

Subject: Everyday Injustice - Legendary Attorney Talks About Wrongful Case; Interview with Reformers From Alameda County

Date: Monday, February 1, 2021 at 7:01:08 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"He represents where the system went awry. Where he never got a fair trial, where the prosecution was biased against him, where they cheated and planted evidence and falsified records," said infamous trial lawyer J Tony Serra about his client Douglas "Chief" Stankewitz.

Everyday Injustice Newsletter - February 1, 2021

A Student Intern Gets the Chance to Interview Legendary Attorney Tony Serra and Help Influence a Man's Path To Freedom

By David Greenwald

Roxanna Jarvis is a fourth year student at UC Berkeley. She started as a Vanguard intern last summer, and got a chance to work on an amazing story of Douglas "Chief" Stankewitz. Chief has been at San Quentin on death row since 1978 for the murder of a young woman.

But there is increasing evidence that he was wrongly conviction, and while the Death Penalty was removed in 2015, he remains at San Quentin.

The Vanguard November story caught the attention of many, including documentary filmmakers. And so Roxanna, still a student at Berkeley, got to interview the legendary attorney, Tony Serra on film!

Serra is now 86 years old - still going strong, still practicing. Some of his career highlights - in 1970, he successfully defended Black Panther leader Huey Newton in a murder trial. In 1983, he won an acquittal for Chol Soo Lee, a Korean American immigrant in San Francisco who had been convicted of murder in 1973 and sentenced to life imprisonment.

He has also represented individuals from groups as diverse and politically charged as the White Panthers, Hells Angels, Good Earth, and New World Liberation Front (NWLFF). Some of these individuals include Brownie Mary, Dennis Peron, Hooty Croy, Ellie Nesler, and Symbionese Liberation Army

members Sara Jane Olson, Russell Little and Michael Bortin.

Roxanna got to ask Tony Briggs, who is the main attorney on the case, about the Vanguard's impact on the case itself.

"The biggest problem we faced is that we tried to take this entire case and compress it down into talking points that make sense. And to be honest, it's very difficult. And I don't know that I've ever accomplished that on my own after over four years working on this case," Briggs answered.

Due to the complexity of the case, and the hundreds of pages of documents needed to be read in order to understand it, Briggs and the rest of the legal team have been sending the article to people they hope to receive support from.

"This was the way I could quickly and succinctly get to the point that Chief was framed— that he's innocent," Briggs continued. "It's helped us bridge between the legal world and the real world."

This is a man who has now spent most of his life in prison for a crime that he did not commit.

As Tony Serra explained to Roxanna Jarvis, "The habeas was exhaustively done. My God, there's thousands of pages of exhibits and every possible issue was raised...it's now pending before the trial judge. As you know, there was a victorious appeal where the attorney general said, in essence, this has to be returned to that same trial."

Both Serra and Briggs hope that the judge will decide to "cut Stankewitz loose."

Briggs explained: "[The judge] is looking at this habeas where he has to read thousands of pages and he's looking at an attorney general that says you can cut this guy loose...we're hoping that he's willing to obviate that potentiality by just cutting him loose."

This is a tragic case, but Chief can get a measure of justice even though he has been in prison now since he was 19 and he is now in his 60s.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Lawyers Tony Serra and Curtis Briggs Talk About What Client's Freedom Could Mean to Future of Death Penalty

In an interview conducted by The Davis Vanguard, lawyers Tony Serra and Curtis Briggs provided more details about Douglas Stankewitz – who had been the longest surviving inmate on California’s death row – the case’s uniqueness,

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Everyday Injustice Podcast 89: Alameda Candidates For Reform – Pamela Price and JoAnn Walker

Taking on the policies of the incumbent DA and Sheriff, JoAnn Walker, a SF Police Officer, and Pamela Price, a Civil Rights Attorney are running for Alameda County Sheriff and DA as a team.

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‘Justice LA’ Calls Newly-Introduced 0\$ Bail Legislation at Capitol a ‘First Step’

Joint legislation calling for a removal of the adverse burden put on low income residents by California’s money bail system is on the table this week in the State Legislature.

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California Supreme Court Denies Petition for Review; Justice Liu Cites Limits of Current Legislation

California Supreme Court late last week denied a petition for review in a case of murder and robbery, underlining questions about the rigidity of legislation and the limits of judicial interpretation.

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“Correctional Officers tell nurses to call for ambulances, nurses ignore them”

Olivia Campbell is an advocate for prison reform and has been bringing attention to COVID-related negligence in CDCR. She spoke to the Vanguard about the dire conditions incarcerated men at CA Medical Facility (CMF) are facing

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A judge here in Alameda County Superior Court has dismissed a defendant's charge of an alleged rape in 2012 after finding "the record riddled with meaningful inconsistencies" and "changes in the story."

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Yolo County Court Watch

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Vanguard Week in Review: Court Watch – Jan. 25 to 29, 2021

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Sacramento Court Watch

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Brothers Face Charges After Alleged Lewd Acts on Children Babysat by Defendants' Mother

A childcare service became a living nightmare for two children – if their accusations turn out to be true as related here Friday in Sacramento County Superior Court.

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Judge Won't Go Easy on Young Defendant, Labels Him 'Walking Felony'

Judge Delbert Oros of Sacramento County Superior Court Friday denied defense attorney Naomi Coady's motion to ignore a defendant's previous conviction, calling him a "walking felony" who has found "more ways

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Alameda Court Watch

Judge Discharges Defendant from 2012 Berkeley Rape Case, Rules Evidence Riddled with Inconsistencies

A judge here in Alameda County Superior Court has dismissed a defendant's charge of an alleged rape in 2012 after finding "the record riddled with meaningful inconsistencies" and "changes in the story."

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Contra Costa Court Watch

Mother Recounts Terror after Assaults and Robbery by Son/Defendant

Defendant Alexis Ayala-Delgado appeared in Contra Costa County Superior Court last week to face seven charges, including robbery, assault, threatened murder, and false imprisonment—all against his own family

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Fresno Court Watch

Livestream Difficulties Again Cause Major Courtroom Difficulties – for Everyone

Zoom livestream difficulties disrupted Gerardo Castillo's domestic violence preliminary hearing even before it began last week in the courtroom of Fresno County Superior Court Judge Francine Zepeda.

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Family Survives in the Face of Father's Gun Attack

One year and 34 charges later, a preliminary hearing for Guadalupe Lopez-Herrera here in Merced County Superior Court last week showcased the escalation from threatening voicemails to stalking and then physical

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Everyday Injustice - Podcast

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Everyday Injustice Podcast 88: Adnan Khan Discusses COVID in Prisons

This week's guest on Everyday Injustice, Adnan Khan, is the Executive Director of ReStore Justice which he co-founded while incarcerated. While in prison, he inspired and helped to launch legislation that dealt with the Felony

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Subject: David Greenwald (@DavisVanguard) has added you to a group conversation on Twitter!

Date: Monday, February 1, 2021 at 2:07:27 PM Greenwich Mean Time

From: David Greenwald (via Twitter)

To: SF Public Defender

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Subject: Everyday Injustice - Next Steps For Cal Bail Reform; Federal Judge Grants Writ of Habeas Corpus, Ordering Hearing For Immigrant Detainee
Date: Friday, January 29, 2021 at 7:00:32 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Haley Upshaw noted, "While this is a great outcome for Mr. Romero, the unfortunate reality is that our punishing immigration laws still require the government to hold thousands of others in jail, sometimes for very long periods of time, without due process."

Everyday Injustice Newsletter - January 29, 2021

With Bail Reform Defeated, California Leaders Plan Next Steps

By David Greenwald

Two years ago, the state legislature passed SB 10 which put forth bail reform. It was watered down so much that organizations like ACLU and many reformers actually opposed it, but the bail industry put it on the ballot and with the reform movement split on it, it went down handily.

That leaves us to next steps - one is the Humphrey case which went before the State Supreme Court a few weeks ago. Another is a legislative route where leading reformers - Rob Bonta, Nancy Skinner and Robert Hertzberg published an op-ed on Wednesday in the [Sacramento Bee](#).

They argue that a fundamental premise of our criminal legal system is "innocent until proven guilty," but the reality is: "this basic right is not afforded to millions of low-income Californians, particularly those in communities of color."

As they note: "At the heart of this injustice is our money bail system. It results in untold numbers of low-income Californians having to languish in jail, sometimes for years, while they await their day in court — simply because they can't afford to post bail or bond.

"It's blatantly unfair. It effectively means wealthy people who can afford bail are presumed innocent and are free to go home to their families while low-income defendants, particularly Black and brown people, must stay locked up and are effectively guilty until proven innocent."

This is the fundamental problem with our system, and part of why Bryan Stevenson has said it is better to

be “rich and guilty, than poor and innocent.”

While SB 10 was not perfect, it was a step forward and clearly the bail industry recognized that threat which is why they took it down.

“They won the battle, but we will win the war,” the legislators argue. “More than 7 million Californians saw through the industry’s falsehoods and voted to eliminate money bail. Many people know that the bail industry doesn’t keep us safe, doesn’t ensure court appearances and doesn’t care about the inflicted financial harm.”

Already, two of California’s largest counties are taking on bail - with Los Angeles and San Francisco not seeking bail in nonviolent cases, and others like Santa Clara and Santa Barbara, pioneering “effective tools that do not involve jailing someone before trial just because they can’t afford to post bail or pay a bondsman’s fee. These counties have proven that simply sending people text message reminders is enough to ensure that they show up in court.”

The legislators argue:

“When our courts temporarily halted money bail during the COVID-19 pandemic, it didn’t impact public safety as the bail industry predicted.

“To help ensure that any risk assessment tool used to replace money bail is fair, unbiased and effective, the Legislature enacted a law last session to improve transparency and accuracy. But more must be done.

“We need to tackle the unjust profiteering of money bail companies and ensure that money paid for bail gets back into the pocket of those whose cases are dismissed or who are found not guilty. We also need to ensure that any money bail contract contains enforceable consumer protections. And we need to reaffirm our commitment to the presumption of innocence by establishing a default of no bail and no pre-trial detention for misdemeanors and low-level felonies.”

This is a good start, but clearly we need a bill that can unit the reform community so that next time the bail industry pushes back, it won’t be so easy.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Federal Judge Grants Writ of Habeas Corpus, Ordering Hearing For Immigrant Detainee

A judge here in Alameda County Superior Court has dismissed a defendant's charge of an alleged rape in 2012 after finding "the record riddled with meaningful inconsistencies" and "changes in the story."

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Guest Commentary: Stop the Attempt to Derail D.A. George Gascón's Criminal Justice Reforms

Deputy district attorneys in Los Angeles County are trying hard to undermine the efforts of George Gascón, who was elected Los Angeles County district attorney on a vision of reforming the criminal justice system. Just weeks after he

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Private Detention Facilities Barred in President's Executive Order

In an attempt to address the systemic issues embedded in our criminal justice system, President Joe Biden issued a new Executive Order Tuesday for "Reforming Our Incarceration System to Eliminate the Use of Privately

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Man Who Served 3 Decades in Prison for Crime He Didn't Commit Not Holding Grudges

"I'm not holding grudges against nobody, especially not justice," said Mark Denny, a man who had served three decades in prison for a crime he did not commit.

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Yolo County Court Watch

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Hit and Run Vehicular Manslaughter Concealment Detailed; Driver Faces Trial

Gruesome details of a bloody hit and run death—and attempts to conceal the identity of the driver—were presented in Yolo County Superior Court here this week.

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Sacramento Court Watch

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Defendant Pleads to Full 'Sheet' after Facing Multiple Charges in Multiple Cases for Stalking and Harassment

Defendant Steven Seteroff had a substantial number of charges to plead to here in Sacramento County Superior Court this week—in the end, he pleaded no contest to every single charge from not one of his open cases, but all t

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Family, Friends, Ex-Partners All Targets of Violence by Different Sacramento Defendants

A couple of very violent domestic violence cases—involving not just ex-partners but their family and friends—dominated the calendar here Wednesday in Sacramento County Superior Court.

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Alameda Court Watch

Judge Discharges Defendant from 2012 Berkeley Rape Case, Rules Evidence Riddled with Inconsistencies

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Fresno Court Watch

Judge Denies Defendant Release After He States He'd Rather Be Homeless

For one Fresno man, it's better to be homeless than stay with family – he didn't get either after he was sent back to jail because of his preference.

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Man Faces Possible Domestic Abuse After Allegedly Biting Girlfriend

In a preliminary hearing here in Merced County Superior Court this past week, a Merced man was charged with two different criminal offenses, including corporal injury to a spouse—he allegedly bit her—and violation

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Everyday Injustice - Podcast

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Everyday Injustice Podcast 88: Adnan Khan Discusses COVID in Prisons

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Twitter: <https://avanan.url-protection.com/v1/url?o=https://www.twitter.com/DavisVanguard%26nbsp%3B&g=ODM4MjM0ZjViZmZiNDNiOA==&h=MjQ4NWZhYTU0Mzk0ZWRIYzg5NGFmZDJKNGVmMjY3Nzc3YmFIYWY4ODk1N2I3ZTAxNWM4NmVmMzEyOTI2ZGFfOQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmE1Nzg1OTM0OGZiNDczNTkyOTRmYzFhZWYwODJiNzQ1OnYx>
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Subject: Re: Commenting on the Nectali Romero habeas victory
Date: Friday, January 29, 2021 at 2:22:59 PM Greenwich Mean Time
From: David M. Greenwald
To: Upshaw, Hayley (PDR)
CC: Ibarra, Valerie (PDR)

No, that's very important, I will fix that right away, but I am glad I got the details right. Thanks.

On Fri, Jan 29, 2021 at 6:21 AM Upshaw, Hayley (PDR) <hayley.upshaw@sfgov.org> wrote:
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Sent from my iPhone

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From: David M. Greenwald <info@davisvanguard.org>
Sent: Thursday, January 28, 2021 12:08 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Upshaw, Hayley (PDR) <hayley.upshaw@sfgov.org>
Subject: Re: Commenting on the Nectali Romero habeas victory

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Date: Friday, January 29, 2021 at 2:21:03 PM Greenwich Mean Time
From: Upshaw, Hayley (PDR)
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CC: Ibarra, Valerie (PDR)

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Cc: Upshaw, Hayley (PDR) <hayley.upshaw@sfgov.org>
Subject: Re: Commenting on the Nectali Romero habeas victory

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Subject: Re: Commenting on the Nectali Romero habeas victory
Date: Friday, January 29, 2021 at 1:27:33 PM Greenwich Mean Time
From: David M. Greenwald
To: Upshaw, Hayley (PDR)
CC: Ibarra, Valerie (PDR)

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Subject: Everyday Injustice - Push For Goodwin Liu for Cal DA; Solutions to Mass Incarceration?

Date: Friday, January 29, 2021 at 7:00:08 AM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

"Over the past year, we witnessed thirteen federal executions, all an assault on human dignity and an affront to American values," a letter from 100 prosecutors notes.

Everyday Injustice Newsletter - January 28, 2021

Big Push For Goodwin Lieu

By David Greenwald

A quick note, living up in Davis, near Sacramento, apparently they don't handle rain and wind well. On Tuesday night, the power went off at my house and stayed off for 18 hours. Went to the Vanguard office yesterday morning, only to find out that the power was off there and with no windows, it was a harrowing experience. Went home at 2 pm when the power was back on there, only to find out, no internet. So went back to the office this morning - still no power. Thankfully, someone is letting me use an office with both power and internet. Not fun. The good news, after a brief outage, we managed to publish, just not send out the newsletter.

Anyway...

The push is on for an unusual appointment by Gavin Newsom - appoint California Supreme Court Justice Goodwin Liu as the state's next Attorney General. It is an interesting group that wrote the letter to the Governor, headlined by George Takei of Star Trek fame.

"This letter shows the breadth and depth of admiration for Justice Liu within the Asian American community in California and across the nation," said Paul Grewal, chief legal officer of Coinbase and former U.S. Magistrate Judge. "Leaders from every sector who value excellence and public service agree that Justice Liu is the best person to serve as California's top lawyer."

"Justice Ruth Bader Ginsburg once said that Goodwin Liu was 'one of the best law clerks she ever had.' I can see why: he is the closest thing there is to a rock star in the legal community," said Freida Lee Mock, director of the documentary film RUTH: Justice Ginsburg in Her Own Words, which features Justice Liu.

"I am proud to endorse Justice Liu for Attorney General because he will be guided by a commitment to inclusion and equal justice under the law. Having grown up in an immigrant family, he personally understands the challenges that so many Californians face," said Hmong community leader Pao Yang, president and CEO of the Fresno Center.

"On and off the bench, Justice Liu has distinguished himself as a leading voice for racial justice and inclusion in the legal profession and beyond," said Mia Yamamoto, LGBTQ+ rights advocate and co-founder of the Multi-Cultural Bar Alliance of Southern California. "Asian Americans too often remain an

invisible minority. Justice Liu's pathbreaking 2017 study on Asian Americans in the legal profession enabled our community's accomplishments to be celebrated and our challenges to be addressed."

All of that makes this an intriguing choice, dependant on current AG Becerra getting confirmed which was likely assured once the Democrats gained control of the Senate.

We have previously highlighted a number of possibilities - Contra Costa DA Diana Becton, San Francisco PBA Exec Director Paul Henderson, Assemblymembers Rob Bonta and Ash Kalra. Was also told this week that if Bonta doesn't get the appointment, he will likely run for DA in Alameda County which could be interesting since Pamela Price who ran four years ago just announced and it is unclear what the incumbent intends to do.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>

Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

CA Measure Focuses on Accuracy of Expert Witness Testimony and Forensics in State Courts

State Senator Scott Weiner has outlined the basis for courtroom-focused Senate Bill 243, which is designed to provide more accurate forensic and expert witness testimony in the courtroom and provide new criminal justice reform.

[Read More](#)

'Dignity and Power Now' Backs AG Becerra's Civil Rights Investigation of LA County Sheriff's Dept

California Attorney General Xavier Becerra announced that he planned a civil rights probe on the Los Angeles County Sherriff's Department late last week because of concerns of excessive force and abuse towards

[Read More](#)

Possible Solutions to Prediction that Mass Incarceration will Last for 60 Years

After a decade of insufficient and incohesive decarceration efforts, the current coronavirus pandemic and its ongoing public health crisis underscore the need for meaningful reform for overcrowded prison populations,

[Read More](#)

Guest Commentary: Over 160 Asian American Leaders Unite Behind Goodwin Liu for California Attorney General

In a joint letter submitted today (1/26/21), prominent Asian Americans in the arts, entertainment, law, business, nonprofits, academia, medicine, and philanthropy urged Governor Gavin Newsom to appoint California

[Read More](#)

COVID CDCR and Jail Dashboards

CSP Solano Reports Over One Hundred New Cases; CDCR Death Toll Reaches 184

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail Expands Testing and Uncovers Over Seventy Active Cases in Custody

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

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Police Evasion Preliminary Hearing Filled with Confusion, Glaring Discrepancies

After allegedly evading a police car in pursuit and throwing a loaded revolver out the window of his vehicle on Oct. 6 of last year, Robert Thompson appeared at a preliminary hearing on Jan. 26 before Judge David Reed

[Read More](#)

Sacramento Court Watch

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Defendant Lashes Out after Seeing Bail Increased to \$200,000 for Alleged Domestic Violence

A defendant faced an increase in bail here in Sacramento County Superior Court Tuesday—his bail was hiked from \$50,000 to \$200,000 for allegedly assaulting a prostitute and threatening to post videos

[Read More](#)

Court Questions Defendant's Knowledge of Firearms and Narcotics in Boyfriend's Shared Closet

In a preliminary hearing here in Sacramento County Superior Court this week, Judge Stephen Acquisto determined there was sufficient evidence to suggest defendant Tram Tracy Nguyen, 20, was aware of the firearms

[Read More](#)

After Years of Silence, Father Comes Clean about Molesting His Daughter

After nearly dying from a stroke, Defendant Herbert Highsmith became overwhelmed with guilt and remorse, and chose to face his past by admitting to his crimes of molestation here in Sacramento County Superior

[Read More](#)

Missing Gun at Scene of DUI Accident Cause for Concern – But Officers Render Firearm Harmless at Hospital

The discovery of an empty gun holster at the scene of a suspected DUI accident – with the injured driver on the way to the hospital – could have spelled a much more serious situation, according to witness testimony

[Read More](#)

Alameda Court Watch

Judge Discharges Defendant from 2012 Berkeley Rape Case, Rules Evidence Riddled with Inconsistencies

A judge here in Alameda County Superior Court has dismissed a defendant's charge of an alleged rape in 2012 after finding "the record riddled with meaningful inconsistencies" and "changes in the story."

[Read More](#)

Contra Costa Court Watch

Mother Recounts Terror after Assaults and Robbery by Son/Defendant

Defendant Alexis Ayala-Delgado appeared in Contra Costa County Superior Court last week to face seven charges, including robbery, assault, threatened murder, and false imprisonment—all against his own family

[Read More](#)

Fresno Court Watch

Judge Denies Defendant Release After He States He'd Rather Be Homeless

For one Fresno man, it's better to be homeless than stay with family – he didn't get either after he was sent back to jail because of his preference.

[Read More](#)

Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

[Read More](#)

Merced Court Watch

Man Faces Possible Domestic Abuse After Allegedly Biting Girlfriend

In a preliminary hearing here in Merced County Superior Court this past week, a Merced man was charged with two different criminal offenses, including corporal injury to a spouse—he allegedly bit her—and violation

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast 88: Adnan Khan Discusses COVID in Prisons

This week's guest on Everyday Injustice, Adnan Khan, is the Executive Director of ReStore Justice which he co-founded while incarcerated. While in prison, he inspired and helped to launch legislation that dealt with the Felony

[Read More](#)

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Subject: Davis Vanguard tracking COVID in jails

Date: Friday, January 29, 2021 at 6:07:00 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: PUBDEF-Policy

[SF Jails Released Majority of Positive Cases in Custody Since Pandemic Emerged - Breaking Down COVID-19 in CA Jails | Davis Vanguard](#)



Sacramento County Jails Report Largest Coronavirus Outbreak Since March - Breaking Down COVID-19 in CA Jails | Davis Vanguard

(Page 1 & 2: San Francisco County Jails, Page 3 & 4: Santa Rita Jail, Page 5: Sacramento County Jails, Page 6: Sacramento County Juvenile Hall, Page 7 & 8: Santa Clara County Jails, Page 9 & 10: BSCC Data – All County Jails & Juvenile Detention Facilities) Source: The Alameda County Sheriff's ...

