this disposition, and if the defendant fails to meet the weekend work commitment, he will be remanded to custody.

I hope this email answers your questions.

Brian M. Welch
Assistant District Attorney
Santa Clara County District Attorney's Office
70 W. Hedding Street
San Jose, CA 95110
(408) 792-2624

Narayan, Kavita

From: Welch, Brian
Sent: Tuesday, October 11, 2016 11:06 AM
To: Michele Dauber
Subject: RE: where Keenan Smith was on Sunday 10/4

As soon as we have that date I'll make sure to let you know.

We also asked the jail about Mr. Tadevosyan, who you will recall you also inquired about. He has not yet reported for his weekend work, which was scheduled to begin on 9/17/16.

These developments have come as quite a surprise to many of us, because we have been under the impression that the jail and probation carefully monitor defendants on weekend work. Clearly, that's not happening. The jail has told us that they don't report to probation when someone fails to appear. Rather, they wait for the probation officer to contact them for a compliance update.

We're in contact with probation about this situation in general. Stay tuned.

Brian

From: Michele Dauber [mailto:████████████████████]
Sent: Tuesday, October 11, 2016 9:03 AM
To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: where Keenan Smith was on Sunday 10/4

They had a bye week according to the football schedule, so he wasn't traveling with the team, so even if anyone was inclined to think that was a good reason to miss your sentence, that excuse does not exist for October 9.

Please let me know ASAP when you have a date?

Thanks,
MLD

On Tue, Oct 11, 2016 at 8:53 AM, Michele Dauber <████████████████████> wrote:

Hi Brian do you know when that will e?

On Tue, Oct 11, 2016 at 8:47 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

Hi Michele,

We are getting this case put back on calendar to deal with these issues. He also failed to show up for weekend work on 10/9.

Brian

On Tue, Oct 18, 2016 at 7:48 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

We did not file anything for today's hearing, mostly because we don't have all the facts that probation has. I don't know if the defense filed anything. The probation department filed a report, but it's in our file with Ms. Klanerci who will be making the appearance.

Brian

From: Michele Dauber [mailto: [REDACTED]]
Sent: Tuesday, October 18, 2016 7:37 AM
To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: pleadings for today

In the Smith case.

On Tue, Oct 18, 2016 at 7:37 AM, Michele Dauber [REDACTED] > wrote:

Hi Brian:

Can you send me copies of the pleadings from the DA, the defense and anything filed by the probation department today?

Thanks,

Michele

Narayan, Kavita

From: Welch, Brian
Sent: Tuesday, October 18, 2016 8:27 AM
To: Michele Dauber
Subject: RE: pleadings for today

We won't know our position until we've heard from the probation officer and the defendant on the reasons for his failure to do weekend work. The court has options, such as imposing additional jail time for violating probation. Serving some jail time, even if just for a weekend, would seem appropriate.

From: Michele Dauber [mailto:████████████████████]
Sent: Tuesday, October 18, 2016 7:59 AM
To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: pleadings for today

What will you guys be asking for given the fact that he has been dropped from weekend work again? Perhaps he should have more frequent DVRs and complete his sentence on Sa/Sun from here out. Sometimes athletes have to miss games when they commit crimes. It happens. It's not as bad as missing work or class.

Thanks,
Michele

On Tue, Oct 18, 2016 at 7:55 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

She will appear if the case can't be called at the beginning of the calendar when Alaleh will be there. Alaleh may have to leave before the calendar is completed, so Clarissa may stand in then. It's better for Alaleh to make the appearance because she's handled the case from the outset.

From: Michele Dauber [mailto:████████████████████]
Sent: Tuesday, October 18, 2016 7:52 AM
To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: pleadings for today

OK, I thought I saw an email that you had said that the supervising DA was making the appearance. Did I remember that incorrectly?

What are the people asking for today?

How are you? Well I hope.

I am writing to follow up on the case of Mr. Tadevosyan about whom we emailed and spoke last year in October. I have provided you with our prior email below for your reference.

Mr. Tadevosyan you will recall accepted a plea arrangement that sentenced him to spend 45 days in county and then get 274 days of work crew. As of October, he had not appeared for work crew. I am writing to see if he ever appeared for work crew and if not what the follow on to that was.

If it is easier to talk on the phone, please feel free to call [REDACTED]

Sincerely,

Michele

On Tue, Oct 11, 2016 at 11:05 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

As soon as we have that date I'll make sure to let you know.

We also asked the jail about Mr. Tadevosyan, who you will recall you also inquired about. He has not yet reported for his weekend work, which was scheduled to begin on 9/17/16.

These developments have come as quite a surprise to many of us, because we have been under the impression that the jail and probation carefully monitor defendants on weekend work. Clearly, that's not happening. The jail has told us that they don't report to probation when someone fails to appear. Rather, they wait for the probation officer to contact them for a compliance update.

We're in contact with probation about this situation in general. Stay tuned.

Brian

Thanks!

Michele

On Mon, Aug 28, 2017 at 1:11 PM Welch, Brian <bwelch@dao.sccgov.org> wrote:

Hi Michele,

There are no future court dates for Mr. Tadevosyan because the court issued a no-bail warrant for his arrest in November of 2016. He may have fled the country. I don't know if you've been in contact with the victim, but if you have information that's different from mine, please let me know. Thanks.

Brian

Brian M. Welch

Assistant District Attorney

Santa Clara County District Attorney's Office

70 W. Hedding Street

San Jose, CA 95110

(408) 792-2624

From: Michele Dauber [mailto:████████████████████]

Sent: Saturday, August 26, 2017 8:58 AM

To: Welch, Brian <bwelch@dao.sccgov.org>

Subject: Re: where Keenan Smith was on Sunday 10/4

Dear Brian:

Narayan, Kavita

From: Michele Dauber [redacted]
Sent: Thursday, August 31, 2017 8:26 AM
To: Welch, Brian
Subject: Re: where Keenan Smith was on Sunday 10/4

Hi Brian:

Would this be better to talk about over the phone? I'd be glad to talk about it [redacted]

I have the file and am aware of the challenges in the case. I can see the body attachment.

Thanks,
Michele

On Thu, Aug 31, 2017 at 8:23 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

Hi Michele,

Mr. Tadevosyan was remanded on July 21, 2016, to serve 90 days in jail. Victim informed my office in October that Mr. Tadevosyan had left the country. I doubt that he served time on SWP after his release and before he fled, but I would have to make some calls to confirm that. I am concerned that you are using this case as an example of Judge Persky's handling of DV cases. Please know that the victim was extremely uncooperative and was represented by counsel. The negotiated disposition we reached in this case was exceptional in light of the challenges we were up against.

Brian

From: Michele Dauber [mailto:[redacted]]
Sent: Wednesday, August 30, 2017 8:03 PM

To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: where Keenan Smith was on Sunday 10/4

Dear Brian thanks for the info. Did Mr. Tadevosyan ever serve any part of this sentence and if so which part? If it's easier to chat feel free to call me [redacted].

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Thursday, October 06, 2016 4:44 PM
To: Welch, Brian
Subject: Re: Keenan Smith

Hi Brian:

Thanks for talking today. I sent you the court file along with some screenshots.

The thing that confuses me is that the 4.5.16 note from the jail says he didn't show up on April 2 to commence his sentence (and that is what the probation letter on 7.15.16 also says. Does this mean he NEVER appeared for his sentence of just that he failed to show on April 2 but did show on April 3. I THINK it means he never showed. I am not sure. On April 25, the transcript shows that he had not yet (nearly 2 months after his plea) even talked to a PO, nor had he yet signed up for DV class (see timeline below)

3.2.16 Guilty Plea, requires him to serve wwp Sa-Sun from 4/2 until football seasons starts 8/6
4.2.16 failed to show to commence sentence
4.5.16 notice of violation issued by sheriff DOC
4.28.16 Had done nothing, not even met with PO.
5.25.16 DV review, says he's enrolled, and probation says he's "otherwise in compliance." Had he yet showed up to jail?
7.15.16 Probation sends letter changing his sentence to just Sunday giving him new surrender date of 8/7 and new weekend work start date of 8/25 (6 months after he was originally to start in April)
8.16.16 dropped from DV because of 3 no-shows. Nothing happens. Asked to sign up by 9/13
9.13.16 states that he signed up on 9.12.16

Here's my question. Did he EVER show up between April 2 and 7/16 or did he just NEVER show up to jail at all before 8.25. Has he showed up yet?

I am attaching one of the humorous (to me) moments from the

2 see the officer of the day. They'll give you a referral so you
3 can get enrolled in the domestic violence program. And then why
4 don't we come back May 24th. Is that enough time for him to get
5 into the program, Ms. Salas?
6 PROBATION: It should be.
7 THE COURT: Let's come back May 24th. That's at 1:35
8 here in Department 89. We're looking for proof of enrollment by
9 then. Okay?
10 MS. MULLER: Your Honor, I don't know if this is
11 possible, but Mr. Smith is playing football for a pretty serious
12 school. And he has practice on Tuesdays. It's difficult for
13 him to miss. Is there any other day that he could come in to
14 show proof?
15 COURT PROBATION OFFICER: Wednesday afternoon?
16 (Ms. Muller conferring with the defendant.)
17 MS. MULLER: Wednesday would work.
18 THE COURT: Okay. So that's May 25th instead. So we
19 have a special set on the Prop 36 calendar May 25th at 1:35 here
20 in Department 89. That's for proof of enrollment in a DV
21 program. Okay? Thank you.

transcript.

Thanks,
Michele

On Thu, Oct 6, 2016 at 4:33 PM, Michele Dauber <[REDACTED]> wrote:

 Keenan Smith (1).pdf

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
ATTACHMENT PAGE
CASE NUMBER: 14210117
DATE: 1/24/16

FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

FILED IN COURT CASE NO.	REASON FOR FILING	NATURE AND SOURCE OF FILING

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

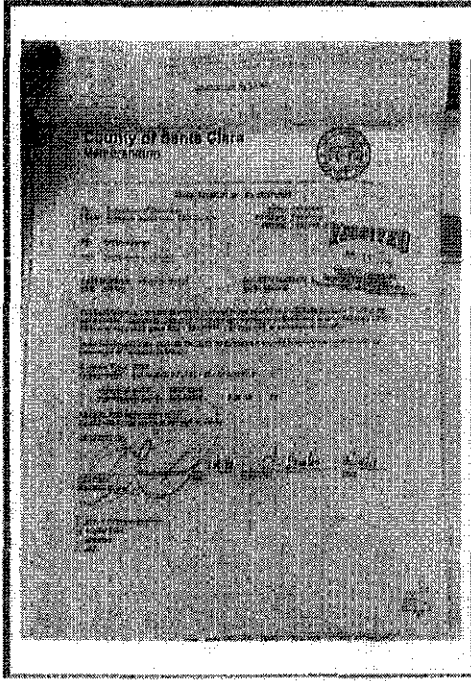
Cecilia Sanchez
Plaintiff

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other

FILED IN COURT CASE NO. 14210117
REASON FOR FILING: NATURE AND SOURCE OF FILING: (Check one)
 Original Filing
 Amended Filing
 Supplemental Filing
 Other



Narayan, Kavita

From: Michele Dauber [redacted]
Sent: Thursday, August 31, 2017 8:26 AM
To: Welch, Brian
Subject: Re: where Keenan Smith was on Sunday 10/4

Hi Brian:

Would this be better to talk about over the phone? I'd be glad to talk about it [redacted]

I have the file and am aware of the challenges in the case. I can see the body attachment.

Thanks,
Michele

On Thu, Aug 31, 2017 at 8:23 AM, Welch, Brian <bwelch@dao.sccgov.org> wrote:

Hi Michele,

Mr. Tadevosyan was remanded on July 21, 2016, to serve 90 days in jail. Victim informed my office in October that Mr. Tadevosyan had left the country. I doubt that he served time on SWP after his release and before he fled, but I would have to make some calls to confirm that. I am concerned that you are using this case as an example of Judge Persky's handling of DV cases. Please know that the victim was extremely uncooperative and was represented by counsel. The negotiated disposition we reached in this case was exceptional in light of the challenges we were up against.

Brian

From: Michele Dauber [mailto:[redacted]]
Sent: Wednesday, August 30, 2017 8:03 PM

To: Welch, Brian <bwelch@dao.sccgov.org>
Subject: Re: where Keenan Smith was on Sunday 10/4

Dear Brian thanks for the info. Did Mr. Tadevosyan ever serve any part of this sentence and if so which part? If it's easier to chat feel free to call me [redacted].

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EXHIBIT E

Narayan, Kavita

From: Harman, Terry
Sent: Wednesday, February 15, 2017 9:19 AM
To: Michele Dauber
Subject: RE: Info with Excel Filter
Attachments: Copy of Dept 89 Info.xlsx

Hi Michelle,
Please see the attached document. The court file will contain details regarding the sentences.

Terry Harman

Terry Lynn Harman
Assistant District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
408.792.2826

From: Michele Dauber [mailto: [REDACTED]]
Sent: Tuesday, February 14, 2017 2:43 PM
To: Harman, Terry <tharman@dao.sccgov.org>
Subject: Re: Info with Excel Filter

Wonderful that is so great thank you

On Tue, Feb 14, 2017 at 2:18 PM, Harman, Terry <tharman@dao.sccgov.org> wrote:

Hi Michelle,

Yes, we are able to provide some information. I am awaiting confirmation from our data person. You'll get the info this week. Thank you!

Terry Harman

Terry Lynn Harman
Assistant District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
408.792.2826

From: Michele Dauber [mailto: [REDACTED]]
Sent: Monday, February 13, 2017 11:35 AM

To: Harman, Terry <tharman@dao.sccgov.org>
Subject: Re: Info with Excel Filter

Hi Terry:

Any progress on this?

Thanks,

Michele

On Tue, Jan 31, 2017 at 1:41 PM, Michele Dauber < [REDACTED] > wrote:

January 1, 2015 through September 1, 2016.

Thanks so much!

Michele

On Tue, Jan 31, 2017 at 2:39 PM, Harman, Terry <tharman@dao.sccgov.org> wrote:

Hi Michelle,

What is the time period you are looking for?

California Judicial Branch News Service cjbns.org
Socioeconomic Justice Institute socioeconomicinstitute.com

Terry Harman

Terry Lynn Harman
Assistant District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
408.792.2826

From: Michele Dauber [mailto: [REDACTED]]
Sent: Tuesday, January 31, 2017 1:31 PM
To: Harman, Terry <tharman@dao.sccgov.org>
Subject: Re: Info with Excel Filter

Dear Terry:

Hope you are well. I have another request for info on Judge Persky's cases. I would like a list of those cases that resulted in convictions under PC 415 Disturbing the Peace that were heard in D89. I am looking specifically for those cases in which defendants were sentenced to the 16 week conflict accountability program, and my understanding is that this involves a guilty plea to PC415 (regardless of the charged offense).

Thanks very much,

Michele

On Mon, Sep 19, 2016 at 5:17 PM, Terry Harman <THarman@da.sccgov.org> wrote:

It is every case. I misunderstood what our IT people provided. The Penal Code charges are included so you can better sift through the cases that you want.

Terry Lynn Harman

Assistant District Attorney

Santa Clara County District Attorney

Ph. 408.792.2826

Fax 408.286.5437

THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> 9/19/2016 3:54 PM >>>

Hi Terry, is this every case or just the sex and dv ones or what?

On Mon, Sep 19, 2016 at 3:00 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,

Please see the attachment. You should be able to search for sex and DV charges based on the Penal Code sections in the right hand column.

Terry Lynn Harman

Assistant District Attorney

Santa Clara County District Attorney

Ph. 408.792.2826

Fax 408.286.5437

THarman@da.sccgov.org

>>> "Scavio, John" <jscavio@dao.sccgov.org> 9/19/2016 2:55 PM >>>

Hi Terry,

Here's the info with filters applied to the column headers. The filters create a drop-down list at each column header which allows you to select info of interest.

Thanks,

John

California Judicial Branch News Service - cjbnns.org
http://www.cjbnns.org/

Narayan, Kavita

From: Michele Dauber [REDACTED]
Sent: Friday, September 30, 2016 8:39 AM
To: Hendrickson, Cindy
Subject: Re: DV case

Sure thing. Here's the whole file.

My experience reading Persky files is that he tends to put in these 17(b) things on his own initiative, sometimes in disagreement to probation, which often says that it likes to see 2/3 (2 years) of the probation before consideration of 17(b). So I am just wondering.



Macias Canela.pdf

On Fri, Sep 30, 2016 at 8:31 AM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

Can you please send me a copy of the entire plea agreement so I can run it by the attorneys involved in the case? Thx.

From: Michele Dauber [mailto:[REDACTED]]
Sent: Thursday, September 29, 2016 6:11 PM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: Re: DV case

Dear Cindy:

Thanks for this response.

Can you please tell me if the 17(b) was an offer of the court or the DA? The plea form indicates that it was the DA but I am wondering whether that part was an offer of the court.

Thanks,

Michele

On Wed, Sep 28, 2016 at 4:59 PM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

Hi Michele,

You are very welcome.

Agreements to have a felony charge reduced to a misdo after one year of successful completion of probation are common, and it does appear from the document you sent that such an agreement was reached in the Canala case.

I looked up the Smith case and noticed that it is Alaleh's case. She is probably in the best position to answer your questions on this matter. I suspect you have her contact information since she is the attorney on the Turner case, just in case: akianerci@da.sccgov.org, [REDACTED]

Talk to you soon!

Cindy

From: Michele Dauber [mailto:[REDACTED]]
Sent: Wednesday, September 28, 2016 2:56 PM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: DV case

Dear Cindy:

Thanks for your generosity with your time today. I really apologize again for my failure to communicate very well. I feel badly.

I wanted to attach the 17(b) commitment from Mr. Canala's plea agreement. Based on the plea form I had thought it was part of the plea deal but I could be wrong.

Here's another case I have a question about (that I mentioned today):

B1581137 Keenan Smith

I am confused about what happened with the sentence in this case. It appears that he never showed up to begin his sentence or to do his DV classes but then I can't tell what happened as a result of that. Can you help me understand?

Thanks,

Michele

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Wednesday, September 28, 2016 7:54 AM
To: Harman, Terry
Subject: Fwd: question about a case

----- Forwarded message -----

From: Michele Dauber <[REDACTED]>
Date: Wed, Sep 28, 2016 at 7:52 AM
Subject: Re: question about a case
To: "Hendrickson, Cindy" <chendrickson@dao.sccgov.org>

I left out that part of the plea was the promise of a 17(b) after one year.

On Wed, Sep 28, 2016 at 7:50 AM, Michele Dauber <[REDACTED]> wrote:
Dear Cindy,

Glad we will talk this morning and thank you for making time.

Since we will be talking I thought I would share a case that I have been looking at and wondering about. Terry probably told you that I am some students are engaged in a review of Judge Persky's cases involving violence against women.

One such case I just read last night gave me pause. It is B1476171, Canales. Mr. Canales was convicted of stalking his ex-girlfriend. He harassed her by phone and email, followed her at her employment, lay in wait for her to come out of work, and then chased her with his car, using his car as a weapon to block and attack her. The police witnessed the car chase and he was arrested while this was happening. He was charged with stalking 649(a) and assault with deadly weapon (car) 245(a)(1) (and a couple of misdemeanors).

His sentence was, to me, outrageously low. He received 120 days all WWP, no electronic monitoring [although EMP is exactly what some might think would be good for someone who stalks and follows someone]. But that's not the really concerning part. The really concerning part is that there were no DV conditions on the probation. He got "sentenced" to 4 months of "mental health counseling with anger management" and not 1203.097 conditions, even though the conviction was for a felony and the victim was his past girlfriend with whom he had recently broken up (therefore qualified for DV conditions I think, but you can correct me if I am wrong). So here we have felony stalking, assault with a deadly weapon that could have killed someone, and all he got was 120 days WWP with some counseling. It was not treated as the domestic violence that it clearly was.

I have now reviewed dozens of these cases and to be honest, the nonserious treatment that Judge Persky affords DV is the thing that has shocked and upset me the most. These cases are treated as minor inconveniences and it is not just the judge -- many legal actors in this scenario seem to downplay or minimize the harm of these felonies. In the Canales case, this could have killed someone. Maybe it still will.

Thanks,
Michele

On Tue, Sep 27, 2016 at 3:44 PM, Michele Dauber <[REDACTED]> wrote:
I am so sorry.

On Tue, Sep 27, 2016 at 3:44 PM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

No problem!

Tomorrow at 9 is fine.

Cindy

From: Michele Dauber [mailto:[REDACTED]]
Sent: Tuesday, September 27, 2016 1:07 PM

To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: Re: question about a case

I am so sorry. I somehow got myself confused and thought we were talking at 1pm today. I really apologize!
Could we reschedule. I can do tomorrow morning at 9:00am if today is now out.

So so sorry.

Michele

On Tue, Sep 27, 2016 at 10:58 AM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

Perfect. [\(408\) 792-2551](tel:4087922551)

From: Michele Dauber [mailto:[REDACTED]]
Sent: Tuesday, September 27, 2016 7:42 AM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: Re: question about a case

California Judicial Branch News Service - cjbn.s.org
California Judicial Branch News Service - cjbn.s.org

How about 11:00am today?

On Mon, Sep 26, 2016 at 10:03 AM, Cindy Hendrickson <CHendrickson@da.sccgov.org> wrote:

Hi Michelle,

I have an Intimate Partner Task Force meeting at that time. I am available today until about 2:30, and tomorrow 10:30-12:45, and Wednesday morning, in case any of those times work for you.

Cindy

>>> Michele Dauber <[REDACTED]>/26/2016 9:55 AM >>>

How about tomorrow at 1pm?

On Mon, Sep 26, 2016 at 8:48 AM, Cindy Hendrickson <CHendrickson@da.sccgov.org> wrote:

Hi Michelle,

I hope I can live up to Terry's billing! :)

Please feel free to call me at your convenience. [\(408\) 792-2551](tel:4087922551). If you have specific cases in mind, please feel free to send me those case numbers in advance, but if not then we can still have a productive conversation.

I look forward to speaking with you!

Cindy

>>> Michele Dauber <[REDACTED]>9/25/2016 2:36 PM >>>

Hi Cindy:

We haven't met but I would love to chat, perhaps with Terry if she would also like to be in that conversation, to start a dialogue about what appears to me to be very low sentencing for domestic violence in the Palo Alto courthouse. Would there be a good time to talk about some systemic solutions for example training or specialized courts as in San Jose. I don't have a specific solution in mind only an observation that there appears to be an issue.

Thanks!

Michele Dauber

On Sun, Sep 25, 2016 at 2:22 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michele,

Cindy Hendrickson is the ADA for both our Family Violence Unit and North County. She is in the best position to address your concerns. You may already be acquainted with her, but if you are not, she is quite fantastic!

Terry Lynn Harman

Assistant District Attorney

Santa Clara County District Attorney

Ph. [408.792.2826](tel:408.792.2826)

Fax [408.286.5437](tel:408.286.5437)

THarman@da.sccgov.org

>>> Michele Dauber - [REDACTED] 9/25/2016 2:16 PM >>>

One thing that I have really noticed going through these cases is the disturbing pattern of low low sentences for very very violent domestic abuse. I am wondering if perhaps this is because these cases are heard in North County outlying court instead of specialized DV court. Do you think that we could get together and discuss ways to address this long term?

Thanks,
Michele

On Sun, Sep 25, 2016 at 2:09 PM, Terry Harman <THarman@da.sccgov.org> wrote:

The department will be noted when the sentencing calendar is run, but I don't have that information immediately in front of me.

Terry Lynn Harman

Assistant District Attorney

Santa Clara County District Attorney

Ph. [408.792.2826](tel:408.792.2826)

Fax [408.286.5437](tel:408.286.5437)

THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> 9/24/2016 9:05 AM >>>

Hi Terry,

Is there any way to check and make sure that Judge Persky is not keeping this case and where it will be heard?
It is coming up.

Thanks!

Michele

On Mon, Sep 19, 2016 at 10:04 AM, Michele Dauber <[REDACTED]> wrote:

Will Judge Persky be sentencing Mr. Chapman (B1578851) [Stanford mall child groper] in October even though he has moved to Civil Division. There is a waiver in the plea but it was an offer of court so I am not sure how that works.

This is an Important question so I'd appreciate knowing! Thanks,

MLD

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California Judicial Branch News Service - cjbns.org
http://www.cjbns.org

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Monday, September 19, 2016 9:49 AM
To: Harman, Terry
Subject: Re: Your Request

Hi Terry:

I have a question about how to read this. My assistants just called me in a panic from the courthouse because most of these cases are not sex or DV but are burglary and drugs. When I look at the offense charged the majority do not seem to fall into DV or sex, though some do.

How should I read this list? Am I using it wrong? Was it generated so that I can be confident that this has all the sex and DV cases as well as some extras or could there be sex and DV cases that are not on this list but existed?

Thanks,
Michele

On Thu, Sep 15, 2016 at 4:36 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,
Attached is the list of sex and dv cases that were heard in Dept. 89.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. [408.792.2826](tel:408.792.2826)
Fax [408.286.5437](tel:408.286.5437)
THarman@da.sccgov.org

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Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Thursday, September 15, 2016 5:22 PM
To: Harman, Terry
Subject: Re: Your Request

You would not believe the hard time those clerks are giving my student. I sent her over to get started on the list you sent me earlier (i did a cross match on those with sentences and those that were dv for starters) and the clerks are basically harassing her out of the building, they asked if she was in the recall and when she told them the truth they refused to give her files, told her she had to pay for them, yelled at her, it was ridiculous.

On Thu, Sep 15, 2016 at 5:11 PM, Terry Harman <THarman@da.sccgov.org> wrote:
Funny. A little sarcasm is good.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. [408.792.2826](tel:408.792.2826)
Fax [408.286.5437](tel:408.286.5437)
THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> 9/15/2016 5:06 PM >>>
Really?

Are you being funny?

On Thu, Sep 15, 2016 at 5:03 PM, Terry Harman <THarman@da.sccgov.org> wrote:
You're welcome.
Joe Macaluso was a big help.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. [408.792.2826](tel:408.792.2826)
Fax [408.286.5437](tel:408.286.5437)
THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> /15/2016 4:57 PM >>>
Oh. My. God. Thank you.

On Thu, Sep 15, 2016 at 4:36 PM, Terry Harman <THarman@da.sccgov.org> wrote:
Hi Michelle,
Attached is the list of sex and dv cases that were heard in Dept. 89.
Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney

Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

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Narayan, Kavita

From: Harman, Terry
Sent: Thursday, September 15, 2016 4:36 PM
To: [REDACTED]
Subject: Your Request
Attachments: Dept.89 Sex and DV Cases.xlsx

Hi Michelle,
Attached is the list of sex and dv cases that were heard in Dept. 89.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

California Judicial Branch News Service - cjbns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Tuesday, August 16, 2016 1:08 PM
To: Harman, Terry
Subject: Re: Calendars Request

As you can see I have hit the end of the line with these people but I imagine that the DAs office can probably search its own database and come up with a list of the cases from Dept 89 for me. I don't even need to know if they are sex or batterer cases. I just need to know the names and numbers of the cases heard in Department 89 since January 2015 when he started. I believe I might have the last 6 months. So really I only need January 2015 to March 2016

On Tue, Aug 16, 2016 at 1:05 PM, Michele Dauber <[REDACTED]> wrote:
Obvious runaround.

----- Forwarded message -----

From: Michele Landis Dauber <[REDACTED]>
Date: Wed, Jul 27, 2016 at 3:42 PM
Subject: Re: Calendars Request
To: Joseph Macaluso <JMacaluso@scscourt.org>

Hi Joe thanks for this. Wow this is a lot more money than I expected I am so sorry I won't be able to make this decision just yet. It's so much money to access public records wow. I am so shocked. I never expected this. And since you can't guarantee how many weeks it would take its kind of an open ended financial commitment it could cost much more than 4 weeks because as you say it would be impossible to even say how many weeks it could take. It could be thousands and thousands and still not provide the full records. Wow.

I will take this to my board and we will circle back now knowing the thousands of dollars to access these public records.

Thank you again so very very much for your help.

Michele

Sent from my iPhone

On Jul 27, 2016, at 5:52 PM, Joseph Macaluso <JMacaluso@scscourt.org> wrote:

Hi Michele,

Staff are only able to provide a range of time as there's tremendous uncertainty on how long the this process will take to recreate Dept. 89's calendars.

On the very low end, they believe it will not be less than a solid week of an employee working on nothing else except this. At \$48.91, this would be about \$2000. On the high end, it could be as much as four weeks of work. As I stated earlier, it's a very manual computer process, with many steps and variables, so there is no clear predictor on the time it will take.