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Valerie Ibarra
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(628)249-7946
SFPublicDefender.org/Media

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Valerie Ibarra
Public Information Officer
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(628)249-7946
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Subject: Re: Commenting on the Nectali Romero habeas victory
Date: Friday, January 29, 2021 at 12:32:15 AM Greenwich Mean Time
From: Upshaw, Hayley (PDR)
To: David M. Greenwald, Ibarra, Valerie (PDR)

Hi David,

Thanks for your interest. Responses to your questions in red below

Please let me know if anything isn't clear or if a phone call would be better.

Hayley Upshaw
(She/Her/Ella)
Deputy Public Defender
San Francisco Public Defender's Office
Immigration Defense Unit
(415) 734-3002 (office)
(415) 754-3762 (google voice/mobile)

***** Working remotely. Please email or call my mobile.*****

From: David M. Greenwald <info@davisvanguard.org>
Sent: Thursday, January 28, 2021 12:08 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Upshaw, Hayley (PDR) <hayley.upshaw@sfgov.org>
Subject: Re: Commenting on the Nectali Romero habeas victory

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Thanks Valerie -

I hoping to run a story for tomorrow morning.

Hi Hayley -

I am interested in knowing additional details on his detention, I believe the decision summarizes this effectively but he has been detained for 13 months in Mesa Verde, a GEO group private prison/detention center in Bakersfield what was the basis for the detention He falls under the "mandatory detention" statute due to a criminal conviction, and

what was the government's argument for continuing it The government has never had to justify his detention because he falls under the mandatory detention statute. This whole habeas proceeding was about that issue exactly - and the Court found that the government can't just rely on a statutory presumption of dangerousness in order to detain him indefinitely but must make an individualized determination about whether he is actually a danger or flight risk to justify his prolonged detention. How bad is the situation at Mesa Verde and what is the likely outcome at this point. Mr. Romero was detained by ICE at Mesa Verde for the entirety of 2020 and luckily survived the COVID-19 outbreaks but it has been an incredibly stressful period, witnessing the virus spread like wildfire within the facility and fearing for his health and safety. The pandemic has also eliminated family visits and his family who used to come to visit him weekly before the pandemic have not been able to see him in person since March. I think that should give me what I need - I guess something on your overall reaction to the ruling.

I appreciate the judge's thoughtful decision and am incredibly thankful that Mr. Romero will finally have an opportunity to have a custody hearing. While this is a great outcome for Mr. Romero, the unfortunate reality is that our punishing immigration laws still require the government to hold thousands of others in jail, sometimes for very long periods of time, without due process. Many immigrants continue to languish in jail based on the unconstitutional mandatory detention statute. Filing these kinds of lawsuits in every case is tremendously inefficient and practically impossible for most immigrants in custody who lack counsel. The better solution is for Congress to make immediate and bold changes that end mass incarceration and guarantee fairness for immigrants.

Thanks,

David

On Thu, Jan 28, 2021 at 11:53 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hello Hayley and David --

I'm connecting you here because David (of the Davis Vanguard) was hoping to get some comments re: the habeas case.

David -- would you please send your question(s)/prompt to Hayley? She is currently working on the bond motion set for tomorrow morning, and thus in a bit of a crunch today. Please mention whether you plan to publish today, or perhaps want to wait for the bond hearing to complete tomorrow -- i.e. just let us know when you need a response.

Thank you both -- here to help if needed,
Valerie

--

Valerie Ibarra
Public Information Officer
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(628)249-7946
SFPublicDefender.org/Media

--
Sent from Gmail Mobile

Subject: Vanguard Webinar: COVID, UC Davis & Educational Challenges During a Pandemic – TOMORROW AT NOON

Date: Thursday, January 28, 2021 at 11:00:15 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image



Vanguard Webinar:
**COVID, UC Davis & Educational Challenges
During a Pandemic**
TOMORROW AT NOON

Image



Join the Vanguard for its latest Webinar – **Friday, January 29 at noon.**

The discussion will focus on COVID, UC Davis and educational challenges during the pandemic, as well as the future.

Guests:

Ken Burtis – COO of Healthy Davis Together, Professor Emeritus of Genetics and Faculty Advisor to the Chancellor and Provost

Jesse Drew – Co-Chair, Davis Faculty Association

Kyle Krueger – President, ASUCD

Julietta Bisharyan – Co-Editor in Chief, Vanguard at UC Davis

**Friday
January 29
at noon**

Event is free and open to the public:

Click the button below to register in advance



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Subject: Amplifying the Voice of the Voiceless!

Date: Thursday, January 28, 2021 at 9:00:22 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

Amplifying the Voice of the Voiceless

Image

Everyday Injustice. That's what happened this week.

Koda Slingsluff, a very talented intern from Berkeley, who will be co-editor in chief of our Berkeley Publication, was in Yolo County on Thursday, when he saw the case of a homeless man, accused of having a bomb that wasn't a bomb, and who was held on bail which he could not afford to pay, and thus would be held in custody for doing nothing really.

The article is beautifully written and I would not do it justice:

<https://bit.ly/3qVWIEo>

The man said: ““Your honor, I don't have any money. I'm working, I didn't do anything, please.”

Judge Dyer replied, “I'd advise you that anything you say can be used against you.””

“Russel placed his head in his hands and rocked back and forth as he cried. He continued, “Please, please,” and then was cut off as his microphone was muted.”

Koda captured beautifully the inhumanity of the moment.

Allison Zuvela, clearly moved herself, let the defendant know, “I'll be out to talk to you and I'm going to have a social worker come talk to you.”

The story captured a lot of attention.

I got emails from a number of people on it, clearly disturbed.

Kate Chatfield, who headed up the Justice Collaborative, and now works for the Appeal and who drafted the SB 1437 legislation also saw it, she retweeted ours and told people to read it and understand this was happening in the US and California.

This should be a poster-case for why bail should be abolished. It is a poster case for Everyday Injustice. These cases happen all of the time. They may not rise to the level of 378 years or wrongful convictions, but they perfectly illustrate the inhumanity of the system.

Most importantly, they are why we do this.

Because you see, while people got rightfully outraged about it, they could only do that or do something about it because we happened to be there.

I am writing you today to ask you to help amplify that voice.

As a non-profit, we need your help. We are asking you to become a sustaining member - a monthly donor who contributes each month to enable us to pay our bills and continue our growth.

Standard membership: \$10/ month

Student rate: \$5/ month

We have people donating as little as \$5 and as much as \$100 per month. Donate what you can.

[DONATE TODAY](#)

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Subject: Re: Commenting on the Nectali Romero habeas victory
Date: Thursday, January 28, 2021 at 8:08:05 PM Greenwich Mean Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
CC: Upshaw, Hayley (PDR)

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Thanks Valerie -

I hoping to run a story for tomorrow morning.

Hi Hayley -

I am interested in knowing additional details on his detention, what was the basis for the detention, and what was the government's argument for continuing it. How bad is the situation at Mesa Verde and what is the likely outcome at this point. I think that should give me what I need - I guess something on your overall reaction to the ruling.

Thanks,

David

On Thu, Jan 28, 2021 at 11:53 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hello Hayley and David --

I'm connecting you here because David (of the Davis Vanguard) was hoping to get some comments re: the habeas case.

David -- would you please send your question(s)/prompt to Hayley? She is currently working on the

bond motion set for tomorrow morning, and thus in a bit of a crunch today. Please mention whether you plan to publish today, or perhaps want to wait for the bond hearing to complete tomorrow -- i.e. just let us know when you need a response.

Thank you both -- here to help if needed,
Valerie

--

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(628)249-7946
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--

Sent from Gmail Mobile

Subject: Commenting on the Nectali Romero habeas victory
Date: Thursday, January 28, 2021 at 7:51:42 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Upshaw, Hayley (PDR), David M. Greenwald
Attachments: Habeas Grant Nectali pdf.pdf

Hello Hayley and David --

I'm connecting you here because David (of the Davis Vanguard) was hoping to get some comments re: the habeas case.

David -- would you please send your question(s)/prompt to Hayley? She is currently working on the bond motion set for tomorrow morning, and thus in a bit of a crunch today. Please mention whether you plan to publish today, or perhaps want to wait for the bond hearing to complete tomorrow -- i.e. just let us know when you need a response.

Thank you both -- here to help if needed,
Valerie

--

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
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Subject: Everyday Injustice - Officer Runs Over Protesters in Tacoma; Pressure Builds on Biden to End Federal Death Penalty As 100 Criminal Justice Leaders Urge Immediate Action
Date: Tuesday, January 26, 2021 at 7:00:11 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Over the past year, we witnessed thirteen federal executions, all an assault on human dignity and an affront to American values,” a letter from 100 prosecutors notes.

Everyday Injustice Newsletter - January 26, 2021

“They are playing a deadly game with people’s lives”

By Julietta Bisharyan

For months, Deuel Vocational Institution (DVI) had zero cases of COVID-19 until the first case was

reported in November.

According to Jenny*, whose husband is incarcerated at DVI, the outbreak started at L3, which is an honor dorm that housed 61 people. Officials placed a person in that dorm, who had tested positive from another part of the prison, as soon as he completed quarantine.

He had not tested negative, yet officials placed him with the healthy population before removing him the next day.

As a result, the entire L3 block became infected and was placed under lockdown.

Jenny says that staff were moving the population around constantly to various wings.

Initially, E wing was intended to house those who had tested positive. However, they moved patients after quarantine from E wing to F wing, which led to an outbreak of about 100 cases.

She believes officials are intentionally mixing those with resolved cases with the general population to test if they would be able to catch the virus again.

"They are playing a deadly game with people's lives," Jenny says.

According to Jenny, the prison has moved individuals, who were positive after 10 days of quarantine, into areas with negative patients. If a person has no symptoms, after 10 days, they will be put back in the general population without being tested again.

She credits this constant moving and attempts at achieving herd immunity as the cause of the outbreak at DVI, which has already confirmed 274 cases.

"This is a tragedy; something has to be done," adds Jenny. "The world needs to know."

[Full article - click here.](#)

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

[Pressure Builds on Biden to End Federal Death Penalty As 100 Criminal Justice Leaders Urge Immediate Action](#)

The unprecedented wave of executions by the federal government at the end of the Trump administration, capped off by three in the last week, has forced a level of urgency on the part of reformers calling for the end to the federal death

[Read More](#)

Anti-Police Brutality Protests Erupt after Tacoma Officer Drives through Crowd, Runs Over One Person, Sends People to Hospital

A 58-year-old police officer Saturday night plowed into a crowd about 100 people apparently watching street racers doing “burnouts” here in Tacoma, just south of Seattle, sending multiple people to the hospital.

[Read More](#)

Fresno DA Rips Progressive Justice Reforms Instituted by Los Angeles DA Gascón, Calling Policies ‘Twisted’ and ‘Extreme’

Fresno County District Attorney Lisa Smittcamp strongly criticized Los Angeles County District Attorney George Gascón’s progressive criminal justice reforms as “extreme” and “twisted” in a passionate letter sent last week.

[Read More](#)

CDCR Outlines Vaccine Prioritization for Healthcare Personnel and Custody Staff

As of Jan. 22, there have been a total of 45,954 confirmed COVID-19 cases in the CDCR system – 2,201 of them emerged in the last two weeks. 2,962 cases are active in custody while 668 have been released while active. Roughly

[Read More](#)

Two Convicted Men Remain Incarcerated for Triple Murder and Arson Case 13 Years Later Despite Suspicions of Innocence (Update)

In the aftermath of a triple homicide, Robert Pape and Cristin Smith, became the prime suspects throughout the years. However, there are several prosecutorial and investigative issues in this case that may hint

[Read More](#)

Citizens, Including 3 Grand Jurors in Breonna Taylor Case, Want to Impeach Kentucky AG

State Attorney General Daniel Cameron is the subject of a petition to the Kentucky Legislature calling for his impeachment – three grand jurors involved in the Breonna Taylor case are among the Kentuckians signing the petition.

[Read More](#)

COVID CDCR and Jail Dashboards

CSP Solano Reports Over One Hundred New Cases; CDCR Death Toll Reaches 184

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail Expands Testing and Uncovers Over Seventy Active Cases in Custody

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

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Alleged Assault Victim Rages on Stand After Defense Attorney Questions His Past

The witness box maybe got a little crazy here late last week in Yolo County Superior Court when Deputy Public Defender Daniel Hutchinson questioned the alleged victim of an assault.

[Read More](#)

Sacramento Court Watch

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Defendants Who Brazenly Stole Drugs, Booze Sentenced to Six Months in Jail Even After Some Items Returned After Getaway Car Stalled

Two defendants who brazenly cleared shelves of alcohol and drugs at a pharmacy were sentenced here Monday in Sacramento County Superior Court to six months in jail for the felony – their theft largely failed when

[Read More](#)

Alameda Court Watch

Judge Discharges Defendant from 2012 Berkeley Rape Case, Rules Evidence Riddled with Inconsistencies

A judge here in Alameda County Superior Court has dismissed a defendant's charge of an alleged rape in 2012 after finding "the record riddled with meaningful inconsistencies" and "changes in the story."

[Read More](#)

Judge Grants Domestic Violence Restraining Order to One, But Rejects Another with Unreliable Victim Testimony

Investigating officers here said at a preliminary hearing they didn't have fingerprints on guns they found, after suspects of a robbery and burglary fled law enforcement in the Fruitvale area of Oakland—but at least one

[Read More](#)

Contra Costa Court Watch

Mother Recounts Terror after Assaults and Robbery by Son/Defendant

Defendant Alexis Ayala-Delgado appeared in Contra Costa County Superior Court last week to face seven charges, including robbery, assault, threatened murder, and false imprisonment—all against his own family

[Read More](#)

Fresno Court Watch

Despite Victim's Memory Lapses, Judge Sets Trial for Man Accused of Multiple Domestic Violence Charges

Despite a victim's memory lapses and the defense attorney's claims of insufficient evidence, Judge Glenda Allen-Hill ruled in favor of the prosecution here in a Fresno County Superior Court preliminary hearing last week,

[Read More](#)

Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

[Read More](#)

Merced Court Watch

Man Faces Possible Domestic Abuse After Allegedly Biting Girlfriend

In a preliminary hearing here in Merced County Superior Court this past week, a Merced man was charged with two different criminal offenses, including corporal injury to a spouse—he allegedly bit her—and violation

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast 88: Adnan Khan Discusses COVID in Prisons

This week's guest on Everyday Injustice, Adnan Khan, is the Executive Director of ReStore Justice which he co-founded while incarcerated. While in prison, he inspired and helped to launch legislation that dealt with the Felony

[Read More](#)

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=Y2U3ZjM3ODIxZTZQzWl5OQ==&h=YzE5MDcxNWU4ZGQ1NDI3NGQwM2Q4M2U3YjczODRmNjc0NmM2N2RiNmQ2MzE1O TVIZDZhZTY5NmMyMmM3Y2VmZQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjYzMDUzNGFmMTdhMjQwYjM5OGEzYTA3MDhIYmVkMDMyOnYx>

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Subject: Everyday Injustice - Pleas From Homeless Man Muted; Story Chronicles Wrongful Conviction in Pinyon Pines
Date: Monday, January 25, 2021 at 7:01:36 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Plea from a Homeless Man: "Your honor, I don't have any money. I'm working, I didn't do anything, please."

Everyday Injustice Newsletter - January 25, 2021

Amplifying the Voice of the
Voiceless

VOICELESS

by David Greenwald

In 2009 I had just watched Ajay Dev get sentenced to 378 years in prison, one of our readers had reached out to me and we met over coffee across the Capitol. The problem was rather simple: we knew there was a volume of cases in the Yolo County Courts that were travesties of justice but didn't know a systematic way to get access to those cases.

The idea at that point was to create a mechanism to have people in court waiting and watching so when those cases came forward, we were there. Court Watch was born.

It has grown and expanded and become much more sophisticated in the years since then, but the basic premise remains the same: do not catch the cases that are true injustice unless you are there. Admittedly our approach catches a lot of run of the mill cases, but we also catch the gems that no one else would think to cover.

That's what happened this week. Koda Slingluff, a very talented intern from Berkeley, who will be co-editor in chief of our Berkeley Publication, was in Yolo County on Thursday, when he saw the case of a homeless man, accused of having a bomb that wasn't a bomb, and who was held on bail which he could not afford to pay, and thus would be held in custody for doing nothing really.

The article is beautifully written and I would not do it justice:

<https://www.davisvanguard.org/2021/01/distressing-scene-as-homeless-man-muted-for-weeping-because-he-cant-pay-bail/>

The man said: ""Your honor, I don't have any money. I'm working, I didn't do anything, please." Judge Dyer replied, "I'd advise you that anything you say can be used against you.""

"Russel placed his head in his hands and rocked back and forth as he cried. He continued, "Please, please," and then was cut off as his microphone was muted."

Koda captured beautifully the inhumanity of the moment.

Allison Zuvela, clearly moved herself, let the defendant know, "I'll be out to talk to you and I'm going to have a social worker come talk to you."

The story captured a lot of attention. I got emails from a number of people on it, clearly disturbed. Kate Chatfield, who headed up the Justice Collaborative, and now works for the Appeal and who drafted the SB 1437 legislation also saw it, she retweeted ours and told people to read it and understand this was happening in the US and California.

This should be a poster-case for why bail should be abolished. It is a poster case for Everyday Injustice. These cases happen all of the time. They may not rise to the level of 378 years or wrongful convictions, but they perfectly illustrate the inhumanity of the system.

Most importantly, they are why we do this. Because you see, while people got rightfully outraged about it, they could only do that or do something about it because we happened to be there.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Two Convicted Men Remain Incarcerated for Triple Murder and Arson Case 13 years Later Despite Suspicions of Innocence

In the aftermath of a triple homicide, Robert Pape and Cristin Smith, became the prime suspects throughout the years. However, there are several prosecutorial and investigative issues in this case that may hint

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Distressing Scene as Homeless Man Muted for Weeping Because He Can't Pay Bail

A felony arraignment—for displaying something that looked like a bomb but was not—ended here in Yolo County Superior Court Thursday with the muting of a homeless defendant on livestream when he began weeping after

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Letter Urges Biden To Commute Everyone on Federal Death Row

The letter was co-signed by more than 35 members of Congress asking the President to commute the remaining 50 people on federal death row following President Trump's last-minute execution spree.

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“They are playing a deadly game with people's lives”

According to Jenny*, whose husband is incarcerated at DVI, the outbreak started at L3, which is an honor dorm that housed 61 people. Officials placed a person in that dorm, who had tested positive from another part of the prison, as

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No Masking & Solitary-Style Quarantines – Sacramento County Jails' Negligence During Its Largest COVID-19 Outbreak Surfaces

On January 13, the Sacramento Sheriff's Office released a statement addressing the largest COVID-19 outbreak at the Main Jail and Rio Cosumnes Correctional Center. "This is the first outbreak between and

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First Amendment Coalition Files Pleading Asking Appeal Court to Reject Cop Union Attempt to Stop Easy Access to Police Public Records

The First Amendment Coalition (FAC)—a non-profit public organization committed to freedom of speech, transparency and accountability in government, and community involvement in civic life—has found itself battling police

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University of Pennsylvania Law School Hosts Criminal Justice Conversation with Yusef Salaam and John Legend

The Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Law School hosted an online conversation last week with world-famous recording artist and criminal justice reform

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COVID CDCR and Jail Dashboards

Wasco State Prison Reports Its First COVID-related Death; CDCR Death Toll Reaches 184

Our daily run down on the COVID cases in the California Prison System (CDCR)

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San Francisco Court Watch

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Yolo County Court Watch

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Alleged Assault Victim Rages on Stand After Defense Attorney Questions His Past

The witness box maybe got a little crazy here late last week in Yolo County Superior Court when Deputy Public Defender Daniel Hutchinson questioned the alleged victim of an assault.

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Sacramento Court Watch

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Defendant Facing 32 Month Prison Sentence After Sending Death Threats Via Text – Again

Although texting is one of the primary ways to stay in contact with one another during the pandemic – but it's important to be careful about the content of those texts, as defendant Keith Morris found out here in Sacramento

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Judge Delays Sentencing Despite Mountain of Evidence After Holes in Prosecution Appear

The prosecution here in Sacramento County Superior Court last week exhibited a mountain of apparent evidence against defendant Donny Vargas – but some holes opened up during officer testimony and Vargas was granted

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Alameda Court Watch

Judge Grants Domestic Violence Restraining Order to One, But Rejects Another with Unreliable Victim Testimony

Judge Victor Rodriguez here in Alameda County Superior Court presided over two domestic abuse cases last week where both of the victims filed for a restraining order. But while the first hearing went smoothly, the second one was filled

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Contra Costa Court Watch

Mother Recounts Terror after Assaults and Robbery by Son/Defendant

Defendant Alexis Ayala-Delgado appeared in Contra Costa County Superior Court last week to face seven charges, including robbery, assault, threatened murder, and false imprisonment—all against his own family

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Despite Victim's Memory Lapses, Judge Sets Trial for Man Accused of Multiple Domestic Violence Charges

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Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Man Faces Possible Domestic Abuse After Allegedly Biting Girlfriend

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Everyday Injustice - Podcast

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Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Subject: Everyday Injustice - Black Caucus Pushes For Becton For AG; Conversation with Adnan Khan on COVID in Prison

Date: Friday, January 22, 2021 at 7:00:55 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

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"Without hesitation and with our highest recommendation, we respectfully urge Governor Gavin Newsom to appoint Diana Becton to serve as the next Attorney General of California," said the CLBC in a statement.

Everyday Injustice Newsletter - January 21, 2021

**Who Will Be the Next
California Attorney General?**

By David Greenwald

Earlier this week, California Governor Gavin Newsom formally named Alex Padilla as the new Senator, replacing Vice President Kamala Harris, who on Wednesday swore him in to replace her previous position. He also appointed Shirley Weber to replace Padilla.

There is one more piece of business to be done - whenever Xavier Becerra is confirmed by the Senate - something that seems much more likely now that the Democrats have nominal control of the Senate - the Governor will have an AG spot to fill as well.

Yesterday the [Vanguard reported](#) that the Legislative Black Caucus is endorsing Contra Costa DA Diana Becton for the AG spot. As one of the few truly progressive DAs in the state, it is hard to disagree with her as a pick.

She is the only Black woman DA in the State. She spent years as a well respected jurist and litigator. And now is "a strong supporter of progressive policies" which align with the CLBC priorities, they said.

"Without hesitation and with our highest recommendation, we respectfully urge Governor Gavin Newsom to appoint Diana Becton to serve as the next Attorney General of California," said the CLBC in a statement.

"We would all benefit from her variety in experience and perspective. Given her experiences, education and collegial connections, as well as her track record supporting progressive policies, District Attorney Becton is the transformative candidate for these turbulent times. "

Still while I think Becton would make a good AG, I think it's a bit of a long shot at this point.

I keep hearing rumors out of Sacramento, that Newsom has promised Darrell Steinberg, the longtime leader of the Senate and now Mayor of Sacramento to be AG. I hope those those rumors are not true for a lot of reasons - mainly because I think there are much stronger choices, more progressive leaders, and would prefer to see a person of color in that post.

In addition to Becton, I have previous noted my support for two legislators - Assemblymember Rob Bonta and Ash Kalra.

Kalra would be particularly intriguing - a former Santa Clara County Public Defender and author of the Racial Justice Act.

"As a career-long advocate for justice and equality, Rob Bonta has led the fight in the Legislature to reform the criminal justice system and treat people with dignity," Assemblymember Evan Low said in a statement. "I've known Rob for years, and he would lead the California Department of Justice with distinction."

A number of criminal justice advocacy groups have also announced their support for Bonta in recent weeks, citing his leadership in the Assembly fighting to outlaw private prisons, end cash bail and reform sentencing laws.

I have pointed out that neither Kamala Harris who held the position from 2011 to 2016 when she won the Senate Seat, nor Xavier Becerra have been particularly strong on critical issues like justice reform, police misconduct, or prosecutorial misconduct.

I think Darrell Steinberg would continue that tradition of political minded AGs not willing to rock the vote - as we have seen for his tepid response to police shootings in Sacramento.

Whereas Becton, Bonta or Kalra would be passionate reformers and could enact the type of transformational change we need in California.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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LA Sheriff Alex Villanueva Accused of 'Gaslighting' and Inability to Answer Questions at Civilian Oversight Commission Meeting About COVID-19

Sheriff Alex Villanueva and Assistant Sheriff Bruce Chase updated the conditions of COVID-19 in Los Angeles County Jails at Thursday's Civilian Oversight Commission Meeting, but they received major pushback from the

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Criminal Procedure Law 440: New York Measure Would Correct 'Wrongful Convictions'

New York holds the dubious ranking of No. 3 in the nation with the most "wrongful convictions," and the exonerations of 283 people. The legislature is now working on a bill to correct that.

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Contra Costa DA Diana Becton Endorsed for CA Attorney General by Legislative Black Caucus

Contra Costa County District Attorney Diana Becton early Thursday was endorsed as the next California Attorney General by the CA Legislative Black Caucus (CLBC) – the group described her as a "transformative

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Defendant in 'Drive-By' Murder Shooting

[Quizzed on Stand for Second Day](#)

Defendant Jose Lima was called in to the Alameda Superior Court Wednesday morning for the sixth day of trial proceedings after facing charges of murder involving a “drive-by” shooting in Sept. 2017.

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[Yolo County Court Watch](#)

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[Multiple Witness Statements in 2011 Bar Murder Conflict – Judge Rules Good Enough for Trial](#)

After parts of two weeks in preliminary hearing in Yolo County Superior Court, Jose Luis Gomez Arreola learned Wednesday he will stand trial for the 2011 murder of Gabriel Villareal Ibarra and injuring another.

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Sacramento Court Watch

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'More to Life, Than Life in Prison,' Opines Judge – Defendant Takes Deal After Representing Self

As he stands eager eyed and perched against his courtroom cell, representing himself Pro Per, defendant Perris J. Lee garners support from a judge and a deputy district attorney – they appeared to want to make a deal to free Lee.

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Series of 'Bad Actors' in Domestic Violence Court, Allegedly Causing Serious Injuries to Victims

Sacramento County Superior Court, Dept. 60, Judge Scott L. Tedmon dealt with a series of alleged bad actors here in the Domestic Violence Home Court Wednesday – all are accused of beating their domestic partners, causing

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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To: valerie.ibarra@sfgov.org

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Congresswoman Rashida Tlaib, declared "we have much more work to do to combat racism, xenophobia, and Islamophobia, and ending hateful policies like this and President Biden's first day action is a great step."

Everyday Injustice Newsletter - January 21, 2021

Trump Was Bad For Criminal Justice Reform But Removing Him is Not Enough

By David M. Greenwald

I know people yesterday who were crying in celebration of Biden being sworn into office. I know other people who have their hearts broken right now, are convinced that the election was stolen, and are still

looking to drain the swamp.

From my perspective Trump was very bad for criminal justice reform - from the federal executions, to the ending of consent decrees and pattern and practice investigations into the police, to the lack of federal progress toward ending mass incarceration beyond the limited though much celebrated First Step Act.

I will make this statement: I believe that President Trump was bad for our democracy and therefore we are better off without him in the White House. But Joe Biden from his support for the 1994 Crime Bill and other policies over the years has a lot of work to undo it.

So here is what I would like to see:

Joe Biden has said he will end the federal death penalty - I want to see that happen. What took place federally was a travesty. None of those people had compelling cases for execution and the way it was handled and the problems with their cases show a system that is broken beyond belief.

Second, I want to see real progress on police oversight. A return to consent decrees. The DOJ taking the lead on Pattern and Practice investigation. And federal guidance on systems of police oversight.

Third, end mass incarceration. Most of the incarcerated populations are in the states, but the federal government should stop prosecuting drug cases that do not involve major federal and international drug trafficking components. Biden should release everyone in prison on drug possession charges and everyone who has been incarcerated for over five years for non-violent offenses overall.

We need a federal system to review and free wrongly convicted people. We need to end the death penalty. We need to end mass incarceration. Biden needs to enact the entire criminal justice platform he developed with Bernie Sanders.

In this moment, he has the ability to do much of this and that would reverse his own questionable record on criminal justice issues.

Thanks for reading.

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Criminal Justice News/ Commentary

Analysis: Court Documents and Hearings Show That Most Capitol Rioters Were Trumpists, Looters Weren't Protesters

While there have been conspiracy theories to the contrary, most of the people arrested in conjunction with the Capitol Riots from January 6 were in fact devoted Trumpists—while for the most part the people associated with rioting and

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State Capitol Remains Calm – Police Stalk Peaceful Marchers, Ignore Trump Fan Climbing Barricade

Despite FBI warnings that now-President Joe Biden's inauguration could result in armed uprisings at all 50 state capitols Wednesday, the Capitol ground and downtown Sacramento today remained calm. And empty.

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President Biden Repeals the Muslim and African 'Travel' Ban

Newly-inaugurated President Joe Biden Wednesday issued a Presidential Proclamation that would repeal the Muslim and African "travel" bans enacted by the Trump Administration.

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Murder Trial Resumes: Defendant Takes the Stand in Liquor Store 'Drive-By' Shooting

Defendant Jesus Danilo Lima returned to Alameda Superior Court for the fifth day of his murder trial Tuesday to resume testifying on what happened on the night of "drive-by" shooting, as well as to the nature of his

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Subject: A Great Honor For These Historic Times

Date: Wednesday, January 20, 2021 at 9:00:17 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image



Honored to Receive The Justice Advocate for 2021 Award

Image

Dear Friends,

Our amazing year has continued with even more great opportunities.

Yesterday I got a rare chance to pause for a personal reflection. 15 years of hard work resulted in the Reverend Tim Malone - a great friend and supporter - recognizing my work with the Vanguard and along with the MLK Scholarship Fund giving me an award for the Justice Advocate for 2021.

I'm so humbled and honored by this.

I gave a speech - the text and video are here: <https://bit.ly/3p3sY2q>

As I pointed out yesterday: *"One thing people do not fully appreciate is the extent to which a system of injustice enslaves us all—not merely the people who are subjugated by the system."*

The Vanguard is our vehicle. It has enabled me and so many others to have a voice and be able to shine a light on injustice.

I am writing you today to ask you to help amplify that voice.

As a non-profit, we need your help. We are asking you to become a sustaining member - a monthly donor who contributes each month to enable us to pay our bills and continue our growth.

Standard membership: \$10/ month

Student rate: \$5/ month

We have people donating as little as \$5 and as much as \$100 per month. Donate what you can.

TO JOIN CLICK THE BUTTON BELOW!

JOIN TODAY

Thank you,

David Greenwald
Director of The Davis Vanguard

The Peoples Vanguard of Davis Inc
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Davis, CA 95616
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Subject: Everyday Injustice - Sacramento City Council Hears, Sees Proof that Officers Treat White Supremacists Better than Police Brutality Demonstrators

Date: Wednesday, January 20, 2021 at 7:02:16 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"In July 2019, the Clinic filed a Motion for Appropriate Relief, alleging that Shaw received ineffective assistance of counsel and that, at the Alford plea hearing, state prosecutors failed to state a sufficient factual basis to support a finding that Shaw committed a crime," said Jeannie Naujeck, who covers Duke.

Everyday Injustice Newsletter - January 20, 2021

"Guards laughed at

Guards laughed at incarcerated people for wearing masks”

By Jaskiran Soomal

Michelle spoke with Vanguard regarding her partner, Robert’s experience with COVID-19 in CA State Prison, Solano (SOL).

Upon testing positive for COVID-19 in December, Robert became very ill to the point where he developed debilitating symptoms. He received little to no medical care during his time in quarantine.

During the initial months of the pandemic, CSP Solano had an extremely low cases count. Even in early December, only 50 active cases were reported within a population of 3000 people. This quickly changed. By Christmas Day, there were over 300 active cases in custody and over 800 total confirmed cases. “COVID can’t come to them. They are the perfect population in quarantine. The only way it could reach them was through people from the outside,” said Michelle.

She argues that the CDCR administration continued transferring individuals between facilities without following protocols and staff neglected safety measures, causing the virus to spread. Two men lost their lives during the December outbreak.

“COVID was brought by staff and transfers,” she said. “These are the only “outside entities” that could interact with the prison population because in-person visits have been cancelled for months.”

“Had they [prison staff] been conscientious of the protocols in the outside world - PPE, masks, etc. things could have been controlled. The guards did not do that. The guards laughed at the incarcerated people for wearing masks.”

Further, she says that CDCR transferred individuals from CSP Corcoran and San Quentin, facilities with massive outbreaks themselves, to CSP Solano discreetly. She questions why CDCR did not learn their lesson about the consequences of transfers after the mishap at San Quentin that caused over 28 deaths and 2,000 cases in July.

It is important to note that CDCR has not released any public information regarding the number of transfers between facilities or the total number of individuals transferred.

Robert and his cellmate were very meticulous in keeping their dorm clean, wearing masks appropriately, and following social distancing as best as they could. Robert wanted to do everything in his power to prevent the virus from affecting himself and his cellmate.

Unfortunately, he inevitably caught COVID-19.

From his observations, staff would not show incarcerated people their test results if it came back positive. They would be shuffled into quarantine buildings meant for those facing disciplinary actions, with no explanation.

This article is part of the Vanguard's COVID behind bars project. The full article is published on the Vanguard - [link](#)

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Criminal Justice News/ Commentary

Sacramento City Council Hears, Sees Proof that Officers Treat White Supremacists Better than Police Brutality Demonstrators

While thousands of national guard troops, local and state police are protecting the nation's capital and capital buildings in Sacramento and other states from pro-Trump white supremacists, the Sacramento City Council

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Guest Commentary: Moral Imperative to Eliminate the Historic Stain of Family Separation

In 2018, the ACLU brought a successful lawsuit, *Ms. L. v. ICE*, against the Trump administration's barbaric practice of forcibly separating migrant families. At the time, we had no idea of the scale and depravity of the injustice, but now

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Duke Law Wrongful Conviction Unit Exonerates 10th Client Overall and 4th in Last Two Years

The Duke Law Wrongful Conviction Unit exonerated Willie George Shaw, its tenth client, and fourth client to be exonerated in the past two years, along with Charles Ray Finch and Dontae Sharpe in 2019 and Ronnie Long in 2020.

[Read More](#)

'Racial Justice Act for All' Legislation Introduced in State Legislature, Would Protect More People

Effective solutions to combating systemic racism in the US should not only focus on preventing systemic harm, but repair the harm that Black people have faced as well, according to one California Legislator.

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Yolo County Court Watch

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Witness Describes 2011 Bar Shooter in Murder Trial; Defendant Allegedly Fled to Mexico

Judge David W. Reed in Yolo County Superior Tuesday listened as two witnesses testified in the pre-hearing conference against defendant Jose Luis Gomez Arreola, charged with attempted murder of multiple people

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Sacramento Court Watch

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Defendant in 2008 Gang Homicide Loses Resentencing Bid Even Though He Didn't

Participate in Murder

In an appeal decision rendered this past week – but related to a sentence made nearly 13 years ago – Judge Kevin J. McCormick ruled that defendant Jaime Torres should still be sentenced to 40 years in jail for second degree murder

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Alameda Court Watch

Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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Mother Recounts Terror after Assaults and Robbery by Son/Defendant

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

[Read More](#)

Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Subject: Everyday Injustice - Progressive Prosecutors See Pushback; Activists Accuse Sac Police of White Supremacy

Date: Tuesday, January 19, 2021 at 7:01:02 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"One thing people do not fully appreciate is the extent to which a system of injustice enslaves us all – not merely the people who are subjugated by the system."

Everyday Injustice Newsletter - January 19, 2021

**No Equivalence -
Looters Were Looters; Capitol Riot People Were Trumpists**

By David Greenwald

Last year I interviewed Tampa area prosecutor Andrew Warren and we discussed among other things -

Last year I interviewed Tampa area prosecutor Andrew Warren and we discussed among other things - protests and riots. Like most prosecutors, Warren saw a clear distinction between the people protesting and the people looting and rioting.

He told me, "Most of the people that we see committing crimes in connection with the protests are not protesters. They are people who are trying to take advantage of the situation."

Some of the commenters on the Vanguard are not paying close attention but in fact, we are covering a fair number of looting cases.

For example this morning, Kathryn Wood and Lauren Smith [cover the cases of Eric Azikiwe](#) . He was caught looting at the local Best BUy on June 6 - right during the heart of the protests. Witnesses saw the subjects run out of the store grabbing electronics - one of the people detailed with the defendant.

Testimony indicated, "the defendant was found outside of the store with the items in his hand which were confirmed to belong to the store." Azikiwe also had an other case that day - second degree-burglary. Pretty clear from the evidence, this was not a protester who got carried away but rather a run of the mill person involved in petty crime and participating in a crime of opportunity.

Compare that to the Capitol Riots. As we have mentioned, the DOJ has posted all the arrestees, their complaints, and even some of the evidence on the DOJ website:

<https://www.justice.gov/opa/investigations-regarding-violence-capitol>

On January 14 - we picked this case at random, the DOJ put out a press release about the arrest of Kevin Seefried and Hunter Seefried were charged today in federal court in the District of Columbia in connection with the riots at the U.S. Capitol on Wednesday, Jan. 6, 2021.

Kevin Seefried and Hunter Seefried each were charged by complaint with one count of knowingly entering or remaining in any restricted building or grounds without lawful authority, one count of violent entry and disorderly conduct on Capitol grounds among other things.

Kevin Seefried was the individual who was photographed with the Confederate flag in the Capitol.

He told law enforcement, "he had traveled with his family from Delaware to the District of Columbia to hear President Trump speak and that he and Hunter Seefried participated in a march from the White House to the Capitol led by an individual with a bull horn."

Moreover, in the statement of probable cause, the investigating officer noted that he "reviewed video footage posted to Twitter which shows Hunter Seefried punching out glass in a window in the Capitol complex after people adjacent to him in the crowd broke it with a wooden 2 x 4. Kevin Seefried confirmed to law enforcement agents that Hunter Seefried was asked by an individual unknown to the Seefrieds to assist with clearing the window because Hunter Seefried was wearing gloves."

This is just one example. But it is clear from complaint here that the Seefried's were Trumpists, participating in the riots. In the case out of Sacramento, on the other hand, it was not an activist who got out of control, but rather a criminal act of opportunity.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Activists Accuse Sacramento City Police of Being White Supremacist Sympathizers, Ask If Officers Supported or Participated in D.C. Capitol Riot

Sacramento Police officers have shown bias in favor of white supremacists and Trump supporters in the streets, charged community activists here who are suggesting city officers should be investigated to see if they are members

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Monday Morning Thoughts: Battle Over Progressive Prosecuting is Just Beginning

In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four time DA

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Trump Administration Executes 3rd Person in Less Than Week Just Days Before Inauguration – Biden Promised to End Slaughter

After petitioning for a writ of habeas corpus and a motion to stay his execution, Indiana man Dustin John Higgs was executed under the Trump administration just four days before the Joe Biden Inauguration, for his role in the murders

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Defendant in 2008 Gang Homicide Loses Resentencing Bid Even Though He Didn't Participate in Murder

In an appeal decision rendered this past week – but related to a sentence made nearly 13 years ago – Judge Kevin J. McCormick ruled that defendant Jaime Torres should still be sentenced to 40 years in jail for second degree murder

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Defendant Zero for Two in Twin Preliminary

Hearings – Robbery, Looting Cases to Trial

In two preliminary hearings held here Friday in Sacramento County Superior Court, defendant Eric Azikiwe wound up – in baseball parlance – zero for two in separate charged felonies for looting, and then for robbery.

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Protests at Gov. Newsom’s Residence Demand Immediate Decarceration Amid Rising Death Toll

As of Jan. 16, there have been 45,174 total confirmed COVID-19 cases in the CDCR system – 3,813 of them emerged in the last two weeks. 4,348 cases are active in custody while 646 were released while active. Roughly 88 percent of

[Read More](#)

“What little control they had is gone” – Mental Health Concerns Soar Amid Prison Covid-19 Restrictions

In light of the recent COVID-19 outbreak at Pleasant Valley State Prison (PVSP), Diane* spoke with the Vanguard about her concerns regarding the physical, medical, and emotional issues her partner is experiencing.

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Huge Police, Military Presence Locks Down State Capitol – Only Handful of Protestors Show Up

Far from being a mass mob protest against the Biden-Harris Inauguration, the State Capitol and surrounding area here was more like a ghost town Sunday. Except for law enforcement.

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Current, Former Elected U.S. Prosecutors Back LA DA Gascón, Oppose Lawsuit Opposing Criminal Justice Reforms

More than 65 current and formerly elected prosecutors from across the U.S. have filed an amicus brief in support of criminal justice reforms by newly-elected LA District Attorney George Gascón, in response to a

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COVID CDCR and Jail Dashboards

New Deaths Reported at CA Medical Facility & CA Healthcare Facility

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Sacramento County Jails Report Largest Coronavirus Outbreak Since March

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Witness Describes 2011 Bar Shooter in Murder Trial; Defendant Allegedly Fled to Mexico

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Victims Dragged on Pavement as Defendant Tries to Escape Scene in Jacked Car

Defendant Luqman Mohammad Wasi may have – as he is charged – dragged with a car an ex-girlfriend along the ground causing eye and other injuries, but he should only be tried for assault with a deadly

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Contra Costa Court Watch

Mother Recounts Terror after Assaults and Robbery by Son/Defendant

Defendant Alexis Ayala-Delgado appeared in Contra Costa County Superior Court last week to face seven charges, including robbery, assault, threatened murder, and false imprisonment—all against his own family

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Fresno Court Watch

Despite Victim's Memory Lapses, Judge Sets Trial for Man Accused of Multiple Domestic Violence Charges

Despite a victim's memory lapses and the defense attorney's claims of insufficient evidence, Judge Glenda Allen-Hill ruled in favor of the prosecution here in a Fresno County Superior Court preliminary hearing last week,

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Subject: Everyday Injustice - District Attorney Group Misused Nearly \$3 Million in Restricted Funds, Audit Finds
Date: Friday, January 15, 2021 at 7:00:35 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Chesa Boudin: "As elected DAs, we understand how to avoid co-mingling restricted funds and general-purpose funds — we have to do it every day managing our budgets."

Everyday Injustice Newsletter - January 15, 2021

Who is the Worst Sheriff in California? Sadly It's a Matter of Debate

By David Greenwald

Last week I did a podcast with Jessica Pishko who has been monitoring and reporting on sheriffs in the

US. In California we discussed such *luminaries* as Scott Jones from Sacramento, Donny Youngblood from Kern, Alex Villanueva from Los Angeles, and Don Barnes from Orange County.

Who is the worst I asked her yesterday?

Depends on the day I'm told. Yesterday it may have been Villanueva, but today, how about Barnes?

The sad thing here is that we can actually have a discussion. LA County Supervisors have been thinking of ways where they could remove him. In December the office of Inspector General released a 17-page report that argues that Villanueva has broken the law on a number of occasions but believes as an elected sheriff, his "power comes from the state Constitution" and therefore cannot be limited by "charter, statute, or ordinance."

Sheriff Scott Jones battled the board of Supervisors in Sacramento when he barred the Inspector General from his department and his jail.

In Kern County, the AG's office placed them under a sort of consent decree due to a high volume of officer-involved shootings and other problems.

But the Orange County Sheriff may win the award for the worst - at least for today. You are probably aware of the informant scandal which predates the current sheriff. Then there is the evidence mishandling scandal. And now new revelations that the Sheriff's Department repeatedly accessed recordings of attorney-client calls from jail.

Scott Sanders, the Assistant Public Defender who has uncovered most of these these scandals is naturally at the forefront of this again.

In a court filing on Tuesday, Sanders accused the Sheriff's Department of concealing "a vast quantity of accessed phone calls.