To get the ball rolling, as I know you would like to get these records as soon as possible, please provide a check in the amount of \$1,956.40 (clerk cost times 40 hour work week) so we can begin to work on this. The check can be made out to Santa Clara County Superior Court and the envelope can be made attention to me.

My suggestion is that we produce these in batches on a weekly basis, and will do so until the 40 hour balance is used up. We'll then have a better sense of how long it will take to do the rest (if 40 hours isn't sufficient) and you can issue another payment if necessary. The court will, of course, reimburse you should there be a balance in your favor.

Let me know if you have any questions.

Joseph D. Macaluso

Superior Court of California, County of Santa Clara

(408) 882-2715 [Desk]

(408) 691-0046 [Cell]

@scscourt [Twitter]

scscourt.org

Narayan, Kavita

From: Michele Dauber [REDACTED]
Sent: Thursday, July 07, 2016 4:39 PM
To: Harman, Terry
Subject: Re: Campus Sexual Assault Work Group Meeting

Would sentences include pleas as well?

What would others be? Cases that have not yet concluded or cases that have been dismissed?

I would think 2 lists -- one of matters that have been fully resolved with conviction (whether by plea or otherwise) and sentenced and the other including all other matters. Only one name and number per matter necessary.

If date case is charged is available that's good, or the date of the conviction -- some date relevant to the case.

On Thu, Jul 7, 2016 at 4:31 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michele,

Are you interested in sentencings only or all court proceedings in front of Persky?

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. [408.792.2626](tel:408.792.2626)
Fax [408.286.5437](tel:408.286.5437)
THarman@da.sccgov.org

>>> Michele Dauber [REDACTED] 7/7/2016 3:11 PM >>>

Dear Terry:

Ordered the transcript, thanks!

Can I ask another favor?

I would like to get a list of the cases (names and numbers) heard in Judge Persky's courtroom (going back as far as I can but at least the past few years). Ideally I am most interested in sex crimes (including child sex offenses and child pornography) and domestic abuse cases, but if all you have is minute orders and lists for that courtroom I can have my assistant go through every case and find the ones we are interested in looking at.

I would be most appreciative if you can help me located these records or point me to where I can find them.

Thanks so much,
Michele

On Thu, Jul 7, 2016 at 9:42 AM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,

Here is the case information:
Ming Hsuan Chiang --81475227

Terry Lynn Harman
Assistant District Attorney

Santa Clara County District Attorney

Ph. ~~408.792.2826~~

Fax ~~408.286.5437~~

THarman@da.sccgov.org

>>> Michele Dauber - [REDACTED] 7/6/2016 6:39 PM >>>

Hi Terry:

I wonder if you can do me a favor. i am trying to get a transcript from a plea and sentencing hearing in Judge Persky's courtroom on June 2 and apparently in order to do that I need the Name and Case number. But no one will assist me in obtaining that information and I was told it is basically impossible to get due to a "new system."

Here is what I am looking for:

I am trying to obtain a transcript of a hearing in Judge Persky's courtroom that occurred on June 2, 2016. It occurred at approximately 10:00am, and involved a plea and sentencing for a domestic violence perpetrator. The attorney for the perpetrator is Earl Jiang of Fremont. I have asked the court reporter, Carley Bagatelos to purchase the transcript. Ms. Bagatelos informed me that I had to order it from Court Services. Court Services informed me I need the name of the defendant and the case number and the minute order, but said it would not be obtainable and they could neither help me to obtain that information nor advise me on how to obtain it because of a "new system" that means there is no way to find out.

The particular case took over 1/2 hour and involved a long victim statement in which she strenuously objected to the plea. It was unusual and I am confident that the name of the case would be relatively easy to find.

Once I have the name and case number I can apparently order the transcript online.

Really appreciate it if it is possible to help me out.

Thank you,
Michele

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Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Monday, September 26, 2016 10:53 PM
To: Harman, Terry
Subject: Re: Chapman file question

Also, is the maximum sentence added correctly on this form? To me it looks like 22 (8+8+3+3) years. But this

Handwritten entries on the form include '11' and '4'. The form contains sections for 'All Issues', 'Plea Agreement with the District Attorney', and 'I AM THINKING CLEARLY'. There are checkboxes and a signature area at the bottom.

says 11 years 4 mos.

Code Section of Charge (or Statute/Criminal Code)	Charge	Suggested Sentence
PC 255(d)(1)	LEAD UNDER	
PC 256(d)	LEAD UNDER	
PC 256(b)(2)	LEAD UNDER (MAG)	PC 256(b)
PC 256(d)(2)	LEAD UNDER (MAG)	PC 256(b)

On Mon, Sep 26, 2016 at 10:46 PM, Michele Dauber <[REDACTED]> wrote:
On this screenshot from the file, the Judge indicated that the people wanted a 9 top/bottom and the court made an offer of 6 top/no bottom. Right under that it says SM (san matco) case, [REDACTED] has 1 yr CNSP. Does that mean conspiracy? What does that mean?

This is a very disturbing case.

Thanks,
Michele

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Monday, September 26, 2016 10:47 PM
To: Harman, Terry
Subject: Chapman file question
Attachments: screen Shot 2016-09-26 at 10.45.02 PM.png

On this screenshot from the file, the Judge indicated that the people wanted a 9 top/bottom and the court made an offer of 6 top/no bottom. Right under that it says SM (san mateo) case, D has 1 yr CNSP. Does that mean conspiracy? What does that mean?

This is a very disturbing case.

Thanks,
Michele

California Judicial Branch News Service - cjbns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

THE PEOPLE **X** **Bob Richard Chapman** DEFENDANT

AKA DOB GEN AGENCY STATEMENT OF COSTS FILED

COMPLAINT FILED **07/01/2015** VIOLATION DATE **07/01/2015**

AMOUNT OF COSTS **0.00** WARRANT ISSUED TO:

WARRANT BAIL **\$0.00** JUDGE

WARRANT RECALLED AMENDED COMPLAINT FILED DATE

WARRANT FILED

NOTICE OF INELIGIBILITY FILED DATE NOTICE OF ELIGIBILITY RECEIVED DATE

DVPO EXPIRATION DATE _____ RC977 DATE _____

Handwritten: Date: 9/10/18
 6 yrs rap full report
 SM available for court

DATE/TIME TO APPEAR	BOND# / SURETY CASH OR RELEASE	DATE POSTED/ FILED	AMOUNT	BAIL FORFEITED	FORFEITURE SET ASIDE/ REINSTATED	SUMMARY JUDGMENT ELIGIBLE - ENTERED	EXONERATED
07/01/2015 1:35 PM-HSP	1/c						

Exhibit E, p. 23

DATE AND TIME	DEPT	DISPOSITION
JUL 25 2016	81	A
		6 yrs rap (A offer)
		SM available for court

Narayan, Kavita

From: Harman, Terry
Sent: Thursday, August 18, 2016 2:47 PM
To: [REDACTED]
Subject: Re: please don't share the Gunderson case to anyone due to the press exclusives

Yes, of course. No worries.
We are looking into the case from our end.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

>>> Michele Dauber [REDACTED] 8/18/2016 1:55 PM >>>
People gossip you know how it is and I have been very tightlipped about this case, due to having given those two press outlets (one national and one local) exclusives so please do keep it between us for another 2 weeks before it comes out.
Thanks,
Michele

On Thu, Aug 18, 2016 at 1:11 PM, Michele Dauber [REDACTED] wrote:
I don't want any other press organization to get it, I have given these press orgs exclusives.

California Judicial Branch News Service - cjbnns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Tuesday, August 16, 2016 1:10 PM
To: Harman, Terry
Subject: Re: Fwd: question

Just so you know it's 2000 per WEEK they are asking me for with no limit on how many weeks or what I would get -- he's sayign write us a blank check with no promise as to what we will even give you FOR PUBLIC RECORDS. It's literally an outrage.

On Tue, Aug 16, 2016 at 1:04 PM, Michele Dauber <[REDACTED]> wrote:
Yes they want me to pay \$2000 per week to hire someone to work fulltime to reconstruct his calendars because they claim that they have deleted and thrown away every single copy in existence. It is literally madness. I will forward you my incredibly infuriating exchange with Macaluso.

On Tue, Aug 16, 2016 at 12:59 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,
When you initially asked us about this, we referred you to the court because the court runs the calendars. The response from the court is puzzling. Those are expensive fees for a Public Records Act request. I would be interested in knowing how they determined those fees, because calendars are regularly run by the court and each calendar does not cost \$2000. \$2,000 is close to a week's salary for a legal clerk and running one calendar takes closer to four minutes, not forty hours.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> /16/ 016 12:26 PM >>>

Hi Terry,
I am bumping this email to see if you can help me.

M
----- Forwarded message -----

From: Michele Dauber <[REDACTED]>
Date: Sun, Jul 31, 2016 at 8:49 PM
Subject: question
To: Terry Harman <THarman@da.sccgov.org>

Hi Terry:

Hope all is well. Glad to see the conference is taking shape. I have a request that I hope you can help me with.

California Judicial Branch News Service cjbns.org
Socioeconomic Justice Institute socioeconomicinstitute.com

I have been trying to obtain the calendars or dockets for the Palo Alto courthouse. Ideally what I am looking for is Judge Persky's calendar since he was assigned to Dept 89 in early 2015. And, even more ideally I am looking for all the sex crime cases and dv cases he heard during this period but I am willing to winnow all of them out of the entire calendar for Palo Alto.

The court is giving me a really hard time with obtaining what are public records. They have now informed me that to get the period from 1/1/15 through approximately 3/16 I would have to pay thousands of dollars to re-create those calendars. The charge would be approx \$2k per week and the number of weeks it would take to create these calendars would be indeterminate.

Obviously the cost is prohibitive. Is there any way that the DA has stored information and can help provide me with information about the calendar for the period 1/1/15 to present? As I said, it may but need not be exclusively Judge Persky -- it is relatively easy to take a large list and search it for those assigned to 89.

I am sorry to ask but the latest request for thousands and thousands makes it clear that the court will not be making these documents available to me and I wonder if the DA has a system and can provide this information.

My goal is to be as fair as possible by looking at all the cases rather than just the ones I am able to locate serendipitously. I am trying to review the entire record, and also to place it in context. Any help you can offer by providing calendar or docket info I would appreciate very very much.

There is a bit of a rush for this info, so if you are able to answer fairly expeditiously I would so much appreciate it.

Thank you for considering this request,

Warmly,
M

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Narayan, Kavita

From: Michele Landis Dauber [REDACTED]
Sent: Thursday, July 21, 2016 2:38 PM
To: Harman, Terry
Subject: Re: Robert Chain child pornography question

Oh perfect thanks. So we went and pulled the court files of everyone arrested in the sweeps from 2010, 2012, and 2014 in Santa Clara and we can't find a single person with the same profile first offense, number of images etc who got less than 6 months. This is only case from the sweeps that I see that went to persky. I also did a west law search statewide just for the heck of it and again can't find that low of a jail sentence. Is there any explanation that you see for the 4 days? I am baffled.

On the task force I talked to Stephanie and want to register my agreement with her that we should not in any way focus on the "alcohol hook up" culture that I believe was suggested last time. That will be very alienating for survivors and young women, I also think we should have breakouts if we are doing a full day -- then we could tailor the message to different groups. In particular I think we should consider subgroups such as victims of color and gender identity groups.

My two cents...

Michele

Sent from my iPhone

On Jul 21, 2016, at 11:10 AM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,
The report was from San Jose PD, not Sunnyvale. The "nonresident" notation has nothing to do with immigration; it refers to whether the person is a resident of San Jose.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> 7/19/2016 11:14 AM >>>
Dear Terry:

Just checking back in about this case and whether you were able to find out anything that might explain this sentence of one night in jail. Also I am wondering about something in the police report. On the attached screenshot it says "nonresident." This is from the Sunnyvale PD police report. My RA is telling me this means noncitizen. Is that correct?

Thanks for your assistance,

Michele

Narayan, Kavita

From: Michele Landis Dauber <[REDACTED]>
Sent: Wednesday, July 13, 2016 2:53 PM
To: Harman, Terry
Subject: Re: Robert Chain child pornography question

This is helpful – a retired judge also told me the 6 month figure. I would be most grateful to know if there is anything in the file. I was told that the probation Rec was 2 years prior to the section 17 and judge p changed it to 1 year. That is alluded to in transcript. Why only 2 days though?

Sent from my iPhone

On Jul 13, 2016, at 10:51 AM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,

From reviewing the documents you sent, it appears that the plea in this case was to an offer made by the Court. [3 years formal probation, Credit Time Served [CTS], possible §17 after 1 year probation]. The sentence is quite low. In general, first time porn possession cases garner 6 months county jail unless there is some aggravating factor warranting more time [i.e., the number of images]. However, Judge Persky is not the only judge who has given less than 6 months. It is unclear from our computer system whether there was some fact that would warrant CTS and a §17, so I have ordered the file.

The next court date [August 25, 2016] is for the judge to hear the defendant's §17 motion.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

>>> Michele Dauber <[REDACTED]> 7/11/2016 6:49 AM >>>

In trying to understand the sentence in particular, I am not an expert in this by any means so any help you can offer would be greatly appreciated. It looks to me like as it is a felony it would be 16/2/3, but it is of course eligible for less in the county jail and for probation. There is no explanation in the transcript for the 4 days (which was 2 days time served) and the images themselves were very disturbing at least according to the descriptions. Is there something that explains the 4 days that I am missing?

Thanks!
Michele

On Mon, Jul 11, 2016 at 5:22 AM, Michele Dauber <[REDACTED]> wrote:
Thanks Terry that would be great.

On Mon, Jul 11, 2016 at 4:19 AM, Terry Harman <THarman@da.sccgov.org> wrote:

Hi Michelle,
I will check on this.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. 408.792.2826
Fax 408.286.5437
THarman@da.sccgov.org

>>> Michele Dauber [REDACTED] 7/9/2016 8:42 AM >>>
Hi Terry:

I also am wondering about this sentence being only 4 days. Is there something that makes this case unusual?

Thanks!
Michele

On Fri, Jul 8, 2016 at 5:01 PM, Michele Dauber [REDACTED] wrote:
<IMAGE.jpeg>

Dear Terry:

I have a question about how to read this file. I want to make sure I understand it correctly. It appears to me that Mr. Chain made a request to have his conviction for child porn reduced from a felony to a misdemeanor. It as scheduled to be heard on June 20 by Judge Persky (who was the judge who accepted his plea and handled his plea negotiations). On June 20 Judge Brown was there not Judge Persky, and I cannot understand his notes or the other attached documents. Was the motion to reduce the conviction to a misdemeanor granted or was it continued to 8/25? What will occur on 8/25?

Sorry I could not be at the TF today, but I hear from Stephanie it was a productive meeting. Would you please send me a call in number for the next session if possible? I am not sure where I will be but if I am able to call in I will.

It sounds like an exciting conference is taking shape!

Thanks,
Michele

<IMAGE.jpeg> <IMAGE.jpeg> <IMAGE.jpeg> <IMAGE.jpeg>

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Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Tuesday, July 19, 2016 11:15 AM
To: Harman, Terry
Subject: Re: Robert Chain child pornography question
Attachments: Screen Shot 2016-07-19 at 8.04.46 AM.png
Categories: Follow-up

Dear Terry:

Just checking back in about this case and whether you were able to find out anything that might explain this sentence of one night in jail. Also I am wondering about something in the police report. On the attached screenshot it says "nonresident." This is from the Sunnyvale PD police report. My RA is telling me this means noncitizen. Is that correct?

Thanks for your assistance,

Michele

On Wed, Jul 13, 2016 at 12:25 PM, Michele Landis Dauber <[REDACTED]> wrote:
Yes that is why I find the 1 night in jail time served j st puzzling.

Sent from my iPhone

On Jul 13, 2016, at 12:24 PM, Terry Harman <THarman@da.sccgov.org> wrote:

Child pornography is always disturbing, but some images are more graphic than others. It's a visual assault and every aspect of it is completely disgusting.

Terry Lynn Harman
Assistant District Attorney
Santa Clara County District Attorney
Ph. [408.792.2826](tel:408.792.2826)
Fax [408.286.5437](tel:408.286.5437)
THarman@da.sccgov.org

>>> Michele Landis Dauber <[REDACTED]> 7/13/2016 3:17 PM >>>

Just so you know the images included an image of a baby being penetrated by a penis or a large finger. There was a video of young girls engaged in sexual acts and dozens of photos of age 6-8 young vaginas. I feel it will be hard to forget what I read.

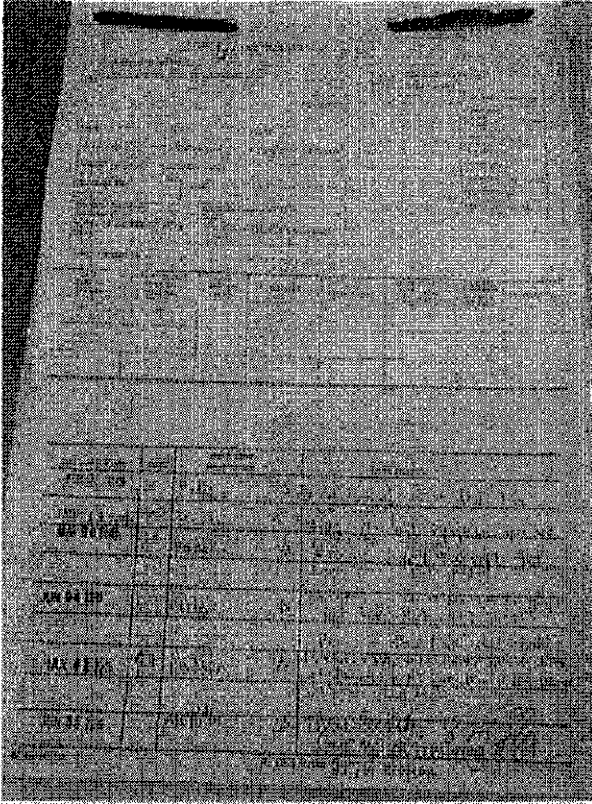
Sent from my iPhone

On Jul 13, 2016, at 11:52 AM, Michele Landis Dauber <[REDACTED]> wrote:

This is helpful -- a retired judge also told me the 6 month figure. I would be most grateful to know if there is anything in the file. I was told that the probation Rec was 2 years prior to the section 17 and judge p changed it to 1 year. That is

Narayan, Kavita

From: Michele Dauber [REDACTED]
Sent: Friday, July 08, 2016 5:02 PM
To: Harman, Terry
Subject: Robert Chain child pornography question



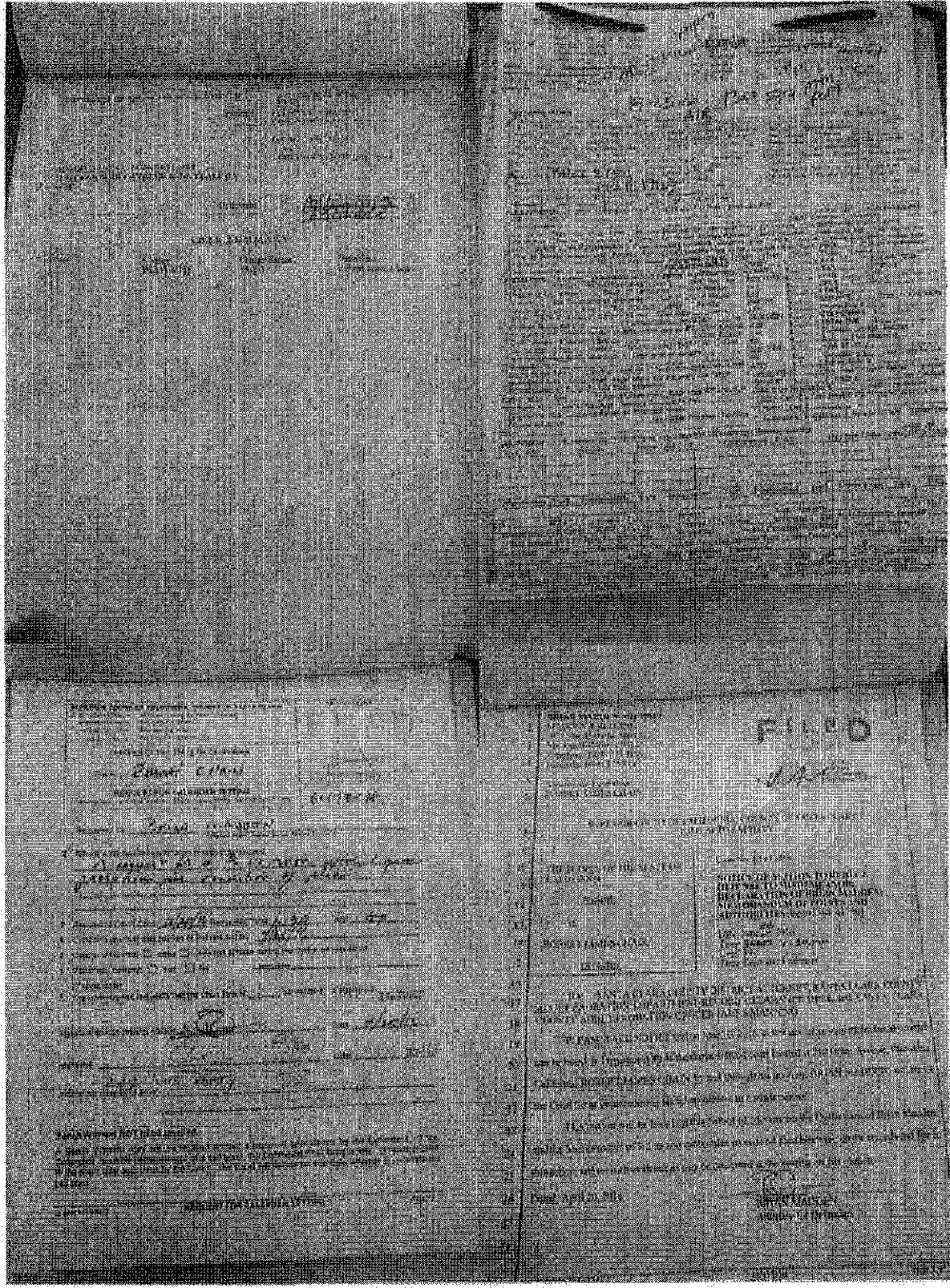
Dear Terry:

I have a question about how to read this file. I want to make sure I understand it correctly. It appears to me that Mr. Chain made a request to have his conviction for child porn reduced from a felony to a misdemeanor. It is scheduled to be heard on June 20 by Judge Persky (who was the judge who accepted his plea and handled his plea negotiations). On June 20 Judge Brown was there not Judge Persky, and I cannot understand his notes or the other attached documents. Was the motion to reduce the conviction to a misdemeanor granted or was it continued to 8/25? What will occur on 8/25?

Sorry I could not be at the TF today, but I hear from Stephanie it was a productive meeting. Would you please send me a call in number for the next session if possible? I am not sure where I will be but if I am able to call in I will.

It sounds like an exciting conference is taking shape!

Thanks,
Michele



Narayan, Kavita

From: Michele Dauber <[REDACTED]>
Sent: Monday, September 26, 2016 10:53 PM
To: Harman, Terry
Subject: Re: Chapman file question

Also, is the maximum sentence added correctly on this form? To me it looks like 22 (8+8+3+3) years. But this

Case No.	Date	Case Type	Case #

ADMITTED:

I understand the charges against me and have advised the judge of my plea and the facts of the offense.

I understand that this plea may be entered at any time, but I am pleading guilty to the offense because I am guilty of the offense.

I understand that I am pleading guilty to the offense because I am guilty of the offense.

PLEA AGREEMENT WITH THE DISTRICT ATTORNEY:

I understand the terms of the plea agreement and I agree to the terms of the plea agreement.

I understand that I am pleading guilty to the offense because I am guilty of the offense.

I understand that I am pleading guilty to the offense because I am guilty of the offense.

I understand that I am pleading guilty to the offense because I am guilty of the offense.

I understand that I am pleading guilty to the offense because I am guilty of the offense.

says 11 years 4 mos.

I HAVE AN ATTORNEY AND I TALKED WITH MY ATTORNEY ABOUT THIS CASE

I have read the plea and I have had a chance to talk with my attorney about the plea. I understand the terms of the plea and I agree to the terms of the plea.

I AM THINKING CLEARLY

I am thinking clearly and I am not under any duress or coercion. I understand the terms of the plea and I agree to the terms of the plea.

I UNDERSTAND THE NATURE OF THE CHARGES I AM PLEADING TO

I understand the nature of the charges I am pleading to and I agree to the terms of the plea.

Case No.	Date	Case Type	Case #
101	PC 205 (C)(2)	Land Survey	
102	PC 205 (C)(2)	Land Survey	
103	PC 205 (C)(2)	Land Survey	
104	PC 205 (C)(2)	Land Survey	

ADJUDICATED BY: [REDACTED]

ADJUDICATED BY: [REDACTED]

On Mon, Sep 26, 2016 at 10:46 PM, Michele Dauber <[REDACTED]> wrote:
On this screenshot from the file, the Judge indicated that the people wanted a 9 top/bottom and the court made an offer of 6 top/no bottom. Right under that it says SM (san mateo) case, D has 1 yr CNSP. Does that mean conspiracy? What does that mean?

This is a very disturbing case.

Thanks,
Michele

Narayan, Kavita

From: Michele Dauber [REDACTED]
Sent: Sunday, October 02, 2016 8:55 PM
To: Harman, Terry
Subject: I was featured on the White House United States of Women website/blog



<http://www.theunitedstatcofwomen.org/blog/michele-dauber-spotlight/>

California Judicial Branch News Service cjbns.org
Socioeconomic Justice Institute socioeconomicinstitute.com

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Spotlight: Changing Rape Culture with



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This week, Rachel Birnam, a United State of Women Intern, sat down with Michele Dauber, a Stanford law professor, to talk about the epidemic of rape culture on college campuses. Rachel is a recent graduate of the University of California, San Diego, where she raised awareness as a student activist around sexual assault on campus, and wrote her senior thesis on Violence, Sexuality, and Women of Color.

Spotlight: Changing Rape Culture with Michele Dauber



Professor Michele Dauber is pushing to change the culture of sexual assault on college campuses by leading the recall campaign against Judge Aaron Persky, who sentenced Brock Turner to a mere 6 months in jail after he raped an unconscious woman on Stanford's campus. Prior to the Turner case, Professor Dauber co-chaired the Board on Judicial Affairs and helped to lead the process that revised Stanford's policy on sexual assault. She is a long-time advocate for improving university policies on sexual assault, increasing compliance with Title IX, and ensuring that survivor's voices are heard and believed.

Rachel: How did your past experiences in law and policy equip you to lead this charge? I'm sure you face harassment everyday for advocating for the Judge's recall – Did you ever second-guess yourself when you were starting this campaign?

Michele: My background as a faculty member at Stanford really gave me some insight into how sexual violence on college campuses is minimized or normalized in our society. That is particularly true where alcohol is involved, and alcohol is involved in the vast majority of campus sexual assault cases. What we see is that sexual assault is extremely prevalent on college campuses. 43% of undergraduate senior women at Stanford are going to experience serious sexual misconduct during their four years with us. So, my background of supporting survivors, working with survivors, and reforming Stanford's policy, is helping to inform my work with the recall campaign.

This work, additionally, has made me aware of the glaring need to treat these crimes like crimes. Not every victim wants to have their offender prosecuted, but for those who do, and there are many more that do than we see in the criminal system, they deserve to have these crimes taken seriously. It is especially disappointing that in a case, like the Turner case, in which we had every kind of evidence (eye witnesses, forensics, and a

perpetrator apprehended in the act), he was convicted by a jury of three serious sex felonies, and he was sentenced, essentially, for a misdemeanor. So, no, I've never questioned the correctness of the course that we have decided to take because women deserve justice from the courts of law and they deserve to have their cases adjudicated fairly and without bias.

"NO, I'VE NEVER QUESTIONED THE CORRECTNESS OF THE COURSE THAT WE HAVE DECIDED TO TAKE BECAUSE WOMEN DESERVE JUSTICE FROM THE COURTS OF LAW..."



You mentioned that I've been criticized for the recall campaign, and one of those criticisms that I think is particularly pernicious is that somehow this is going to have a negative effect on judicial independence. I think it's very important to clarify that judges in California are elected, not appointed. Judge Aaron Persky is an elected official. He is subject to the accountability we have come to expect from our elected officials.