He writes, "So far, the OCSD's decision to hide the enormous quantity of Sixth Amendment violations has paid off. The Orange County Grand Jury, for instance, concluded there was "no evidence of improper use of recorded calls.""

In fact, they concealed it so well that "The Grand Jury actually heaped praise upon the OCSD for its response to the phone scandal, suggesting its exemplary response could allow it to become a leader "in the State and the United States in finding the most desirable solution for providing legally privileged communications to inmates.""

Writes Sanders, "It is likely that a less flattering portrayal of the agency would have appeared in the report if the OCSD disclosed that it was aware that before its publication, the agency's staff had accessed 544 calls to attorneys 723 times5-nearly ten times the numbers that were previously publicly discussed (58 calls, accessed 87 times.)"

He adds, "Grand Jurors would likely also not have appreciated that nearly none of these 544 calls, aside from the originally acknowledged 58, have ever been disclosed to defense counsel."

In the race for worst Sheriff, Barnes has his foot clearly in the door, but it is stiff competition. Taking more nominations.

Thanks for reading.

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Criminal Justice News/ Commentary

Public Defenders Push Biden Administration to Reverse Trump Era Immigration Policies

Public Defenders representing immigrants in criminal and immigration deportation proceedings are calling on the Biden Administration and the new Democratic majority in Congress to take immediate and bold action on behalf of

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Guest Commentary: Trump's Last Days in Office Marred by Disregard for Human Life – Death Penalty Just Another Example.

If there's one thing that has defined the final days of the Trump administration, it's the lack of regard for human life. We saw that play out Wednesday after President Donald Trump incited rioters to bust through the U.S. Capitol

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Latest Federal Execution and Trump Administration Killing Spurs Legislation to Ban Federal Death Penalty

The Trump execution spree—three people were due to be killed this week just days before the new administration takes over—has led Congresswoman Ayanna Pressley (MA-07) and Senator Dick Durbin (D-IL) to

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Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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COVID CDCR and Jail Dashboards

Over Four Thousand Active Cases Reported Across CDCR; Death Toll Reaches 164

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Clara Jails Report Highest Cases Count Since March as Outbreak Snowballs

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Sacramento Court Watch

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Romantic Relationship Escalates to Incidents of Sex Trafficking

Alleged sex exploiter Tigan Duvall—previously known as the boyfriend to a 19-year-old sex trafficking victim—is deemed likely guilty and is set for jury trial after a preliminary hearing conducted by Judge Steve White

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Alameda Court Watch

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Fresno Court Watch

DUI Defendant Sent Straight Back to Jail After Violating Court Orders

It's a lesson defendant Chanhom Phetchumporn learned the hard way – No Alcoholics Anonymous meeting, go straight to jail. Phetchumporn was remanded back into sheriff custody here in Fresno County

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

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Subject: Re: Everyday Injustice - Public Defenders Push Biden Administration to Reverse Trump Era Immigration Policies

Date: Thursday, January 14, 2021 at 8:10:58 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: info@davisvanguard.org

Thanks David. Mano retweeted it last night!

Sent from my iPhone

On Jan 14, 2021, at 11:01 AM, Davis Vanguard <info@davisvanguard.org> wrote:

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Raha Jorjani: "The Trump administration has laid bare the cruelty of the immigration enforcement regime,"

Everyday Injustice Newsletter - January 14, 2021

Public Defenders Push For Changes To Immigration Policies

By David Greenwald

On Wednesday public defender from Alameda, San Francisco, New Orleans and Brooklyn came together to push for rolling back Trump era policies on immigration detention.

One of the ten points raised: Establish a Robust and Federally Funded Universal Legal Representation Program.

Over the last four years we have followed a number of efforts, much of it led by Bay Area Public

Defenders Offices especially San Francisco and Alameda County and what we have seen is that when people get representation in immigration court, even under the draconian policies of the outgoing administration, people at least had a fair shot.

San Francisco Public Defender Mano Raju called for the protections enshrined in Gideon v. Wainwright to the immigration context – ensuring legal representation for those caught up in the system.

He said, “It’s time for bold action from the federal government to make sure that no immigrant faces permanent banishment without competent, skilled representation.”

“Due process means that the government must fairly justify its actions,” said Derwyn Bunton, Orleans Public Defenders and chair of the National Association for Public Defense “But due process means nothing without representation to help poor Black and brown people to access justice.

Andrea Sáenz, Attorney-in-Charge, head of New York Immigrant Family Unity Project at the Brooklyn Defender Services explained that in many of these cases, “the stakes are literally life and death” and therefore people need to have universal representation rights.

“No one should face a trained prosecutor alone or deported simply because they can’t afford an attorney,” she said.

We covered one of the cases highlighted during the press conference. The case of Charles Joseph. An immigrant from Fiji who came here as a young man, ICE picked him up the day after he was paroled and he faced ICE detention despite his documented transformation in prison.

After spending 13 years in prison for robbing a convenience store, Joseph was released on parole in 2019, but his freedom was short-lived when ICE took him into custody immediately. Joseph is being detained at the Mesa Verde Detention Facility.

“Being in Mesa Verde was worse than all of the other prisons combined,” he said. It was thanks to the San Francisco Public Defender’s Office and his attorney Francisco Ugarte who continues to fight his case in the 9th Circuit.

The problem is that while some offices like San Francisco are well-funded and well-trained, most are not. And so there needs to be a uniform system where everyone has the right to legal representation.

Wendy Wayne explained that ICE and DHS were created after 9/11 with a very different mission from what it has become today.

“People forget that the immigration system is supposed to be civil (law),” she said, “in ways in which it limits the rights of the individuals in the immigration system to not guarantee the right to an attorney or due process rights.”

“ICE has turned into a criminal enforcement agency with a huge budget that allows it to prioritize the deportation removal of people with minor criminal histories, people who have been here for many years who committed offenses as teenagers who are now adults with families,” she explained. Because it has become criminal, she argued, “the ask in this plan... is to increase legal representation for people in removal proceedings.”

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Public Defenders Push Biden Administration to Reverse Trump Era Immigration Policies

Public Defenders representing immigrants in criminal and immigration deportation proceedings are calling on the Biden Administration and the new Democratic majority in Congress to take immediate and bold action on behalf of

[Read More](#)

Guest Commentary: Trump's Last Days in Office Marred by Disregard for Human Life – Death Penalty Just Another Example.

If there's one thing that has defined the final days of the Trump administration, it's the lack of regard for human life. We saw that play out Wednesday after President Donald Trump incited rioters to bust through the U.S. Capitol

[Read More](#)

Latest Federal Execution and Trump Administration Killing Spurs Legislation to Ban Federal Death Penalty

The Trump execution spree—three people were due to be killed this week just days before the new administration takes over—has led Congresswoman Ayanna Pressley (MA-07) and Senator Dick Durbin (D-IL) to

[Read More](#)

Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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COVID CDCR and Jail Dashboards

Over Four Thousand Active Cases Reported Across CDCR; Death Toll Reaches 164

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Clara Jails Report Highest Cases Count Since March as Outbreak Snowballs

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Witness Describes 2011 Bar Shooter in Murder Trial; Defendant Allegedly Fled to Mexico

Judge David W. Reed in Yolo County Superior Tuesday listened as two witnesses testified in the pre-hearing conference against defendant Jose Luis Gomez Arreola, charged with attempted murder of multiple people

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Sacramento Court Watch

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Romantic Relationship Escalates to Incidents of Sex Trafficking

Alleged sex exploiter Tigan Duvall—previously known as the boyfriend to a 19-year-old sex trafficking victim—is deemed likely guilty and is set for jury trial after a preliminary hearing conducted by Judge Steve White

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Alameda Court Watch

Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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Fresno Court Watch

DUI Defendant Sent Straight Back to Jail After Violating Court Orders

It's a lesson defendant Chanhom Phetchumporn learned the hard way – No Alcoholics Anonymous meeting, go straight to jail. Phetchumporn was remanded back into sheriff custody here in Fresno County

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Raha Jorjani: "The Trump administration has laid bare the cruelty of the immigration enforcement regime,"

Everyday Injustice Newsletter - January 14, 2021

Public Defenders Push For Changes To Immigration Policies

By David Greenwald

On Wednesday public defender from Alameda, San Francisco, New Orleans and Brooklyn came together to push for rolling back Trump era policies on immigration detention.

One of the ten points raised: Establish a Robust and Federally Funded Universal Legal Representation Program.

Over the last four years we have followed a number of efforts, much of it led by Bay Area Public Defenders Offices especially San Francisco and Alameda County and what we have seen is that when people get representation in immigration court, even under the draconian policies of the outgoing administration, people at least had a fair shot.

San Francisco Public Defender Mano Raju called for the protections enshrined in *Gideon v. Wainwright* to the immigration context – ensuring legal representation for those caught up in the system.

He said, “It’s time for bold action from the federal government to make sure that no immigrant faces permanent banishment without competent, skilled representation.”

“Due process means that the government must fairly justify its actions,” said Derwyn Bunton, Orleans Public Defenders and chair of the National Association for Public Defense “But due process means nothing without representation to help poor Black and brown people to access justice.

Andrea Sáenz, Attorney-in-Charge, head of New York Immigrant Family Unity Project at the Brooklyn Defender Services explained that in many of these cases, “the stakes are literally life and death” and therefore people need to have universal representation rights.

“No one should face a trained prosecutor alone or deported simply because they can’t afford an attorney,” she said.

We covered one of the cases highlighted during the press conference. The case of Charles Joseph. An immigrant from Fiji who came here as a young man, ICE picked him up the day after he was paroled and he faced ICE detention despite his documented transformation in prison.

After spending 13 years in prison for robbing a convenience store, Joseph was released on parole in 2019, but his freedom was short-lived when ICE took him into custody immediately. Joseph is being detained at the Mesa Verde Detention Facility.

“Being in Mesa Verde was worse than all of the other prisons combined,” he said. It was thanks to the San Francisco Public Defender’s Office and his attorney Francisco Ugarte who continues to fight his case in the 9th Circuit.

The problem is that while some offices like San Francisco are well-funded and well-trained, most are not. And so there needs to be a uniform system where everyone has the right to legal representation.

Wendy Wayne explained that ICE and DHS were created after 9/11 with a very different mission from what it has become today.

“People forget that the immigration system is supposed to be civil (law),” she said, “in ways in which it limits the rights of the individuals in the immigration system to not guarantee the right to an attorney or due process rights.”

“ICE has turned into a criminal enforcement agency with a huge budget that allows it to prioritize the deportation removal of people with minor criminal histories, people who have been here for many years who committed offenses as teenagers who are now adults with families,” she explained. Because it has become criminal, she argued, “the ask in this plan... is to increase legal representation for people in removal proceedings.”

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Public Defenders Push Biden Administration to Reverse Trump Era Immigration Policies

Public Defenders representing immigrants in criminal and immigration deportation proceedings are calling on the Biden Administration and the new Democratic majority in Congress to take immediate and bold action on behalf of

[Read More](#)

Guest Commentary: Trump's Last Days in Office Marred by Disregard for Human Life – Death Penalty Just Another Example.

If there's one thing that has defined the final days of the Trump administration, it's the lack of regard for human life. We saw that play out Wednesday after President Donald Trump incited rioters to bust through the U.S. Capitol

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Latest Federal Execution and Trump Administration Killing Spurs Legislation to Ban Federal Death Penalty

The Trump execution spree—three people were due to be killed this week just days before the new administration takes over—has led Congresswoman Ayanna Pressley (MA-07) and Senator Dick Durbin (D-IL) to

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Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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COVID CDCR and Jail Dashboards

Over Four Thousand Active Cases Reported Across CDCR; Death Toll Reaches 164

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Clara Jails Report Highest Cases Count Since March as Outbreak Snowballs

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Witness Describes 2011 Bar Shooter in Murder Trial; Defendant Allegedly Fled to Mexico

Judge David W. Reed in Yolo County Superior Tuesday listened as two witnesses testified in the pre-hearing conference against defendant Jose Luis Gomez Arreola, charged with attempted murder of multiple people

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Sacramento Court Watch

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Romantic Relationship Escalates to Incidents of Sex Trafficking

Alleged sex exploiter Tigan Duvall—previously known as the boyfriend to a 19-year-old sex trafficking victim—is deemed likely guilty and is set for jury trial after a preliminary hearing conducted by Judge Steve White

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Alameda Court Watch

Brain Development of Murder Defendant Focus of Day Three of Drive-by Shooting Trial

Additional witnesses appeared in Alameda County Superior Court on Wednesday for the third day of defendant Jesus Danilo Lima's jury trial with multiple charges, including murder in a drive-by shooti

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Fresno Court Watch

DUI Defendant Sent Straight Back to Jail After Violating Court Orders

It's a lesson defendant Chanhom Phetchumporn learned the hard way – No Alcoholics Anonymous meeting, go straight to jail. Phetchumporn was remanded back into sheriff custody here in Fresno County

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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"The craven bloodlust of a failed administration was on full display tonight," Montgomery's attorney, Kelley Henry said in a statement. "Everyone who participated in the execution of Lisa Montgomery should feel shame."

Everyday Injustice Newsletter - January 13, 2021

Disgusted by the Execution of Lisa Montgomery

By David Greenwald

There are unprecedented efforts to end the death penalty right now. Congresswoman Ayanna Pressley and Senator Dick Durbin introduced plans to end the Federal Death Penalty on Monday.

“State-sanctioned murder is not justice, and the death penalty, which kills Black and brown people disproportionately, has absolutely no place in our society,” said Congresswoman Pressley. “Ending the federal death penalty— which is as cruel as it is ineffective in deterring crime—is a racial justice issue and must come to an end. We must finally abolish this inhumane form of punishment and put an end to Donald Trump’s unprecedented killing spree. I am grateful for the partnership of incoming Chairman Durbin and my colleagues in this effort.”

“The death penalty is deeply flawed and disproportionately imposed on Black and Brown and low-income people in America. President Trump’s resumption of the death penalty at the federal level has been a grave injustice. Shockingly, despite the fact that his presidency will end in a mere nine days, the Trump Administration plans to continue with its appalling spree of executions this week. Our bill follows the lead of 22 states, including Illinois, by finally putting an end to this failed and unjust policy. I thank Congresswoman Pressley and our colleagues who have joined us in this effort,” Senator Durbin said.

Biden is widely expected to end the Federal Death Penalty by executive order as well.

All of this makes the execution of Lisa Montgomery so unnecessary and so appalling. In fact, of all the bad things that occurred under Trump over the last year, you could argue his push to execute people who posed no real threat to public safety at or near the top of the list.

Last night, 52 year old Lisa Motgomery was finally executed at 1:30 am from a lethal injection.

Writes the AP: “As a curtain was raised in the execution chamber, Montgomery looked momentarily bewildered as she glanced at journalists peering at her from behind thick glass. As the execution process began, a woman standing over Montgomery’s shoulder leaned over, gently removed Montgomery’s face mask and asked her if she had any last words. “No,” Montgomery responded in a quiet, muffled voice. She said nothing else.”

The execution was particularly egregious given her long history of abuse and the fact that she was so severely mentally ill that she did not know “where she was” nor had a concept of “why she would be executed.”

The Trump administration was rushing to execute two others - Corey Johnson and Dustin Higgs, they both have stays until March - for now, unless the Supreme Court overturns it.

In a joint statement, 100 current and former criminal justice leaders stressed that “our nation’s long experiment with the death penalty has failed.... We also now know that we have not executed the worst of the worst, but often instead put to death the unluckiest of the unlucky – the impoverished, the poorly represented, and the most broken.”

“The craven bloodlust of a failed administration was on full display tonight,” Montgomery’s attorney, Kelley Henry said in a statement. “Everyone who participated in the execution of Lisa Montgomery should feel shame.”

“The government stopped at nothing in its zeal to kill this damaged and delusional woman,” Henry said. “Lisa Montgomery’s execution was far from justice.”

I’m strongly against the death penalty but this execution on top of the other recent ones by the federal government seems especially cruel and egregious. The courts appeared to rush them through in order to avoid the Biden administration stepping in to stop them.

Thanks for reading.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Trump's Supreme Court & Administration Execute 1st Woman in 67 Years – Sights Set on 2 More Executions Prior to Inauguration Day

TERRA HAUTE, IN – For those who have said President Trump can't do much more "damage" in his final week in power, the case of Lisa Montgomery stands out – early Wednesday here she became the first woman to be

[Read More](#)

Man Writes Vanguard About His Fight For Relief Under SB 1437, for Murder He Did Not Commit

In 2016, Tevarez Lopez was arrested as an accomplice in the death of a man in a marijuana deal – but two years later, SB 1437 was passed into California's constitutional law, and since then, Lopez has been waiting for courts to apply the law to his charges.

[Read More](#)

Guest Commentary: Biden Must Restore and Rebuild Asylum

Judge Sends 'Guilty' Defendant to State Hospital Rather Than Pursue \$70 Theft Trial

Defendant Accused of Murder Attends Second Day of Trial

Defendant Jesus Danilo Lima returned Tuesday to Alameda County Superior Court for the second day of his ongoing jury trial over multiple murder and gun charges he currently faces in connection with an alleged drive-by

[Read More](#)

PROGRESSIVE PROSECUTOR SERIES: Progressive Prosecutor Kim Foxx Takes Action Towards Reform

Born and raised in Cabrini Green, a neighborhood on the northside of Chicago, Kimberly M. Foxx saw “the impact of crime, violence, and poverty” growing up in her community, inspiring her to pursue a career in public service.

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COVID CDCR and Jail Dashboards

Ten New COVID-19 Deaths Reported in 24 Hours; Death Toll Reaches 162

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Massive Outbreak at Santa Clara County Jails; Over 100 Cases Reported Since New Years Day

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Defendant Faces Other Serious Felonies, But Judge Reduces Charge in Earlier Drug Case

Agreeing with the defense, Yolo County Superior Court Judge Peter M. Williams granted motion to reduce defendant Joseph Peper’s drug possession charge from a felony to a misdemeanor late last week.

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Sacramento Court Watch

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Judge Sends ‘Guilty’ Defendant to State Hospital Rather Than Pursue \$70 Theft Trial

Sacramento County Superior Court Judge Geoffrey Goodman Monday found a man who stole about \$70 worth of items from a grocery store likely guilty, but rather than set the case for trial sent the defendant to

[Read More](#)

Defendant Claims He was Cop and Store Owner – Accused of Stealing Bag of Cheese-Its and Soda

A man who walked into a gas station store and declared he was the owner and a police officer, before walking off with about \$5 in merchandise, was ruled incompetent to stand trial for robbery last Friday –

[Read More](#)

Alameda Court Watch

Defendant Accused of Murder Attends Second Day of Trial

Defendant Jesus Danilo Lima returned Tuesday to Alameda County Superior Court for the second day of his ongoing jury trial over multiple murder and gun charges he currently faces in connection with an alleged drive-by

[Read More](#)

Fresno Court Watch

Defendant Asks Judge to ‘Have a Heart’ and Reconsider His Prison Sentence – Doesn’t Work

Fresno County Superior Court Judge Adolfo Corona presided over a myriad of cases from four different Fresno departments in the morning including one involving defendant Jaime Rodriguez who, after pleading guilty to

[Read More](#)

Riverside Court Watch

Judge Baffled After Hearing Officer

Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer's reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

[Read More](#)

Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Subject: FOR IMMEDIATE RELEASE: Public Defenders Nationwide Announce Plan for Immigration Justice;
Provide Ten-Point Plan to Biden Administration

Date: Wednesday, January 13, 2021 at 6:53:00 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: January 13, 2021

MEDIA CONTACTS:

Valerie Ibarra - San Francisco Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

Lindsey Hortenstine - New Orleans Public Defender's Office - (404)520-3087 - LHoretstine@opdla.org

Bob McGovern, Massachusetts Committee for Public Counsel Services, rmcgovern@publiccounsel.net

Daniel Ball, Brooklyn Defender Services, dball@bds.org

****PRESS RELEASE****

**Public Defenders Nationwide Announce Plan for Immigration Justice; Provide
Ten-Point Plan to Biden Administration**

*Public Defenders Urge Federal Government to Take Bold Steps to Reverse and Repair Damage of the
Outgoing Administration*

SAN FRANCISCO - Today, **the Public Defenders' Coalition for Immigrant Justice**, a nationwide coalition of public defender offices, released a 10-point plan for addressing the injustices of the criminal legal system and its pipeline to deportation. The plan urges the Biden administration and the new Democratic majority in Congress to act swiftly and decisively for immigration justice to undo the unjust, harmful, and destructive tactics of the outgoing administration.

Public defenders are direct witnesses to the devastation that unjust state and federal laws cause our clients, their families, and their communities. The draconian policies of the last four years exposed the cruelty of the immigration enforcement machine, leading to a sharp rebuke at the polls, and public disenchantment with mass deportation. The Biden Administration has an opportunity to take a fresh

approach to these important issues with immediate and bold action on behalf of our immigrant community members.

The [Ten-Point Immigration Program](#) recommends the Biden Administration immediately halt deportations for one year, reverse inhumane Trump-era policies, and establish due process protections in the immigration courts. The plan implores the Biden Administration to guarantee legal representation for people in removal proceedings, to end the jail-to-I.C.E. pipeline, and to restore pathways to lawful immigration status. The plan urges an end to immigrant detention, a sharp reduction in funding to ICE and the U.S. Border Patrol, and an increased investment in our communities.

The Public Defenders' Coalition for Immigration Justice consists of 39 offices across the country who represent immigrants in criminal and/or immigration proceedings -- including the National Association for Public Defense (NAPD) and public defense offices from Alabama, Arizona, California, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, New York, Nebraska, Oregon, Tennessee, and Texas.

Mano Raju, Public Defender of San Francisco

“We have lived four chaotic years of inhumane and antidemocratic immigration policies that have criminalized immigrants, wreaked havoc on families, and betrayed the very principles of inclusivity and tolerance that must guide our nation. The time is now to make change. As a first order of business, the Biden Administration must immediately end the jail to ICE pipeline, guarantee legal representation for all, and end the inhumane practice of detaining immigrants, which has no demonstrable effect on public safety, and has endangered the lives of those in custody.”