There are other ways of selecting judges that put them outside of that system but that's not what we have under the California Constitution. The recall election is part of our system of holding elected officials accountable in California. To be honest, there is nothing more American and more democratic than petitioning and voting. Quite to the contrary of having a negative impact on the judicial system, we are giving people the opportunity to vote in an important case of a judge who is biased.

When people say "what about judicial independence?" I say back to that, "what about judicial bias?" Independence is important, but it depends on a lack of bias, and where you have any kind of bias in the system – racial bias, gender bias, religious bias – that negatively impacts a certain class of litigants, criminal defendants, or victims, that is a threat to the rule of law. When people do not believe that they can get justice by going to court, they lose faith in the entire legal system. Ultimately that kind of bias is very corrosive and can erode support for the legitimacy of the entire justice system.

I am confident that we're going to be successful and nothing bad will happen as a result. What will happen as a result of our campaign is that Judge Persky will no longer be a judge and someone better will have that job. In addition, we will send a message that

violent crimes against women are serious and perhaps judges need training in order to correctly decide these cases.

"WE WILL SEND A MESSAGE THAT VIOLENT CRIMES AGAINST WOMEN ARE SERIOUS AND PERHAPS JUDGES NEED TRAINING IN ORDER TO CORRECTLY DECIDE THESE CASES."



Rachel: Speaking of Brock Turner, his case isn't the first of its kind. Why do you think this case, everything from the victim's story to his shortened sentence, resonated with people and angered people more than ever before?

Michele: First of all, I think it's the power of the statement that the survivor wrote; I think that's an extraordinarily significant piece of political writing, of literature. She really opened a window, I think, into what the experience of being a sexual assault survivor is like. For survivors, she put into words what many of them have been feeling for a long time and didn't necessarily have the words for. And for people who haven't been assaulted – friends, family members, and other people in general – it really opened their eyes to what that experience is like, as any good piece of literature should do. It took them inside that experience and elicited a compassionate response. The vast majority of the credit for the uproar has to go to her writing.

In addition to that, I think there's a second reason that we're seeing a renewed surge of interest in this topic. There is a set of people who have criticized colleges and universities, claiming that colleges shouldn't be involved in these cases, or if they do, they shouldn't make an aggressive response because supposedly these are "he said she said" situations, often involving alcohol. The argument is that supposedly colleges can't really decide who to believe, and it's just too hard for colleges and universities to tell what's happening, and you know, a lot of these cases might not even really be an assault. That has been a narrative that has many adherents. Not me, but some people have believed that.

"WE HAVE A SO-CALLED, 'PERFECT VICTIM,' WHO DID 'EVERYTHING RIGHT,' AND STILL, DIDN'T GET JUSTICE."



The Turner case has none of those elements. We have a so-called, "perfect victim," who did "everything right," and still, didn't get justice. She went to the police, she had a rape kit done within hours of the assault, there were eyewitnesses, there was DNA, there was forensic and photographic evidence, and he was apprehended at the scene. The jury heard the evidence and convicted him of three serious felony sex crimes. Then at the end of the day, she still didn't get justice. I think that that is the thing that really, in part, provoked the outrage. I think many women felt that the message Judge Persky sent was: "even when we do 'everything right,' we still can't win."

To me the problem with that is the message that the judge sent, other than being utterly enraging, is that if you get sexually assaulted at Stanford, don't bother to call the police. In many communities, that is already what people do. In campus communities, women almost never go to the police. Less than 3% of Stanford students who were sexually assaulted reported their assault to the campus authorities, let alone the police. When people don't believe that they are going to be treated fairly, when they believe that they are going to get biased treatment, they lose hope and faith in the law enforcement system and in the justice system more generally.

The message that this judge sent to women on college campuses in Santa Clara County, and all over the state, and in fact, all over the country because of the amplification of the message, was if you get sexually assaulted, you're on your own. Judge Persky's message is that campus rape, at least when it's committed by an athlete, is not a serious crime, it's basically treated like a misdemeanor, so it's not really worth your trouble to come forward. And to perpetrators, Judge Persky said don't worry, we got your back. And that is a message that actively puts women on our college campuses in danger. That is why I feel like it has attracted the attention that it did because I think that people really perceived that; that this message is "if this happens to you, don't come to the authorities because you won't get help."

Rachel: How can young people, both on and off campus, get involved with the movement to end sexual violence?

Michele: There are a lot of ways that people can get involved. First of all, on campuses, there will often be a women's organization or an anti-sexual violence organization that is doing programming and activities around this. Almost every campus has something like this, and if yours doesn't, you should start one. If your campus has something like a Take Back the Night rally, you can find out which organization is hosting it and volunteer, or try to add some programming. One thing that I think is useful is for people to run for student government and also sign up to be on a university committee that focuses on this topic. There's almost always a way that you can get involved as a student in the mechanisms themselves on your campus by being the student delegate to the faculty senate or being the student delegate to the judicial committee or by being the undergraduate government president or vice president. Those trajectories can actually put you in a position where you can take up that issue and help to make change. At Stanford, we have seen elected student government leaders really push this issue forward in a very positive way.

**"LET'S REMEMBER THIS IS PRIMARILY,
BUT NOT EXCLUSIVELY, A WOMEN'S ISSUE."**

Outside of college campuses, there are different community organizations, such as battered women's shelters, that are looking for volunteers, and the women who are served by those organizations are often victims of sexual violence because those two issues go hand in hand. There's the YWCA, which does a lot of programming for victims of sexual violence. There are millennial women's organizations, in terms of more activist spaces, like Grlcvlt, an intersectional feminist organization that is supporting the recall campaign. There are a whole host of young people's organizations that are being founded all the time that are dedicated to stopping sexual violence and doing that from an intersectional perspective that takes into account class, race, sexual orientation, and gender status. Let's remember this is primarily but not exclusively a women's issue. LGBTQ individuals are sexually victimized at higher rates than the straight community. Communities of color have particularly high rates of sexual assault, especially the Native American community, and transgender individuals have high rates of sexual violence as well, so it is certainly not the issue of any one gender or one race or one class. However, if you're asking what organizations people can join, or how they can get involved in a formal movement, often time sexual violence programming is pushed forward by women's organizations. So if you're looking for a way to get involved, that is a place to start.

From: Kianerci, Alaleh
To: Harman, Terry
Subject: Fwd: draft dauber letter
Date: Wednesday, August 17, 2016 11:04:00 AM

Clear to call. Any idea of what she wants to say.

Sent from my iPhone

Begin forwarded message:

From: "Michele Landis Dauber" <[REDACTED]>
Date: August 17, 2016 at 9:15:04 AM PDT
To: "Alaleh Kianerci" <AKianerci@da.sccgov.org>
Subject: Re: draft dauber letter

Hey it was good to see you last night. Can you give me a call for a quick question?
[REDACTED]

Sent from my iPhone

On May 25, 2016, at 4:05 PM, Alaleh Kianerci <AKianerci@da.sccgov.org> wrote:

so as far as the letters. There are two separate ones. I have the one that Stephanie Pham '18 and Matthew Baiza '18 wrote. Who wrote the other one? Can you send me a draft of that? Was it in the original email?

Alaleh Kianerci
Deputy District Attorney
650.324.6418

NOTICE:

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>>> Michele Dauber <[REDACTED]> 5/25/2016 1:11 PM
>>>

Here it is. I thought you wanted this stuff Friday but here it is right now. When do you want the student letters, we are up to 143 sigs on one and 13 student and Greek leaders on the other.

On Wed, May 25, 2016 at 12:49 PM, Alaleh Kianerci
<AKianerci@da.sccgov.org> wrote:

just checking in with you. Do you think you can have a signed copy for me by tomorrow?

Alaleh Kianerci
Deputy District Attorney
[650.324.6418](tel:650.324.6418)

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>>> Michele Landis Dauber <[REDACTED]> 5/24/2016 6:32 PM
>>>

No I did not mean a legal precedent but when I read it I don't want others to think that so I will change the language slightly.

Sent from my iPhone

> On May 24, 2016, at 6:30 PM, Alaleh Kianerci <AKianerci@da.sccgov.org> wrote:

>

> Sorry I didn't read that to mean a legal precedent. I though you were talking more about setting an example. A finding of "unusual circumstances" in this case would not set a legal precedent for other cases under the code section. It is purely discretionary and another court would not be bound by J. Persky's finding.

>

>

>

> Alaleh Kianerci
> Deputy District Attorney
> [650.324.6418](tel:650.324.6418)

>

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delete the message from your computer. If you have received this message in error, please notify the sender by return email.

> >>> Michele Landis Dauber <[REDACTED]> 5/24/2016 6:21 PM

>>>

> No I'm still editing! But great. What about the line about it setting a precedent? Does a finding under 1203 technically set a precedent given the fact that it is discretionary? I have known Mike Armstrong for years and he's no dummy. So he will catch that.

>

> Sent from my iPhone

>

> > On May 24, 2016, at 6:16 PM, Alaleh Kianerci <AKianerci@da.sccgov.org> wrote:

> >

> > It looks perfect! The law looks great and I particularly like the statistics that give the crime perspective. Of course the part on [REDACTED] is also great. Thank you for all your help. If you can sign it as well, I will include it in my sentencing brief.

> >

> >

> > Alaleh Kianerci

> > Deputy District Attorney

> > [650.324.6418](tel:650.324.6418)

> >

> > NOTICE:

> > This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. This entire message constitutes a privileged and confidential communication pursuant to California Evidence Code Section 952 and California Code of Civil Procedure Section 2018. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

> > >>> Michele Dauber <[REDACTED]> 5/24/2016 6:02 PM >>>

> > Hi Alaleh:

> >

> > Here is a draft letter. I am still editing but I wanted to give you a crack to make sure that I got the law part right.

> >

> > Let me know asap, tonight if at all possible.

> >

> > Also -- we are getting close to 100 sigs on the letter. The Stanford Daily wants to do a story but I told them no based on our prior conversation. Is that still your view?

> >

> > Thanks!

> > Michele

> >

> >

> > -----
> > NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

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EXHIBIT F

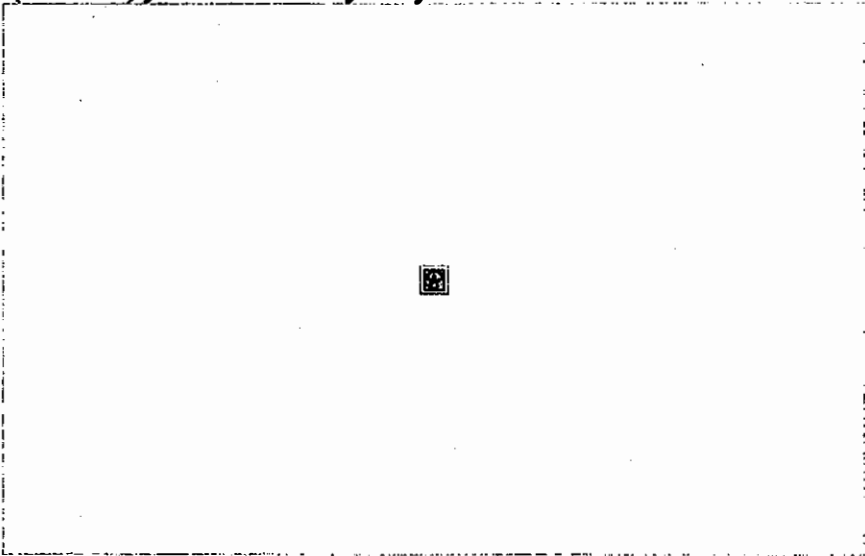
From: Harman, Terry
To: Ramos, Luis
Subject: FW: Chapman file question
Date: Tuesday, September 27, 2016 4:03:16 PM
Attachments: [image004.jpg](#)
[image005.png](#)
[image006.png](#)

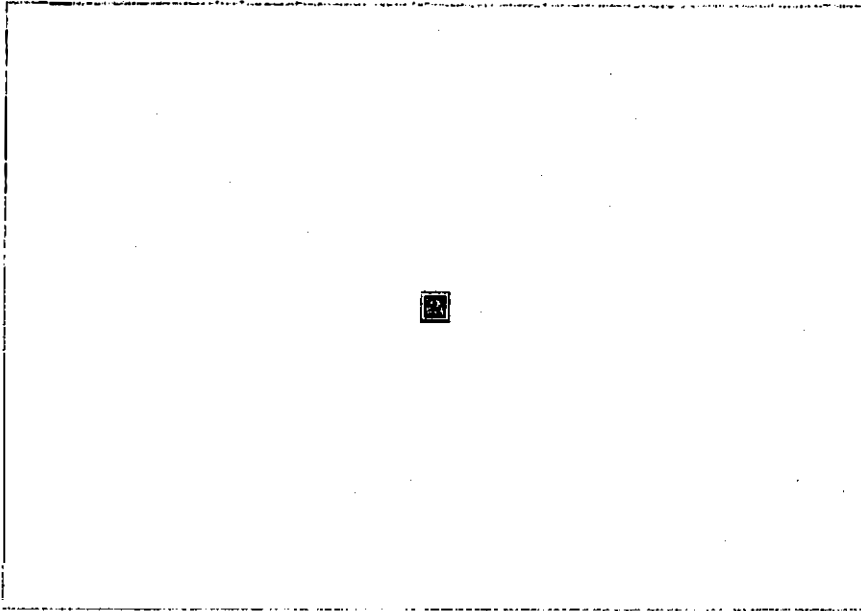


Terry Lynn Harman
Assistant District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
408.792.2826

From: Michele Dauber [mailto:████████████████████]
Sent: Monday, September 26, 2016 10:53 PM
To: Harman, Terry <tharman@dao.sccgov.org>
Subject: Re: Chapman file question

Also, is the maximum sentence added correctly on this form? To me it looks like 22 (8+8+3+3) years. But this says 11 years 4 mos.





On Mon, Sep 26, 2016 at 10:46 PM, Michele Dauber <[REDACTED]> wrote:

On this screenshot from the file, the Judge indicated that the people wanted a 9 top/bottom and the court made an offer of 6 top/no bottom. Right under that it says SM (san mateo) case, D has 1 yr CNSP. Does that mean conspiracy? What does that mean?

This is a very disturbing case.

**Thanks,
Michele**

From: [Hendrickson, Cindy](#)
To: [Welch, Brian](#)
Subject: FW: DV case
Date: Friday, September 30, 2016 9:00:51 AM

Here is a copy of the Court file in the Caneles case.

From: Michele Dauber [mailto:mldauber@gmail.com]
Sent: Friday, September 30, 2016 8:39 AM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: Re: DV case

Sure thing. Here's the whole file.

My experience reading Persky files is that he tends to put in these 17(b) things on his own initiative, sometimes in disagreement to probation, which often says that it likes to see 2/3 (2 years) of the probation before consideration of 17(b). So I am just wondering.

 [Macias Canela.pdf](#) 

On Fri, Sep 30, 2016 at 8:31 AM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

Can you please send me a copy of the entire plea agreement so I can run it by the attorneys involved in the case? Thx.

From: Michele Dauber [mailto:████████████████████]
Sent: Thursday, September 29, 2016 6:11 PM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: Re: DV case

Dear Cindy:

Thanks for this response.

Can you please tell me if the 17(b) was an offer of the court or the DA? The plea form indicates that it was the DA but I am wondering whether that part was an offer of the court.

Thanks,
Michele

On Wed, Sep 28, 2016 at 4:59 PM, Hendrickson, Cindy <chendrickson@dao.sccgov.org> wrote:

Hi Michele,

You are very welcome.

Agreements to have a felony charge reduced to a misdo after one year of successful completion of probation are common, and it does appear from the document you sent that such an agreement was reached in the Canala case.

I looked up the Smith case and noticed that it is Alaleh's case. She is probably in the best position to answer your questions on this matter. I suspect you have her contact information since she is the attorney on the Turner case, just in case: akianerci@da.sccgov.org. 650-324-6418.

Talk to you soon!

Cindy

From: Michele Dauber [mailto:]
Sent: Wednesday, September 28, 2016 2:56 PM
To: Hendrickson, Cindy <chendrickson@dao.sccgov.org>
Subject: DV case

Dear Cindy:

Thanks for your generosity with your time today. I really apologize again for my failure to communicate very well. I feel badly.

I wanted to attach the 17(b) commitment from Mr. Canala's plea agreement. Based on the plea form I had thought it was part of the plea deal but I could be wrong.

Here's another case I have a question about (that I mentioned today):

B1581137 Keenan Smith

I am confused about what happened with the sentence in this case. It appears that he never showed up to begin his sentence or to do his DV classes but then I can't tell what happened as a result of that. Can you help me understand?

Thanks,
Michele

From: Kianerci, Alaleh
To: Rosen, Jeff; Harman, Terry; Ramos, Luis; Webby, Sean
Subject: FW: FYI
Date: Thursday, December 07, 2017 9:48:30 AM

More news

From: Michele Dauber [mailto:████████████████████]
Sent: Thursday, December 07, 2017 9:28 AM
To: Kianerci, Alaleh <akianerci@dao.sccgov.org>
Subject: FYI

<http://www.mydaytondailynews.com/news/crime--law/brock-turner-dayton-character-witnesses-key-part-appeal/eALo270axrvwBfR0hibdQI/>

From: Harman, Terry
To: Ramos, Luis
Subject: FW: Question about case
Date: Tuesday, September 27, 2016 3:50:36 PM
Attachments: image001.jpg

Hi Luis,

Do you have any information on this? At your convenience. Thank you.



Terry Lynn Harman
Assistant District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
408.792.2826

From: Michele Dauber [mailto: [REDACTED]]
Sent: Monday, September 26, 2016 12:11 PM
To: Harman, Terry <tharman@dao.sccgov.org>
Subject: Question about case

Hi Terry:

I have a question about this case:

Christian Toribio, B1581167

He was convicted of 311.11(c) which is the more serious child porn conviction. He also was suspected by the police of possibly molesting children since he was a "nanny" (WTF) for some people who inexplicably would not allow their children to be interviewed despite the possibility that they had been abused.

He got a plea with the DA for 6 months. I was a little confused by this because it is clear that 6 months is kind of the going rate for 311.11(a) which is less serious. This case had MANY MANY HIGHLY DISTURBING videos the descriptions of which I can never ever erase from my memory now having read them.

Why was this only 6 months? What do you have to do to go to prison for this?

Thanks!
Michele

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EXHIBIT G

Narayan, Kavita

From: Ramos, Luis
Sent: Friday, October 14, 2016 1:40 PM
To: Michele Landis Dauber; Harman, Terry
Subject: RE: What Michelle Obama Didn't Say

Well done, Michele. Congratulations. L.

-----Original Message-----

From: Michele Landis Dauber [mailto:]
Sent: Friday, October 14, 2016 11:34 AM
To: Harman, Terry <tharman@dao.sccgov.org>; Ramos, Luis <lramos@dao.sccgov.org>
Subject: What Michelle Obama Didn't Say

<http://www.politico.com/magazine/story/2016/10/trump-sexual-assault-women-michelle-obama-speech-214357>

Sent from my iPhone

California Judicial Branch News Service - cjbnns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com



AP Photo

IN THE ARENA

What Michelle Obama Didn't Say

The first lady is right: enough is enough. But first we need to start holding enablers and bystanders accountable for sexual assault.

By MICHELE LANDIS DAUBER | October 14, 2016

Since Donald Trump's videotaped confession of sexual assault came to light last week, we have been subjected to a sickening string of allegations from women who have recounted being groped and harassed by the GOP nominee. These include a woman who told the *New York Times* that Trump—a complete stranger—stuck his hand up her skirt on a first-class flight to New York in the 1980s, and a *People* magazine reporter who said that in 2005, Trump pinned her against a wall and forced his tongue down her throat. As Michelle Obama said on Wednesday, "Enough is enough."

As a society, we have to acknowledge that successful sexual assault—successful, that is, from the perspective of perpetrator—isn't a one-man job. It needs a crowd of excusers, enablers,

and minimizers to ensure that the assault doesn't end badly for the perpetrator, even if the victim complains. In the various institutions of American society, men (and it is almost always men) who commit sexual assault have mostly been able to count on that crowd of enablers. That has been particularly true of privileged men like Trump.

Although Trump has denied these new allegations, they have the ring of truth. Over the years, we have heard him on Howard Stern and listened to the similar stories of other women about his long history of sexual harassment and forced sexual encounters. We can also recognize the telltale signs of male entitlement in his bluster and self-absorption. The important question now is whether GOP leaders will repudiate Trump once and for all or continue to minimize both the seriousness of his offenses and their implications for his candidacy.

But it is not just the Republican Party. Examples of enabling and excusing sexual misconduct elsewhere abound. The military has promoted officers who rape while drumming out their female victims. Colleges and universities have looked the other way at serial sexual assault, particularly when committed by athletes and professors. Even in those rare instances when victims file criminal charges, judges often deliver unreasonably lenient sentences, sending the message that these crimes are just not all that serious.

One of the most notorious examples in the latter category is the case of Brock Turner, a recruited athlete at Stanford who was sentenced to only a few months in jail, despite his conviction for three felony sex crimes for assaulting an unconscious woman behind a dumpster during a frat party. The judge disregarded the victim's compelling statement asking for a longer sentence. Turner blamed his crime on Stanford's "party culture." Turner's father, another enabler, argued to Judge Aaron Persky that it would be unfair to send his son to prison over what he described as "20 minutes of action." The judge agreed, and made an exception. Prison, according to Judge Persky would "have a severe impact on him."

The script that Trump's team has trotted out—"It was a long time ago, it doesn't reflect who he really is, he didn't really mean it, it was just locker room talk, he respects women, it's not a big deal, let's move on"—is straight out of the standard repertoire of minimization and denial for enablers. One can easily imagine Alabama Senator Jeff Sessions arguing that the footage only reflects 20 minutes of action out of Trump's lengthy career in business and philanthropy.

This litany of excuses is standard because it almost always works. Men usually get away with it. Women know this. We're not dumb and we know what comes next. We remember

the enablers of the Senate Judiciary Committee who gave Clarence Thomas a pass to the Supreme Court.

That explains the current wave of unrestrained, snarling rage from women—including some Republican women who are literally losing it over the fact that their party leadership will not withdraw their endorsements of this serial sexual predator. How can it be 2016 and nothing has changed? How can we still be dealing with *this*? But the *this* is not just Trump's hideous conduct, though that is plenty bad. Our anger is not solely or even primarily directed at Trump. It is directed at the powerful men and institutions, like House Speaker Paul Ryan and the RNC, that refuse to hold him accountable.

Over and over, the institutions that women count on to protect us have betrayed us, exacerbating the injury of the assault. Men in power have valued the careers of other men—as athletes, as soldiers, as corporate officers – as politicians – far more than they have valued our right to be free of the grossest and most personal kinds of violations. They have looked the other way.

As a result, sexual assault is epidemic. For example, at Stanford University where I teach, nearly 40 percent of undergraduate women experience some form of sexual assault or serious sexual misconduct. The figures are even worse for some groups such as women of color, disabled women and LGBT students. Yet fewer than 3 percent of these assaults are reported to campus authorities.

One reason may be that the same survey found that only 28 percent of women and 45 percent of men think that it's very likely that Stanford would hold anyone found responsible for sexual assault accountable. It is these university officials, seen by many as enablers, who often draw the strongest fire from students.

In this respect, the anger over sexual assault shares elements in common with the anger over police abuses in minority communities. In both cases, the lack of accountability and the willingness of authorities to enable and excuse the conduct of offenders often draws the sharpest protest.

Women are demanding greater accountability not only from offenders but also from enablers and their institutions. We want an end to the easy expectation of impunity. We have deployed a mix of shame, legal pressure, and publicity in various domains in order to raise the cost of bystanding.

For example, Baylor recently fired both University President Kenneth Starr and its popular football coach for failing to respond appropriately to sexual assaults by members of the

football team. At UC Berkeley, President Janet Napolitano—perhaps wanting to avoid Starr’s fate—pushed out both the provost and the chancellor over the failure to properly handle sexual harassment and assault. In the military, some officers are finally being disciplined for failing to respond to sexual assault. Here in Silicon Valley, women have lined up behind a recall election campaign against Judge Persky.

The tactical logic of this movement is clear. Going after enablers cuts off the oxygen for sexual assault. When university administrators lose their sinecures, or generals get hauled before Congressional committees to be railed at by Senators Kirsten Gillibrand and Claire McCaskill, and colonels see their careers get cut short because they failed to stop sexual assault by the captains and majors under them—perpetrators get a little more lonely, and a little more likely to face the consequences of their assaults.

What of those officials who have refused to withdraw their endorsements from Trump, including the RNC, Speaker Paul Ryan and Senate Majority Leader McConnell? As of this writing, Trump continues to be endorsed by hundreds of Republican elected officials, including more than 2 dozen US senators. An endorsement may be given for party loyalty or to appeal to a faction of supporters, but its public meaning is that the person endorsed is the person best suited to hold an office. Discovering that their candidate has bragged about committing sexual assault leaves his endorsers in a serious bind. Some like John McCain, who is in a tight race against a female opponent, have decided to bolt.

Donald Trump’s shock and anger at these defections is palpable, and understandable. These losses are a significant deviation from the enabler’s playbook. It appears, however, that for the most part Republicans are sticking to the script. Trump is mostly receiving pro-forma condemnations of his statements without losing endorsements. That’s the political equivalent of Judge Persky’s six month sentence—a slap on the wrist that won’t “have a severe impact” on him.

Trump’s confession of sexual assault puts an excruciating question to the GOP: What happens when a major political party and the crowd of enablers for a sexual assault perpetrator are one and the same, when the GOP becomes the Grand Old Frat Party?

For some, particularly Mormon Republicans, this is a moral question with an obvious answer, and they abandoned Trump in droves after the tape became public. For most, though, it is a political question: Will women apply the same logic to the Republican Party as to senior military officers, university presidents, or judges who excuse sexual assault in their domains? If so, the political survival of the party and its leadership depends on cutting

ties to Trump now. If not, then Trump is a short-term problem that the voters will solve in a few weeks, and it makes no sense to sacrifice the principle of party unity.

Most Republicans seem to believe that they and their party will not be held accountable for their enabling of Trump. Women have the power to prove them wrong. Let's use it.

Michele Landis Dauber



Frederick I. Richman Professor of Law
Professor, by courtesy, Sociology

mldauber@stanford.edu (<mailto:mldauber@stanford.edu>)

650 723.2512 (tel:650 723.2512)

Assistant(s):

Corissa Paris (<https://law.stanford.edu/directory/corissa-paris/>)

Room N340, Neukom Building

[Download Curriculum Vitae](#)

</sites/default/files/person/166213/doc/slspublic/dauberCV2014.pdf>

Expertise

Constitutional History

Constitutional Law

Distributive Justice

Federalism

Gender & Sexual Orientation Discrimination

Inequality

Law & Society

Public Policy & Empirical Studies

Torts

Welfare & Poverty Law

Biography

Professor, by courtesy, Sociology

A law professor and a sociologist, Michele Landis Dauber has written highly original historical and sociological studies focusing on the history of social provision and the US welfare state. Her first book, *The Sympathetic State* (2013 University of Chicago Press) received numerous distinguished book awards and prizes including from the American Historical Association, the American Sociological Association, the American Political Science Association, the American Society for Legal History, and the Law and Society Association.

Professor Dauber has received numerous grants for her research including from the National Endowment for the Humanities. She is currently working on a project about the history of resettlement and relocation following catastrophes.

Professor Dauber is the recipient of the 2006 Walter J. Gores Award, Stanford University's highest teaching honor. Prior to joining the Stanford faculty in 2001, Professor Dauber was a clerk to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit (1998-99) and a doctoral fellow at the American Bar Foundation (1999-2001).

From 2011-13, Professor Dauber co-chaired the Board on Judicial Affairs and helped to lead the process that revised Stanford's policy on sexual assault. She is a nationally-respected advocate for improving college and university policies on sexual assault in order to increase compliance with Title IX.

She is an avid outdoorswoman and skier, and has backpacked more than 2000 miles in the Sierra Nevada. A mother of five, Dauber lives in Palo Alto with her husband Ken, a Google engineer, their son Elliot, and their five chickens.

Education

BSW Illinois at Chicago (Jane Addams C. of Social Work) 1993

JD Northwestern University School of Law 1998

PhD (Sociology) The Graduate School at Northwestern University 2003

Courses

American Constitutional History from the Civil War to the War on Poverty (<https://law.stanford.edu/courses/american-constitutional-history-from-the-civil-war-to-the-war-on-poverty/>)

Directed Research (<https://law.stanford.edu/courses/directed-research/>)

One in Five: The Law, Politics, and Policy of Campus Sexual Assault (<https://law.stanford.edu/courses/one-in-five-the-law-politics-and-policy-of-campus-sexual-assault/>)

Policy Practicum: Rethinking Campus and School Title IX Policies and Procedures (<https://law.stanford.edu/courses/policy-practicum-rethinking-campus-and-school-title-ix-policies-and-procedures/>)

Rethinking Campus and School Title IX Policies and Procedures (<https://law.stanford.edu/courses/title-ix-and-campus-sexual-assault/>)

Sociology of Law (<https://law.stanford.edu/courses/sociology-of-law/>)

The Welfare State (<https://law.stanford.edu/courses/the-welfare-state/>)

Affiliations & Honors

Director, JD/PhD program in sociology and law

Secretary-Treasurer and Member, Board of the Delano Foundation for Law in the Public Interest, Yale Law School

Professional Associations: Law & Society Association; American Sociological Association, American Society for Legal History, American Historical Association; Social Science History Association; American Political Science Association

Manuscript/Proposal Reviews: Law & Society Review; Journal of American History; American Historical Review; American Journal of Sociology; National Science Foundation; Law and History Review, University of Illinois Press, Law and Social Inquiry, American Nineteenth Century History.

Recipient, Stanford University Walter J. Gores Award, 2006

J. David Greenstone Book Prize (American Political Science Association Politics and History Section), 2014 (co-winner)

Distinguished Book Award (American Sociological Association Sociology of Law Section), 2014

J. Willard Hurst Book Prize (Law and Society Assn) (Honorable Mention), 2013

Stanford CCSRE, Faculty Research Fellow and Grant Recipient, 2012

Woods Institute for the Environment, Uncommon Dialogue Grant Recipient, 2011

Irvine Foundation Junior Faculty Professional Development Fellowship, 2006

National Endowment for the Humanities Fellowship, 2005

Paul L. Murphy Award, American Society for Legal History, 2004
Harvard Society of Fellows Junior Fellowship, 2001-2004 (declined)
Franklin and Eleanor Roosevelt Institute Beeke-Levy Research Fellow, 2000-01
Law & Society Association Summer Institute Grant, 2000
American Bar Foundation Doctoral Dissertation Fellowship, 1999-2001
Charlotte W. Newcombe Doctoral Dissertation Fellowship, 1999-2000 (declined)
Lord & Bissell Academic Fellowship, Northwestern Univ. Law School, 1997-98
Illinois Women's Bar Foundation Scholarship, 1996
Cathy Novak Memorial Scholarship, Northwestern Univ. Law School, 1995
[Courses \(https://law.stanford.edu/courses/?instructor=4490&page=1\)](https://law.stanford.edu/courses/?instructor=4490&page=1)
[Publications \(https://law.stanford.edu/publications/?primary_author=Michele%20Landis%20Dauber&page=1\)](https://law.stanford.edu/publications/?primary_author=Michele%20Landis%20Dauber&page=1)

News

[Chanel Miller: Stanford University Scheme Projects Her Words On To Assault Site \(https://law.stanford.edu/press/chanel-miller-stanford-university-scheme-projects-her-words-on-to-assault-site/\)](https://law.stanford.edu/press/chanel-miller-stanford-university-scheme-projects-her-words-on-to-assault-site/)

BBC

Students at California's Stanford University have used digital technology to show support for prominent sexual assault survivor Chanel Miller. But it comes amid unhappiness at how the university is remembering the attack. Using augmented reality the students projected her words onto the site on campus where she was assaulted in...

[Read More \(https://law.stanford.edu/press/chanel-miller-stanford-university-scheme-projects-her-words-on-to-assault-site/\)](https://law.stanford.edu/press/chanel-miller-stanford-university-scheme-projects-her-words-on-to-assault-site/)

[see all news \(https://law.stanford.edu/press/?page=1&related_person=4490\)](https://law.stanford.edu/press/?page=1&related_person=4490)

[In Pursuit Of High-Profile Sex Abusers, Is Balance Of Power Shifting? \(https://law.stanford.edu/press/in-pursuit-of-high-profile-sex-abusers-is-balance-of-power-shifting/\)](https://law.stanford.edu/press/in-pursuit-of-high-profile-sex-abusers-is-balance-of-power-shifting/)

The Christian Science Monitor

[For Sex Offender Jeffrey Epstein's Child Victims, The Justice System May Finally Be Working \(https://law.stanford.edu/press/for-sex-offender-jeffrey-epsteins-child-victims-the-justice-system-may-finally-be-working/\)](https://law.stanford.edu/press/for-sex-offender-jeffrey-epsteins-child-victims-the-justice-system-may-finally-be-working/)

Los Angeles Times

South Bay Dems Urge Fellow Delegate To Resign For Statement Defending Convicted Pedophile (<https://law.stanford.edu/press/south-bay-dems-urge-fellow-delegate-to-resign-for-statement-defending-convicted-pedophile/>)

San Jose Inside

Sexual Harassment Lawsuits Against California Democratic Party Prompt Credibility Crisis (<https://law.stanford.edu/press/sexual-harassment-lawsuits-against-california-democratic-party-prompt-credibility-crisis/>)

Los Angeles Times

Legal And Economic Experts Break Down Elizabeth Warren's Wealth Tax (<https://law.stanford.edu/press/legal-and-economic-experts-break-down-elizabeth-warrens-wealth-tax/>)

WGBH - 89.7

The Scanner: SF Public Defender's Office Uses Bold Strategy In Murder Cases (<https://law.stanford.edu/press/the-scanner-sf-public-defenders-office-uses-bold-strategy-in-murder-cases/>)

San Francisco Chronicle

Policy Practicum

Rethinking Campus and School Title IX Policy and Procedures

(<https://law.stanford.edu/education/only-at-sls/law-policy-lab/practicums-2016-2017/rethinking-campus-and-school-title-ix-policy-and-procedures/>)

© Stanford University, Stanford, California, 94305-8610 | <https://law.stanford.edu/directory/michele-landis-dauber/>

Publications

34 Results For: Dauber, Michele Landis ,

Legal and Political Responses to Campus Sexual Assault

(<https://law.stanford.edu/publications/legal-and-political-responses-to-campus-sexual-assault/>)

Meghan Warner

October 1, 2019

Journal Article

Annual Review of Law and Social Science

Supreme Fiasco: Did the Kavanaugh Drama Just Break the Senate? SCOTUS Watchers Weigh In on

Thursday's Capitol Hill Fireworks

(<https://law.stanford.edu/publications/supreme-fiasco-did-the-kavanaugh-drama-just-break-the-senate-scotus-watchers-weigh-in-on-thursdays-capitol-hill-fireworks/>)

Et al.

September 28, 2018

Related Organization(s):

Stanford Center on the Legal Profession

Other

Politico

What Should the Senate Do With Brett Kavanaugh? Now That A Woman Has Come Forward to Accuse the Supreme Court Nominee of Sexual Assault, We Asked A Group of Legal Scholars to Weigh In: Now

What?

(<https://law.stanford.edu/publications/what-should-the-senate-do-with-brett-kavanaugh-now-that-a-woman-has-come-forward-to-accuse-the-supreme-court-nominee-of-sexual-assault-we-asked-a-group-of-legal-scholars-to-weigh-in-now-what/>)

Et al.

September 17, 2018

Related Organization(s):

Stanford Center on the Legal Profession

Other

Politico

'He Failed in His Duty:' The Stanford law professor on her campaign to recall a county judge and clapping back at rape culture

(<https://law.stanford.edu/publications/failed-duty-stanford-law-professor-campaign-recall-county-judge-clapping-back-rape-culture/>)

March 5, 2018

Op-Ed or Opinion Piece
San Francisco Magazine

Victims in the Brock Turner and Idaho Cases Sought Justice. They Found Bias

(<https://law.stanford.edu/publications/victims-in-the-brock-turner-and-idaho-cases-sought-justice-they-found-bias/>)

March 2, 2017

Op-Ed or Opinion Piece
The Guardian

What Michelle Obama Didn't Say

(<https://law.stanford.edu/publications/what-michelle-obama-didnt-say/>)

October 14, 2016

Op-Ed or Opinion Piece
Politico

Laws Needed to Curb Sexual Misconduct on Campus

(<https://law.stanford.edu/publications/laws-needed-to-curb-sexual-misconduct-on-campus/>)

Sofie Karasek

March 29, 2016

Op-Ed or Opinion Piece
San Jose Mercury News

Letter to the Editor: Response on Stanford's ASAP Program

(<https://law.stanford.edu/publications/letter-to-the-editor-response-on-stanfords-asap-program/>)

March 27, 2016

Op-Ed or Opinion Piece
The Stanford Daily

Spotlight on University Sexual Harassment

[\(https://law.stanford.edu/publications/spotlight-on-university-sexual-harassment/\)](https://law.stanford.edu/publications/spotlight-on-university-sexual-harassment/)

Sofie Karasek

March 25, 2016

Op-Ed or Opinion Piece

Contra Costa Times

Transparency and Sensitivity Work Together to Stop Campus Rape

[\(https://law.stanford.edu/publications/transparency-and-sensitivity-work-together-to-stop-campus-rape/\)](https://law.stanford.edu/publications/transparency-and-sensitivity-work-together-to-stop-campus-rape/)

December 12, 2014

Op-Ed or Opinion Piece

New York Times: Room For Debate

The Urge to Call a Tragedy 'Terrorism'

[\(https://law.stanford.edu/publications/the-urge-to-call-a-tragedy-terrorism/\)](https://law.stanford.edu/publications/the-urge-to-call-a-tragedy-terrorism/)

January 21, 2014

Op-Ed or Opinion Piece

New York Times, January 21, 2014.

Poverty Requires Disaster Relief

[\(https://law.stanford.edu/publications/poverty-requires-disaster-relief/\)](https://law.stanford.edu/publications/poverty-requires-disaster-relief/)

December 10, 2012

Magazine Article

The American Prospect, December 10, 2012.

The Sympathetic State: Disaster Relief and the Origins of the American Welfare State

[\(https://law.stanford.edu/publications/the-sympathetic-state-disaster-relief-and-the-origins-of-the-american-welfare-state/\)](https://law.stanford.edu/publications/the-sympathetic-state-disaster-relief-and-the-origins-of-the-american-welfare-state/)

November 1, 2012

Book, Whole

Chicago: University of Chicago Press, 2013.

Palo Alto School District Needs New Leadership

[\(https://law.stanford.edu/publications/palo-alto-school-district-needs-new-leadership/\)](https://law.stanford.edu/publications/palo-alto-school-district-needs-new-leadership/)

February 25, 2011

Op-Ed or Opinion Piece

Palo Alto Weekly, February 25, 2011, p. 15

New Deal Lawyers

(<https://law.stanford.edu/publications/new-deal-lawyers/>)

September 1, 2009

Book, Section

New Deal Lawyers, In Encyclopedia of the Supreme Court of the United States David S. Tanenhaus, ed., New York: Gale Cengage Learning, 2009

The Real Third Rail of American Politics

(<https://law.stanford.edu/publications/the-real-third-rail-of-american-politics/>)

July 1, 2009

Book, Section

The Real Third Rail of American Politics, In Catastrophe: Law, Politics, and the Humanitarian Impulse Austin Sarat and Javier Lezuen, eds., Amherst, MA: University of Massachusetts Press, 2009

A Note on BBLP

(<https://law.stanford.edu/publications/a-note-on-bblp/>)

January 1, 2009

Book, Section

A Note on BBLP, In The Building a Better Legal Profession's Guide to Law Firms: The Law Student's Guide to Finding the Perfect Law Firm Job Irene Hahn, ed., New York: Kaplan Pub., January 2009

Social Security Privatization: a Disaster

(<https://law.stanford.edu/publications/social-security-privatization-a-disaster/>)

November 5, 2005

Magazine Article

Stanford Lawyer, Winter 2005, p. 40

The Big Muddy

(<https://law.stanford.edu/publications/the-big-muddy/>)

January 1, 2005

Journal Article

57 Stanford Law Review 1899 .

Judicial Review and the Power of the Purse

(<https://law.stanford.edu/publications/judicial-review-and-the-power-of-the-purse/>)

January 1, 2005
Journal Article
23 Law and History Review 451

The Sympathetic State

(<https://law.stanford.edu/publications/the-sympathetic-state-2/>)

January 1, 2005
Journal Article
23 Law and History Review 387

Book Review: Public Pensions: Gender and Civil Service in the States by Susan Sterett

(<https://law.stanford.edu/publications/book-review-public-pensions-gender-and-civil-service-in-the-states-by-susan-sterett/>)

January 1, 2005
Book Review
3 Perspectives on Politics 166-167

Book Review: Susan Sterett

(<https://law.stanford.edu/publications/book-review-susan-sterett/>)

January 1, 2005
Book Review
3 Perspectives on Politics 166

The Sympathetic State. (Forum: Overtaken by a Great Calamity: Disaster Relief and the Origin of the American Welfare State)

(<https://law.stanford.edu/publications/the-sympathetic-state-forum-overtaken-by-a-great-calamity-disaster-relief-and-the-origin-of-the-american-welfare-state/>)

January 1, 2005
Journal Article
23 Law and History Review 387-442

Judicial Review and the Power of the Purse (Forum: Response)

<https://law.stanford.edu/publications/judicial-review-and-the-power-of-the-purse-forum-response/>

January 1, 2005

Journal Article

23 Law and History Review 451-458

© Stanford University, Stanford, California, 94305-8610 | <https://law.stanford.edu/publications/suit-against-sri-lankan-presidential-candidate-rajapaksa-dismissed-on-common-law-immunity-grounds/>

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EXHIBIT H

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Deputy County Counsel Ward Penfold (S.B. #284969)
Office of the County Counsel
70 W. Hedding Street, East Wing, 9th floor
San Jose, CA 95110
TELEPHONE NO.: (408) 299-5900 FAX NO.: (408) 292-7240
ATTORNEY FOR (Name): Kasey Halcon

FOR COURT USE ONLY
FILED
JUL - 3 2019
Clerk of the Court
Superior Court of CA County of Santa Clara
BY: [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County
STREET ADDRESS: 191 N. 1st Street
MAILING ADDRESS: 191 N. 1st Street
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Downtown Superior Court

CASE NAME:
Kasey Halcon v. Susan Hazlett Bassi

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
19CH008843
JUDGE:
DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|---|--|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input checked="" type="checkbox"/> Other petition (not specified above) (43) |
|---|---|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 1; Petition for Civil Harassment Restraining Order
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 3, 2019
Ward Penfold
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CH-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name:

Kasey Halcon

Your Lawyer (if you have one for this case):

Name: Ward Penfold State Bar No.: 284969

Firm Name: Office of the County Counsel

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 70 W. Hedding Street, East Wing, 9th floor

City: San Jose State: CA Zip: 95110

Telephone: (408) 299-5900 Fax: (408) 292-7240

E-Mail Address: ward.penfold@cco.sccgov.org

FILED
JUL -5 2019
 Clerk of the Court
 Superior Court of CA County of Santa Clara
 BY **M. SOFUM** DEPUTY

Fill in court if not the street address:

Superior Court of California, County of Santa Clara
 Downtown Facility
 191 N. First Street
 San Jose, CA 95113

Court fills in case number when form is filed.

Case Number:

19CH008843

2 Person From Whom Protection Is Sought

Full Name: Susan Hazlett Bassi

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):

Hearing Date	Date:	<u>JUL 23 2019</u>	Name and address of court if different from above:
	Time:	<u>9:00AM</u>	
	Dept.:	<u>11</u>	Room:

4 Temporary Restraining Orders (Any orders granted are on form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



11 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in **(2)** to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in **(2)** been told that you were going to go to court to seek a TRO against him/her?

Yes No (If you answered no, explain why below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

Ms. Bassi has engaged in a campaign to threaten, intimidate, and harass me, as fully described in my accompanying Declaration. In light of Ms. Bassi's escalating behavior, I believe a TRO is needed to protect my physical and psychological well-being.

12 **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

13 **No Fee for Filing or Service**

- a. There should be no filing fee because the person in **(2)** has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. The sheriff or marshal should serve (notify) the person in **(2)** about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should serve the person in **(2)** for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 **Lawyer's Fees and Costs**

I ask the court to order payment of my lawyer's fees Court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.

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FILED

JUL -3 2019

Clerk of the Court
Superior Court of California County of Santa Clara
BY _____ DEPUTY
SORUM

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

11 KASEY HALCON,

12 Petitioner,

13 v.

14 SUSAN HAZLETT BASSI,

15 Respondent.

No.

19CH008843

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
APPLICATIONS FOR TEMPORARY AND
PERMANENT CIVIL HARASSMENT
RESTRAINING ORDERS**

17 **I.**

18 **INTRODUCTION**

19 For over a year, Respondent Susan Hazlett Bassi has engaged in a deliberate, escalating
20 campaign to intimidate and harass two members of the Santa Clara County Domestic Violence
21 Council, Petitioners Kasey Halcon and Nicole Ford. Respondent's knowing and willful course of
22 conduct, which includes numerous incidents of private, targeted harassment and public hostility and
23 intimidation directed at Petitioners, would not only cause a reasonable person to suffer substantial
24 emotional distress, but in fact has seriously alarmed and annoyed Petitioners and caused them
25 substantial emotional distress. Indeed, as demonstrated by Petitioners' own declarations and
26 supported by the declarations of Santa Clara County District Attorney Jeffrey Rosen and District
27 Attorney's Office Bureau of Investigation Security Threat Officer Jeffery Nichols, Respondent's
28 course of conduct constitutes an increasingly menacing pattern of harassment that seriously alarms,

1 annoys, and harasses Petitioners and serves no legitimate purpose. Accordingly, Petitioners
2 respectfully request that this court restrain Respondent from contacting them.

3 **II.**

4 **STATEMENT OF FACTS**

5 Petitioner Kasey Halcon is Chair of the Santa Clara County Domestic Violence Council and
6 is employed as the Program Director of the Victim Services Unit of the Santa Clara County District
7 Attorney's Office, located in the lobby level of the County Government Center at 70 W. Hedding
8 Street, San José. (Declaration of Kasey Halcon in Support of Application for Temporary and
9 Permanent Civil Harassment Restraining Orders, "Halcon Dec.," at ¶ 2.) Petitioner Nicole Ford is
10 Administrative Vice Chair of the Santa Clara County Domestic Violence Council.¹ (Declaration of
11 Nicole Ford in Support of Application for Temporary and Permanent Civil Harassment Restraining
12 Orders, "Ford Dec.," at ¶ 2.) In their respective roles, they regularly need to be present at public
13 spaces in the County Government Center, including its public lobby and conference rooms. (See
14 Halcon Dec., ¶¶ 2-3; Ford Dec., ¶ 3.) Ms. Halcon in particular works in the County Government
15 Center as part of her regular employment, for which she routinely interacts with domestic violence
16 victims. (Halcon Dec., ¶ 3.)

17 **A. RESPONDENT'S INITIAL HARASSMENT OF NICOLE FORD**

18 Respondent began harassing Petitioners in early 2018, around or shortly after the time that
19 the Santa Clara County District Attorney's Office began prosecuting her on charges related to
20 incidents at the Santa Clara County Family Court beginning in late 2017. (Halcon Dec., ¶ 6 & Ex.
21 A.) On May 4, 2018, Ms. Ford (who is a practicing family law attorney and not a County employee)
22 attended a Domestic Violence Council meeting at the County Government Center. (Ford Dec., ¶ 6.)
23 Without provocation, Respondent publicly attacked Ms. Ford's reputation from "out of nowhere,"
24
25

26 ¹ The Domestic Violence Council is made up of 22 members appointed by the County's Board of
27 Supervisors. (Halcon Dec. ¶ 2.) Its mission is to act in an advisory capacity to the Board to assure
28 safety for victims of domestic violence. (*Ibid.*) Members of the Domestic Violence Council serve as
volunteers, without compensation.

1 stating that Ms. Ford should recuse herself and “report [her]self to the bar,” and that Ms. Ford was
2 “no friend to domestic violence survivors.” (*Ibid.*)

3 Respondent’s aggressive and unprovoked verbal attacks soon progressed to private
4 harassment and physical intimidation. On May 7, 2018, while Ms. Ford was sitting on a courthouse
5 bench awaiting the outcome of a Family Court hearing in an adjacent courtroom, Respondent twice
6 approached her over the course of an hour and stood over her while harassing her.² (Ford Dec., ¶ 7.)
7 In both instances, Respondent stood over Ms. Ford while Ms. Ford was seated, positioning herself
8 only a few feet away so that Ms. Ford was not able to stand up and move away without physically
9 contacting her and forcing Ms. Ford to remain seated and push her own body as far back as possible
10 into the bench to stay away from Respondent. (*Ibid.*) Both times, Ms. Bassi scowled down at Ms.
11 Ford from above while making harassing comments in a threatening tone such as “you’re pathetic,”
12 “I hope you’re happy with yourself,” and “you should recuse yourself immediately and report
13 yourself to the bar,” while also insisting that she “should not be on the [Domestic Violence
14 Council]” and that she was “no friend of domestic violence victims.” (*Ibid.*) Ms. Ford was
15 “genuinely rattled” by Ms. Bassi’s conduct and believes that Ms. Bassi was trying to verbally and
16 physically intimidate her. (*Ibid.*)

17 This targeted, private harassment continued later in 2018. In or around late November 2018,
18 Ms. Ford went to family court with one of her clients on an *ex parte* application for that client’s case.
19 (Ford Dec., ¶ 8.) While Ms. Ford sat in the courtroom, she turned and saw Respondent sitting in the
20 same row across the courtroom aisle, contorting her body to glare aggressively at her. (*Ibid.*)
21 Respondent remained staring at Ms. Ford for about 10 minutes, unsettling and rattling Ms. Ford and
22 her client, who initially thought Respondent was staring at him and was so disturbed that he asked
23 Ms. Ford, “does that woman know me? She’s looking at me like she hates me.” (*Ibid.*)

24
25
26 ² Notably, Ms. Ford was present at the courthouse that day to support a friend, Jessica Huey, who
27 was serving as minor’s counsel in a domestic violence case. Ms. Huey had requested her friend’s
28 support because a group of people associated with Ms. Bassi had accosted Ms. Huey outside the
Family Court. (Ford Dec., ¶ 7.)

1 Respondent's intimidation and harassment of Ms. Ford continued the following month. On
2 December 7, 2018, Respondent attended a Domestic Violence Council meeting, at which she
3 publicly accused Ms. Ford of "using domestic violence survivors for her own profit" and "colluding
4 with clients by taking money from abusers so they can't pay child support." (Ford Dec., ¶ 9.) On
5 that same day, Respondent is believed to have made a post on the "Jane and John Q Public" blog
6 entitled *Domestic Violence: How to Ruin Your Ex's Life and Make Your Lawyer Rich*, in which she
7 included an image depicting Ms. Ford as a pig eating at a trough labeled "domestic violence." (Ford
8 Dec., ¶ 10. & Ex. B.) When Ms. Ford saw this post on January 5, 2019, she was so disturbed that
9 she cried. (*Ibid.*) Ms. Ford viewed the image and blog post as part of a pattern of increasingly
10 personal attacks and began to fear for her personal safety after considering the words and images in
11 context with Respondent's increasingly aggressive in-person conduct. (*Ibid.*)

12 **B. RESPONDENT'S INITIAL HARASSMENT OF KASEY HALCON**

13 At approximately the same time, Respondent began harassing Ms. Halcon as well.
14 Respondent started by following Ms. Halcon and taking photos and videos of her whenever she saw
15 her in the County Government Center, and over time that harassment became more intense. (Halcon
16 Dec., ¶ 7.) At the same December 7, 2018 meeting described above, during which she leveled
17 attacks at Ms. Ford, Respondent also began public attacks on Ms. Halcon, accusing her of refusing to
18 provide services to her and victims of domestic violence. (Ford Dec., ¶ 9.) Then, on December 17,
19 2018, Respondent "camped out" in the lobby of the Victim Services Unit, where Ms. Halcon works,
20 in what Ms. Halcon believes was an attempt to stalk her, intimidate her, or both. (Halcon Dec., ¶ 7.)
21 Over time, Respondent has become more aggressive and targeted against Ms. Halcon, including by
22 taking photos or videos of her whenever Respondent sees her in the County Government Center.
23 (*Ibid.*)

24 By the end of 2018, Ms. Halcon and Ms. Ford had become so disturbed by Respondent's
25 conduct that they began utilizing a "buddy system" whenever they attended meetings at the County
26 Government Center. (Halcon Dec., ¶ 8; Ford Dec., ¶ 11.) As part of this system, Ms. Halcon
27 coordinates her arrival and departure from the Government Center with other County employees to
28 take advantage of safety in numbers. (Halcon Dec., ¶ 8.) When Ms. Halcon and Ms. Ford need to

1 attend meetings at the Government Center (including as part of their duties on the Domestic
2 Violence Council), Ms. Ford will park her car as close to the building as possible and call Ms.
3 Halcon to let her know she is about to arrive, so that Ms. Halcon can quickly buzz her into the
4 secured area where Ms. Halcon's office is located. (Ford Dec., ¶ 11.) They will then walk together
5 to their meetings, and afterward will often return to Ms. Halcon's office to debrief and plan their
6 exits from the building. (Halcon Dec. ¶ 8; Ford Dec. ¶ 11.)

7 C. RESPONDENT'S CONTINUED HARASSMENT OF PETITIONERS

8 Disturbingly, Respondent's threats, intimidation, and harassment of Petitioners continued to
9 escalate in the new year. On March 7, 2019, Ms. Halcon and Ms. Ford attended a meeting of the
10 Public Safety and Justice Committee in the lobby level of the Government Center, sitting near the
11 podium in case they were asked to provide any information related to the Domestic Violence
12 Council. (Halcon Dec., ¶ 9; Ford Dec., ¶ 13.) Ms. Ford sat next to the aisle, with Ms. Halcon on her
13 left. (Ford Dec., ¶ 13.) During the meeting, Respondent publicly accused the Victim Services Unit
14 of taking bribes and failing to provide services to victims of crime. (Halcon Dec. ¶ 9.) Then, while
15 walking up the aisle from the podium after giving comment, she leaned over Ms. Ford until their
16 faces were no more than a foot apart, held her finger approximately six inches away from Ms. Ford's
17 face while pointing at her, and angrily stated "*Nicole Ford, you're next.*" (Halcon Dec., ¶¶ 9-10;
18 Ford Dec., ¶¶ 13-14; Declaration of Jeffery Nichols in Support of Application for Temporary and
19 Permanent Civil Harassment Restraining Orders, "Nichols Dec.," at ¶ 10.) Ms. Ford was disturbed
20 by Respondent's enraged eyes and the ominous tone of her voice as she loomed over her. (Ford
21 Dec., ¶ 13.) After this incident, Ms. Halcon and Ms. Ford remained sitting in shock but waited to
22 see if Respondent would criticize Ms. Ford during her next public comment to determine if "*Nicole*
23 *Ford, you're next*" simply meant that Respondent would next publicly criticize Ms. Ford as she had
24 just criticized the Victim Services Unit, which Ms. Halcon directs. (Halcon Dec., ¶ 11; Ford Dec., ¶
25 14.) When Respondent did not mention Ms. Ford in her next public comment, Ms. Halcon and Ms.
26 Ford concluded that Respondent's statement was not merely a statement of intent to publicly
27 criticize Ms. Ford, but also a physical threat. (Halcon Dec., ¶ 11; Ford Dec., ¶ 14.) After the
28

1 meeting, Ms. Ford was in so much distress that she immediately notified all members of her law
2 office and found herself crying due to the stress and fear. (Ford Dec., ¶ 15.)

3 Respondent continued her campaign against Petitioners in the following weeks. On or
4 around March 17, 2019, the “Jane and John Q Public” blog that Respondent is suspected of writing,
5 published a post repeating many of the accusations Respondent made at the March 7 meeting, and
6 also included the statement “[a]t the core of the corruption is the Santa Clara County District
7 Attorney’s Office where the Director of Victim Services, Kasey Halcon, is reportedly working on a
8 ‘catch and kill’ program designed to silence victims seeking help in the county’s [sic] family
9 courts” (Halcon Dec., ¶ 12 & Ex. B.)