Derwyn Bunton, Chief Defender for Orleans Parish and Chair of the National Association for Public Defense

“Representation remains one of the most fundamental principles in our legal system. As public defenders, we know all too well the cruelty and injustice Black and brown people and communities of color receive in the name of justice. The increased criminalization of immigration the last four years has not only been misguided, it has furthered the harm caused by a mass incarceration system disproportionately focused on Black, brown, and poor communities. The time for change is now.”

Wendy Wayne, Director of Immigration Impact Unit, Massachusetts Committee for Public Counsel Services

“As public defenders who represent immigrant clients, we have witnessed firsthand how the “War on Drugs” and decades of over-policing of communities of color, coupled with immigration laws and enforcement policies that disproportionately target immigrants with criminal histories, have resulted in unjust deportations, separation of families and untold damage to our communities. We urge the Biden administration to think beyond “good” or “bad” immigrants and adopt policies which recognize that all individuals deserve fair treatment, due process, and the opportunity for rehabilitation and meaningful

participation in our society.”

Andrea Sàenz, Attorney-in-Charge of the New York Immigrant Family Unity Project (NYIFUP) at Brooklyn Defender Services

“Our platform calls for universal representation of immigrants facing deportation, because when the stakes are often literally life, death, or permanent family separation, no one should be deported simply because they couldn’t afford an attorney. We need to change, shrink, and defund the deportation system and reinvest in our communities. ICE enforcement, detention and other cruel immigration policies tear apart families, and we urge the Biden administration and the new Democratic majority congress to listen to our neighbors' voices.”

Edwin Tineo, former client of Brooklyn Defender Services' NYIFUP, Fellow with the New Sanctuary Coalition

“This immigration system has done so much harm to so many people living in this country, including myself. With the new president, we need to make sure that no one goes through what I went through. Not one more person should be forced to suffer in immigration detention for months and years just because of where they were born. ICE puts fear into our community by terrorizing our hard-working immigrant neighbors and locking people away and deporting them away from their families. This agency should no longer exist. Instead, the Biden administration should keep our families and communities together by allowing people to live here legally with equal rights.”

###

Here is the link to the [Public Defenders' Coalition Ten-Point Immigration Program](#) which includes all signatories.

Here is the link to the recording of the [press conference](#) held on January 13, 2021.

To view this press release online, please visit sfpublicdefender.org/media

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: Recording - press conference immigrant justice plan 1.13.2021
Date: Wednesday, January 13, 2021 at 6:35:32 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Here's the link to the recorded press conference: (FYI- there was a small glitch toward the beginning, but smoothed out after the intro; Larry made it downloadable in case folks want to edit)
https://us02web.zoom.us/rec/share/_TVAdAuR6LM0j8bAscXmJ4nZKujPCLAkYarNCHgVVEz6uc89Rj3dFydBGDJ2OIJ.9W7VLLoXoZa8m5br

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: Valerie Your invited to our FREE webinar!

Date: Tuesday, January 12, 2021 at 9:00:16 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

The Vanguard's Monthly Webinar

Image

Join us on **January 14 from noon to 1:30 pm** for the Vanguard's Monthly Webinar! This month we will be hosting a discussion with Commission Members Bapu Vaitla, Emma O'Rourke-Powell and Cecilia Escamilla Greenwald.

The Vanguard will have a discussion with the commissioners on the recently released TJS report focusing on ways to improve policing in the city.

The webinar is FREE and open to the public. Please register in advance.

P.S. - Help the Vanguard continue to host FREE events like this one in the future; consider becoming a sustaining member TODAY!

[DONATE TODAY](#)

**January 14
12 pm to 1:30 pm**

ITS FREE TO JOIN
RSVP BELOW

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Subject: MEDIA ADVISORY: Public Defenders Nationwide Present Biden Administration a Comprehensive Plan for Immigration Justice

Date: Tuesday, January 12, 2021 at 8:05:20 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

Media Contacts:

Valerie Ibarra, San Francisco Public Defender's Office, Valerie.Ibarra@sfgov.org

Sam McCann, Neighborhood Defender Service, smccann@ndsny.org

Daniel Ball, Brooklyn Defender Services, dball@bds.org

Lindsey Hortenstine, Orleans Public Defenders, lhortenstine@opdla.org

Bob McGovern, Massachusetts Committee for Public Counsel Services, rmcgovern@publiccounsel.net

Alejandra Lopez, The Legal Aid Society, ailopez@legal-aid.org

*****MEDIA ADVISORY*****

**PUBLIC DEFENDERS NATIONWIDE PRESENT BIDEN ADMINISTRATION
AND NEW DEMOCRATIC MAJORITY IN CONGRESS A COMPREHENSIVE
PLAN FOR IMMIGRATION JUSTICE**

*PUBLIC DEFENDERS URGE FEDERAL GOVERNMENT TO TAKE BOLD STEPS TO
REVERSE AND REPAIR DAMAGE OF THE OUTGOING ADMINISTRATION.*

SAN FRANCISCO — Public defenders from across the country will hold a virtual press conference on **Wednesday, January 13 at 9AM PST/ 12 PM EST**, to present their ten-point action plan for immigration justice and reform. The plan urges the Biden administration and the new Democratic majority in Congress to act swiftly and decisively for immigration justice to undo the unjust, harmful and destructive tactics of the outgoing administration.

When: Wednesday, January 13 at 9AM PST/ 12 PM EST

Zoom Link:

Online or via the Zoom app: <https://us02web.zoom.us/j/89516040971?pwd=b0NMNjlDb21mWHlvWIRjQWM2cEdRQT09>

By phone - find your local number: <https://us02web.zoom.us/j/89516040971>
Meeting ID: 895 1604 0971
Passcode: 132435

Who: Speakers include:

- **Raha Jorjani**, Managing Attorney of the Immigration Representation Unit, Alameda County Public Defenders (MC)
- **Mano Raju**, San Francisco Public Defender
- **Derwyn Bunton**, Orleans Public Defenders and National Association for Public Defense
- **Wendy Wayne**, Director of Immigration Impact Unit, Massachusetts Committee for Public Counsel Services
- **Andrea Sáenz**, Attorney-in-Charge, New York Immigrant Family Unity Project, Brooklyn Defender Services
- **Edwin Tineo**, Fellow with the New Sanctuary Coalition and former client of Brooklyn Defender Services, formerly incarcerated by ICE
- **JJ Ramirez**, former client of the San Francisco Public Defender's Office, formerly incarcerated by ICE
- **Charles Joseph**, formerly incarcerated by ICE

What:

As public defenders representing immigrants in criminal and/or immigration deportation proceedings, we are calling on the Biden Administration and the new Democratic majority in Congress to take immediate and bold action on behalf of our immigrant community members. The past twelve months mark a turning point in our nation's call for racial justice, finally acknowledging what communities of color have long known – the criminal and immigration deportation pipeline targets Black and brown people.

Public defenders are direct witnesses to the devastation that unjust state and federal laws cause our clients, their families, and their communities. The Biden Administration has an opportunity to take a fresh approach to these important issues.

The Public Defenders Coalition for Immigrant Justice includes a growing list of over 30 public defense offices - from California, Florida, Illinois, Louisiana, Maryland, Massachusetts, New York, Oregon, Texas, Nebraska, and the national organizations of Gideon's Promise and the National Association for Public Defense. Along with other organizations, advocates, and leaders, we are calling for the following necessary reforms to create a more just and humane immigration system.

THE 10-POINT PLAN (The full document will be included in the press release.)

1. Day-One: Establish a Moratorium on Deportations for One Year

Deportations must halt while we work to pick up the pieces from the Trump Administration's

scorched-earth policies. The moratorium must apply equally to all detained immigrants.

2. Reverse Trump-Era Anti-Immigrant Policies

The Biden Administration should swiftly reverse the devastating xenophobic policies of the prior Administration.

3. End Immigration Detention

The current immigration detention practices are as unnecessary as they are unjust.

4. Establish a Robust and Federally Funded Universal Legal Representation Program

The federal government should fully fund access to counsel in removal proceedings, particularly for people who are detained.

5. Restructure Immigration Courts and Restore Due Process in Proceedings

Immigration courts have become deportation conveyor belts, where the role of the courts is to rubber-stamp deportations. Reforms are urgent.

6. End the Jail to Deportation Pipeline

Immigration enforcement practices have increasingly entangled the immigration and local criminal justice systems, creating a deportation pipeline.

7. End the War on Drugs Against Immigrants

We must change policies that unduly punish immigrant families for the societal problem of addiction that has touched us all.

8. Restore Discretion and Proportionality

Immigrants face severe penalties for mistakes which would otherwise be counterbalanced by positive equities. We need to reform immigration law to embrace a redemption-based model.

9. Restore Pathways to Lawful Immigration Status without Criminal Carveouts

It is past time to restore pathways to legal status that reject the outdated criminal carveouts which have increasingly defined immigration policy.

10. Defund ICE and Reinvest in Our Communities

DHS' grossly overfunded budget comes at a time when COVID-19 has crippled our economy. Defunding ICE is a necessary step to restoring priorities toward human need.

###

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
[SFPublicDefender.org/Media](https://www.sfpd.org/Media)

Subject: Everyday Injustice - Thousands of COVID-19 Cases at Santa Rita Jail – Run Like ‘Penal Colony’ Charge Critics
Date: Tuesday, January 12, 2021 at 7:00:52 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"The ACLU believes a president can be impeached for speech that a private citizen could not be prosecuted for." - ACLU

Everyday Injustice Newsletter - January 12, 2021

Deaths Rise Across CDCR; Inspector General Blasts CDCR for “Inconsistent” & “Vague” Directives

By Julietta Bisharyan, Nick Gardner and Jaskiran Soomal

Marcus Henderson is the editor-in-chief of *San Quentin News*, a monthly newspaper run by 15 San

Quentin prisoners. He has been incarcerated since 2001 and will be eligible for parole in May 2022.

Once the pandemic broke out, Henderson knew it would only be a matter of time before the virus hit San Quentin and he was right.

San Quentin has reported over 2,200 confirmed cases and 28 deaths since May. Henderson also contracted COVID-19 during the prison's massive outbreak.

Prison authorities shutdown the paper along with the other educational programs to limit contact between the population. However, following a six-month hiatus, the publication resumed printing in August, in part with the help of a grant from the Chan Zuckerberg Initiative.

Henderson **spoke** to CPJ about how he runs the newspaper and his experience living through the pandemic.

CPJ asked Henderson what it was like reporting and producing the newspaper prior to the pandemic. Henderson said, "Since we are a monthly, we would have all the scheduled events for the month (graduations, concerts or special celebrity visits) on our big white board and the staff would sign up to cover the event."

All 15 staff members would select the front page story together and have sessions where anyone can "air out" issues and check-in with each other to make sure they are doing okay. Staff members are trained to interview people including family members.

Henderson and his team covered the first COVID-19 outbreak in San Quentin. He said that in the early days of the pandemic, the virus was contained until prisoners were transferred in from Chino at the end of May.

Henderson shares, "For most of us who have been here for years, we know that once something gets in here, it's going to spread like wildfire...there's no avoiding it."

He heard rumors about inmates dying and by the time his team would finish investigating, they'd hear someone else died. He says, "You know someone really died when the guards would come and get the remainder of their property."

During the initial outbreak, Henderson wrote about what he saw and described it as, "...alarms and things looking like a sci-fi movie that was real." He shared, "When I tested negative for COVID-19 and my cellmate tested positive, I knew it was just a matter of time...no matter how much you wipe down, there was no way to social distance. He was right there."

Full article - [click here](#)

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Guest Commentary: We Can Uphold Free Speech and Hold President Trump Accountable

Some dyed in the wool civil libertarians have criticized the ACLU for supporting Donald Trump's impeachment. These critics maintain that our commitment to the First Amendment should solely trigger a defense of the

[Read More](#)

Guest Commentary: JasoThousands of COVID-19 Cases at Santa Rita Jail – Run Like ‘Penal Colony’ Charge Criticspar’s Hospital Trauma

The Alameda County-operated Santa Rita Jail – which is run like a “penal colony” according to one critic – is continuing to suffer a catastrophic COVID-19 outbreak, with more than 2,500 confirmed cases just

[Read More](#)

Trump Administration Rushes to Execute Three More People Prior to Inauguration Day

Despite other political events – like the Capitol assault by pro-Trump forces last week – the Trump administration is still rushing to execute three more people on death row before leaving Trump leaves office,

[Read More](#)

Alameda Trial Monday Features 3 Eyewitnesses to Shooting Death of Cousin in Drive-By

Judge Thomas Reardon in Alameda County Superior Court Monday listened as three witnesses testified in the jury trial of defendant Jesus Danilo Lima after one of their cousins was shot in a “30 seconds or less”

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Deaths Rise Across CDCR; Inspector General Blasts CDCR for “Inconsistent” & “Vague” Directives

Marcus Henderson is the editor-in-chief of *San Quentin News*, a monthly newspaper run by 15 San Quentin prisoners. He has been incarcerated since 2001 and will be eligible for parole in May 2022.

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COVID CDCR and Jail Dashboards

1299 New Cases Recorded Across All Facilities Over Weekend; Death Toll Reaches 152

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Massive Outbreak at Santa Clara County Jails; Over 100 Cases Reported Since New Years Day

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

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Yolo County Court Watch

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Defendant Faces Other Serious Felonies, But Judge Reduces Charge in Earlier Drug Case

Agreeing with the defense, Yolo County Superior Court Judge Peter M. Williams granted motion to reduce defendant Joseph Peper's drug possession charge from a felony to a misdemeanor late last week.

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Sacramento Court Watch

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COVID-19 Aiding Incarcerated? Delays Not

One, But Two Sentencing Dates

Sacramento County Superior Court Judge James McFetridge last Friday was prepared to sentence both Alexander Smith and Jabari Shabazz in their co-defendant case.

[Read More](#)

Defendant Granted Diversion Even After Damning Victim Impact Statement

Even after what appeared to be a poignant and damning victim impact statement read in open court last Friday, a man accused of attempted robbery and car vandalism is being allowed to pursue mental health

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Alameda Court Watch

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Judge Thomas Reardon in Alameda County Superior Court Monday listened as three witnesses testified in the jury trial of defendant Jesus Danilo Lima after one of their cousins was shot in a “30 seconds or less”

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Fresno Court Watch

Defendant Asks Judge to ‘Have a Heart’ and Reconsider His Prison Sentence – Doesn’t Work

Fresno County Superior Court Judge Adolfo Corona presided over a myriad of cases from four different Fresno departments in the morning including one involving defendant Jaime Rodriguez who, after pleading guilty to

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer’s reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=OWZhMzJiNmFIMTJIYWUwMQ==&h=ODhIZTEwY2MwN2MzMmlyZmM2NWU1YTZhMmE2Zjc5ODE2NjRmZjYxZjgYxYTk2ZWJmZDM1YTkmMmU0MGMzNGY3Mg==&p=YXAzOnNmZHqyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBkMjQ3OTFiYThIZGEwZjVINTk4NzAxYzY2ExOWVIONYx>

Sacramento Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/Sacramento-Court-Watch-1432660796849531/%26nbsp%3B&g=OTI4YzQ1NzRmYWRjNDAwMg==&h=ZWNiN2RjNWVlNDQzYzk0NzkyZWw1MjA2MzQxNGQyZTU3ZTU5ZGM4NWE5YzE0MzVkM2RlZDQxY2QzZDIIZmZmNg==&p=YXAzOnNmZHqyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBkMjQ3OTFiYThIZGEwZjVINTk4NzAxYzY2ExOWVIONYx>

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YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=Njc0OTQzMjZlZjZmU5Yg==&h=ZDIwZmI3NTI1MDM5NGFiNmNkNWFiMjIjZDNIMjRiZGFjODhiMDYyNjI2OGVlOWNjZjEzNjYwMTI0YjkyZjQ5YQ==&p=YXAzOnNmZHqyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBkMjQ3OTFiYThIZGEwZjVINTk4NzAxYzY2ExOWVIONYx>

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Subject: Digest for covidhabeas@googlegroups.com - 2 updates in 2 topics

Date: Tuesday, January 12, 2021 at 6:06:54 AM Greenwich Mean Time

From: covidhabeas@googlegroups.com

To: Digest recipients

covidhabeas@googlegroups.com

Google Groups

Topic digest

[View all topics](#)

- [Wishlist](#) - 1 Update
- [Fw: In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to Attend Gathering in Las Vegas](#) - 1 Update

Wishlist

"Rodarmel, Danica (PDR)" <danica.rodarmel@sfgov.org>: Jan 11 06:20PM

Looping in Richard and Brad here.

Also serving to bump this in folks' inboxes as reminder to add.

Danica

From: covidhabeas@googlegroups.com <covidhabeas@googlegroups.com> on behalf of Harris, Danielle (PDR) <danielle.harris@sfgov.org>

Sent: Friday, January 8, 2021 6:01 PM

To: covidhabeas@googlegroups.com <covidhabeas@googlegroups.com>

Subject: Wishlist

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Here's a starter document – please add your ideas before our Tuesday 4p meeting. Happy weekend.

https://docs.google.com/document/d/1YZTrGEoZ6wleZsrTDLSq_aIOCvQBfLeg7Je7X-4Jio/edit?usp=sharing

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Fw: In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to Attend Gathering in Las Vegas

"Rodarmel, Danica (PDR)" <danica.rodarmel@sfgov.org>: Jan 11 04:49PM

From: [debra stinson](mailto:debra.stinson@msn.com) <stinson1988@msn.com>

Sent: Sunday, January 10, 2021 5:57 PM

Subject: In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to A

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In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to Attend Ga

In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to Attend Ga [gathering-in-las-vegas/&g=N2ExNjl0NmJmM2l1YmQwYw==&h=MTQ0MzFiYmVjZGMxMmRlMmEzMD](https://www.davisvanguard.org/gathering-in-las-vegas/&g=N2ExNjl0NmJmM2l1YmQwYw==&h=MTQ0MzFiYmVjZGMxMmRlMmEzMD) [\https://www.davisvanguard.org/wp-content/uploads/2020/03/Chesa-Press-Conference-11-2-500x400.jpg [vegas/&g=NDM2NDU1MjNlM2Q3NmU3MA==&h=ZDBhZjczOTc0NTI1MTM4MThiOWZmZGZiYTlhOT](https://www.davisvanguard.org/vegas/&g=NDM2NDU1MjNlM2Q3NmU3MA==&h=ZDBhZjczOTc0NTI1MTM4MThiOWZmZGZiYTlhOT) In Light of Coronavirus, CA Sen. Nancy Skinner Condemns CCPOA's 'Offensive' Decision to Attend Ga [gathering-in-las-vegas/&g=MWRjZmEzYjhhNzUzYzhlMw==&h=ZDBmZGQ0ZTMxYzZjMzA0ZTc1NTE5](https://www.davisvanguard.org/gathering-in-las-vegas/&g=MWRjZmEzYjhhNzUzYzhlMw==&h=ZDBmZGQ0ZTMxYzZjMzA0ZTc1NTE5) Senator Nancy Skinner at a Justice Collaborative event in San Francisco in March. By Kelly Moran. SA Covid-19 deaths in the state's correctional facilities. <https://avanan.url-protection.com/v1/url?o=www.davisvanguard.org&g=YmU2NzY0ZWlxMjMyYzNhZg==&h=MDFmYzQ2YTQxOGMxMTliM2Qx>

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Subject: Re: Worth a press release?
Date: Tuesday, January 12, 2021 at 1:54:06 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Ugarte, Francisco (PDR), Wells, Kelly (PDR), Maclean, Emilou (PDR)
CC: Itzel Calvo, Juan Prieto

I talked to Kelly - she's going to reach out to Farida and Michelle at KQED - who've both covered aspects of the hunger strikes and the Yuba outbreak to see if they have the interest/capacity to cover this development. We'll regroup from there.

Thank you,
Valerie

From: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Sent: Monday, January 11, 2021 12:48 PM
To: Wells, Kelly (PDR) <kelly.wells@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>
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To: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>

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 - Consider allowing increased telephone privileges without a cost barrier to maintain mental health and connection with others while isolated.
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medical isolation period.

Best,
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Kelly Engel Wells (she/her/ella)
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kelly.wells@sfgov.org
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To: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>
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We could also reach out to Farida Jhabvala Romero, who covered the hunger strikes over the summer, and the journalist at the Davis Vanguard who covered the strikes in May.

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Best,
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Sent from my iPhone

Subject: RE: Worth a press release?

Date: Monday, January 11, 2021 at 8:48:33 PM Greenwich Mean Time

From: Ugarte, Francisco (PDR)

To: Wells, Kelly (PDR), Ibarra, Valerie (PDR), Maclean, Emilou (PDR)

CC: Itzel Calvo, Juan Prieto

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CC: Itzel Calvo, Juan Prieto

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- He believes that these punitive conditions are preventing symptomatic people from self-identifying to

YCJ medical staff, which is precisely what the CDC warns will happen. See https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html#Solitary_Confinement, recommending that correctional facilities “ensure that medical isolation for COVID-19 is distinct from punitive solitary confinement of incarcerated/detained individuals, both in name and in practice.”

- Because of limited individual housing spaces within many correctional and detention facilities, infected individuals are often placed in the same housing spaces that are used for solitary confinement. To avoid being placed in these conditions, incarcerated/detained individuals may be hesitant to report COVID-19 symptoms, leading to continued transmission within shared housing spaces and, potentially, lack of health care and adverse health outcomes for infected individuals who delay reporting symptoms. Ensure that medical isolation is operationally distinct from solitary confinement, even if the same housing spaces are used for both. For example:
 - Ensure that individuals under medical isolation receive regular visits from medical staff and have access to mental health services.
 - Make efforts to provide similar access to radio, TV, reading materials, personal property, and commissary as would be available in individuals’ regular housing units.
 - Consider allowing increased telephone privileges without a cost barrier to maintain mental health and connection with others while isolated.
 - Communicate regularly with isolated individuals about the duration and purpose of their medical isolation period.