10 In a repeat of the pattern of harassment against Ms. Ford, these public criticisms were soon
11 followed by targeted physical intimidation. On April 4, 2019, as Ms. Halcon attended a Public
12 Safety and Justice Committee meeting at the Government Center, Respondent approached her as she
13 sat in the audience. (Halcon Dec. ¶ 13.) With an intimidating scowl on her face, Respondent
14 cornered Ms. Halcon, got within a foot of her face, and began taking pictures of Ms. Halcon with her
15 phone. (*Ibid.*) As she had done with Ms. Ford, Respondent next progressed to threats against Ms.
16 Halcon, looking directly at Ms. Halcon and stating during an April 15, 2019 meeting of the Board of
17 Supervisors’s Children, Seniors, and Families Committee that “We have had hundreds of millions of
18 dollars in state and federal grants go to this County. And Ms. Calhoun, *tomorrow at noon that’s*
19 *going to hit you square in the face.*”³ (Halcon Dec., ¶ 14.) Ms. Halcon’s colleagues in the District
20 Attorney’s Office were so concerned about Respondent’s conduct that they make sure Ms. Halcon
21 had an escort to her car after the meeting ended that night. (Halcon Dec., ¶ 14; Nichols Dec., ¶ 14.)

22 Respondent’s actions have become even more threatening since this incident. On April 23,
23 2019, Respondent spotted Ms. Halcon as she exited her office to go to a meeting but remained
24 filming from a distance and did not immediately approach her, likely because she saw that Ms.
25

26
27 ³ Ms. Bassi regularly erroneously refers to Ms. Halcon as “Ms. Calhoun” for reasons that are
28 unclear, though she recognizes her by sight and correctly identifies her as associated with the
Domestic Violence Council and Victim Services Unit. (Halcon Dec., ¶ 4; Ford Dec., ¶ 9.)

1 Halcon was being escorted by a security detail of two investigators. (Halcon Dec. ¶ 18.) After Ms.
2 Halcon entered the meeting, her security detail remained standing at the back of the room while Ms.
3 Halcon sat with her District Attorney's Office colleagues. (*Ibid.*) This gave Respondent the opening
4 she had apparently been waiting for. She then approached Ms. Halcon, who was vulnerably sitting
5 without her security detail present, stood at the railing in front of Ms. Halcon's seat, bent down
6 within a foot of her face, and complained that Ms. Halcon had allegedly turned away a victim of
7 domestic violence who needed help. (*Ibid.*) Cornered, Ms. Halcon sat back as far as possible in her
8 chair, unable to avoid Respondent, who quickly turned and walked away to avoid Ms. Halcon's
9 approaching security detail. (*Ibid.*)

10 Most recently, on May 30, 2019, Respondent entered the lobby of the Victim Services Unit
11 and began filming County staff and other individuals waiting in the lobby, in violation of posted
12 signs prohibiting filming. (Halcon Dec., ¶ 15.) At one point, Respondent began filming a man who
13 is a victim of attempted murder and suffers from anxiety, post-traumatic stress syndrome, and major
14 depression, sarcastically saying "Oh, he's a victim?" and making the man visibly uncomfortable.
15 (*Ibid.*) Later that same day, Respondent and a victim, from a case that Ms. Halcon had worked on
16 years before, specifically requested that Ms. Halcon speak with them. Ms. Halcon stepped into the
17 lobby of the Victim Services Unit with an investigator to escort her and spoke to the victim for three
18 to five minutes, refusing to speak with Respondent due to Respondent's being represented by
19 counsel in her criminal case. (Halcon Dec., ¶ 16.) Respondent filmed the entire interaction, right up
20 until Ms. Halcon left with her security detail. (*Ibid.*)

21 Respondent's ongoing campaign of harassment has taken its toll on Petitioners and caused
22 them substantial emotional distress. Ms. Halcon no longer feels safe when she knows Respondent is
23 nearby, even though an investigator from the District Attorney's Office Bureau of Investigations has
24 been assigned to escort her to and from her car in the Government Center parking lots. (Halcon
25 Dec., ¶ 17.) Indeed, Ms. Halcon, who has seen Respondent in the public walkway immediately
26 outside her office window, is in constant fear for her physical safety in her own workplace, and
27 every time she walks through a public place she fears that Respondent will appear and act on her
28 threats. (Halcon Dec., ¶ 18.) Additionally, as early as February 5, 2019 and even before some of the

1 harassing events described above, Ms. Ford suffered a panic attack in Ms. Halcon's office at the
2 mere thought that Respondent might appear and attack her at the Domestic Violence Council
3 meeting that had been scheduled for that day. (Ford Dec., ¶ 12.) Ms. Ford believes that
4 Respondent's increasingly aggressive conduct means she is likely to make good on her threats and
5 believes she is in real physical danger from Respondent. (Ford Dec. ¶ 16.) Understandably, the
6 intimidation and harassment has made it difficult for Ms. Ford to continue to serve on the Domestic
7 Violence Council. (*Ibid.*)

8 Moreover, based upon his training and experience in law enforcement generally and
9 specifically in conducting threat and security assessments, Officer Nichols believes that the security
10 provided to Ms. Halcon, while necessary, is insufficient to protect her from Respondent.⁴ (Nichols
11 Dec. ¶ 17.) The security details provided by the Special Operations Group cannot protect Ms.
12 Halcon at all hours of the day, particularly when she is not at the County Government Center. (*Ibid.*)
13 As for Ms. Ford, she does not benefit from the protection afforded to Ms. Halcon as she is not a
14 County employee. (*Ibid.*) In Officer Nichols's professional opinion, Respondent should be
15 prevented from contacting both Ms. Halcon and Ms. Ford. (Nichols Dec. ¶ 18.)

16
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18 ⁴ Based on his professional experience and training, Officer Nichols also believes that Ms. Bassi's
19 ongoing behavior is threatening the safety of other County employees. (Nichols Dec., ¶ 15.) For
20 example, over the past nine to twelve months, Ms. Bassi has personally harassed District Attorney
21 Rosen on more than a dozen occasions in the Government Center, often following him between
22 meetings in the public areas of the Government Center and standing next to him at the elevator bank
23 in front of the District Attorney's Office, yelling at him until he is able to enter secured areas of the
24 building. (Declaration of Jeffrey Rosen in Support of Application for Temporary and Permanent
25 Civil Harassment Restraining Orders, "Rosen Dec.," ¶¶ 4-5.) During these incidents, she very
26 closely approached District Attorney Rosen, often within inches, angrily yelling at him while
27 another individual she associates with filmed him. (*Ibid.*) On one occasion, on March 19, 2019, she
28 followed him 150 feet from the elevator bank to his parked vehicle, yelling aggressively at him and
coming within inches of him. (Rosen Dec., ¶ 6.) Moreover, on May 14, 2019, a possible male
associate of Ms. Bassi approached District Attorney Rosen in the Government Center hallway,
coming very close to him, following him, and telling him, "Susan Bassi is going to get you. You're
an asshole." (Rosen Dec., ¶ 10; Nichols Dec., ¶ 15.) District Attorney Rosen interpreted this
statement as a physical threat and believes that Respondent is encouraging others to behave in this
fashion. (Rosen Dec., ¶ 10.) After this incident, an armed officer was assigned to follow District
Attorney Rosen wherever he goes in the Government Center. (Nichols Dec., ¶ 15.)

1 Based on the facts described above and at more length in the four accompanying
2 declarations, Petitioners request that the Court issue civil harassment restraining orders against
3 Respondent. Respondent has engaged in a knowing and willful course of conduct that places
4 Petitioners in fear for their safety, and that has seriously alarmed, annoyed, or harassed them and
5 serves no legitimate purpose. Respondent's course of conduct would cause a reasonable person to
6 suffer substantial emotional distress and has actually caused substantial emotional distress to
7 Petitioners.

8 III.

9 LAW AND ARGUMENT

10 A. LEGAL STANDARD

11 Civil harassment restraining orders protect petitioners from individuals who commit unlawful
12 violence against them, credibly threaten them with violence, or *engage in a knowing and willful*
13 *course of conduct against them that seriously alarms, annoys, or harasses them.* (Code Civ. Proc. §
14 527.6, emphasis added.) For a finding of harassment based on a course of conduct, a petitioner must
15 show a course of conduct that would cause a reasonable person to suffer substantial emotional
16 distress, must have actually caused the petitioner substantial emotional distress, and serves no
17 legitimate purpose. (Code Civ. Proc. § 527.6(b)(3).) A "course of conduct" is defined as a pattern
18 of conduct by a respondent composed of a series of acts over a period of time, however short,
19 evidencing a continuity of purpose, including "*following or stalking an individual*" or sending
20 harassing correspondence to an individual by any means, such as the use of public mails or email.
21 (Code Civ. Proc., § 527.6(b)(1), emphasis added.)

22 At the hearing on a petition for a permanent restraining order, the Court shall receive any
23 testimony that is relevant and may make an independent inquiry. If the Court finds by clear and
24 convincing evidence that unlawful harassment exists, it shall issue an injunction prohibiting the
25 harassment. An injunction issued pursuant to this section shall have a duration of up to five years,
26 and at any time within the three months before the expiration of the injunction, the petitioner may
27 apply for a renewal of the injunction by filing a new petition for an injunction under this section.
28 (Code Civ. Proc. § 527.6(j)(1).)

1 **B. RESPONDENT’S BEHAVIOR TOWARD PETITIONERS CONSTITUTES A**
2 **HARASSING COURSE OF CONDUCT JUSTIFYING A RESTRAINING**
3 **ORDER**

4 This Court should order Respondent restrained from contacting Petitioners because her
5 knowing and willful actions and course of conduct toward Petitioners has seriously alarmed,
6 annoyed, and harassed Petitioners, serves no legitimate purpose, would cause a reasonable person
7 substantial emotional distress, and has in fact caused substantial emotional distress to Petitioners.

8 *(See supra, at II.)*

9 As described above and recounted in the attached declarations, in addition to other
10 harassment, Respondent has physically intimidated both Ms. Halcon and Ms. Ford on four separate
11 occasions since May 2018 by coming extremely close to them each time, often while levying
12 accusations or insults at them, aggressively pointing at them from inches away, and cornering them
13 so they could not escape. (Halcon Dec., ¶¶ 9, 13-14, 18; Ford Dec., ¶¶ 7, 13.) With respect to Ms.
14 Halcon, Respondent has repeatedly stalked her at her place of employment, not only in the
15 Government Center more broadly but specifically by repeatedly coming into the Victim Services
16 Unit lobby (where Respondent has also harassed and disturbed victims of violent crime by filming
17 them, violating posted signage and also making them feel uncomfortable in a place where they seek
18 supportive services). She has also made menacing statements toward Ms. Halcon, accusing her of
19 misdeeds and then saying “tomorrow at noon that’s going to hit you square in the face.” (Halcon
20 Dec., ¶ 14.) As for Ms. Ford, Respondent has not only committed similar intimidating acts against
21 her, but on March 7, 2019 she accompanied these actions with a particularly disturbing action and
22 statement in which Respondent leaned over Ms. Ford until their faces were no more than a foot
23 apart, held her finger approximately six inches away while pointing at Ms. Ford’s face, and angrily
24 stated “Nicole Ford, you’re next.” (Halcon Dec., ¶¶ 9-10; Ford Dec., ¶¶ 13-14.)

25 Ms. Bassi’s behavior—repeatedly and belligerently approaching within inches of both Ms.
26 Halcon and Ms. Ford while angrily insulting them and alleging they committed misdeeds against the
27 domestic violence victims they have dedicated their careers to protecting—would cause a reasonable
28 person substantial emotional distress *whether or not* the Court finds that her behavior rises to the

1 level of a credible threat of violence.⁵ And Respondent's behavior serves no legitimate purpose:
2 regardless of her apparent dissatisfaction with how her Family Court proceedings concluded and
3 regardless of her feelings about being criminally prosecuted, she has no possible legitimate purpose
4 in repeatedly abusing two people who not only have nothing to do with her case but who volunteer
5 their time to serve the public and assist victims of domestic violence.

6 **C. RESPONDENT'S LONGSTANDING AND CONTINUOUS HARASSMENT**
7 **OF PETITIONERS IS NOT CONSTITUTIONALLY PROTECTED.**

8 Respondent's behavior is not protected speech. As a general matter, "[v]iolence and threats
9 of violence . . . fall outside the protection of the First Amendment because they coerce by unlawful
10 conduct, rather than persuade by expression, and thus play no part in the 'marketplace of ideas.'" *(Huntingdon Life Sciences, Inc. v. Stop Huntingdon Animal Cruelty USA, Inc. (2005) 129*
11 *Cal.App.4th 1228, 1250.)* As such, ". . . they are punishable because of the state's interest in
12 protecting individuals from the fear of violence, the disruption fear engenders and the possibility the
13 threatened violence will occur." *(Ibid., quoting In re M.S. (1995) 10 Cal.4th 698, 714.)* And speech
14 that constitutes "harassment" within the meaning of Section 527.6 is not constitutionally protected
15 and the victim of the harassment may obtain injunctive relief. *(Huntingdon, 129 Cal.App.4th at*
16 *1250.)* Section 527.6 is intended "to protect the individual's right to pursue safety, happiness and
17

18
19 ⁵ While not the main basis for Petitioners' Application, credible evidence would support this Court's
20 finding that Ms. Bassi's actions and course of conduct also constitute credible threats of violence
21 against Petitioners and justify the issuance of a civil harassment restraining order on that
22 independent basis, as well. In fact, Ms. Bassi's behavior is even more extensive than that which the
23 Sixth District Court of Appeal recently found sufficient to constitute harassment on the basis of
24 credible threats of violence. In *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, the Sixth District
25 affirmed a finding of harassment even in the absence of an express verbal threat where the
26 respondent—like Respondent here—had stepped so close to petitioner that "she could feel his breath
27 on her face" and—as in this case—witnesses were "troubled by [respondent's] behavior" and
28 "concerned for [petitioner's] safety." *(Ibid., at 498.)* The Court agreed that the respondent's
"gestures and actions" on a single day "such as placing his hands close to [petitioner], raising his
voice, pointing and gesturing, and walking back and forth toward her" constituted a credible threat
of violence. *(Ibid.)* In this case, Respondent has not only physically intimidated and verbally
abused Petitioners like the respondent in *Harris*, but she has also verbally threatened them and her
course of conduct has lasted for more than a full year—far longer than the single incident in *Harris*.
(See ibid.) Underscoring the severity of the threats is that trained security personnel have assessed,
based on professional training and experience, that assigning security details to Ms. Halcon is a
necessary but insufficient response to protect her from Respondent's harassment.

1 privacy as guaranteed by the California Constitution. (*Russell v. Douvan* (2003) 112 Cal.App.4th
2 399, 403; Cal. Const. art. I, § 1.) For these reasons, an injunctive order “prohibiting the repetition of
3 expression that ha[s] been judicially determined to be unlawful [does] not constitute a prohibited
4 prior restraint of speech.” (*Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1230, quoting *Balboa*
5 *Island Village Inn, Inc. v. Lemen* (2007) 40 Cal. 4th 1141, 1153.) An injunction may “deprive the
6 enjoined parties of rights others enjoy precisely because the enjoined parties have abused those
7 rights in the past.” (*Planned Parenthood Golden Gate v. Garibaldi* (2003) 107 Cal.App.4th 345,
8 352.) “Once specific expressional acts are properly determined to be unprotected by the First
9 Amendment, there can be no objection to their subsequent suppression or prosecution.” (*Lemen*, 40
10 Cal.4th, at 1156.)

11 This analysis is not changed by the facts that Petitioners are both members of the Domestic
12 Violence Council or that Ms. Halcon is a County employee. While members of the public of course
13 may not be restrained from “*true petitioning activity* to government officials” (*Parisi*, 5 Cal.App.5th,
14 at 1231, emphasis added), behavior constituting unlawful harassment enjoys no such protections,
15 even when the targets are public officials and employees. (*See, e.g., City of San Jose v. Garbett*
16 (2010) 190 Cal.App.4th 526.) Here, there is ample evidence of harassment sufficient to justify a
17 restraining order. Just as the court in *Garbett* rejected the respondent’s argument in that case that the
18 restraining order was overbroad in forbidding him from accessing San José City Hall and “making
19 comments . . . while speaking to [the city’s] employees,” Respondent’s harassing behavior is not
20 constitutionally protected simply because she has chosen to torment people who happen to be
21 members of the Domestic Violence Council or Ms. Halcon, who is a County employee. (*Id.* at 544-
22 45.) Respondent’s actions have no legitimate purpose and are Constitutionally unprotected. (*See*
23 *Parisi*, 5 Cal.App.5th, at 1227-28.)

24 Nor can Respondent avoid a finding of harassment simply because certain acts she
25 committed might be insufficient for a finding of unlawful harassment if artificially considered in
26 isolation, rather than in context. Respondent’s public comments and blog posts, for instance, are
27 part of her larger course of harassing conduct that includes and gives context to her ongoing physical
28 intimidation and menacing verbal statements. (*See, e.g., R.D. v. P.M.* (2011) 202 Cal.App.4th 181,

1 190, holding that the public distribution of paper flyers attacking a petitioner was part of a course of
2 harassing conduct, and stating that “[b]ehavior that may not alone constitute an intentionally
3 harassing course of conduct logically still might show an intention to resume or continue an already-
4 established course of harassing conduct.”) Likewise, Respondent’s aggressive staring at Petitioners
5 on multiple occasions might—standing alone, without more—not constitute harassment, but in this
6 case, Respondent’s menacing stares were merely part of her larger campaign of physical intimidation
7 and verbal harassment of Petitioners. (See *Birschtein v. New United Motor Mfg., Inc.* (2001) 92
8 Cal.App.4th 994, 1006-07, finding that intermittent staring can give rise to and be part of a claim for
9 sexual harassment in the workplace.)

10 Simply put, the totality of Respondent’s conduct leaves no doubt that she specifically sought
11 to harass Petitioners and her continuous, unrelenting attacks against them on many fronts constituted
12 illegal conduct requiring this Court’s intervention.

13 **IV.**

14 **CONCLUSION**


15 Respondent has undoubtedly engaged in a knowing and willful course of conduct against
16 Petitioners that reasonably places them in fear for their safety, has seriously alarmed, annoyed, or
17 harassed them, and serves no legitimate purpose. Respondent’s course of conduct would cause a
18 reasonable person to suffer substantial emotional distress and has actually caused substantial
19 emotional distress to Petitioners. Petitioners therefore respectfully request that the Court issue
20 temporary and permanent civil harassment restraining orders against Respondent, preventing her
21 from contacting them.

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1 Dated: July 3, 2019

Respectfully submitted,

2 JAMES R. WILLIAMS
3 County Counsel

4 By: 
5 WARD A. PENFOLD
6 Deputy County Counsel

7 Attorneys for Petitioner KASEY HALCON

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Socioeconomic Justice Institute socioeconomicinstitute.com

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KASEY HALCON

FILED
JUL -3 2019
Clerk of the Court
Superior Court of CA County of Santa Clara
BY *[Signature]* M. SORUM DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

11 KASEY HALCON,
12 Petitioner,
13 v.
14 SUSAN HAZLETT BASSI,
15 Respondent.

No. **19CH008843**
**DECLARATION OF KASEY HALCON IN
SUPPORT OF APPLICATION FOR
TEMPORARY AND PERMANENT
RESTRAINING ORDERS**

17 I, KASEY HALCON, declare:

- 18 1. I have personal knowledge of the facts described herein. If called to testify, I could
19 and would testify competently thereto.
- 20 2. Since October 2015, I have been employed as the Program Director of the Victim
21 Services Unit of the Santa Clara County District Attorney's Office, located in the lobby level of the
22 County Government Center at 70 W. Hedding Street, San José. The Victim Services Unit ensures
23 that victims of crime have a voice in the criminal justice process. I also serve as the Chair of the
24 Santa Clara County Domestic Violence Council, which acts in an advisory capacity to the Board of
25 Supervisors to assure safety for victims of domestic violence.
- 26 3. In my roles with the Victim Services Unit and the Domestic Violence Council, I am
27 required to regularly interact with the public and attend meetings at the County Government Center.
28 Because of the nature of my work, I regularly interact with domestic violence victims whose abusers

1 do not want them to receive assistance from me. I am used to dealing with difficult and tense
2 situations—it is part of my job description. But I have never before dealt with the routine and
3 systematic harassment that I have experienced in recent months from a woman named Susan Bassi.

4 4. Before September 2018, when I took over as the Chair of the Domestic Violence
5 Council, my direct interactions with Ms. Bassi had been minimal. To this day, Ms. Bassi sometimes
6 erroneously refers to me as “Kasey Calhoun” or “Ms. Calhoun,” though she clearly recognizes my
7 face and correctly associates me with the Domestic Violence Council and the Victim Services Unit.

8 5. Over the years, I have observed that Ms. Bassi is openly hostile and aggressive
9 towards the Santa Clara County District Attorney’s Office, and the Victim Services Unit in
10 particular. My impression is that Ms. Bassi’s anger towards the Victim Services Unit stems from her
11 misunderstanding of the role of the District Attorney’s Office. Specifically, Ms. Bassi does not seem
12 to understand the fundamental fact that the District Attorney’s Office and its Victim Services Unit
13 operate within the criminal justice system, not the family courts.

14 6. Ms. Bassi’s confusion over the difference between the civil and criminal justice
15 systems is exacerbated by the fact that she is being criminally prosecuted by the District Attorney’s
16 Office for events related to her activities at the Santa Clara County Family Court dating back to
17 November 2017. (Attached to this Declaration as Exhibit A is a true and correct copy of the
18 Amended Criminal Complaint filed in Case No. C1777801, dated 4/6/18.) I became aware of Ms.
19 Bassi’s criminal prosecution in the course of my work at the Victim Services Unit, because she has
20 repeatedly tried to access our services for herself and others.

21 7. One or around December 17, 2018, for example, I learned that Ms. Bassi was camped
22 out in the lobby of the Victim Services Unit.¹ On that occasion, and on several others, employees of
23 the District Attorney’s Office attempted to explain to Ms. Bassi that they are unable to speak to her
24 without her lawyer present because of her criminal case. Though the District Attorney’s Office has,
25 in my view, taken this position out of due regard for Ms. Bassi’s right to counsel, my impression is
26

27
28 ¹ Footage of this incident can be found at https://www.youtube.com/watch?v=kmHOj_BwbQA

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Socioeconomic Justice Institute - socioeconomicinstitute.com

1 that these encounters have only increased her animosity towards the Victim Services Unit. As her
2 animosity toward the Unit has grown, her behavior toward me has escalated as well. This escalation
3 started with Ms. Bassi taking photos or videos of me whenever she sees me in the County
4 Government Center, as she has with several of my colleagues from the District Attorney's Office. I
5 believe that Ms. Bassi does this to harass and intimidate me. Over time, her approach has become
6 more aggressive and more targeted at me as an individual.

7 8. Earlier this year, I started taking steps to protect myself whenever I thought that Ms.
8 Bassi might be present at my workplace. I started coordinating my arrival and departure with other
9 County employees, so that there would be some safety in numbers. For example, Nicole Ford, who
10 serves with me on the Domestic Violence Council, started coming to my secured office before
11 meetings, so that we could head to meetings together. We would also often return to my office after
12 meetings, so that we could debrief and plan our exits from the building.

13 9. On March 7, 2019, I attended a meeting of the Public Safety and Justice Committee
14 on the lobby-level of the County Government Center. I attended with Nicole, because there was an
15 agenda item related to the public education and training programs of the Domestic Violence Council.
16 Nicole and I were seated near the podium in case we were asked to provide any information related
17 to the Domestic Violence Council. Nicole was seated on the aisle, and I was immediately beside
18 her. During the meeting, I observed Ms. Bassi criticize the Victim Services Unit, specifically
19 accusing the Unit of taking bribes and failing to provide services to the victims of crime. When Ms.
20 Bassi turned from the podium and walked up the aisle toward our seats, she leaned over and got in
21 Nicole's face. She looked down from her standing position, pointed her finger at Nicole, and said,
22 "**Nicole Ford, you're next.**" The anger in Ms. Bassi's voice was palpable, and her tone, finger
23 pointing, and facial expression all suggested that she intended to threaten and intimidate us.

24 10. I was approximately two and a half feet away from Ms. Bassi when all of this
25 happened. Because Ms. Bassi directed her angry look at me, in addition to Nicole, and because her
26 earlier comments had been directed at my Unit, I felt deeply threatened by her behavior. I can only
27 imagine how Nicole was feeling at that moment, given that Ms. Bassi's face was only six to twelve
28 inches away from hers, and the threat specifically mentioned Nicole by name.

1 11. Nicole and I stayed in our seats for quite a while—in part because we were shell
2 shocked by the threat and in part because we wanted to see whether Ms. Bassi would again criticize
3 Nicole. When Ms. Bassi did not do so in her next public comment, Nicole and I quickly left the
4 meeting. I repeatedly looked over my shoulder as we exited the room, and as we proceeded down
5 the hallway towards my office. I was genuinely concerned that Ms. Bassi would try to follow us and
6 carry out her threat. I was tremendously relieved when we made it back to the secured area where
7 my office is located.

8 12. On or around March 17, 2019, Nicole sent me a text message asking whether I knew
9 someone named Barbara Spector. When I replied “no,” Nicole told me to look at a blog post from
10 Ms. Bassi on a website called Jane and John Q Public. I went to the website and identified a story
11 that mentioned me by name. Ms. Bassi’s post named me as the “Director of Victim Services” at the
12 Santa Clara County District Attorney’s Office and included many of the same criticisms of the Unit
13 that Ms. Bassi had mentioned during the March 7, 2019 meeting of the Public Safety and Justice
14 Committee. In the blog entry dated March 17, 2019, Ms. Bassi wrote the following: “At the core of
15 the corruption is the Santa Clara County District Attorney’s Office where the Director of Victim
16 Services, Kasey Halcon, is reportedly working on a ‘catch and kill’ program designed to silence
17 victims seeking help in the county’s family courts . . . Halcon is reportedly working through private
18 attorney Barbara Spector of Los Gatos.” (Attached to this Declaration as **Exhibit B** is a true and
19 correct copy of Ms. Bassi’s blog entry from www.janeandjohnqpublic.com entitled “Divorce Files
20 Show Abusive Judges and Lawyers,” dated 3/17/19.)

21 13. On April 4, 2019, I attended the Public Safety and Justice Committee meeting at the
22 County Government Center. I noticed Ms. Bassi approaching me as I sat in the audience. She had
23 me cornered and, with an intimidating scowl on her face, Ms. Bassi got within a foot of my face and
24 began snapping off pictures of me with her phone.

25 14. On April 15, 2019, I attended a meeting of the Children, Seniors and Families
26 Committee of the Board of Supervisors where Ms. Bassi continued her criticism of the Victim
27 Services Unit. At one point during her remarks, Ms. Bassi turned to address me directly as I sat at
28 the dais in front of her. Ms. Bassi looked straight at me as she said: “We have had hundreds of

1 millions of dollars in state and federal grants go to this County. And Ms. Calhoun, *tomorrow at*
2 *noon that's going to hit you square in the face.*" My colleagues in the District Attorney's Office
3 were so concerned by Ms. Bassi's conduct towards me that they made sure I had an escort to my car
4 after the meeting ended at approximately 10 p.m. This did not keep me from looking over my
5 shoulder at every turn and checking my rear-view mirror all the way home. I knew that Ms. Bassi
6 had followed other County employees to their cars, including District Attorney Jeff Rosen, so I was
7 genuinely concerned for my safety.

8 15. On May 30, 2019, I was informed that Ms. Bassi had entered the lobby of the Victim
9 Services Unit and began filming my staff and other individuals waiting in the lobby, which is
10 prohibited. At one point, one of my staff members entered the room to greet her client, a male
11 victim of attempted murder. When the client stood up, Ms. Bassi began filming him, and she said
12 sarcastically, "Oh, he's a victim?" The victim was visibly uncomfortable, and he suffers from
13 anxiety, post-traumatic stress syndrome, and major depression. My staff member explained that
14 video recording is prohibited in the Victim Services Unit lobby, as the signs right next to the lobby
15 doors clearly indicate. But Ms. Bassi continued recording. The staff member brought the victim
16 behind the secure door in the unit. When her meeting with the victim was over, she escorted him
17 through the secure area of the District Attorney's Office and out a separate exit, so that he could
18 avoid Ms. Bassi.

19 16. On that same day, Ms. Bassi and a victim with a case from approximately seven years
20 ago specifically requested to see me in the Victim Services Unit lobby. Prior to that meeting, I
21 contacted the Investigator on duty in the District Attorney's Office, Roberto Navarro. Given Ms.
22 Bassi's erratic behavior in the past and her comments to me in public and private meetings, I was
23 concerned for my safety and requested he stand-by in the Victim Services Unit reception area. Once
24 he was present, I went out to meet with the victim. I spoke with the victim for approximately three
25 to five minutes. Ms. Bassi filmed our entire interaction. Ms. Bassi tried to speak with me, but I
26 declined because she is currently represented by counsel in her criminal case. Again, Ms. Bassi
27 filmed this entire exchanged and based on my previous interactions with her, I think it is likely the
28 footage will be posted on-line. At the end of the meeting, I left the lobby and went behind a secure

1 door until Ms. Bassi and the victim left. Investigator Navarro then escorted me out of the building.

2 17. After these incidents with Ms. Bassi, I no longer feel safe when I know Ms. Bassi
3 may be nearby. An investigator from the Bureau of Investigations in the District Attorney's Office
4 has been assigned on an as needed basis to escort me to and from my car in the parking lots at the
5 County Government Center—both in the morning and at night. The employees in the lobby of the
6 Victim Services Unit have been instructed to contact the Bureau of Investigations if Ms. Bassi asks
7 for me. I have seen Ms. Bassi in the area immediately outside of my office window (in the public
8 walkway outside the building), and at certain times of day the angle of the sun is such that I can't see
9 out of my window, but people outside can see in. The County has installed opaque, security blinds
10 in my office and security window film to prevent the glass from shattering if someone were to throw
11 a rock or some other projectile at the window from outside. I now always keep my blinds closed to
12 obscure my movements and activities. The County has conducted a full security risk assessment for
13 me, and I am currently implementing the recommendations, at my own cost, to secure the safety of
14 my home and family. But there are limits to how secure I can be in the public lobby, or during
15 meetings elsewhere in the building.

16 18. Even with security measures in place, it is simply not possible for me to avoid Ms.
17 Bassi altogether. My job requires me to access the public spaces several times a day. On April 23,
18 2019, for example, Ms. Bassi spotted me as I exited my office and headed towards a meeting. In the
19 lobby, Ms. Bassi kept her distance as she filmed my movements, likely because she saw that I had
20 two investigators with me. Once we entered the meeting, however, the investigators stood in the
21 back of the room as I sat down with several colleagues from the District Attorney's Office. Shortly
22 after I sat down, Ms. Bassi approached me in the audience and began filming and photographing me.
23 She leaned over the railing in front of my seat and bent down within a foot of my face. I sat back in
24 my chair as far as I possibly could, but she once again had me cornered. Ms. Bassi complained that I
25 had allegedly "turned away" a victim of domestic violence who needed my help. As quickly as Ms.
26 Bassi had approached, she abruptly stood up. I noticed that she was looking over my head as she did
27 it. I turned around to see the investigators heading in our direction from the back of the room. Ms.
28 Bassi quickly turned and walked away. As grateful as I was for the investigators' presence, I

1 realized that Ms. Bassi had specifically waited until the investigators were separated from me in
2 Board Chambers to approach me and that there is simply no way for them to prevent her from
3 getting close to me and threatening me. I now live in constant fear for my physical safety in my own
4 workplace, which makes it incredibly difficult to do my job and serve the public. Each time I walk
5 through a public place, I am fearful that I will encounter Ms. Bassi and she will act on her threats.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct and that I executed this declaration on July 2, 2019, at San José, California.

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11 KASEY HALCON
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EXHIBIT A

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

1 THE PEOPLE OF THE STATE OF CALIFORNIA,
2 Plaintiff,

**FIRST AMENDED
MISDEMEANOR COMPLAINT**

3

4

vs.

DOCKET NO. C1777801

5 SUSAN HAZLETT BASSI (07/25/1964),
6 1933 WRIGHT DR LOS GATOS CA 95031

DA NO: 171134163
CEN
17529073 SHB SCIT 04/13/2018

7

Defendant(s).

8

9

10 The undersigned is informed and believes that:

11

12

COUNT 1

13 On or about August 31, 2017, in the County of Santa Clara, State of California, the crime of
14 CONTEMPT OF COURT- WILLFULLY DISOBEDIENCE OF THE TERMS OF ANY PROCESS
15 AND LAWFUL COURT ORDER, in violation of PENAL CODE SECTION 166(a)(4), a Misdemeanor,
16 was committed by SUSAN HAZLETT BASSI who did willfully disobey the terms as written of a
17 process and court order and out-of-state court order, lawfully issued by a court, including orders pending
18 trial, Santa Clara County Local Rules of Court, General Rule 2B, Use of Recording Devices Generally
19 Prohibited.

18

19

COUNT 2

20 On or about November 14, 2017, in the County of Santa Clara, State of California, the crime of
21 CONTEMPT OF COURT- WILLFULLY DISOBEDIENCE OF THE TERMS OF ANY PROCESS
22 AND LAWFUL COURT ORDER, in violation of PENAL CODE SECTION 166(a)(4), a Misdemeanor,
23 was committed by SUSAN HAZLETT BASSI who did willfully disobey the terms as written of a
24 process and court order and out-of-state court order, lawfully issued by a court, including orders pending
25 trial, Santa Clara County Local Rules of Court, General Rule 2B, Use of Recording Devices Generally
26 Prohibited.

26

COUNT 3

On or about November 14, 2017, in the County of Santa Clara, State of California, the crime of RESISTING, DELAYING, OBSTRUCTING AN OFFICER, in violation of PENAL CODE SECTION 148(a)(1), a Misdemeanor, was committed by SUSAN HAZLETT BASSI who did willfully resist, delay and obstruct a(n) peace officer in the discharge and attempt to discharge a duty of his/her office and employment.

8

COUNT 4

On or about March 19, 2018, in the County of Santa Clara, State of California, the crime of CONTEMPT OF COURT- WILLFULLY DISOBEDIENCE OF THE TERMS OF ANY PROCESS AND LAWFUL COURT ORDER, in violation of PENAL CODE SECTION 166(a)(4), a Misdemeanor, was committed by SUSAN HAZLETT BASSI who did willfully disobey the terms as written of a process and court order and out-of-state court order, lawfully issued by a court, including orders pending trial. Santa Clara County Local Rules of Court, General Rule 2B, Use of Recording Devices Generally Prohibited.

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DISCOVERY REQUEST

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

28

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant SUSAN HAZLETT BASSI, for the above-listed crimes.

26

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Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on April 3, 2018, in SANTA CLARA County, California.

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Daniella Rich

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RICH/D615/ MISDEMEANOR/ SG

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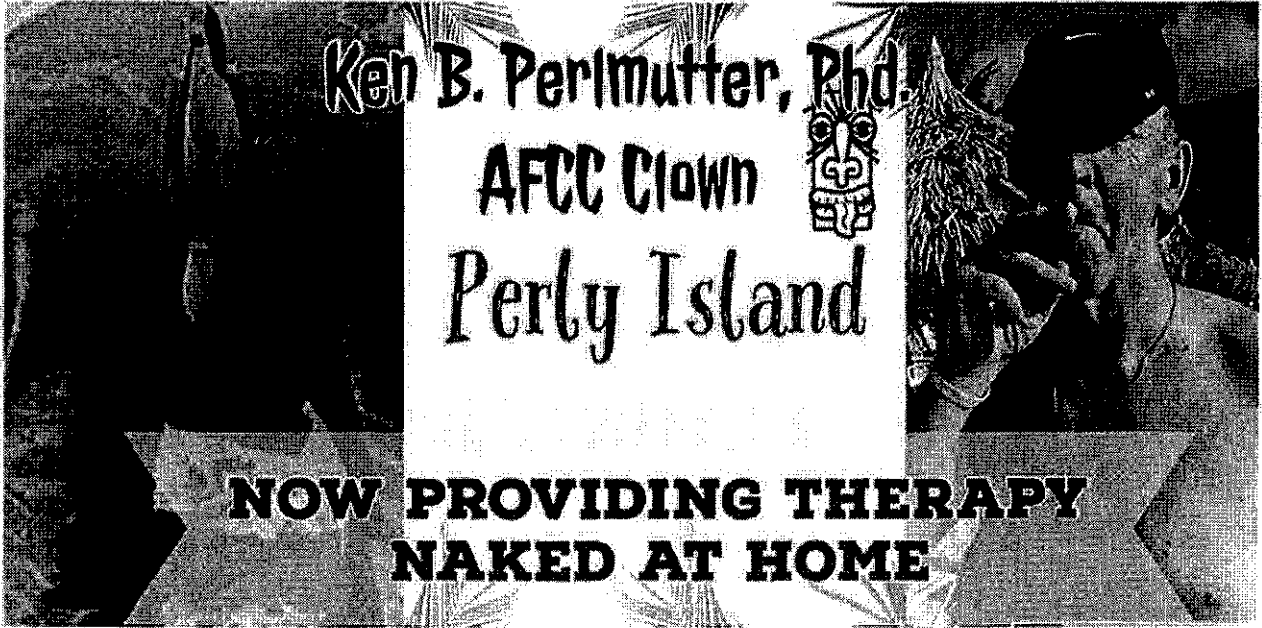
EXHIBIT B

JANE AND JOHN Q. PUBLIC

Divorce Files Show Abusive Judges and Lawyers

3/17/2019

2 Comments



Ken Perlmutter's family alleges sex abuse of nefarious custody evaluator

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Exhibit H, p. 30

JANE AND JOHN Q. PUBLIC



Walter Hammon (far right) wife Maben and Santa Clara County Supervisor Susan Ellenberg investigated for corrupting family courts.

Investigated: Susan Ellenberg and Walter Hammon

For decades parents and Whistleblowers have complained that Silicon Valley courts have ignored corruption that allowed pedophiles, abusers and thieves to rob and harm families for profit.

A recent investigation links Santa Clara County's newest woman Democrat to sex trafficking, and scandalous conduct imposed by the Hammon Legal Dynasty.

County divorce files show Ken Perlmutter is renting a home in Palo Alto for \$6100 a month, and claims in his personal divorce case has exposed Perlmutter to allegations related to RICO crimes including money laundering that seeks to reduce support obligations to his former wife.

Secret recording devices planted near Perlmutter's rental home have captured conversations with divorce attorneys; Bradford Baugh, Catherine Bechtel, Rebekah Frye, Walter Hammon and Donelle Morgan, indicate divorce lawyers, custody evaluators and CPAs are using Santa Clara County divorce cases to launder money and fleece families for profit.

Susan Ellenberg, who ran for Santa Clara County Supervisor in 2018, is connected to the scam, through her campaign manager Walter Hammon. Witnesses report Hammon accepted cash payments for Ellenberg's campaign and laundered them through his attorney trust account. Such conduct has seen Hammon in trouble before. The pair also appeared to have worked with

JANE AND JOHN Q. PUBLIC

County Counsel Greta Hansen and James Williams have been in on the scam as well. These government lawyers have been making criminal conduct disappear through the county's Personnel Board.

At the core of the corruption is the Santa Clara County District Attorney's Office where the Director of Victim Services, Kasey Halcon, is reportedly working on a "catch and kill" program designed to silence victims seeking help in the county's family courts.

Halcon reportedly has accepted cash as well, in return for turning the other way when it come to investigating the county's non- profit organization, where individuals including Lisa Pott have cheated taxpayers seeking to support victims of teen depression and suicide. Halcon is reportedly working through private attorney Barbara Spector of Los Gatos.

Barbara Spector, formerly of Hoge Fenton, has been caught up in what appears to be a Racketeering Enterprise involving James Towery and Valerie Houghton, formerly of Hoge Fenton. In a complex scheme that involved judges and lawyers laundering money through the county's real estate transactions, Spector has assisted dirty lawyers converting home equity into profits and untraceable trust account deposits where she is now being paid back with private judging, ADR and mediation assignments.

Lawyers from the DA's office appear in on the scheme, accepting kickbacks and other bribes, has become a widely accepted practice.

Lawyers and judges involved in divorce cases are being investigated. For now the top scumbag prize is a tie between Mary Ann Grilli, who was addicted to pain medications for the last five years she ruled in family law cases, and Judge James Towery, who cheated on his first wife Marilyn Morgan. That cheating was carefully documented by a staffer in the office where Towery was partner with his wife and her father.

Towery, then joined the Santa Clara County family court where he continued his abuse of woman, and distain for men who were not cheats like him.

Other judges implicated in the real estate scam with questionable mortgage payoffs include Judge Patricia Lucas, Judge Vincent Chiarello and recalled judge Aaron Persky.

Like 0

Tweet

2 Comments

Exhibit H, p. 32

FEXXNIST

5/27/2019 05:54:56 pm

JANE AND JOHN Q. PUBLIC

Alienated Parent

6/19/2019 08:05:22 pm

Dr. Kenneth (Ken) Perlmutter phd, Palo Alto child custody evaluator is a liar and writes fraudulent reports. Do not trust your children with this highly disturbed madman.

Reply

Your comment will be posted after it is approved.

Leave a Reply.

Name (required)

Email (not published)

Website

Comments (required)

Notify me of new comments to this post by email

Submit

California Judicial Branch News Service cjbns.org
Socionomic Justice Institute socioeconomicinstitute.com

JANE AND JOHN Q. PUBLIC

San Diego County Superior Court Monday, July 1, 2019 10:00 AM



California Judicial Branch News Service cjbns.org
Socioeconomic Justice Institute socioeconomicinstitute.com

WE WOULD LOVE TO HAVE YOU JOIN US OR POINT US TO A PROBLEM!

Proudly powered by Weebly

HOURS

M-F: 7am - 9pm

EMAIL

caljohnqpublic@gmail.com

Exhibit H, p. 34

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4 Facsimile: (408) 292-7240

5 Attorneys for Petitioner
KASEY HALCON
6

FILED
JUL -3 2019
Clerk of the Court
Superior Court of CA County of Santa Clara
BY *M. SORUM* DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
9

10
11 KASEY HALCON,
12 Petitioner,
13 v.
14 SUSAN HAZLETT BASSI,
15 Respondent.

No. **19CH008843**
**DECLARATION OF NICOLE FORD IN
SUPPORT OF APPLICATION FOR
TEMPORARY AND PERMANENT
RESTRAINING ORDERS**

16
17 I, NICOLE FORD, declare:

18 1. I have personal knowledge of the facts described herein. If called to testify, I could
19 and would testify competently thereto.

20 2. I currently serve as the Administrative Vice Chair of the Santa Clara County
21 Domestic Violence Council, a group made up of 22 members appointed by the County Board of
22 Supervisors. The Domestic Violence Council acts in an advisory capacity to the Board of
23 Supervisors to assure safety for victims of domestic violence. I also maintain an active family law
24 practice in the Santa Clara County Superior Court.

25 3. In my role as Vice Chair of the Domestic Violence Council, I am required to
26 regularly access the public lobby and attend meetings in public conference rooms in the County
27 Government Center, located at 70 W. Hedding Street in San José.
28

1 4. Both in my role as a member of the Domestic Violence Council and as an attorney
2 working in the Santa Clara County Family Court, I have interacted with Susan Bassi repeatedly
3 throughout the last several years. I have observed Ms. Bassi at the County Government Center and I
4 have also seen her outside of the Family Court and observing proceedings inside the courthouse.

5 5. Because of events described in this declaration, I now do everything in my power to
6 avoid interacting with Ms. Bassi. When I cannot avoid being in the same space as Ms. Bassi—for
7 example, when she's in the clerk's office and I have to pull a file—I ask friends in the building to
8 escort me whenever possible. This is extremely unusual behavior for me. Because I am a practicing
9 family law attorney, I regularly encounter angry opposing parties who are unhappy with me and my
10 clients. Despite that, I have rarely in my professional life had to go out of my way to avoid people
11 out of fear. Ms. Bassi falls into that extremely narrow category of people who I try to avoid
12 whenever I can. Unfortunately, this is very difficult, if not impossible, when I'm at the County
13 Government Center.

14 6. On May 4, 2018, I attended a Domestic Violence Council meeting at the County
15 Government Center. During the meeting, I observed Ms. Bassi publicly attack my reputation. Ms.
16 Bassi stated that I should recuse myself from the Council, that I was "no friend to domestic violence
17 survivors," and that I should "report myself to the bar." Ms. Bassi specifically referenced a case I
18 had handled for a client in 2015, putting me in the awkward position of not being able to defend
19 myself against her accusations because of client confidentiality and attorney-client privilege. From
20 my perspective, these public accusations against me from Ms. Bassi came out of nowhere. I was
21 completely floored, and I cried most of the way home that evening. Little did I know that Ms.
22 Bassi's behavior towards me would only worsen over the course of the next year.

23 7. On May 7, 2018, I went to the Family Court to support a friend named Jessica Huey
24 who was serving as minor's counsel in a domestic violence case. Ms. Huey called me because a
25 group of people associated with Ms. Bassi had accosted her outside the Family Court, yelling at her
26 repeatedly and preventing her from even exiting her vehicle. In response, I gathered together a
27 group of attorneys to support Ms. Huey and escort her to her assigned courtroom, which was
28 Department 72 with Judge Pegg. During Ms. Huey's court proceedings, I sat outside the courtroom

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1 for one hour minding my own business. Because Ms. Bassi was present, I chose to sit on a bench
2 that was clearly in view of the court security camera for safety. During the hour that I sat outside the
3 courtroom, Ms. Bassi approached me twice and both times stood over me from only a few feet away.
4 She got so close that I would have moved away had I been standing up at the time. Ms. Bassi
5 positioned herself so that I would have to physically contact her to stand up from the bench and
6 move away from her, so I remained seated and pushed back as far as I could into the bench to create
7 distance between us. During both encounters, she looked down at me from her elevated position and
8 scowled, with an intensity in her eyes that I found to be very intimidating. The first time she
9 approached me she said, "you're pathetic" and "you should recuse yourself immediately and report
10 yourself to the bar." She also said that I "should not be on the DVC" (Domestic Violence Council)
11 and that I am "no friend of domestic violence victims." During the second encounter, she said, "I
12 hope you're happy with yourself" and "you're pathetic." In both instances, Ms. Bassi's tone was
13 very threatening. I believe she was trying to verbally and physically intimidate me, not trying to
14 obtain any information or have a conversation. In response, all I said was "thank you for the input,"
15 but I was genuinely rattled by her aggressive conduct.

16 8. In or around late November 2018, I went into the Family Court on an *ex parte*
17 application in Department 65. My client and I were seated in the second row on the left side of the
18 courtroom. I turned to see Ms. Bassi seated in the second row on the right side of the courtroom.
19 Instead of looking forward toward the bench, Ms. Bassi was contorting her body to look straight
20 across the courtroom at me. She remained in that position for roughly ten minutes. During that
21 entire period, she glared at me with an aggressive facial expression that did not change. It was so
22 awkward and unsettling that my client said, "does that woman know me? She's looking at me like
23 she hates me." I explained to my client that Ms. Bassi's menacing gaze was directed at me, not him.
24 Thankfully, the judge ultimately cleared the courtroom, because of the confidential nature of the
25 proceedings. But my client was so rattled by Ms. Bassi that he was nervous to leave the courtroom
26 at the end of the hearing. So was I. I poked my head out of the courtroom to see if Ms. Bassi was
27 still present, and then I quickly shuffled my client off to a different part of the building. During
28

1 subsequent court appearances, my client has told me that he is concerned about Ms. Bassi and that
2 he has also tried to avoid her in the halls of the courthouse.

3 9. On December 7, 2018, I attended a Domestic Violence Council meeting at the County
4 Government Center. During the meeting, Ms. Bassi said that she wanted to address an article she
5 read in the S.F. Chronicle in which I was quoted. Ms. Bassi accused me of "using domestic violence
6 survivors for [my] own profit" and "colluding with clients by taking money from abusers so they
7 can't pay child support." During that same meeting, Ms. Bassi mentioned the Chair of the Domestic
8 Violence Council, Kasey Halcon. Ms. Bassi misstated Kasey's name as "Ms. Calhoun," as she
9 sometimes does out of confusion. Ms. Bassi stated during the meeting that Kasey "refuses to
10 provide services" to her and other victims of domestic violence.

11 10. On January 5, 2019, I found a blog post that I believe to be Ms. Bassi's on the Jane
12 and John Q Public website. The blog post, dated December 7, 2018, features a painting depicting
13 me as a pig eating at a trough that is labelled "domestic violence." The blog describes this painting
14 and several others as a "new art display for failing victims of Domestic Violence." (Attached to this
15 Declaration as Exhibit A is a true and correct copy of the blog entry from
16 www.janeandjohnqpublic.com entitled "Domestic Violence: How to Ruin Your Ex's Life and Make
17 Your Lawyer Rich," dated 12/7/18.) When I first saw this post, I cried. I have dedicated my life and
18 safety to working on behalf of domestic violence survivors, which made it particularly hurtful to be
19 mocked for it and accused of doing the exact opposite. I interpreted this painting and blog post as
20 part of Ms. Bassi's escalating efforts to intimidate me. It worried me that her attacks were becoming
21 increasingly personal. And when I considered her words in conjunction with her increasingly
22 aggressive, in-person conduct, I began to fear for my personal safety.

23 11. At around this time, Kasey Halcon and I began using a buddy system whenever we
24 attend meetings together at the County Government Center. I now park my car as close to the
25 building as I can. I call Kasey to let her know I am about to arrive, so that she can quickly buzz me
26 into the secured area where her office is located. I do not enter the building through the main "West
27 Entrance" by the District Attorney's Office, but rather through one of several less trafficked
28 entrances elsewhere in the building. Before entering the building, I poke my head in and scan the

1 lobby to see whether Ms. Bassi is there. If not, I proceed towards Kasey's office and quickly enter
2 after she buzzes me in. When it's time for a meeting, Kasey and I proceed together to the
3 appropriate location. Even with safety in numbers, I still brace myself every time I enter public
4 spaces and I find myself constantly scanning the room and looking over my shoulder. Male
5 members of the Domestic Violence Council, who are in law enforcement and know about the current
6 situation, have started showing up to our meetings with more regularity to provide additional
7 protection, if necessary.

8 12. The Domestic Violence Council was scheduled to have a meeting on February 5,
9 2019. Kasey Halcon was not going to be able to attend the meeting that day, due to a conflict, so I
10 was scheduled to chair the meeting. In the days leading up to the meeting, I became incredibly
11 nervous about that prospect, because I suspected that Ms. Bassi would use this as an opportunity to
12 attack me personally, whether through her words or deeds. On the day of the meeting, I proceeded
13 to Kasey's office beforehand, as I usually do. As Kasey and I spoke, I began shaking and I ended up
14 having a panic attack, which is something that I had never experienced before. Fortunately, we did
15 not end up having quorum for the full meeting that day, so we proceeded only in workshop mode.

16 13. On March 7, 2019, I attended a meeting at the County Government Center for the
17 Public Safety and Justice Committee. Kasey and I attended the meeting together, because there was
18 an agenda item related to the Domestic Violence Council. We were seated close to the podium in
19 case we were asked to offer any information related to the Council. I was on the aisle and Kasey
20 was seated next to me. During the meeting, I observed Ms. Bassi speak about the Victim Services
21 Unit. After her time was up, Ms. Bassi turned from the podium and approached the area where
22 Kasey and I were seated. Ms. Bassi walked up to me, leaned over, got in my face, and pointed her
23 finger at me. Her face was only about a foot from mine, and her finger was only six inches from my
24 face, when she said, "*Nicole Ford, you're next,*" in a very alarming manner. I could see the rage in
25 her eyes, and I was disturbed by the ominous tone of her voice.

26 14. I immediately interpreted Ms. Bassi's statement and finger pointing as an attempt to
27 threaten me. It was not initially clear to me what precisely she meant by it. I considered that Ms.
28 Bassi could have meant that she was planning to again criticize me with her words, as she had just

1 criticized Kasey and the Victim Services Unit. Kasey and I decided to wait to see what Ms. Bassi
2 might say about me. When Ms. Bassi did not so much as mention me later in the meeting, her
3 threatening words and conduct became even more concerning and threatening to me. If Ms. Bassi
4 had not specifically threatened my physical safety previously, I believe she clearly did that day—
5 with her looming presence, her enraged eyes, her aggressive tone, and her statement, “you’re next.”

6 15. Kasey and I thereafter decided to quickly leave the meeting, in the hope that Ms.
7 Bassi would not approach us again or follow us out of the Board Chambers. While checking to
8 make sure that we were not being followed, we proceeded back to Kasey’s office. Shortly
9 thereafter, I quickly returned to my car. Once in my car, I began shaking. I was so unnerved that I
10 immediately notified County Council and found myself doing safety planning in a way I usually
11 reserved for my more extreme domestic violence cases. I notified all members of my office and
12 found myself again crying due to the stress and fear.

13 16. In my view, Ms. Bassi has become more and more unhinged over time, and her
14 increasingly aggressive conduct suggest to me that she is likely to make good on her threats. At this
15 point, I feel like I am in real physical danger when I am around her, so I do everything I can to avoid
16 it. But this does not prevent her from approaching me whenever she wants and her attempts to
17 intimidate me make it difficult to serve on the Domestic Violence Council. Every time I attempt to
18 perform my duties for the Domestic Violence Council or appear in Family Court, I feel that I may be
19 sacrificing my own well-being for the sake of a cause I believe in. In my view, it should not have to
20 be this way.

21
22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct and that I executed this declaration on July 2, 2019, Las Vegas, Nevada.