Best,
Kelly

Kelly Engel Wells (she/her/ella)
Deputy Public Defender, Immigration Defense Unit
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555 Seventh St.
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From: Wells, Kelly (PDR)
Sent: Friday, January 8, 2021 10:40 AM
To: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>
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Best,
Kelly

Sent from my iPhone

Subject: Everyday Injustice - Sac County Jails Ordered by Superior Court to Release Detainees; San Quentin Hospital Trauma

Date: Monday, January 11, 2021 at 7:00:50 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Kevin Sawyer: "Once admitted, Jaspar said he experienced chills and kept complaining to the correctional officers guarding him, to no avail. He said an African American RN, "who wore a badge," looked at him with disgust, and when the officers were not watching he turned the thermostat up as high as it would go and walked out of the room,"

Everyday Injustice Newsletter - January 11, 2021

'Have to choose between phone calls and showering' – COVID-19 Stories from CDCR's Mule Creek State Prison

By Jaskiran Soomal

This account is part 8 of the Vanguard's series on COVID-19 stories from CDCR. Click [here](#) for part 7 and [here](#) for part 6.

Brian* was incarcerated at the Deuel Vocational Institution (DVI) in Tracy, but was recently transferred to Mule Creek State Prison (MCSP) in Lone during a massive COVID-19 outbreak at the facility.

His wife shared his story and experiences with COVID-19 in an interview with the Vanguard. CDCR's effort to control the spread of COVID-19 across its thirty-five prisons has been under the microscope since March. Outbreaks are an ongoing phenomenon in nearly all facilities where many are getting infected yet remain neglected by the administration.

Several incarcerated stories have suggested that staff are failing to follow protocols mandated by the California Correctional Health Care Services (CCHCS) to mitigate outbreaks.

Some CDCR facilities are receiving more attention and scrutiny for their outbreaks and negligence by staff than others. For instance, MCSP's outbreaks have not received as much media coverage or public attention, as San Quentin's has in the past.

Since Brian's arrival in MCSP in November, the number of infections have multiplied exponentially. While only 30 positive cases were confirmed upon his arrival, this number grew to almost 500 positive cases as of Dec. 7.

Currently, MCSP has a total of 1,504 confirmed cases with 279 cases active in custody and 4 total deaths. MCSP is among the facilities with the highest infection rate across CDCR. Brian and his wife contend that relocations and transfers within the facility, and the lack of cleaning supplies are the primary cause of infections spreading.

Brian recalls seeing a fellow incarcerated person, who tested positive, being moved in and out of various buildings within the prison. He adds, "...this activity has occurred throughout several of the housing buildings."

He also shares that cleaning supplies are not issued on a regular basis. The lack of cleaning supplies does not help with mitigating the spread of the virus, but rather encourages it. It also makes those who are medically high-risk more prone to contracting COVID-19.

With COVID-19 ravaging CDCR facilities, valuable programs for education and life skills have been halted to promote social distancing. While some programs continue to operate without group meetings, a majority have been shutdown. At MCSP, Brian says, "We're mostly on lockdown and they aren't doing much if any programming, like substance addiction treatment let alone any educational programming of any type."

He also expresses, "...inmate phones aren't being cleaned between calls and that [we're] having to choose between phone calls and showering." With in-person visitations being halted, phone calls are the only way incarcerated people can connect with their loved ones.

[To read the full article - click here](#)

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Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>
San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

COVID-19 OUTBREAK: Sac County Jails Ordered by Superior Court to Release Detainees – But Only Handful, Not Nearly Enough, Charge Critics

A Sacramento County Superior Court judge here has agreed to release some of those incarcerated in the Sacramento County jails starting Monday, and at first blush it sounds like a good way to fight COVID-19

[Read More](#)

Guest Commentary: Jasper's Hospital Trauma

One prisoner who fell ill during the coronavirus outbreak at San Quentin was treated with disdain and neglect for his medical condition; not by a doctor, but by a correctional officer who almost killed him at an outside hospital, in

[Read More](#)

PROGRESSIVE PROSECUTOR SERIES: Portland's D.A. Mike Schmidt Brings Reform to an Epicenter of Anti-Racist Movement

With Portland being one of the epicenters for the anti-racist movement, new Multnomah County District Attorney Mike Schmidt had his work cut out for him when he was appointed District Attorney a whole five

[Read More](#)

'Have to choose between phone calls and showering' – COVID-19 Stories from CDCR's Mule Creek State Prison

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[Read More](#)

PROGRESSIVE PROSECUTOR SERIES:

Georgia's Western Judicial Circuit Deborah Gonzalez Announces Criminal Justice Reforms

Deborah Gonzalez, the first Latina DA in Georgia and first female Puerto Rican District Attorney in the U.S., announced a series of criminal justice reforms that took effect day on of her term in office as Georgia Western Judicial Circuit.

[Read More](#)

PROGRESSIVE PROSECUTOR SERIES: Philly Progressive Prosecutor Larry Krasner Turns Heads and Receives Backlash

Declared a "rogue" and "radical" prosecutor by many, Larry Krasner is demonstrating what some call mercy and understanding to thousands of Philadelphia residents in order to reform the justice system and improve community I

[Read More](#)

Los Angeles County DA Gascón – Despite Critics – Determined to End Cash Bail System

District Attorney George Gascón is determined to end the unjust money bail system in Los Angeles County – critics argue the money bail system allows wealthy individuals to acquire their freedom financially

[Read More](#)

COVID CDCR and Jail Dashboards

Over Six Thousand Active Cases Across CDCR; Death Toll Reaches 144

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Outbreak in Rio Cosumnes Correctional Center, Sac County Snowballs – Over 150 Cases Reported

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

Courts Hikes Bail 7 Times for Alleged Drug Dealer, Domestic Violence Defendant

Defendant Tyler Webster's \$25,000 bail jumped seven times to \$175,000 here in Yolo County Superior Court last week on now multiple open cases, and the District Attorney was demanding who paid his previous bail.

[Read More](#)

Sacramento Court Watch

[Like our Facebook Page](#)

COVID-19 Aiding Incarcerated? Delays Not One, But Two Sentencing Dates

Sacramento County Superior Court Judge James McFetridge last Friday was prepared to sentence both Alexander Smith and Jabari Shabazz in their co-defendant case.

[Read More](#)

Defendant Granted Diversion Even After Damning Victim Impact Statement

Even after what appeared to be a poignant and damning victim impact statement read in open court last Friday, a man accused of attempted robbery and car vandalism is being allowed to pursue mental health

[Read More](#)

Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

County public defenders here this week insisted their clients should be released from jail because of the current COVID-19 threat, but Alameda County Superior Court Judge Delia Trevino denied their requests.

[Read More](#)

Fresno Court Watch

Defendant Asks Judge to ‘Have a Heart’ and Reconsider His Prison Sentence – Doesn’t Work

Fresno County Superior Court Judge Adolfo Corona presided over a myriad of cases from four different Fresno departments in the morning including one involving defendant Jaime Rodriguez who, after pleading guilty to

[Read More](#)

Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer’s reason for detaining a defendant—that the man appeared untruthful.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

[Read More](#)

Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

[Read More](#)

Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

[Read More](#)

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Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=MWI1YTc3ZmViODUxMTk3Yw==&h=OWRjYTM4YTZkOTIzMjM5MzgwMjk0MTg5YzFhODZiNjY4OTM2OTA4N2E2ZjE2ZjA1NTQ4MjZjYzZkZWQyYjkwMQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjFIMTNhODkzMjI1NDNjZDgxYTcwNW11YWE1NGNhYzYwOnYx>

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Subject: Re: Worth a press release?

Date: Friday, January 8, 2021 at 8:16:20 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Wells, Kelly (PDR), Ugarte, Francisco (PDR), Maclean, Emilou (PDR)

Good call!

From: Wells, Kelly (PDR) <kelly.wells@sfgov.org>

Sent: Friday, January 8, 2021 10:40 AM

To: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>

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Date: Friday, January 8, 2021 at 6:40:11 PM Greenwich Mean Time

From: Wells, Kelly (PDR)

To: Ugarte, Francisco (PDR), Ibarra, Valerie (PDR), Maclean, Emilou (PDR)

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Sent from my iPhone

Subject: Everyday Injustice -Pishko Talks Sheriff Accountability in Podcast; Blacks Leaders on How to Establish Trust in Law Enforcement
Date: Friday, January 8, 2021 at 3:01:59 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Jessica Pishko on Sheriffs: "They lack even the most basic independent oversight and supervision. In most states, there are few or no ways to hold them accountable, even when they steal, lie or harm others. "

Everyday Injustice Newsletter - January 8, 2021

**So Why Can't We Get
Rid of Bad Sheriffs?**

By David M. Greenwald

Watching a panel discussion last year, Sheriff Jerry Clayton, of Washtenaw County in Michigan (Ann Arbor) made the point that while there is a booming movement for progressive prosecutors, he is one of the very few progressive sheriffs.

Indeed here in California we have seen Sheriff Scott Jones go to war with the Sacramento Board of Supervisors, the ongoing fighting between Sheriff Villnueva in LA, the multiple scandal involving the Orange County Sheriff's Office, and recently Kern County Sheriff Donny Youngblood denying the AG's report despite his county leading the nation in officer involved shootings.

So why can't we get rid of bad sheriffs? That's the question we talked with [Jessica Pischko in a podcast posted today](#).

In her 2019 NY Times op-ed, she argues, "They have little accountability and a lot of power."

She noted a number of incidents and "local officials stood by helplessly."

"Why is it so hard to remove a sheriff from office, even when that person is clearly ineffective or even criminal?" she asked. A key factor is that they are independently elected.

A key finding for her: "They lack even the most basic independent oversight and supervision. In most states, there are few or no ways to hold them accountable, even when they steal, lie or harm others. There are almost no civilian oversight commissions, no uniform disciplinary procedures, no reporting requirements in most states. In fact, sheriffs are generally afforded special protections like complete autonomy, a lack of term limits and the power to hire and fire at will, making it difficult to remove them from office."

Another key problem: "in most states, sheriffs are written into the Constitution — and so opaque that county governments struggle with how to handle erring sheriffs."

She also pointed out that the overwhelming majority of sheriffs are white and male.

And like police oversight overall, "Efforts to make sheriffs more accountable have run into roadblocks created by state sheriffs associations, powerful lobbying groups that have historically opposed legislative changes and community oversight. "

We had a great discussion. I think this is an area that is underrecognized in the criminal justice system.

What's the solution? Some have called for eliminating the office. Some have suggested making it an appointed rather than an elected position - though I would point out, police chiefs aren't a whole lot better.

In her article she suggests: "Here is an even more radical idea: Sheriffs should undertake reconciliation with their communities. Otherwise, progress will be incomplete and unsatisfying. "

Thanks for reading.

[Listen to the podcast here](#).

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

National Lawyers Guild-Sacramento Condemns DC Capitol Attack by Trump White Supremacists; Blames Police for 'Double Standard'

The National Lawyers Guild (NLG) Sacramento Chapter has condemned the attack on the U.S. Capitol Wednesday by Trump loyalists, white supremacists and fascists that led to four deaths and scores of arrests.

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Everyday Injustice Podcast Episode 87 – Jessica Pishko and Holding Sheriffs Accountable

Everyday Injustice features Jessica Pishko, a writer, lawyer, and consultant who focuses on sheriff accountability and jail decarceration. She is currently advising nonprofit organizations on sheriff accountability campaigns. She has

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Vallejo, Sacramento '100 Black Men' Forum Discuss 'How Can We Establish Trust in Law Enforcement'

Community leaders Kori McCoy, Jamilia Land, Mike Gipson, Joe Ested, Ryan Harrison, and Etan Thomas gathered in a meaningful and passionate discussion during a town hall here this week led by the organization 100 Black Men of

[Read More](#)

Blacks Stopped Most in 2020, Charges California Racial and Identity Profiling Advisory Board

Millions of people worldwide marched the streets in 2020 during a deadly pandemic to protest and fight against injustices that occur every day in America, including racial profiling and abuse of force on people of color.

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PROGRESSIVE PROSECUTOR SERIES:

Boston Progressive DA Faces Pushback in Policies by Opponents

Even after two years on the job, Suffolk County District Attorney's Raechel Rollins continues to battle against pushback by her opponents as she attempts to dismiss low-level misdemeanor charges and to pass her other

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COVID CDCR and Jail Dashboards

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Yolo County Court Watch

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Defendant in Davis Vehicle Death Claims 'the Guy Ran into a Judge Orders Director of CA Department of State Hospitals to Court for Sloth-like Rate of Treating Criminal Patients Me'

“Unacceptable under any standards in a civilized society,” Judge David Rosenberg of Yolo County Superior Court retorted after learning defendant Larry James Tillman Jr. – who has been “languishing” in custody

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Sacramento Court Watch

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"We gather today due to a selfish man's injured pride and the outrage of his supporters whom he has deliberately misinformed for the past two months and stirred to action this very morning," Senator Romney wrote

Everyday Injustice Newsletter - January 7, 2021

Closing Thoughts on a Very Surreal Day

by David Greenwald

Yesterday as I watched the coverage of the capital under siege, I flashed back to my time as a young

man when I worked in Washington DC back in 1996 and 1997. I used to bike from my house in SE about two blocks from capital to my gym downtown and then after working out for an hour or two, I would bike to the office I worked at in SW. I liked to cut through the front of the White House on Pennsylvania as it was blocked off by that point to through traffic and gave me a respite from the insane traffic you would otherwise have to contend with.

One day though, the day after the Olympic Park bombing, I tried to cut through and was redirected by Secret Service. It was surreal to see the Capitol Police yesterday, in a location just a few blocks from where I used to live, completely overrun by people who were able to breach the building, who we later saw pounding through doors and busting into the chambers.

There we had our nation's leaders, huddled on the floor, wearing gas masks, as the police were apparently forced to open fire, killing one person.

A lot of people expressed shock. I was a bit dismayed to listen to the media coverage of this - the loaded language that was used.

First of all, this should not have been shocking. It was in fact the natural progression of everything that has taken place for the last five years. For five years Donald Trump has inflamed the passions of those supporting him as his means for political power.

This is what we saw in Charlottesville. This is the culmination of him fanning the flames of anger and hatred.

Second, President Trump has refused to acknowledge that he was defeated by Biden. On Tuesday one of the President's supporters said something very telling to me, how do you prove that there was fraud when Georgia refuses to let us look at the ballots.

That's the exact opposite of how it is supposed to work. You don't claim fraud because you don't like the outcome and then try to prove there was fraud arriving there. The opposite happens - you find evidence that fraud exists and then you start to question the outcome.

We don't have to look hard or long to find examples in our system where there probably was fraud and impropriety - the 1876 Presidential Election which ironically is the basis for current election laws, the 1948 Senate race where LBJ won as chronicled in Robert Caro's biography, the 1960 election where I think there is solid evidence that Mayor Daily stuffed ballots in Chicago, even the 1968 election where the Chenault Affair and new revelations there show that Nixon conspired to keep the South Vietnamese from peace talks and of course the 2000 election which is less about fraud and more about flawed ballot design.

2020 is not about vote fraud. The outcome was close, but not near as close as those other elections mentioned.

"We gather today due to a selfish man's injured pride and the outrage of his supporters whom he has deliberately misinformed for the past two months and stirred to action this very morning," Senator Romney wrote in remarks before Trump supporters stormed the US Capitol. He then added, "What happened here today was an insurrection, incited by the President of the United States."

I think he nailed it.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

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Criminal Justice News/ Commentary

Teen Beaten By Stockton Police Looks To File Suit

Attorneys for a 17 year old High School Senior in Stockton says on December 30 at 11 pm, the Black youth with no juvenile criminal record was stopped by Stockton police. They claimed he was speeding on a dark road on the

[Read More](#)

Trump Mob Invades Capitol with Alarming Ease – Law Enforcement Did Little Compared to Treatment of Police Brutality Protesters

Calling themselves the “Save America Rally,” a mob stormed the U.S. Capitol, halting Congress from the formal electoral vote count to certify the winner of the presidential election.

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President-Elect Joe Biden to Name Judge Merrick Garland As His Attorney General

President-elect Joe Biden is expected to choose Judge Merrick Garland—the federal appeals court judge whose U.S. Supreme Court nomination in 2016 was blocked by the GOP—as his choice for his

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PROGRESSIVE PROSECUTOR SERIES: Newly-Elected Austin DA José Garza Reimagines Criminal Justice System

While local prosecutors across the country have become more progressive than in the recent past, Travis County welcomes a newly-elected district attorney with a passion for transforming our criminal justice system

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COVID CDCR and Jail Dashboards

Nine New Deaths Reported This Week;

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Yolo County Court Watch

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Defendant in Davis Vehicle Death Claims ‘the Guy Ran into Me’

Defendant Scott Ekoniak, charged with vehicular manslaughter at his arraignment hearing in Yolo County Superior Court Wednesday afternoon, maintains that the pedestrian he hit and killed “ran into me.”Id

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Sacramento Court Watch

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Already on Parole, Defendant Faces Trial for Multiple Drug-Related Offenses, Possession of ‘Monopoly’ Money

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Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office's new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Deputy Solicitor General Joshua A. Klein: “the state can’t decide who to hold in custody and who to release until trial based on the defendant’s financial resources.”

Everyday Injustice Newsletter - January 6, 2021

Challenges with Early-Release Programs; Poor Outbreak Management

By Jaskiran Soomal and Mengyu Yang

Mark* and Lewis* are currently incarcerated at High Desert State Prison (HDSP) and Substance Abuse and Treatment Facility (SATF) respectively.

Both facilities are among those with the highest number of confirmed COVID-19 cases across CDCR. SATF and HDSP have an alarming 2,978 and 1,905 confirmed cases respectively, and eight deaths in total.

Between early-November and late-December, a major outbreak was underway at HDSP with hundreds of new cases, within a population of 3300 people, being reported every 2-3 days. It peaked on Dec. 14, when the total active cases in custody crossed 700.

Similarly, between late-October to late-December, an outbreak was ongoing at SATF. It peaked on Nov. 30, with over 1000 active cases in a population of 4400 people, i.e. approximately one-fourth of the prison was COVID-19 positive. Active cases have been declining since Dec. 25, after staying in the 800-1000 range for weeks.

Mark and Lewis both tested positive for COVID-19 during these outbreaks.

In July, Gov. Newsom signed into effect [three emergency release programs](#) for population reduction, to mitigate the spread of COVID-19. Over 6,200 individuals were granted early-release by virtue of their sentence length (180-days or 360-days remaining) or medical conditions.

6,599 people were eligible for early release consideration based on their medical conditions alone. However, CDCR only considered 1,335 of them for early-release and granted releases to 45 people.

Mark’s wife stated that he has, “...filed several appeals within the prison and wrote to Gov. Newsom, the Office of the Ombudsman, CDCR’s Secretary in order to be granted an expedited release.”

“[Mark]...was denied release because he was not considered part of the ‘vulnerable’ group of the inmate population,” she added.

He was tested for COVID-19 and received the results a week later. Pending his results, he was housed in a cell with another individual. After receiving a positive result on Dec. 8, he was moved to a quarantine

unit within the facility.

His wife stated, “[Mark]...was removed from the cell and placed in an isolated cell. His cellmate remained in the same cell.”

His cellmate was neither tested nor told to isolate after being exposed to the virus. This pattern of negligence has been **reported** by others at HDSP and other CDCR facilities.

Although CDCR have been advised to reduce their populations to mitigate the spread of COVID-19, Mark’s wife believes they are failing to do so. Evidently, infections are on the rise especially in HDSP and SATF, leaving those inside vulnerable to catching the virus.

Full article located here

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Criminal Justice News/ Commentary

PROGRESSIVE PROSECUTOR SERIES: Michigan Prosecutor Conducts Listening Tour, Announces Criminal Justice Reforms

Washtenaw County’s newly-elected prosecutor, Eli Savit, began his term with a “Criminal Justice Listening Tour” prior to launching a series of progressive criminal justice reforms.

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Everyday Injustice Podcast Episode 86: Baltimore Prosecutor Marilyn Mosby

Maryland State Attorney Marilyn Mosby joined the Everyday Injustice podcast to discuss her office’s new sentencing review unit. The unit will review cases of certain incarcerated people to determine whether the office supports their

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Following Hit-and-Run Deaths by Felon, DA Chesa Boudin Reform Policies Questioned

This New Year's Eve, two pedestrians crossing the street here were struck and killed by a hit and run car driven by Troy Ramon McAlister, who allegedly stolen the car two days earlier from Daly City where he

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After a Year Delay, California Supreme Court Finally Hears Oral Argument on re Kenneth Humphrey Monetary Bail

The California Supreme Court Tuesday held a long-anticipated oral argument to review criticisms surrounding monetary bail – as evoked by Kenneth Humphrey appellate opinion in 2017 – and maybe took a step toward

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PROGRESSIVE PROSECUTOR SERIES: Reform-Minded Laura Conover Assumes County Attorney Job in Pima County, AZ

January 1 not only marked the beginning of a new year, but the day Laura Conover assumed her new role as County Attorney in Pima County, a position that her predecessor held for nearly a quarter of a century.

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The Vanguard September-October 2020 Wrap Up – Graphic Teen Sex Abuse Trial

While the number of COVID-19 cases remained level in California in September and October, the number of cases skyrocketed near the end of October nationwide, meaning the continuing pandemic mandated that the courts remain

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=NzlzZWRhMDQ1ZGFiOWQ0Zg==&h=ZmEzODVhODhmYmViMwZiZmYxNGQ1ODZkN2Y2YTM0MzVkZGMzMGM4NmM3ZjZiOGVhYmY3NGY1ZDMwYzExZTUyNg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJjMGEzNGNINWI2YTdkMzEyYmU3MTdiNGUxNjA4YTg2OnYx>

Sacramento Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/Sacramento-Court-Watch-1432660796849531/%26nbsp%3B&g=ZDIzNTE1YjQzYzE2MzBiMQ==&h=YjgyOTYyZGVhNmRkM2M5M2U0ZjBkZTg1NGQ5NjYzZTQyNzZjNTQ2NjM3ZTVmZGU0M2U2MzE1ZGM1YzgzNjQ0OA==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJjMGEzNGNINWI2YTdkMzEyYmU3MTdiNGUxNjA4YTg2OnYx>

Twitter: <https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard/%26nbsp%3B&g=ODUyNTAyOWIxMWM5NDY4Mw==&h=OTZhN2QzNTE1OGY5YzU5MjFmNTM2ZDJmNjE4Yzk4NTkwZGZiMGE1OTkwOTZINmJmMTBiMDQ0Y2VkZGM4ZDM0Yg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJjMGEzNGNINWI2YTdkMzEyYmU3MTdiNGUxNjA4YTg2OnYx>

YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=MWNjOTcwNWl2MjMyZTljOA==&h=ZWQwMTQzYTlyODY2ZTQ0YTtkxNTQ0MTIiYzVmZjI0ZTk3OWU1MDFmOTZjOWI4YTZiN2ViYjYiYWZkZDRjYTZmNA==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJjMGEzNGNINWI2YTdkMzEyYmU3MTdiNGUxNjA4YTg2OnYx>

The People's Vanguard of Davis | P.O. Box 4715, Davis, CA 95617-4715

[Unsubscribe valerie.ibarra@sfgov.org](mailto:valerie.ibarra@sfgov.org)

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Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Tuesday, January 5, 2021 at 9:48:56 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Layla Mustafa

Great to know. Welcome aboard and we can talk soon.