24
25 
26 _____
27 NICOLE FORD
28

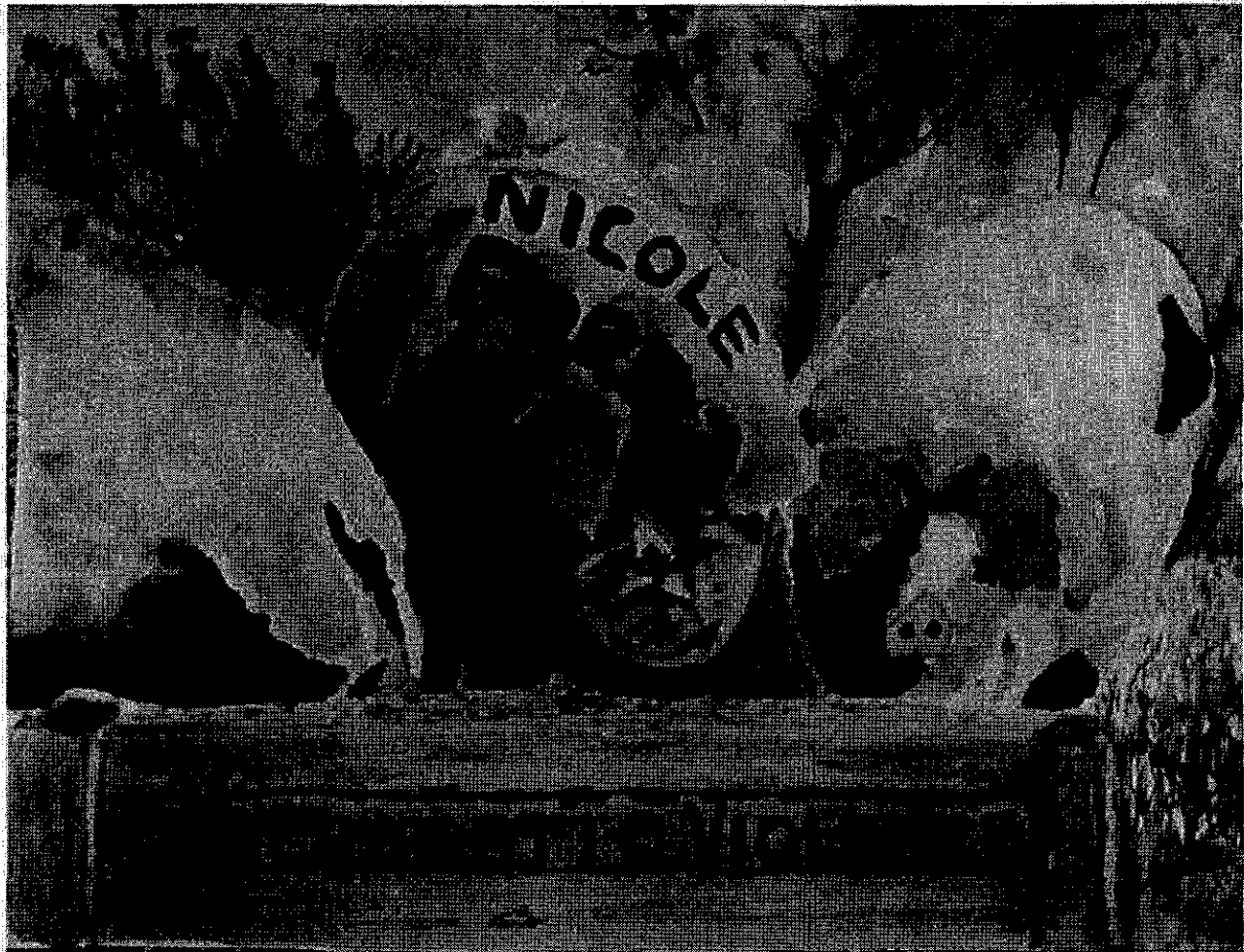
EXHIBIT A

JANE AND JOHN Q. PUBLIC

Domestic Violence: How to Ruin Your Ex's Life and Make Your Lawyer Rich

12/7/2018

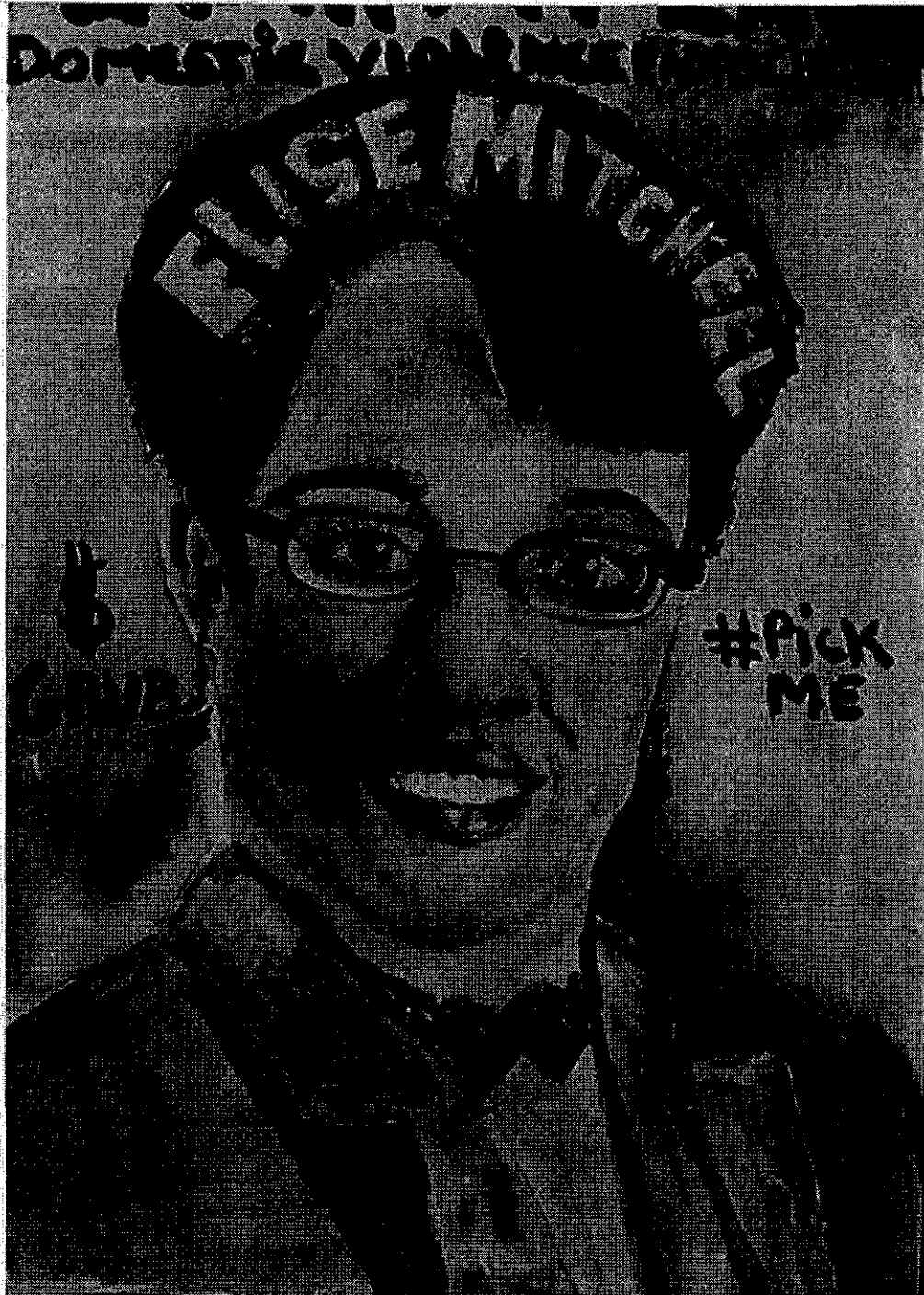
1 Comment



California Judicial Branch News Service - cjbrns.org
Socionomic Justice Institute - socioeconomicinstitute.com

Nicole Ford (above). Elise Mitchell (right), depicted in new art display for failing victims of Domestic Violence.

JANE AND JOHN Q. PUBLIC



California Judicial Branch News Service - cjbrns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

Exhibit H, p. 44

JANE AND JOHN Q. PUBLIC



California Judicial Branch News Service cjbns.org
Socioeconomic Justice Institute socioeconomicinstitute.com

JANE AND JOHN Q. PUBLIC



Tim Kawakami
@timkawakami

49ers and SJPD wanted to influence what I wrote about Ray McDonald's case in 2014. That was a line crossed that will never get uncrossed.

1:29 PM · 11 Aug 16

Journalists and Victims Threatened by 49ers to Stay Silent on Domestic Violence.

Silicon Valley artists target Santa Clara County divorce lawyers: **Nicole Ford, Elise Mitchell, Hector Moreno, Leah Amini, Walter Hammon Valerie Houghton,** and **Bradford Baugh** for failing to protect victims of domestic violence and falsely prosecuting innocent parents in divorce cases to earn more money. Complaints allege these lawyers have also been threatening the press to keep the 49er brand, and themselves, from becoming "tainted" in the local legal community.

Domestic Violence in Silicon Valley is at an all time high. Not because parents are more violent, but because divorce lawyers have colluded to grab more money in a divorce case cases using DV as a litigation tactic and local district attorneys have let them.

Exhibit H, p. 46

JANE AND JOHN Q. PUBLIC

former 49er Ray McDonald. A case that is getting a new look after the 49ers fired **Ruben Foster** following a Florida arrest for domestic violence.

District Attorney Covered Up Domestic Violence to Protect 49er Image

Recently released Santa Clara police body cams show that 49er Ruben Foster got favorable treatment after the Santa Clara County DA refused to prosecute Foster for interfering with the police during a recent DV call. Jeff Rosen when soft on similar claims that were pending against former 49er Ray McDonald, claims Rosen dragged out for three years and then let slip off into the golden plea deal Rosen is famous for offering high profile abusers.

Josh Bentley, the lawyer for 49ers, has reportedly been giving Jeff Rosen kickbacks to keep 49er DV issues out of Rosen's office, and out of the media, including by "fixing" stories that appear in the San Jose Mercury.

Elise Mitchell, Ray McDonald's family law attorney, is a divorce lawyer (who sits on fee arbitration panels for the Santa Clara County Bar Association) was reportedly using secret deals in fee arbitrations to kickback favors to area lawyers. Mitchell is also charged with giving information and kickbacks to keep former 49er Ray McDonald, out of jail, after he beat the mother of his child in 2014 and in 2015.

Elise Mitchell reportedly crafted the legal culture of slut shaming victims by threatening the media to not cover Kendra's story in 2016, after it hit on ABC, NBC, TMZ, and CBS as McDonald was getting favorable treatment before Judge James Towery, a close friend of Elise Mitchell. Kendra Scott is one more high profile victim failed by Jeff Rosen, as Rosen took over the county's Victim Services and panders to his political allies in lieu of serving victims.

DA Jeff Rosen, and his former assistant, Kayrn Sinunu- Towery have a long history of letting 49ers out of serious charges of physical violence against others, especially intimate partner violence. That history led to **Sinunu -Towery** resigning in July 2013 before she was disbarred. It is no surprise her husband, James Towery, gave favorable treatment to these players in divorce and custody cases.

Even now Jeff Rosen is reluctant to arrest a 49er who was already arrested in another state, as the San Jose Mercury reports.

Another link to Rosen, is criminal lawyer **Dan Jensen**, a lawyer who gets regular referrals from the DA's office and is reportedly is on the referral list for Silicon Valley's high tech companies like **Apple**, **Facebook** and **Google**.

JANE AND JOHN Q. PUBLIC

Independent news agencies and reporters have been reporting that 49ers, private divorce lawyers and DA have been using the media to cover up the potential harm NFL players impose in a local community. (See Tweet of Tim Kawakami back when he tried to cover McDonald back in 2014) .

Retired 49er players report that the 49er management took an active role in threatening the victim of 49er Ray McDonald, and regularly trains their players to get consent on their phones so that lawyer Josh Bentley, or Dan Jensen, can get them out of charges of domestic violence or sexual assault.

JEFF ROSEN FAILS VICTIMS PROSECUTES PARENTS

Court papers charge that Jeff Rosen, and the Santa Clara County Independent Defense Office (IDO), have been working to secret domestic violence and false claims of domestic violence back to 2010, when Rosen was running for office. More recently antitrust documents charge that Jeff Rosen has been using domestic violence victims to build his career and cover up real harm.

Violence that Makes Divorce Lawyers Rich

Divorce Attorneys **Sharon Roper** and **Bradford Baugh** have been reportedly colluding to use domestic violence to earn more attorney fees, claiming they can earn over \$100,000 in a single divorce case simply by adding in a false DV claim.

DDA Allison Filo (who was charged with trying to send an innocent man to jail for rape), knew of this collusion back to 2013, but was told to cover it up as the Santa Clara County DA's office as the office was under pressure in a high profile DV case, and as the Audrie Pott suicide was being used to make money for some of Jeff Rosen's divorce lawyer friends.

Sharon Roper, a highly controversial court appointed lawyer for children, was recently hired by the Santa Clara County Courts and is charged in court documents as using false claims of domestic violence to profit herself.

These same court files charge that lawyers are acting in criminal conspiracies using domestic violence as a profit opportunity. Recordings and emails that document this conduct have been being presented to the State Bar for over 20 years, and the Bar has done little discipline divorce lawyers who are getting rich by claiming DV in divorce cases.

While many people seek to use the legal system and fairly execute their divorce, a small number of people appear to be hiring divorce lawyers to draw out litigation and weave a false domestic violence claim, or pressure real victims to remain silent. Sadly, good parents who may have had

JANE AND JOHN Q. PUBLIC

Can Your Divorce Lawyer Go To Jail?

Most district attorneys refuse to prosecute perjury and criminal conspiracies in divorce cases, which has given divorce lawyers an invitation to violate the law and steal more than just outrageous fees.

An indictment of controversial divorce lawyer, **Valerie Houghton**, is one of the few criminal indictments charging a lawyer with felony white collar crimes, which include enhancement for stealing from a senior. Houghton was charged in 2016 and has still not gone to trial. Rumors abound that Jeff Rosen has directed the charges against Valerie Houghton to be dropped as a favor to James Towery, a sitting family court judge and close personal friend. Towery reportedly worked on Jeff Rosen's political campaigns, including when Towery was Chief Trial Council at the California State Bar.

The Houghton indictment is a cancer on the Santa Clara County District Attorney's Office. It shows how Jeff Rosen has consistently failed to prosecute lawyers and 49ers as a form of protection and collusion with private divorce lawyers. An illegal protection that fails victims over and over again.

Like 0

Tweet

1 Comment

Ben Z.

12/10/2018 07:44:54 pm

Valerie,

I see all the stuff about your Milan approach and the M.F.T.

Does it ever cross your mind what you did my kids?

- Ben Z.

Reply

Your comment will be posted after it is approved.

Leave a Reply.

California Judicial Branch News Service - cjbnns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

JANE AND JOHN Q. PUBLIC

Email (not published)

Website

Comments (required)

Notify me of new comments to this post by email

Submit

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Socioeconomic Justice Institute socioeconomicinstitute.com

Santa Clara County Superior Court Holiday Party with Divorce Attorneys, Ju...



Exhibit H, p. 50

JANE AND JOHN Q. PUBLIC

WE WOULD LOVE TO HAVE YOU JOIN US OR POINT US TO A PROBLEM!

Proudly powered by Weebly

HOURS

M-F: 7am - 9pm

EMAIL


caljohnqpublic@gmail.com

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5 Attorneys for Petitioner
KASEY HALCON
6
7

FILED

JUL -3 2019

Clerk of the Court
Superior Court of Santa Clara County of Santa Clara
BY  DEPUTY

M. SORUM

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
9

10
11 KASEY HALCON,
12 Petitioner,
13 v.
14 SUSAN HAZLETT BASSI,
15 Respondent.
16

No.

19CH008843

**DECLARATION OF JEFFREY F. ROSEN
IN SUPPORT OF APPLICATION FOR
TEMPORARY AND PERMANENT
RESTRAINING ORDERS**

17 I, JEFFREY F. ROSEN, declare:

18 1. I have personal knowledge of the facts described herein. If called to testify, I could
19 and would testify competently thereto.

20 2. I am an attorney duly licensed to practice and in good standing with all courts in the
21 State of California. I am the District Attorney of Santa Clara County.

22 3. As the District Attorney, my primary place of work is the County Government Center
23 at 70 W. Hedding Street in San José, California, where among other things, I frequently attend
24 meetings throughout the building.

25 4. Over the last nine to twelve months, Susan Bassi has been at the County Government
26 Center several times a week. When I attend meetings in the building as part of my job duties, Ms.
27 Bassi often follows me from those meetings to the Office of the District Attorney through the long
28 hallway between the East and West Wings of the County Government Center, and stays with me at

1 the elevators to my office until I am able to enter an elevator to the Office of the District Attorney,
2 which is a secured part of the building. While following me or when I am waiting for the elevator,
3 Ms. Bassi approaches very close to me, often within inches of me, and yells at me, trying to provoke
4 a response, while she or another individual she associates with films me. She is aggressive, hostile,
5 and angry.

6 5. This has happened more than a dozen times over the last year.

7 6. In the last few months, Ms. Bassi has escalated her level of hostility towards me.

8 Two months ago, Ms. Bassi apparently waited for me at the District Attorney's Office elevators and
9 thereafter followed me approximately 150 feet from the elevators to my vehicle in the parking area
10 to the rear of the building, while yelling at me in an aggressive and hostile way and coming within
11 inches of me.

12 7. This escalation of her harassment of me made me concerned that she would continue
13 to escalate her behavior—from yelling at me in an increasingly hostile way, following me to the
14 District Attorney's Office, coming within inches of me, and following me to my car—to making
15 physical contact with me, as her anger and harassing behavior have increased.

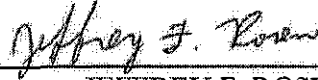
16 8. As a result of this escalation of behavior on her part, I have begun having a security
17 detail consisting of two District Attorney Investigators accompany me to public meetings at the
18 Board Chambers to make sure that I am protected. I am concerned that she will continue her
19 escalation to a physical confrontation with me, and I am concerned that others with her may be
20 encouraged by her behavior to have a physical confrontation with me.

21 9. The escalation of Ms. Bassi's behavior toward me—the increase in her anger, and
22 her following of me within close proximity—concerns me about what she will do next as her
23 behavior and anger continues to escalate.

24 10. Ms. Bassi is also already inspiring others to ratchet up their behavior as well. On
25 May 14, 2019, for example, an associate of Ms. Bassi walked very close to me as I headed towards
26 the elevators to my office. He got verbally angry with me for continuing to walk as he addressed
27 me. He said, "Susan Bassi is going to get you. You're an asshole." I took this comment as a
28 physical threat, and I believe that it is Ms. Bassi who is encouraging others to behave in this way.

1 Because of this incident and the others described above, I have been assigned a single-person officer
2 detail, which means that, for the time being, an armed officer will follow me around wherever I go in
3 the County Government Center.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct and that I executed this declaration on July 1, 2019, at San José, California.

6
7 

8 _____
9 JEFFREY F. ROSEN
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5 Attorneys for Petitioner
KASEY HALCON

FILED
JUL -3 2019
Clerk of the Court
Superior Court of CA County of Santa Clara
BY M. SORUM DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

11 KASEY HALCON,
12 Petitioner,
13 v.
14 SUSAN HAZLETT BASSI,
15 Respondent.

No. **19CH008843**
**DECLARATION OF JEFFERY NICHOLS
IN SUPPORT OF APPLICATION FOR
TEMPORARY AND PERMANENT
RESTRAINING ORDERS**

17 I, JEFFERY NICHOLS, declare:

18 1. I have personal knowledge of the facts described herein. If called to testify, I could
19 and would testify competently thereto.

20 2. For the past six years, I have been employed as an Investigator in the Bureau of
21 Investigation of the Santa Clara County District Attorney's Office, located at the County
22 Government Center at 70 W. Hedding Street in San José. Including this role, I have been in law
23 enforcement for over twenty years. I began my career as an Officer with the San José Police
24 Department, where I served from 1998 until 2000. I then was employed by the Vancouver
25 Washington Police Department from 2000 until 2007, when I took a position back with the San José
26 Police Department. I worked at San José Police until I accepted my current position in 2013.

27 3. In my position as an Investigator within the Bureau of Investigations, I serve as the
28 Security Threat Officer, which means that I conduct Threat Assessments, which evaluate on-site

1 threats, and Security Assessments, which analyze risks to a particular employee or group of
2 employees. Because of the sensitive and often confidential nature of my Threat and Security
3 Assessments, they are confidential in the Bureau of Investigations. The Security Assessments are
4 only shared with the employees who they are meant to protect.

5 4. Over the last several years, I have taken at least eight trainings related to security and
6 threat assessments that are either federally recognized or certified by the California Commission on
7 Peace Officer Standards and Training (POST). The federally recognized trainings have included
8 courses on enhanced threat and risk assessments, screening for persons using observational
9 techniques, open source investigations, dignitary protection, and social media exploitation. The
10 POST-certified trainings have included courses on behavioral threat assessments, surveillance
11 techniques, and witness protection methods, including threat assessments.

12 5. Threat Assessments focus on the individual or individuals causing a threat. They
13 involve criminal history checks, in addition to typed memoranda with exhibits that document the
14 threat. Security Assessments focus on the employee or group of employees being threatened. The
15 affected employees complete a background questionnaire and home visit. I look at their daily habits
16 in the workplace and their habits when arriving at and leaving work. I look at any hostile
17 surveillance points at their home as well as points of exposure when traveling in public. I also give a
18 Targeted Violence Overview that educates the employee on the dangers and terminology associated
19 with being a victim of targeted violence. I address "fixes" for the employee to change either their
20 daily routine or physical security. For example, I might have the employee change the route of
21 travel to the County Government Center or suggest adding an alarm system or CCTV system at their
22 home. I also advise employees on avoiding or mitigating social media and online exposure and
23 general situational awareness.

24 6. I have conducted approximately 20 Threat and/or Security Assessments during my
25 time as the Security Threat Officer for the Bureau of Investigation. Generally, these cases are
26 triggered by a particular event. For example, if a defendant in a criminal case threatens an employee
27 of the District Attorney's Office, that threat will be reported to the employee's supervisor, who then
28 reports it to District Attorney Jeff Rosen or Chief Assistant District Attorney Jay Boyarsky. If either

1 District Attorney Rosen or Ms. Boyarsky determines that there is a significant risk, they assign the
2 matter to me. In assessing risk, one of the things I look for is a pattern of behavior that indicates a
3 progression towards physical violence. Red flags include behavior that is out of the ordinary (for
4 people in general, or the person in question), an expanded scope of activities (for example, taking
5 disputes beyond the courtroom), or an escalation from written to verbal to physical threats.

6 7. The only instance in which I have initiated Threat and Security Assessments on my
7 own involved a threat posed by a woman named Susan Bassi. Based on my training and experience
8 as a Security Threat Officer, I decided to conduct these assessments related to Ms. Bassi based on a
9 series of behaviors she has exhibited over the last few months—beginning in March of 2019. Since
10 March, Ms. Bassi's conduct has escalated in various ways. Ms. Bassi has adopted a much more
11 aggressive tone, in both rhetoric and volume, when interacting with District Attorney's Office
12 employees and other County employees. I have also observed Ms. Bassi getting within closer
13 proximity of our employees when she approaches them in public, and her statements to these
14 employees have become increasingly menacing. Ms. Bassi has also expanded the scope of her
15 activities outside the County Government Center, including by following District Attorney Jeffrey
16 Rosen to his car in the parking lot after waiting for him at the Office's elevators. Taking all these
17 developments into account, I ultimately concluded that Ms. Bassi poses a threat to several employees
18 of the District Attorney's Office, in addition to a member of the County's Domestic Violence
19 Council.

20 8. Dating back to at least 2018, Ms. Bassi has regularly accused employees of the
21 District Attorney's Office of various forms of misconduct related to family law matters, even though
22 those matters are litigated in an entirely separate court system from the criminal courts. These
23 accusations started during public comment at the County Government Center, but the aggressiveness
24 and scope of Ms. Bassi's conduct have expanded from there.

25 9. I was not particularly familiar with Ms. Bassi's activities until early October 2018
26 when I was told about an email that she sent to District Attorney Rosen and several other members
27 of executive management at the District Attorney's Office. Part of the email included divorce
28 paperwork for a recently-terminated supervisor with the Victim Services Unit. Because the email

1 was unusual—in that it included confidential paperwork of a personal nature that was being
2 circulated to executive management—I started to keep notes on Ms. Bassi. But Ms. Bassi’s conduct
3 did not trigger an official Threat Assessment until April of this year.

4 10. In early March 2019, I was informed that Ms. Bassi threatened Victim Services
5 Director Kasey Halcon and a member of the County’s Domestic Violence Council, Nicole Ford, at
6 the County Government Center. Ms. Bassi said, “Nicole Ford, you’re next,” while leaning over Ms.
7 Ford, getting within inches of her face, and pointing menacingly and scowling at both Ms. Ford and
8 Kasey Halcon. I am also informed that Ms. Bassi has engaged in similar behavior toward Ms. Ford
9 at the Santa Clara County Family Court and around other meetings of the Domestic Violence
10 Council.

11 11. On or around March 17, 2019, Ms. Bassi posted on a public blog, identifying Ms.
12 Halcon by name and stating that “At the core of the corruption is the Santa Clara County District
13 Attorney’s Office where the Director of Victim Services, Kasey Halcon, is reportedly working on a
14 ‘catch and kill’ program designed to silence victims seeking help in the county’s family courts.”

15 12. On March 19, 2019, Ms. Bassi followed District Attorney Rosen out of a meeting at
16 the County Government Center, down the main hallway of the building, and out to his car in the
17 parking lot. During this encounter, Ms. Bassi shouted at District Attorney Rosen in an aggressive
18 manner and at various points got within inches of him.¹ Ms. Bassi had previously followed District
19 Attorney Rosen and others to and from the elevators in our building, but I was concerned about this
20 incident, because it showed that Ms. Bassi was willing to take her attacks beyond the building as
21 well. In response, a protection detail was put in place for District Attorney Rosen. Now members of
22 the Special Operations Group of the Bureau of Investigations escort him to and from public
23 meetings, and to and from his car in the parking lot.

24 13. On April 4, 2019, I observed Ms. Bassi approach Mr. Boyarsky and stand at his feet
25 with her cell phone in her hand. She took either video or a photo of him and said, “Hi, Jay. I’m
26

27
28 ¹ Footage of this encounter can be found at <https://www.youtube.com/watch?v=Kqs5oT5NysM>

1 going to make an internet star out of you.” I then observed Ms. Bassi walk up to Kasey Halcon and
2 take a photo of her from within inches of Ms. Halcon’s face. A short while later, I heard Ms. Bassi
3 tell someone, “Just watch, there is going to be something big and there are going to be BIG
4 fireworks.” Due to her behavior and statements, I sent a text message to District Attorney Rosen and
5 Ms. Halcon to advise them of what I had observed. This is something that I do not do routinely, but
6 I felt it was appropriate and necessary here because Ms. Bassi was becoming more aggressive in her
7 words and actions. While these words themselves may seem innocuous in writing, the tone in which
8 Ms. Bassi said them concerned me, based on my training and experience.

9 14. On April 14, 2019, I was informed that Ms. Bassi again threatened Kasey Halcon,
10 saying something to the effect of “tomorrow at noon that’s going to hit you square in the face.”
11 Because of this statement and Ms. Bassi’s other threatening behavior, a Special Operations Group
12 detail was added to escort Ms. Halcon to meetings and to and from her car. I was also given
13 authorization to initiate an official Threat Assessment regarding Ms. Bassi and a Security
14 Assessment for Ms. Halcon. Again, based on my training and experience, I believed that Ms. Bassi
15 was escalating her behavior in a way that increasingly threatened Ms. Halcon. At around this same
16 time, I was also informed that Ms. Halcon and Nicole Ford had begun using the “buddy system” en
17 route to public meetings in the County Government Center, so as to protect Nicole from Ms. Bassi as
18 well.

19 15. On May 14, 2015, one of Ms. Bassi’s associates approached District Attorney Rosen
20 in the hallway of the County Government Center, followed him in close proximity, and said, “Susan
21 Bassi is going to get you. You’re an asshole.” Based on my experience observing the person in
22 question, this behavior was inspired by Ms. Bassi. On the basis of this incident and some of the
23 others described herein, a single-person officer detail was added for District Attorney Rosen at all
24 times when he is present at the County Government Center. This means that an armed officer will
25 follow District Attorney Rosen wherever he goes in the building. Based on my training and
26 experience, this step is necessary to protect District Attorney Rosen’s physical safety.

27 16. Ms. Bassi’s behavior over the last several months has become increasingly volatile,
28 particularly as it relates to Kasey Halcon and Nicole Ford. Ms. Bassi does not follow the basic rules

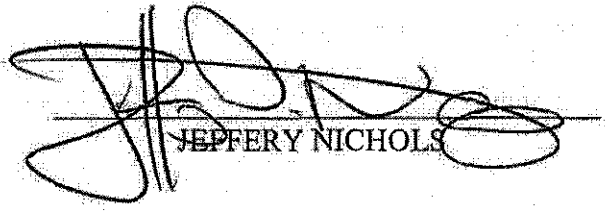
1 of conduct during meetings, as she had in the past. In addition to all the incidents described above,
2 her speech now appears unusually hostile when addressing District Attorney Rosen, among others,
3 in a way that concerns me based on my training and experience. I believe Ms. Bassi is capable of
4 physical violence and likely to carry it out if given the opportunity.

5 17. Furthermore, based upon my training and experience both in law enforcement
6 generally and in conducting Threat and Security Assessments specifically, I believe that the steps we
7 have taken to protect Ms. Halcon are necessary but insufficient. Members of the Special Operations
8 Group cannot be at Ms. Halcon's side at every moment of the day, particularly when she is not at the
9 County Government Center. The same goes for the "buddy system" that Ms. Halcon has been using
10 with Ms. Ford, who does not benefit from the protection of the Special Operations Group.

11 18. It is my professional opinion, given my training and experience, that Ms. Bassi should
12 be prevented from contacting both Ms. Halcon and Ms. Ford.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct and that I executed this declaration on July 2, 2019, at San José, California.

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JEFFERY NICHOLS

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EXHIBIT I

Motion to Recuse Santa Clara County District Attorney's Office



OFFICE OF THE DISTRICT ATTORNEY
Bureau of Investigation
INCIDENT REPORT
70 West Hedding Street, West Wing, San Jose, California 95110
Business: (408) 792-2888

- ON-VIEW
- BOOKING
- CITE & RELEASE

BOI CASE NUMBER
B1190916099

Type of Force: HANDS/FEET KNIFE
 FIREARM OTHER

REPORT TYPE PC 166(a)(4) - Violation of Court Order	OCURRED	DATE	TIME	DAY
	ON OR FROM	09/10/2019	1328	
	TO	09/13/2019	1318	
LOCATION OF EVENT 70 W Hedding St, San Jose, CA 95110	REPORTED	09/18/2019	1200	

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

WELFARE <input type="checkbox"/>	V <input checked="" type="checkbox"/> LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Halcon, Kasey - Dir of Vic Svcs	<input type="checkbox"/> STATE OF CA	RACE W <input type="checkbox"/> M <input checked="" type="checkbox"/> F	DOB	AGE	HT	WT
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CRIME <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST <input type="checkbox"/> DOMESTIC VIOLENCE	NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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FRAUD <input type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS DA's Office / 70 W Hedding St	CITY/STATE San Jose, CA	ZIP 95110	PHONE	SSN
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HIT&CH <input type="checkbox"/>	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY	<input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH
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FAMILY SUPPORT <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST <input type="checkbox"/> DOMESTIC VIOLENCE	NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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CHILD ABDUCTION <input type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN
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SEXUAL ASSAULT <input type="checkbox"/>	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY	<input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH
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CONSUMER PROTECTION <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST <input type="checkbox"/> DOMESTIC VIOLENCE	NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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DOMESTIC VIOLENCE <input type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN
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ELDER FRAUD <input type="checkbox"/>	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY	<input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH
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SYNOPSIS
Victim (V)Kasey Halcon is employed as the Director of Victim Services at the Santa Clara County District Attorney's Office. She is also the protected party in a Civil Harassment Restraining Order issued in Santa Clara County (Case#: 19CH008843). The restrained party is listed as Suspect (S)Susan Bassi. (S)Bassi violated the restraining order when she willfully contacted (V)Halcon via email on September 10th and September 13th of 2019. The restraining order was issued on July 23, 2019 and expires on September 24, 2019. I request a criminal complaint be issued for (S)Bassi for a violation of CA Penal Code §166(a)(4) - Willful Disobedience of a Court Order.