All the best,
Valerie

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Tuesday, January 5, 2021 12:58 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Valerie,

Thank you for your help! I called Jacque today and we spoke about it for a bit. I'll reach out to you if I have any future questions, thank you again for being so helpful thus far.

All the best,
Layla

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To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
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Let me know what you think or if you need anything from me. I have begun training for the PRU, so I will start to become more involved in the office, rather than just being connected through the Courtwatch program.

I look forward to hearing back from you soon.

Thank you!
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Thanks,
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By the way, I wanted to mention that I have read some of your recent articles and they've been really good.

Thank you,
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To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

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Therefore, I would love to connect at the earliest time most convenient for you!

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In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

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(628)249-7946

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I
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Date: Tuesday, January 5, 2021 at 8:58:11 PM Greenwich Mean Time
From: Layla Mustafa
To: Ibarra, Valerie (PDR)

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|||

Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on the Arrest of Troy McAlister

Date: Tuesday, January 5, 2021 at 7:08:09 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: January 5, 2021

CONTACT: SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

Public Defender Mano Raju's Statement on the Arrest of Troy McAlister

"Tragically, two lives were lost in our midst on New Year's Eve. Our hearts go out to the families of Hanako Abe and Elizabeth Platt.

My office represents Troy McAlister, the man arrested in response. We are just beginning to receive information to make legal determinations in this case, and hold to our legal duty to uphold the principle of innocence unless and until proven guilty. What seems clear already is that this painful set of circumstances has illuminated larger, multi-system, societal failures.

We have learned from decades of failed "tough on crime" rhetoric and policies that focusing primarily on whether the system could have incarcerated someone longer, more often, or more severely is how we find ourselves in the current scenario. We cannot let opponents of a more fair and just criminal legal system exploit this loss-of-life to convince others that the system we've long relied upon is the best we can do.

I also want to make clear that Chesa Boudin never represented Troy McAlister. Some are misinterpreting court minutes that show Mr. Boudin as "special[ly] . . . appearing for the attorney of record" on a "motion to continue," but this was strictly an administrative appearance that lawyers routinely make when a colleague is unavailable on an uncontested matter. On the date at issue here, Mr. McAlister's lawyer was in trial in another case and *she* filed the motion to continue as a result. It is common for attorneys to make "stand-in" appearances on behalf of an unavailable colleague. Mr. Boudin was apparently such a "stand-in" on an uncontested postponement of the case to a new date. He would not have had any

confidential information nor presented any arguments on Mr. McAlister's behalf. Our overburdened courts could scarcely function without such courtesies.

Of much greater importance is the recognition that we have a collective responsibility - as justice partners in the legal system locally and statewide - to redirect our efforts and resources. We must rethink our current responses to harm by centering people who have been harmed, ensuring they are cared for, and working to understand why the harm happened. We must commit to trying to prevent harm, not by attempting to mercilessly punish it away, but by disrupting the pathway to harm and violence through systems of support and care. This is what is actually needed for our communities to be safe. We as a society must delve into understanding how our systems fail people in ways that lead to tragedy and how we can learn from these mistakes to promote more healing, rather than more misery. That is what my office has begun to do and what every agency that has an opportunity to intervene should do, not just with more punishment but with more support, in order to prevent these kinds of tragedies.”

###

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
[SFPublicDefender.org/Media](https://www.sfpd.org/Media)

Subject: Everyday Injustice -Deputy DAs Sue Gascon in LA; Savit Sworn-in in Michigan

Date: Tuesday, January 5, 2021 at 7:01:45 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"It means your tax dollars will no longer be used to lock people up who pose little danger" - Eli Savit

Everyday Injustice Newsletter - January 5, 2021

We Capped Off a Year of Growth with Huge Growth...

In the months after creating the Vanguard in July of 2006, I remember being amazed - people were actually reading this thing, first it was 100, then it was 500, sometimes it reached 1000. From the modest days of 2006, I am still amazed as to where we are today.

Yesterday I was on Zoom, training the next crew of interns, young students from all over the state. Last fall we launched the Vanguard at UC Davis project. This month we will launch similar Vanguard at UCLA and UC Berkeley projects.

We knew we had gone to new heights last year. Now we have the data that shows it. It's actually pretty stunning. In 2020, we have over 1.2 million unique visits. That nearly triples the year before when we had 479,000 unique visits. It's not very often that you have that level of growth 15 years into an organization.

The thing that amazed me about 2020, as bad as it was, we learned that a lot of things we were doing previously were at best suboptimal.

I remember laughing and cringing at the same time as the Davis City Council got Zoom-bombed. A lot of people at that point threw their hands up in the air and suggested that the council should go to a minimal agenda. But there was no need. They figured out very quickly how to avoid such problems.

In a way Zoom and platforms like it is revolutionary. All of a sudden we were no longer bound to a physical location. We could meet with people all over the state. People that we will never meet in person,

we are able to work with on a regular basis.

We are now able to have live check-ins with the interns after their court appearance. We are able to have meetings where people simply log onto Zoom from their computers or their phones. We are able to do training, have organizational meetings like never before.

Why would we ever go back to the way we did things before? The one area of frustration - while a lot of counties have their court proceedings online, for whatever reason San Francisco where we have had a strong core of interns and now LA where we are developing a strong organization, do not. That will limit us. I also worry that after COVID, they will have in-person hearings only again.

I get some of the objections. But think about it - attorneys representing clients all of the region, no longer have to drive everywhere. Some proceedings work before in person, but maximizing transparency makes a lot of sense. We will see what happens and we will adapt to the new reality just as we adapted to COVID.

Once again - I have to make this ask - we need people to become sustaining members. I know a few of you cannot afford even \$5 a month and I get it. But most of you can, \$5, \$10 even \$25 a month goes so far. Please become a sustaining member, it allows us to pay the bills and continue our growth trajectory. [Hit this link](#)

Vanguard on Facebook: <https://www.facebook.com/davisvanguard/>
Yolo County Court Watch: <https://www.facebook.com/groups/yolojudicialwatch/>
Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>
San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

PROGRESSIVE PROSECUTOR SERIES: Michigan Prosecutor Conducts Listening Tour, Announces Criminal Justice Reforms

Washtenaw County's newly-elected prosecutor, Eli Savit, began his term with a "Criminal Justice Listening Tour" prior to launching a series of progressive criminal justice reforms.

[Read More](#)

Deputy DA Association Sues Los Angeles DA over Criminal Justice Reforms, Sentencing Enhancement Directives

After facing backlash following his announcement to end all sentencing enhancements, Los Angeles County's District Attorney George Gascón—despite backtracking to allow for some enhancements—has still been

[Read More](#)

New Legislative Black Caucus Chairs Promise to Advance Agenda of 'Justice for

All Californians'

The California Legislative Black Caucus, committed to removing inequalities between racial groups and working toward equity for Black Californians, has elected Sen. Steven Bradford to serve as Chair, and

[Read More](#)

Bronx Defenders Wonder If There Will Be Real Action after Report on NYPD Violence and Misconduct during George Floyd Protests

The New York City Department of Investigation has released its report on the NY Police Dept. misconduct during this summer's protests against the killing of George Floyd and police violence against the Black community.

[Read More](#)

Concerns Regarding Early-Releases and Vaccinations Rise As Outbreaks Snowball Across CDCR

COVID-19 cases are continuing to spike across California prisons. Chris Washington is incarcerated at Salinas Valley State Prison (SVSP). He told The Mercury that an outbreak occurred at SVSP after him and others were transferred

[Read More](#)

COVID CDCR and Jail Dashboards

Four Deaths & Hundreds of New Cases Reported Over Weekend; CDCR Death Toll Reaches 133

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail Reports Eighty-Seven Active Cases Yet Testing Remains Low

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

The Vanguard September-October 2020 Wrap Up – Graphic Teen Sex Abuse Trial

While the number of COVID-19 cases remained level in California in September and October, the number of cases skyrocketed near the end of October nationwide, meaning the continuing pandemic mandated that the courts remain

[Read More](#)

Sacramento Court Watch

[Like our Facebook Page](#)

Trial Set for Defendant Accused of Attempting to Rob Nail Salon by Tunneling through Bathroom

Defendant Andrew Kowalski—accused of tunneling his way into a COVID-19 padlocked nail salon and attempting to break into an ATM cash machine—will go before a jury after his preliminary hearing Monday in Sacramento

[Read More](#)

Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

County public defenders here this week insisted their clients should be released from jail because of the current COVID-19 threat, but Alameda County Superior Court Judge Delia Trevino denied their requests.

[Read More](#)

Fresno Court Watch

Defendant Asks Judge to ‘Have a Heart’

and Reconsider His Prison Sentence – Doesn't Work

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Judge Mulls Jurisdiction in Human Trafficking Case

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

[Read More](#)

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Monday, January 4, 2021 at 8:39:30 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Layla Mustafa

Hi Layla - Happy new year! Jacque mentioned that he would be able to put you in touch with folks in the office, so you may want to check in with him first to see who he had in mind. As the new managing attorney of the PRU Unit, he'll have a more direct line on the appropriate staff. I'm happy to further assist as needed. Thank you!

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Monday, January 4, 2021 12:33 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

I hope you're doing well and that you had a restful break. Now that people are beginning to return to the office, I was curious as to if anyone would be available to meet in the near future?

Let me know what you think or if you need anything from me. I have begun training for the PRU, so I will start to become more involved in the office, rather than just being connected through the Courtwatch program.

I look forward to hearing back from you soon.

Thank you!
Layla

On Fri, Dec 11, 2020 at 11:49 AM Layla Mustafa <lrnustafa@ucdavis.edu> wrote:

Hello Valerie,

I wanted to follow up and see if you would still be willing to have a quick meeting today? My schedule is flexible, so please let me know what works best for you.

Thank you again,
Layla

On Wed, Dec 9, 2020 at 6:17 PM Layla Mustafa <lrnustafa@ucdavis.edu> wrote:

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Thanks,
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From: Layla Mustafa <lrnustafa@ucdavis.edu>

Sent: Tuesday, December 8, 2020 12:25 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Wow- thank you for the compliment, it means a lot!

If it works for you, we can chat at 12:00. I'll be free during that 12:00-1:30 timeslot.

Once again, I really appreciate you taking the time out of your busy schedule to meet with me. I look forward to speaking with you soon!

Best,
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By the way, I wanted to mention that I have read some of your recent articles and they've been really good.

Thank you,
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From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 1:50 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Thank you for your quick response!

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All that being said, while I don't necessarily have a "deadline" to meet, I think that some of the information the Public Defender's Office might be able to provide would be helpful in developing a new understanding of current jail conditions- beyond the statistics provided by the Sheriff's Office.

Therefore, I would love to connect at the earliest time most convenient for you!

I am also not completely familiar with office protocol, however, if it is appropriate I would be open to you sharing my contact with any attorney who would be interested in having a conversation about their experience regarding the matter thus far. Here is a [link](#) to some of the articles written on research conducted in different counties.

Once again, thank you so much for your help!

All the best,
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Dear Layla,

Thank you for reaching out. I am the Public Information Officer for the office, so I am the first point of contact for media inquiries.

In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

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(628)249-7946

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Dear
Ms. Ibarra,

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understand that it can get fairly hectic at the office, and I am willing to be completely flexible with your schedule and preference for communication. If a phone call is more preferable, my number is 415-990-9736. Otherwise, I would be more than happy to continue this conversation via email correspondence.

If

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Subject: Everyday Injustice -Anger Builds in the Handling of COVID in California Prisons; Virginia Prosecutor Announces New Criminal Justice Reforms

Date: Monday, January 4, 2021 at 7:00:09 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“Will these government officials be charged with murder or attempted murder?” the mother of an incarcerated person asked.

Everyday Injustice Newsletter - January 4, 2021

Vanguard Series on COVID-19 Stories From CDCR Continues

Part 5: “Guards write Rule Violations to delay early-releases for disobeying direct orders”

By Koda Slingluff

Orlando Smith is a thoughtful artist and reporter incarcerated at San Quentin. The Vanguard has had the privilege of speaking with Smith on multiple occasions regarding the prison's conditions during the pandemic.

Smith's sentiments gracefully weave together aspects of his incarcerated experience with Covid-19 related racism, indifference, frustration, and ever-present fear.

He began by saying, "The reality is simply the same systemic racism. Racist prison guards, an administration that's indifferent to the incarcerated population. A guard union run by 'proud boys.' Yes it should be a collective idea of solidarity in the midst of this deadly crisis. It just isn't so."

He added, "CDCR has turned isolation into punishment because that's what they do."

As of Dec 28., San Quentin houses a population of 2,758 people. It has reported 28 total deaths and 2241 cumulative confirmed cases.

"Far as social distancing... impossible!" Smith told the Vanguard. "This prison is over packed. They say it's back to design capacity (single celled) but for most part 80% is still double cell living."

San Quentin's design capacity is 3,082 people. A month before the prison's first outbreak, CDCR's Population Report showed them at 122.5% of capacity.

Even before the outbreak, the prison conditions were concerning. Ivan Von Staich, who was also incarcerated at San Quentin, filed a petition alleging that the prison was not prepared for coronavirus.

[Full story here](#)

Part 6: 'Will government officials be charged with murder?'

By Jaskiran Soomal & Mengyu Yang

Jamal* is incarcerated at High Desert State Prison (HDSP) in Susanville, CA. His mother shared his story with the Vanguard regarding CDCR's negligence with handling COVID-19.

He was testing for Covid-19 recently, and was subsequently moved to "an infected-call, in an area where everyone was sick."

Jamal's mother said, "My son has not been sick until his recent move. He was fine up till about a week and a half ago. They moved him on purpose. Whoever tested negative for Covid-19 are forcefully moved to the Covid-19 infected prisoners' cells."

Numerous [stories](#) have emerged from other CDCR facilities regarding the intermixing of positive and negative COVID-19 patients causing outbreaks to snowball.

Shortly after Jamal was moved, he contracted COVID-19.

"Will these government officials be charged with murder or attempted murder?" she remarked.

She painfully continued, "This is one of the most crucial events in our lives. And the police, the courts have all failed him. I have failed him. This needs to stop. Again, I will continue to fight for his freedom."

[Full Story Here](#)

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Click here to [help](#).

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Yolo County Court Watch: <https://www.facebook.com/groups/yolojudicialwatch/>
Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>
San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Virginia Prosecutor Announces New Criminal Justice Reforms, Asks Lawmakers to OK

Fairfax County Commonwealth's Attorney Steve Descano announced a new sentencing reform policy here this past week that bans the use of mandatory minimums in plea deals except when "state law severely

[Read More](#)

Inmate Homicide of Former Yolo County Convict at California State Prison, Sacramento Prompts Investigation; Mother Wants Answers

Officials are investigating the death of 25-year-old inmate Braydon Lesseos at California State Prison, Sacramento (CSP-SAC) after victim's cellmate is suspected of stabbing and killing him.

[Read More](#)

The Vanguard November-December 2020 Wrap Up – Heartwarming Clemencies and Pandemic-Related Complications

Though turbulent and full of jarring surprises, 2020 ended on a note of hope for more than a few defendants as judges from both Sacramento and Yolo County reduced jail time and offered alternative solutions besides jail and

[Read More](#)

'Will government officials be charged with murder?'

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[Read More](#)

Opposition to SF DA Chesa Boudin's Progressive Policy Beginning to Get Louder

Throughout his first year as District Attorney of San Francisco, Chesa Boudin has advocated and implemented a progressive policy platform to target the causes of crime amidst challenges from police unions.

[Read More](#)

Black Lives Matter LA Releases Statement Supporting LA County District Attorney's Justice Reform as Cop Unions Fight Back

Black Lives Matter Los Angeles and its ally organizations released a statement late this past week supporting LA District Attorney George Gascón in response to prosecutors seeking to block his justice reform policies

[Read More](#)

“Guards write Rule Violations to delay early-releases for disobeying direct orders”

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COVID CDCR and Jail Dashboards

Seven Deaths Reported Over Two Days; CDCR Death Toll Reaches 129

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail's Outbreak Snowballs — Over Hundred Cases Reported in 24 Hours

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

The Vanguard September-October 2020 Wrap Up – Graphic Teen Sex Abuse Trial

While the number of COVID-19 cases remained level in California in September and October, the number of cases skyrocketed near the end of October nationwide, meaning the continuing pandemic mandated that the courts remain

[Read More](#)

Sacramento Court Watch

[Like our Facebook Page](#)

Judge Cautions Defendant to Change, or He Can Expect ‘Years, if Not Decades’ in Jail

Sacramento County Superior Court Judge Scott L. Tedmon was more than crystal clear in a stern warning made to domestic violence Steven Sanchez last week, citing the defendant would spend “years, if not decades”

[Read More](#)

Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

County public defenders here this week insisted their clients should be released from jail because of the current COVID-19 threat, but Alameda County Superior Court Judge Delia Trevino denied their requests.

[Read More](#)

Fresno Court Watch

Defendant Asks Judge to ‘Have a Heart’

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While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

[Read More](#)

Davis Vanguard | 530-400-2512 | [Email](#) | [Website](#)

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Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=ZDgzNjYzZDE5OGUzMzFINw==&h=ZGFmOTAxMmU5Y2NhYzg3MwQwMTY0NTRiYjg5MWNmODMyZjNjZGJiZDg4M2Q4N2YxNDk1MzljZDZiOTJiZTU4ZA==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOml3NGQzYTJhNzA0Njc2OTI3YjJhNjM5YmJkYjM1ZjY0OnYx>

Sacramento Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/Sacramento-Court-Watch-1432660796849531/%26nbsp%3B&g=YThhOWRkZjZiMjRiNjY3ZQ==&h=Nzc0ZDlkMTMyODUyY2MxMjFkYTJiODAwMmE5ZTZiODJjNWlyMjcyMDFiYzZmZDkwZTA2MjBkODU5Mjk4M2IxNw==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOml3NGQzYTJhNzA0Njc2OTI3YjJhNjM5YmJkYjM1ZjY0OnYx>

Twitter: <https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard%26nbsp%3B&g=MDMzNWw4NDc5MDZiZGFhOA==&h=ZGQ2NzU0NzJmZjI5OTM2ODg0MTg2YTJjYmFhN2IzODY2NTI2NmM0ZTJhMTIhM2IxZjYwY2E5OTA1MzE5MWE1Ng==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOml3NGQzYTJhNzA0Njc2OTI3YjJhNjM5YmJkYjM1ZjY0OnYx>

YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=YTQwMmFiNTk4MGNiMGQ1NQ==&h=MGlzMGNjNmIwMzBhYWY2NDdiZmQ4MjU1MDRhODAxOGM0MGQ5NmE3YWJhNmFkNThhYWQyZTIiNzU0N2JiYTRiYQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOml3NGQzYTJhNzA0Njc2OTI3YjJhNjM5YmJkYjM1ZjY0OnYx>

The People's Vanguard of Davis | P.O. Box 4715, Davis, CA 95617-4715

[Unsubscribe valerie.ibarra@sfgov.org](mailto:unsubscribe.valerie.ibarra@sfgov.org)

[About our service provider](#)

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Subject: Happy New Year & Thank You

Date: Sunday, January 3, 2021 at 6:00:04 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

Image

Happy New Year Valerie!

Your generosity is a wonderful example of what makes this community great! Thank you for being part of the solution as we begin the New Year with hope for the future.

Your gift is a demonstration of your core values and the empathy and compassion that has the power to change the world. **Words could never do enough to express our gratitude.**

Thanks to you, we have managed to expand our [court watch program](#) to various locations throughout Northern California and have kept you up to date on the latest COVID-19 news through our [COVID-19 project](#).

Thanks for choosing to make a difference! Together we'll head into 2021 stronger.

Please let me know if I can be of any assistance to you and your family at this time.

Wishing you and your loved ones a year filled with health, well-being, and peace.

With gratitude,

David Greenwald
Director of The Davis Vanguard

Show your support today through a generous donate.

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The Peoples Vanguard of Davis Inc
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Davis, CA 95616

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Subject: Valerie, How are you keeping up to date on the latest COVID-19 news?