GOVERNMENT <input type="checkbox"/>	ASSOCIATED CASE NUMBERS:
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INSPE <input type="checkbox"/>	
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ENVIRONMENT <input type="checkbox"/>	
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REAL ESTATE FRAUD <input type="checkbox"/>	
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INSURANCE FRAUD <input type="checkbox"/>	
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SCENE PHOTOS <input type="checkbox"/>	
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LATENT PRINTS <input type="checkbox"/>	
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EVIDENCE <input type="checkbox"/>	
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SEARCH <input type="checkbox"/>	
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OFFICER'S NAME Crowley, T	ID NUMBER 108	DATE 09/17/2019	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 2
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OFFICER'S NAME Crowley, T		ID NUMBER 108	DATE 09/17/2019	REVIEWED BY			ID NUMBER	DATE	PAGE 2 of 2																																																																										

REV. 2/1/02

California Judicial Branch News Service - cjbns.org
Socioeconomic Justice Institute - socioeconomicinstitute.com

REPORT TYPE PC 166(a)(4)	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI190916099
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DEFENDANT
Bassi, Susan

ATTACHMENTS:

- 1.) Civil Harassment Restraining Order (19CH008843)
- 2.) Email dated September 10th, 2019 from (S) Susan Bassi to (V) Kasey Halcon
- 3.) Email dated September 13th, 2019 from (S) Susan Bassi to (V) Kasey Halcon
- 4.) Screen shot from the website : www.littlegreenkey.com/2019-swaq-bag-sponsors.html

SUMMARY:

Victim (V)Kasey Halcon is employed as the Director of Victim Services at the Santa Clara County District Attorney's Office. She is also the protected party in a Civil Harassment Restraining Order issued in Santa Clara County (Case#: 19CH008843). The restrained party is listed as Suspect (S)Susan Bassi. (S)Bassi violated the restraining order when she willfully contacted (V)Halcon via email on September 10th and September 13th of 2019. The restraining order was issued on July 23, 2019 and expires on September 24, 2019. I request a criminal complaint be issued for (S)Bassi for a violation of CA Penal Code §166(a)(4) – Willful Disobedience of a Court Order.

INVESTIGATION:

On 09/16/2019 I was assigned to investigate a complaint regarding a violation of a restraining order. First, I reviewed a copy of the restraining order (R/O) and I observed the following information:

- 1.) The R/O was filed in the Superior Court of Santa Clara County on July 23rd, 2019 and assigned the case number 19CH008843.
- 2.) The protected person is listed as (V)Halcon.
- 3.) The restrained person is listed as (S)Bassi.
- 4.) The expiration date of the R/O is September 24th, 2019.
- 5.) The R/O expressly stated (S)Bassi must not "contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by electronic means."
- 6.) The R/O indicated (S)Bassi was personally present in court and served.

Next, I contacted (V)Halcon and interviewed her. She provided the following statement:

STATEMENT OF VICTIM KASEY HALCON:

(V)Halcon is employed by the Santa Clara County District Attorney's Office as the Director of Victim Services. (V)Halcon explained she received two emails from (S)Bassi between September 10th and September 13th to her work email account.

On September 10th, 2019 (V)Halcon received the first prohibited email for (S)Bassi to her work account. (V)Halcon provided a copy of the email to review. I saw the sender of the email was listed as (S)Bassi and used the email address girlroybassi@gmail.com. Additionally, the greeting of the email expressly said, "Dear Mr. Rosen and Ms. Halcon". See Attachment 1 for complete details of

OFFICER'S NAME Crowley, T	IO NUMBER 108	DATE 09/17/2019	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 3
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REPORT TYPE PC 166(a)(4)	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER B1190916099				
DEFENDANT Bassi, Susan						
<p>the email. (V)Halcon stated there was no threatening language in the content of the email but she was disturbed that (S)Bassi contacted her despite the R/O in place by the court. (V)Halcon explained the email was a way for (S)Bassi to continue to annoy and harass her.</p> <p>A second email was received by (V)Halcon on September 13th, 2019. Again, I saw the email was sent from the account gilroybassi@gmail.com. The recipients of the email were listed as midauber@gmail.com and DA Jeff Rosen. (V)Halcon was not listed as a recipient and she explained (S)Bassi sent the email to her as a blind carbon copy (BCC) recipient. I read the content of the email and (S)Bassi stated, "For privacy purposes, I have blind copied some of those victims, their advocates, and their family members on this email." See Attachment 2 for complete details of the email. Again, (V)Halcon expressed there was no threatening language contained in the email, however she felt annoyed and harassed by the contact from (S)Bassi.</p> <p>Additionally, (V)Halcon showed me the email also contained an attachment. The attachment was titled "9-19- McAfee Theater – logos.pdf". I opened the PDF document and saw it was a flyer advertising "Silicon Valley's Multimedia Journalism Symposium & Awards". The flyer also listed a website www.littlegreenkey.com.</p> <p><u>INVESTIGATION CONTINUED:</u></p> <p>I know an email message contains a header. An email header provides a list of technical details about the message, such as who sent it, the software used to compose it, and the email servers that it passed through on its way to the recipients. I reviewed the header of the email sent on September 13th, 2019 to see if the blind copied recipients appeared in the technical details. The header did not list the blind copied recipients.</p> <p>I went to the website www.littlegreenkey.com and viewed the content published on the website. The website immediately opens to a video of a woman standing in front of Saratoga HS. The text immediately adjacent to the image of a woman says, "Susan Bassi founder, little green key studios". The video is an invitation to join the journalism symposium and awards at Saratoga HS on September 19th, 2019. Further review of the website led to a linked page titled: www.littlegreenkey.com/2019-swag-bag-sponsors.html. On this page several hi-tech business names are listed along with the names of local politicians, the Sheriff, the District Attorney, and "Santa Clara County Victim Services Director Kasey Halcon". (V)Halcon told me she did not endorse, sponsor, nor give (S)Bassi permission to use her name and title to promote her event at Saratoga HS. (V)Halcon again felt annoyed and harassed by (S)Bassi. I screen captured the website See Attachment 3 for details.</p> <p><u>CONCLUSION:</u></p> <p>I believe (S)Bassi willfully violated the R/O for the following reasons:</p> <ol style="list-style-type: none"> 1.) (S)Bassi knew the term of the R/O and knew contact with (V)Halcon by email was prohibited. 2.) (S)Bassi sent two emails to (V)Halcon while the R/O was active. 3.) In the email sent on September 10th, 2019 (S)Bassi expressly greets (V)Halcon. 						
OFFICER'S NAME Crowley, T	ID NUMBER 108	DATE 09/17/2019	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 3

REPORT TYPE PC 166(a)(4)	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI190916099				
DEFENDANT Bassi, Susan						
<p>4.) In the email sent on September 13th, 2019 (S)Bassi expressly stated she intentionally blind copied several people on the email.</p> <p>5.) (S)Bassi misrepresented on her website that (V)Halcon is a sponsor of an event at Saratoga HS.</p> <p>Based on these reasons, I believe (S)Bassi committed a misdemeanor violation of CA Penal Code §166(a)(4). I request a criminal complaint be issued.</p> <p>End of Report.</p>						
OFFICER'S NAME Crowley, T	ID NUMBER 108	DATE 09/17/2019	REVIEWED BY	ID NUMBER	DATE	PAGE 3 of 3

ATTACHMENT 1

CH-130

Civil Harassment Restraining Order After Hearing

Person in ① must complete items ①, ②, and ③ only.

① **Protected Person**

a. Your Full Name: Kasey Falcon
 Your Lawyer (if you have one for this case)
 Name: Ward Penfold State Bar No: 284969
 Firm Name: Office of the County Counsel

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
 Address: 70 W. Hedding Street, East Wing, 9th floor
 City: San Jose State: CA Zip: 95110
 Telephone: (408) 299-5900 Fax: (408) 292-7240
 E-Mail Address: ward.penfold@ccn.sec.gov.org

Stamp: **FILED**
 2019 JUN 23 12 26
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SANTA CLARA
 BY: Kasey Falcon DEPUTY

Fill in court name and street address:
Superior Court of California, County of Santa Clara
 Downtown Facility
 191 N. First Street
 San Jose, CA 95113

Court file in case number when form is filed.
Case Number:
 19CH008843

② **Restrained Person**

Full Name: Susan Hazlett Bassi

Description:

Sex: M F Height: 5'4" Weight: 140 Date of Birth: 07/25/1964
 Hair Color: BRN Eye Color: BRN Age: 54 Race: White
 Home Address (if known): [REDACTED]
 City: Los Gatos State: CA Zip: 95032
 Relationship to Protected Person: Frequently present on County premises where protected person works

③ **Additional Protected Persons**

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3-- Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ **Expiration Date**

This Order, except for any award of lawyer's fees, expires at

Time: 11:59 a.m. p.m. midnight on (date): 9/24/19

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
 Rev. March 16, 2010, Mandatory Form
 California Civil Procedure § 56.27, Bench 027.9
 Approved by CJD

Case Number:
19CH008843

6 Hearing

a. There was a hearing on (date): 7/23/19 at (time): 9:00am in Dept.: 11 Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

b. These people were at the hearing:

(1) The person in ①. (3) The lawyer for the person in ① (name): _____

(2) The person in ③. (4) The lawyer for the person in ② (name): _____

Additional persons present are listed at the end of this Order on Attachment 5.

c. The hearing is continued. The parties must return to court on (date): 7/24/19 at (time): 9:00am

To the Person in ②:

Dep't. 11

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

a. You must not do the following things to the person named in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

a. You must stay at least 300 yards away from (check all that apply):

- (1) The person in ①. (7) The place of child care of the child(ren) of the person in ①.
- (2) Each person in ③.
- (3) The home of the person in ①. (8) The vehicle of the person in ①.
- (4) The job or workplace of the person in ①. (9) Other (specify): The stay-away orders in this section do not prevent you from attending court hearings in which you are a party, or a subpoenaed witness.
- (5) The school of the person in ①.
- (6) The school of the children of the person in ①.

b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

CS
→

Case Number:
19CH008843

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- c. The court has received information that you own or possess a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> costs:			
<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>	
_____	\$ _____	_____	\$ _____	
_____	\$ _____	_____	\$ _____	

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.)
- _____
- _____
- b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order

Case Number:
19CH008843

To the Person in ①:

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency _____ Address (City, State, Zip) _____

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, Temporary Restraining Order, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
 - (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ No Fee to Serve (Notify) Restrained Person

- The sheriff or marshal will serve this Order without charge because:
- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
 - b. The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: _____

Date: Jul. 23 2019



Judicial Officer

This is a Court Order

Casa Number:
19CH008843

Warning and Notice to the Restrained Person in 2

You Cannot Have Guns or Firearms

Unless item 8d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order starts on the date next to the judge's signature on page 4 and ends on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Case Number:
19CH008843

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.


Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

THE FOREGOING INSTRUMENT IS
 A CORRECT COPY OF THE ORIGINAL
 ON FILE IN THIS COURT.
 JUL 23 2019
 Clerk of the Court
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN DIEGO
 Elizabeth Pictor



This is a Court Order.

ATTACHMENT 2

Halcon, Kasey

From: Susan Bassi <gilroybassi@gmail.com>
Sent: Tuesday, September 10, 2019 1:28 PM
To: Rosen, Jeff; Halcon, Kasey; Williams, James; Penfold, Ward; Hara, Kim
Cc: Jason Pintar
Subject: [EXTERNAL] Information on the DV case - Chris Graves pursuant to Marsys Law

Dear Mr. Rosen and Ms. Halcon,

Employees in the DAO under your management and supervisor have demonstrated a pattern and practice when crime victims seek to have me act as their advocate. Specifically, John Q in the matter you are prosecuting related to attorney Valerie Houghton and Deanne Q in the matter involving Timothy Powers, where your office has refused to communicate with me despite the victim's request for you to do so pursuant to Marsy's Law.

Please be advised: Dawn Graves has asked that I act as her advocate in the domestic violence case your office has pending against her former husband Chris Graves. As I understand it, Lydia from Community Solutions acts as Ms. Graves' advocate in the rape case your office is prosecuting against Sharwian Bobian.

As to the criminal case your office is prosecuting against Mr. Graves for domestic violence, Ms. Graves has requested I assist her on all matters related to the domestic violence issues, including in her family law case, where Mr. Jason Pintar is representing her and is copied herein.

Potential Conflicts: In order to properly address potential conflicts in your office, you should be aware that upon learning of the domestic violence, Ms. Graves was invited to my office for an interview and assistance in drafting her story such that she could obtain legal representation. Ms. Graves filed her first request with assistance and editing offered by an attorney, but the DVRO request was ultimately made in pro se as Ms. Graves did not have the funds to be represented in court. Her request was granted by Judge Hendrickson and is pending a trial now set for October 7, 2019.

You should know, that on the day Ms. Graves came to my office, Scott Largent was there, despite it being a Sunday and despite him not leaving when I asked for privacy to interview Ms. Graves. I recently informed Ms. Graves that I believe Mr. Largent may have illegally recorded Ms. Graves while she was interviewed first in an area where Scott was not present.

I have informed Ms. Graves, and my other sources, that Mr. Largent poses a potential threat to their privacy, and may reveal information related to the confidential sources of my publishing business, including information related to the criminal prosecution of Mr. Graves both for DV and the prosecution of Sharwain Bobian, such as the fact that Ms.

Graves believes Mr. Graves may have set her up to be harmed or raped by a man he knew to be mentally unstable.

Given the pending DV and civil harassment cases involving Mr. Largent, and because I am informed a criminal matter has been referred to your office related to Mr. Largent where Ms. Pamela Nudelman and I would be considered the victims, it seemed worth addressing from a potential conflicts standpoint. Ms. Nudelman is the owner of the building located at 2170 The Alameda, where my office is located and has a CLETS elder restraining order against Mr. Largent where I am named as an additional protected party. A copy of that order was previously sent to your office and the County Counsel.

No formal policy: I have reviewed the DAO policies and procedures procured through a public records request. Most of those policies appear to be dated from 2006, prior to Victim Witness Services being moved under the DA's management and supervision in 2015. However, I can not find any policies, or laws to support the DA position that a crime victim can not be designated the advocate of their choice, even if that advocate is also a crime victim and a defendant in an unrelated matter.

Graves related family law matter and DV case: Ms. Graves is now represented by Jason Pintar in her family law matter. Apparently there has been some confusion in that matter as it relates to the criminal case against Mr. Graves. Dawn was informed by the prosecutor assigned to the case that the matter was proceeding, however upon receiving conflicting information from Annie Fortino, Ms. Graves spoke with Clarissa from your office this morning to determine if the criminal matter is proceeding. She was informed the prosecutor assigned to that case is out through Friday of this week.

Annie Fortino, the lawyer for Mr. Graves in the family law matter, has said the criminal matter was being dropped by the DA's office. I was hoping you could confirm that information as Mr. Pintar shall need to address it for the hearing currently scheduled before Judge Henrickson on October 7, 2019.

No Private Lawyer Communications: It is Ms. Graves' intention to minimize her legal costs in the family law matter. Therefore, from here forward, all communications pursuant to Masry's Law from the DAO in the rape case should be copied to Lydia at Community Solutions, as it has since Ms. Halcon and Ms. Harman met with Mr. and Mrs. Graves related to that case earlier this year. In the DV matter all communications should be copied to me, such that Mr. Pintar's fees are not unnecessarily inflated in the DV matter being handled before Judge Hendrickson in the family court.

Victim Services Funds and Resources: Ms. Graves has now relocated to Texas. I understand she was given paperwork that could provide her with \$2000 for relocation services and additional services for therapy, but is having difficulty filling out that paperwork to obtain the services. I understand Ms. Nudelman was recently provided money for a security system related to her case with Scott Largent and wondered if Ms. Graves would be entitled to similar reimbursement for her safety and security.

Could you please clarify if Ms. Graves is entitled to relocation reimbursements both in the rape, and in the DV matter, or if there is a cap on services for victims of multiple unrelated crimes.

It is my opinion that Ms. Graves, having survived a 10-year divorce before a private judge where she lost custody of her children, a rape and now domestic violence, is in need of the therapy state and federal taxpayers seek to ensure. We are seeking clarification on the funds available to assist Ms. Graves and who in the DAO has taken over claims processing following Saher Stephans' departure as the county's Victim Claims manager.

Ms. Graves will need to incur expenses in the family law matter to return for the hearing before Judge Hendrickson. If that matter is proceeding while a criminal matter is pending, Ms. Graves is entitled to know if Mr. Graves intends to invoke the 5th Amendment such that the family law matter can be continued and Ms. Graves is not subjected to incurring unnecessary legal expenses.

Therefore, please advise on the incestuous conflicts in this matter and how your office will proceed. Please confirm if there remains a pending criminal matter or if Ms. Fortino was provided information that was not provided to the victim. Finally, please confirm what financial services and resources Ms. Graves is entitled to and if there is someone in the DAO available to assist her in obtaining the funds and services she so greatly needs.

This email is also copied to county counsel as it relates to the potential conflict issues, Mr. Largent being noticed as their witness and all.

Susan Bassi
P.O. Box 2220
Los Gatos, CA 95031
(831)320-6421

ATTACHMENT 3

Halcon, Kasey

From: Susan Bassi <gilroybassi@gmail.com>
Sent: Friday, September 13, 2019 1:18 PM
To: mldauber@gmail.com
Cc: Rosen, Jeff
Subject: [EXTERNAL] Fwd: Please share this Video in Support of Asking the Grand Jury to Indict Santa Clara County DA Jeff Rosen and Attorney Bradford Baugh For Interfering in Our Local Elections and Courts
Attachments: 9-19- McAfee Theater - logos .pdf

Dear Ms. Dauber,

I did not hear back from you yesterday regarding the San Martin rape victim and hope this finds you in good health as I understand you are currently undergoing cancer treatments. You may recall that as you were assisting Chanel Miller (Emily Doe) in the Brock Turner matter, my associates and I were attempting to advocate for and report on stories related to victims of sexual assault, rape, and domestic violence connected to our local family courts. For privacy purposes, I have blind copied some of those victims, their advocates and their family members on this email.

During the 2018 Santa Clara elections a Democratic Club Meeting where Neil Chase of the San Jose Mercury made a presentation about the state of our local newspapers, you and I had an opportunity to meet. During a break, we had the opportunity to discuss the challenges that often occur when one steps up to advocate for, or report on, victims associated with politically charged issues in our local communities. After that meeting, I was deeply saddened to learn that your own family had also been impacted by suicide and sexual assault long before events unfolded during the Persky Recall Campaign.

I know you are busy with the upcoming release of Ms. Millar's book, however was hoping you might be able to assist a group of victims seeking to bring greater awareness to domestic violence, suicide and local reporting here in Silicon Valley.

Immediately after posting this video: <https://www.youtube.com/watch?v=LgoznhVXhM&t=42s> in some of my social media accounts, I got a text from a reporter friend of mine who asked that I remove him from the tag. Mainstream media television stations appear to be monitoring the social media accounts of their reporters and when I connected one such reporter to Mike Wasserman in a social media post, they wanted it removed, essentially attempting to "kill" the story and any attention my social media post might bring. As you may know, Mike Wasserman is the only Republican Santa Clara County Supervisor. Laurie Smith is the only other elected official in Santa Clara County who identifies as a Republican and came out to endorse Democrat Dave Cortese in the upcoming 2020 elections.

I have personally attended meetings where both Laurie Smith and Mike Wasserman have sought to address issues related to suicide, sexual assault, and domestic violence for the benefit of students at Presentation High School and on behalf of the San Jose Willow Glen neighbors of Bambi Larson, when no other Santa Clara elected officials sought to attend these community meetings.

After making this video: <https://www.youtube.com/watch?v=9weV387yRGc&t=5s>, Santa Clara County District Attorney Jeff Rosen filed a declaration in a civil matter in an effort to keep me from the courthouses and the county buildings where he knew I was investigating him for interfering with our local elections, misusing funds

earmarked for crime victims and for refusing to prosecute attorney Bradford Baugh and others who have been engaging in criminal activity in our family courts with impunity. I reached out to you in March of this year after I obtained emails between you and the DA's office related to that investigation. Those emails were disseminated to local journalists working on a book about the 2018 election where I am assisting them. We reached out to you with the hope you might assist me with what was redacted from those emails after they were obtained to California's Public Records Act.

Selective prosecution occurs when a district attorney allows one group of persons to openly commit crimes as he/she prosecutes others for lesser crimes for political reasons. As you know Mr. Rosen is prosecuting me for filming police in the family courthouse, and for taking a photo of a journalist standing in front of an American Flag on the 8th floor of the family courthouse in violation of a local rule. A video of the event for which I am being prosecuted can be seen at this

link: <https://www.youtube.com/watch?v=BlqZnBX8YEg&t=12s>

Presently our team is involved in a local journalism project where a special video will be released with the hope of moving the Santa Clara County Grand Jury to indict District Attorney Jeff Rosen for criminal activity that occurred during his 2018 re-election campaign. We are informed by a local Democrat running for office in 2020 that she regularly discusses Grand Jury investigations with the grand jurors and we are hoping she will get the video to those grand jurors given the conflict Mr. Rosen would have presenting the matter himself as is regularly done in public corruption cases.

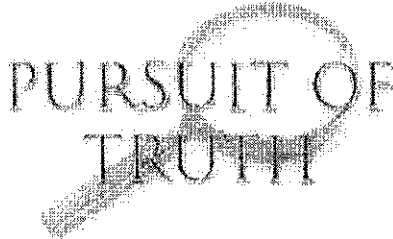
Any help or support you can give for this event would be greatly appreciated. A group of sisters touched by sexual assault domestic violence, rape and elder abuse are seeking sponsors and ticket purchases for this event in support of local youth and citizen journalists in their effort to get these important stories told as you were able to have Chanel Miller's Story during the rape prosecution of Brock Turner.

A link to support this project can be found here: https://www.paypal.com/cgi-bin/webscr?cmd=_s-xclick&hosted_button_id=UCQY4EHYQ6CUY&source=url

Should you have any questions, please feel free to contact me. I have attached a flyer for next week's event and I hope you will be able to attend and support of these other victims so we can get their stories told as well.

Susan Bassi
P.O. Box 2220
Los Gatos, CA 95031
(831)320-6421

**Silicon Valley's Multimedia Journalism
Symposium & Awards**



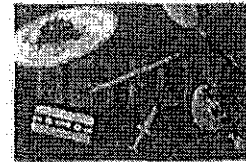
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INSPIRE YOUTH & LOCAL JOURNALISM

**Thursday, September 19, 2019
McAfee Theater
20300 Herriman Ave.
Saratoga, CA
6-9pm**

Tickets \$20- Online or at the Door

FREE PRESS PASSES- FOR STUDENT JOURNALISTS



*Tribute and Benefit for Saratoga, Los Gatos and Gilroy High School Newspapers
and Multimedia Projects*

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ATTACHMENT 4

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Santa Clara County Supervisor Cindy Chavez
Santa Clara County Supervisor Dave Cortese
Santa Clara County Supervisor Susan Ellenberg
Santa Clara County Supervisor Joe Smitian

Santa Clara County Sheriff Laurie Smith
Santa Clara County District Attorney Jeff Rosen
Santa Clara County Victim Services Director Kasey Halcon
Gilroy Mayor Roland Velasco

Sponsorships and Donations Announced 9-19-2019

REPORT TYPE PC 166(a)(4)	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI190916099
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DEFENDANT
Bassi, Susan

SUPPLEMENTAL REPORT

ATTACHMENTS:

- 1.) Email dated September 19th, 2019 from (S) Susan Bassi to (V) Kasey Halcon titled "Press Release: Pop Up Documentary – Erasing Family and the Impact on Children, Seniors, and Families"

INVESTIGATION:

The purpose of this report is to document the on-going restraining order violations from (S)Bassi.

On 09/19/2019 at approximately 0930 hours, (V)Halcon contacted me about another email she received from (S)Bassi. (V)Halcon showed me an email she received earlier in the morning. I saw the email was dated 09/19/2019 and received at 0917hrs. The sender's email address was gilroybassi@gmail.com. It appeared (V)Halcon was blind copied on the email. The content of the email related to an event (S)Bassi organized at Saratoga HS and more specifically about a documentary film called "Erasing Family". For complete details of the email refer to the attachment.

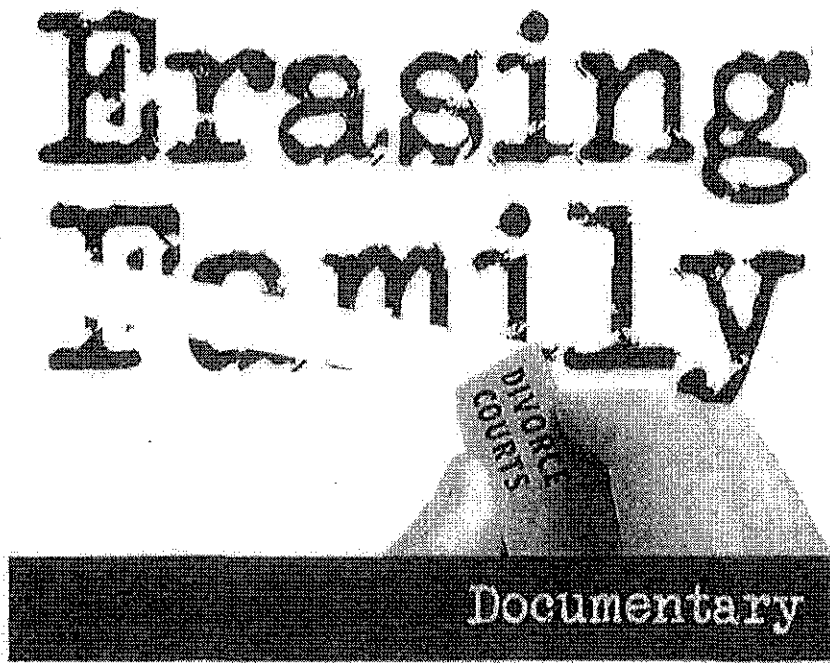
While there was no threatening language towards (V)Halcon in the email, (S)Bassi continued to willfully violate the conditions of the restraining order by contacting (V)Halcon via email.

End of Report

OFFICER'S NAME Crowley, T	ID NUMBER 108	DATE 09/19/2019	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 1
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Halcon, Kasey

From: Susan Bassi <gilroybassi@gmail.com>
Sent: Thursday, September 19, 2019 9:17 AM
To: Benjamin T. Rada; Pascal, Brian
Subject: [EXTERNAL] Press Release: Pop Up Documentary - Erasing Family and the Impact on Children, Seniors and Families - Tonight McAfee Theater in Saratoga 6-9pm- Benefits Youth Journalism
Attachments: 9-19- McAfee Theater - logos .pdf



SARATOGA- CA - For Immediate Release: A special screening of the documentary film Erasing Family will be shown at McAfee Theater in Saratoga this evening, Thursday, September 19, 2019, from 6-9pm as part of the Little Green Key Symposium supporting youth journalism.

We apologize for the late notice, but the film was just released for this special screening in advance of its wider release next month. We are also pleased to present local authors and lawyers including criminal defense attorney Joseph Tully who will be on hand to sign copies of his latest book. Robin Yeamans, a well-known family law attorney, will be on hand to speak about the impact family courts have had on our children for the past three decades in Silicon Valley. Several other Bay Area writers, filmmakers, and musicians will be on hand for this special event seeking to bring greater awareness to the mental health and financial impact family courts have had on our seniors, children, and families.

Attached please find a flyer with more information about the event, which includes a Symposium designed to support youth journalism and storytelling. More information can be found on the event's website: <https://www.littlegreenkey.com/>

**Thank you,
Susan Bassi
P.O. Box 2220
Los Gatos, CA 95031
(831)320-6421**