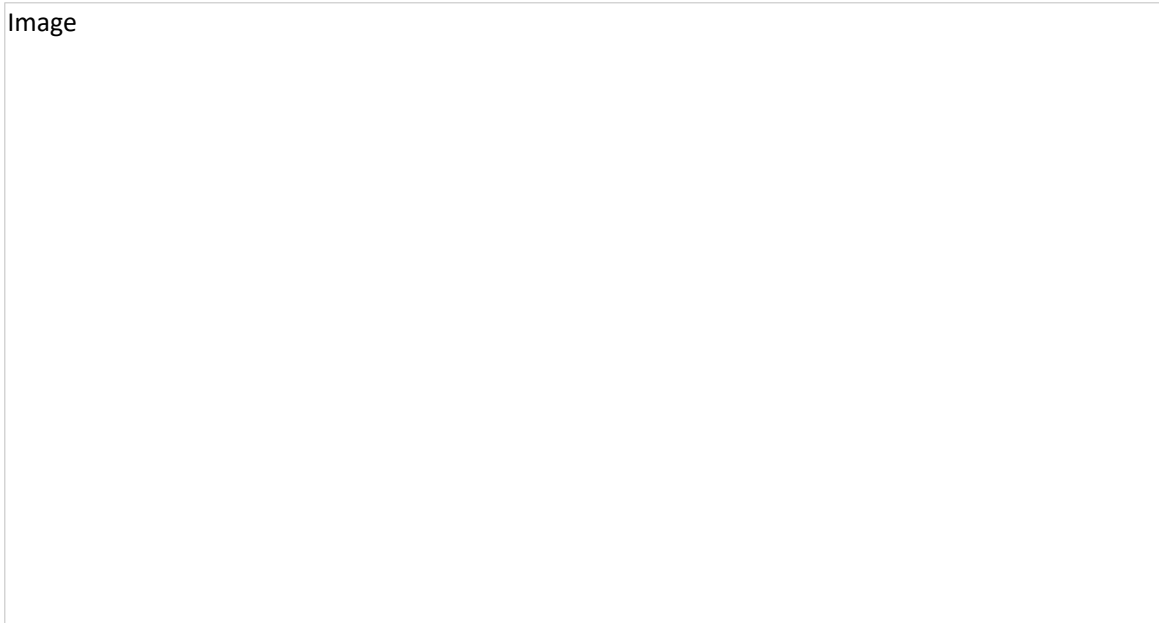
Date: Thursday, December 31, 2020 at 8:00:18 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image



Breaking Down COVID-19 in CDCR

Davis Vanguard's daily update from CDCR's COVID-19 crisis



Hello Valerie!

How are you keeping up to date on the latest COVID-19 news?

To support the work of the
COVID-19 in CA Jails & Prisons
Project donating today.

In case you weren't aware, the **Davis Vanguard** offers a daily update on CDCR's COVID-19 crisis.

The Davis Vanguard's COVID-19 in CA Jails & Prisons Project aims to document, analyze, and report human rights violations, personal narratives, and data related to the pandemic from carceral facilities. *Our team of 15 interns reports on CDCR and five county jail systems: Alameda, Santa Clara, Sacramento, Yolo, and San Francisco county jails.*

To read more our latest findings please check out our latest article. - <https://bit.ly/38HcndP>

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Subject: Everyday Injustice -The Need to Fix Sentencing; Jason Williams Takes Over as New Orleans Prosecutor

Date: Thursday, December 31, 2020 at 7:00:45 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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LA Times: "For many crimes, prosecutors can now choose from a nearly bottomless well of charging choices with an enormous range of possible sentences. They can use these options to dissuade a defendant — even an innocent one — from going to trial. Plead guilty and serve nine years, for example, or face 39 years in prison if convicted."

Everyday Injustice Newsletter - December 31, 2020

LA Times Is Correct To Ask California To Fix Its Criminal Sentencing

by David Greenwald

In Los Angeles, George Gascon has implemented policies that we are seeing across the country but has trigger a holy war. Why has [Jason Williams](#) - who we ran a piece on today - able to start enacting many of the same policies in New Orleans without the crushing backlash?

As yesterday's [LA Times](#) editorial shows, these changes are greatly needed because for forty years California's sentencing was out of whack and filled the prisons with massive numbers of people of color.

Now they argue, there are two ways forward - first by overhauling its criminal sentencing laws and second by prosecutors using their discretion "to inject rationality and fairness in their charging decisions."

A series of laws like Prop 47, Prop 57, AB 109, SB 1437 and many like them created huge amounts of change in the system. That led to the pushback - Prop 20 by defenders of the status quo. But these forces got blown out of the water in November when voters rejected a rollback of Prop 47.

Now we are seeing similar pushback when George Gascon "instructed prosecutors not to charge enhancements."

Read the LA Times editorial, it does a great job of explaining both the irrationality and the unfairness of the enhancements. Where people of color end up disproportionately charged with gang enhancements and disproportionately getting the longer end of the discretionary scale.

As they put it, “For many crimes, prosecutors can now choose from a nearly bottomless well of charging choices with an enormous range of possible sentences. They can use these options to dissuade a defendant — even an innocent one — from going to trial. Plead guilty and serve nine years, for example, or face 39 years in prison if convicted.”

The Times notes, “Gascón cut through this irrationality with his order to charge only the base crime and not the enhancements. Some news accounts implied that the result would be murderers, rapists and other dangerous criminals immediately walking free. This is, of course, bunk.”

The result is that in some cases, “, a convicted perpetrator might now be granted a parole hearing after serving decades in prison. That reintroduces one of the positive aspects of indeterminate sentencing: The criminal is punished and the public is protected, yet the inmate retains an incentive to participate in rehabilitation programs in the hope of gaining release many years in the future.”

They call Gascon’s moves “a good start” but argue, “California’s goal should be more ambitious. We need a rational sentencing scheme that relies on prison to keep us safe, without using it to such excess that each successive year of imprisonment offers little evident benefit.”

It’s a good piece. Unfortunately we are living in a time of mass hysteria which you can grasp a flavor by reading my column from yesterday - [Actual Insanity](#).

Thanks for reading.

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Criminal Justice News/ Commentary

Just Elected New Orleans DA Adds Justice to Career of Accomplishments

When it comes to having a fleet of accomplishments, Jason Williams – the new Parrish district attorney of New Orleans – does not come up short.

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16 Reform Minded Prosecutors Share Their New Year’s Resolution (Video)

As we prepare to enter 2021, this new FJP video features 16 reform-minded prosecutors sharing their resolutions for the new year as they continue to work towards a new vision of justice grounded in fairness and compassion.

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Officer Responsible for Search Warrant of Breonna Taylor's Home Terminated

Another officer that had been involved in the case of Breonna Taylor's death back in March has been being disciplined for their incompetence during the botched raid of her home.

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Yolo County Court Watch

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MAY & JUNE 2020 WRAP UP: Despite

COVID-19, Courts, Vanguard Plug Away

COVID-19 closed the doors to nearly everything from salons, to stores, to restaurants and so much more – this caused millions of individuals to change and adapt to a new normal.

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Domestic Dispute Finds One Party Facing Multiple Charges After Boyfriend Calls 911

In a preliminary hearing here Wednesday in Yolo County Superior Court, Victoria Roemhild was facing multiple charges for allegedly driving her vehicle into her boyfriend's vehicle in her driveway during the early hours of Sept. 17.

[Read More](#)

The Vanguard March-April 2020 Wrap Up

During the months of March and April, 2020, the courts became greatly affected by the increasing outbreak of COVID-19, but at the beginning of March, courthouses, such as the Sacramento and Yolo County Superior Court,.

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Sacramento Court Watch

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Defendant Allegedly Kicks Pregnant Girlfriend in Stomach

Judge Scott Tedmon reprimanded defendant Daquan Rogers in Sacramento County Superior Court Tuesday afternoon for kicking his pregnant girlfriend in the stomach, which may have led to pregnancy difficulties.

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Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

County public defenders here this week insisted their clients should be released from jail because of the current COVID-19 threat, but Alameda County Superior Court Judge Delia Trevino denied their requests.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

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Subject: Everyday Injustice - The Crazy Opposition to Gascon; Officers Fired in Louisville and Columbus
Date: Wednesday, December 30, 2020 at 7:01:40 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"The right can survive losing Trump, but it cannot survive such a dissociation from reality."

Everyday Injustice Newsletter - December 30, 2020

California Supreme Court May Decide the Fate of Money Bail in California

By David Greenwald

Back in 2016 days after Trump won his election, the late San Francisco Public Defender Jeff Adachi and Phil Telfeyan from Equal Justice Under Law spoke at the Vanguard event on money bail. They were talking about the Humphrey case out of San Francisco, which Teleyan's non-profit was litigating.

Here we are more than four years later and that case will make it to the California Supreme Court.

In a powerful piece in the [Sacramento Bee](#), Berkeley Law School Dean Erwin Chemerinsky notes that the court's "ruling will determine whether the state continues to separate hundreds of thousands of people from their families in jail cells every year as those people await trial based solely on their ability to pay bail."

He argues, "The stakes are especially significant for people of color, who are disproportionately detained in California's overcrowded jails and disproportionately unable to obtain the cash necessary to return to their families. The outcome will also set the tone for how state courts handle similar issues across the country, where over 500,000 people are confined to jail cells on any given night awaiting trial."

The case involves Kenneth Humphrey, a 67 year old man, accused of robbery for taking a bottle of cologne and \$7 from another resident.

He was jailed for months because he was not surprisingly unable to afford the bail amount - an absurd \$350,000 (even with a bail bondsman, \$35,000 is out of the range of most people).

The court in 2018, ruled that a person cannot be jailed solely because he is poor. The court ruled if the government wishes to detain someone, “it must demonstrate that detention is necessary.”

Chemerinsky points out, “The California Supreme Court granted review in the case, hopefully to address systemic issues that have plagued California’s courts for years. At issue are the constitutional rules governing the bail system in a state that arrests more than 1 million people every year.”

He adds, “The upcoming bail case also raises a question the rest of the country will need to grapple with: Assuming courts can no longer jail people solely because they are poor, which offenses are serious enough to justify giving the government the power to jail a presumptively innocent person prior to trial?”

Last year Telfeyan told me, “Right now in San Francisco there’s a price tag for freedom. If you’re rich enough to pay money bail, you buy your way out. If you’re too poor, you sit in jail for days, weeks or months, while your waiting for your case.”

“That fundamental inequality (must) end,” he said. “How it ends is kind of where the details come in and that we don’t know.”

Like San Francisco, the rest of the state and the country faces the same problem. The California Supreme Court however has a chance to solve that problem.

As Chemerinsky concludes, “The California Supreme Court’s task must be not only to end the unjust and ineffective practices of the current system, but to ensure that we do not replace it with systems that put different labels on the same forms of injustice.”

Thanks for reading.

(The photo above is one of myself with Phil Telfeyan and the late great Jeff Adachi).

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Criminal Justice News/ Commentary

Commentary: Let’s Call This What It Is – Actual Insanity

The innocence movement understood early on that the term innocent is thrown around the criminal legal system too often. After all you are presumed innocent until proven guilty. They had to distinguish people who were merely

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Officer Responsible for Search Warrant of Breonna Taylor's Home Terminated

Another officer that had been involved in the case of Breonna Taylor's death back in March has been being disciplined for their incompetence during the botched raid of her home.

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Ohio Cop Fired for Killing of Unarmed Black Man Just Before Christmas

As the anti-racist movement continues to address systemic racism throughout the US, it received a small win in Columbus, Ohio for the family of Andre Hill, an unarmed Black man shot and killed earlier this month by police.

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COVID CDCR and Jail Dashboards

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The Vanguard January-February 2020 Wrap Up

Prior to the outbreak of COVID-19, The Vanguard Court Watch Interns and staff covered court proceedings largely in San Francisco, Yolo and Sacramento county superior courts.

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Sacramento Court Watch

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Facing 8-10 Years in Prison, Defendant Instead Takes on Year Long Program

Joseph Nasca faced four cases against him ranging from small misdemeanors to felonies, including attempted murder, and was looking at nearly eight years in prison.

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[o=https%3A//twitter.com/DavisVanguard%26nbsp%3B&g=MDVmM2IzMTkyODc5ZThlZA==&h=ZmM2ZTkyNjJjZTNjZjgyNzMwMTBhNjc4OWY3Mzc4NTdkMTQ0NGU0MjYjZjI0NmJmTE0YzQ3OTM2ZWVjNg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjk2OTU4ZDUyMGUyMWYwNzA3ZDlkY2RmYjI0ODBmMDIkOnYx](https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard%26nbsp%3B&g=MDVmM2IzMTkyODc5ZThlZA==&h=ZmM2ZTkyNjJjZTNjZjgyNzMwMTBhNjc4OWY3Mzc4NTdkMTQ0NGU0MjYjZjI0NmJmTE0YzQ3OTM2ZWVjNg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjk2OTU4ZDUyMGUyMWYwNzA3ZDlkY2RmYjI0ODBmMDIkOnYx)

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Subject: Valerie, are you looking for a terrific way to say goodbye to 2020?

Date: Wednesday, December 30, 2020 at 5:00:30 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image



Image



Hey Valerie,

You can finish 2020 on a positive note!

With a gift today, you will help us advance our work on the COVID-19 tracking system.

The Davis Vanguard's COVID-19 in CA Jails & Prisons Project aims to document, analyze and report on human-rights violations, personal narratives, and data related to the pandemic from carceral facilities. ***Our team of 15 interns reports on CDCR and five county jail systems: Alameda, Santa Clara, Sacramento, Yolo and San Francisco county jails.***

Donations will support our on going work!

Not to mention, you'll push us towards our \$50,000 goal! And that means The Peoples Vanguard of Davis Inc will be positioned to advocate for more individuals who have been effected by COIVD-19.

With your support so far, we have:

- **Shared data on 5 five county jail system's with UCLA's COVID-19 Behind Bars Project, a statewide program which aggregates and documents coronavirus related information for carceral facilities. Our datasets were one of the only sources of information available on county jails.**
- **Uncovered Santa Rita Jail's widespread negligence and violations of COVID-19 guidelines.**
- **Filed numerous public records requests urging Sacramento County jails to make their COVID-19 data publicly accessible; the county now publishes weekly statistics**

Thank you for all that you have done already to support our efforts in bring justice for those being hit the hardest by COIVD-19. Can I count on you for a donation before midnight to further advocate for those who need our help?

We've all had an unexpected and uncertain year – and we're wishing you and yours a healthy, safe, and joyful 2021.

Yes, I want to end 2020 on a positive note!

Take care,

David Greenwald
Director of The Davis Vanguard

P.S. Please consider a [monthly subscription donation](#) to make a gift that keeps on giving.

The Peoples Vanguard of Davis Inc
221 G St Ste 203
Davis, CA 95616

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Subject: Everyday Injustice - Opinion: No children should be prosecuted as adults
Date: Tuesday, December 29, 2020 at 7:00:33 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Miriam Krinsky: "These burdens fall overwhelmingly on kids of color. While racism is prevalent throughout the criminal system, there are few areas where racial disparities are starker than among children."

Everyday Injustice Newsletter - December 29, 2020

Building on a Dream

by David Greenwald

In 2015 I saw the TedTalk of Bryan Stephenson, I was so impressed by what I saw, I purchased his book "Just Mercy" and as I flew to Florida and back, read the entire book. As I read the book, I realized that one of the biggest problems of the criminal justice was that there was no journalistic entities watching court proceedings and holding prosecutors and the police accountable.

At the time, we had been running the Yolo County Court Watch for five years, but I realized that we need to have eyes and writers in every court room in the country in order to change our system.

When I got back from Florida, I promptly made an appointment with San Francisco Public Defender Jeff Adachi and talked to him about the vision I had. He was supportive, but non-committal at that point. But that conversation lay the seeds for what we would be able to do when we got the opportunity.

That opportunity came slowly. We started in 2017 by bringing on board former Sacramento Bee reporter Cres Vellucci to head up the Sacramento Court Watch project. In 2019, after Jeff Adachi tragically passed away, I met with his successor Mano Raju in San Francisco, and he provided us with the support we

needed to launch the Court Watch project in San Francisco, working with Jacque Wilson and an amazing group of young law students and other interns.

Ironically it was COVID and this year that changed our trajectory completely. While the San Francisco Court Watch was fun, it literally required me to get in my car and drive from Davis to San Francisco twice a week - that turned into about 10 hours a week just in driving.

When we recognized that we could meet with interns over Zoom just as easily as we could in person, it was revolutionary. No longer were we physically tied to one location or one school. Suddenly we went from having a few interns at UC Davis and in San Francisco, to have 30 to 50 and sometimes as many as 70 interns across the entire state.

Right now we are able to have our interns from the comfort of their own homes monitor and report on court cases in innumerable counties. Eventually we would assume that court proceedings will be removed from streaming video (although it makes little sense to do that) and we will have to send people physically to their court rooms. But by then, we will have created the infrastructure to simply transform the program.

The exciting thing is that the next steps. This past week, we met with interns at UCLA and Berkeley. The plan now is to create a student publication modeled after the one we created at UC Davis this fall and add to it a court watch component. In other words, we will next month have added an Alameda and Los Angeles Court Watch.

The amazing thing is that thanks to COVID, we figured out a way to organize and support interns from far away. I still believe it would be best to have professional reporters added to the mix. But we are learning fast how to improve the quality of their writing and reporting.

Just last week, we met with the documentary film maker who did the Innocence Files about one of the stories we did, and other publications have taken notice about our prison reporting and our story on Paul Redd, freed from San Quentin after 44 years.

It's exciting. We have figured out how to do this relatively inexpensively, but it still requires money and resources. So please become a sustaining donor - <http://davisvanguard.networkforgood.com> or donate to our year end campaign -

<https://davisvanguard.networkforgood.com/projects/112639-year-end-campaign>

Support our work? Please consider a donation to our year end fund drive!

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Guest Commentary: L.A. and S.F. have it right: No children should be prosecuted as adults

Among the impressive reforms that Los Angeles County District Attorney George Gascón announced upon taking office was the commitment to stop prosecuting children as adults, joining San Francisco District Attorney Chesa Boudin

[Read More](#)

Suffolk County, NY District Attorney Argues Man Wrongfully Convicted in 1991 Homicide

After the Suffolk County District Attorney motioned for a new trial for a man convicted in a 1991 homicide, he was freed based on wrongful-conviction.

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Class Action Lawsuit Filed Against Missouri Jail For Intolerable Living Conditions

Pretrial detainees at Missouri's St. Francois County Jail must endure terrible living conditions, including extreme temperatures, inadequate medical care, unsafe sanitary conditions, and retaliation by jail deputies, according

[Read More](#)

CDCR Implements Mandatory Staff Testing; Vaccinations Begin at CA Healthcare Facility

Alice Davis' husband is incarcerated in California Training Facility (CTF). Due to the pandemic, Davis has not been able to visit him for nearly 10 months. She described her experience to The Californian.

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COVID CDCR and Jail Dashboards

CDCR Death Toll Reaches 114; Hundreds of New Cases Reported Over Christmas Holiday

Our daily run down on the COVID cases in the California Prison System (CDCR)

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No Tests Administered at Santa Rita Jail Since Christmas Day Despite Massive COVID-19 Outbreak

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Judge Refuses to Reduce Felony Domestic Violence Charges; Defendant Allegedly Choked, Punched Ex-Girlfriend

Judge Timothy Fall, here in Yolo County Superior Court Monday, refused to reduce four felony domestic violence charges to misdemeanors in defendant Chris Schlinder's preliminary hearing after hearing from

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Sacramento Court Watch

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Jailed Defendant Claims Court Made Clerical Error in Instructions

Defendant Kamonie Barner – facing jail time after he allegedly failed to take anger management classes – claimed in Sacramento County Superior Court Monday that there was clerical error when the written

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Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

County public defenders here this week insisted their clients should be released from jail because of the current COVID-19 threat, but Alameda County Superior Court Judge Delia Trevino denied their requests.

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Fresno Court Watch

Communication Problem Made Simple Fresno Plea Hearing Difficult

Even though the defendant here could converse in English and Spanish—and had an interpreter just in case, a hearing here Tuesday in Fresno County Superior Court had a series of “communication” problems.

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Riverside Court Watch

Judge Baffled After Hearing Officer Detained Man Who Looked Untruthful

Judge Dean Benjamini was left baffled after hearing a peace officer’s reason for detaining a defendant—that the man appeared untruthful.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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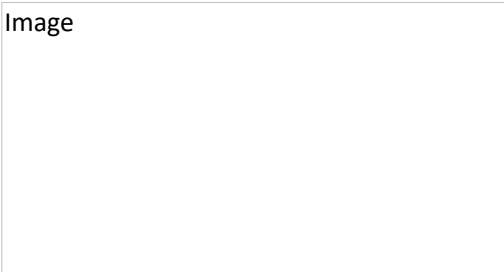
Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

Subject: Valerie - are you ready for 2021?
Date: Tuesday, December 29, 2020 at 5:00:29 PM Greenwich Mean Time
From: David Greenwald
To: valerie.ibarra@sfgov.org

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Hi Valerie,

What better way to say goodbye to 2020 and welcome in 2021 than to make a gift right now to promote the on going work of the Davis Vanguard's COVID-19 tracking project!

Because of your generosity, our amazing group of interns will start the year hitting the ground running.

As COVID-19 continues to effect our everyday lives, it important to keep in mind those who are being hit the hardest by it. ***Our team of 15 interns has been working hard to expose and report on human-rights violations, personal narratives, and data related to the pandemic from over five county jail systems: Alameda, Santa Clara, Sacramento, Yolo, and San Francisco county jails.***

And if we make it to our \$50,000 fundraising goal, we will be able to expand our coverage into more counties that need to be held accountable.

Our team was responsible for uncovering Santa Rita Jail's widespread negligence and violations of COVID-19 guidelines. We also published articles on the jail's rising population, solitary-confinement-style quarantines, lack of proper testing methodologies, among other topics.

Please DONATE TODAY to continue your support to bring more awareness to those who have been hit the hardest by COVID-19.

[DONATE NOW](#)

Thanks in advance for being so generous. I hope you enjoy a wonderful New Year!

David Greenwald
Director of the Davis Vanguard

P.S. Setting up a monthly subscription donation helps to budget your gift over the next year -- for you and us! Please consider making a recurring contribution by [clicking here.](#)

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Subject: Everyday Injustice - Potential Reformers Emerging for AG Appointment; COVID Outbreaks at Yuba and Santa Rita Jails
Date: Monday, December 28, 2020 at 7:00:44 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Clearly, the manner in which California previously handled criminal justice did not make us safer,” Kalra told one publication. “It just locked up a lot of poor people for many, many years. I think that we can be safer by ensuring that our criminal justice system is applied equally.”

Everyday Injustice Newsletter - December 28, 2020

Massive COVID-19 Outbreak in Santa Rita Jail

By Tiffany Devlin

Alameda County Sheriff's Office (ACSO) reported a massive outbreak of COVID-19 cases in Santa Rita Jail (SRJ) on Dec. 23 — right before the Christmas holiday.

In total, ACSO reported 61 cases among the incarcerated population and 17 staff/contractor cases in the two-week period between Dec. 12 and Dec. 25.

As of Dec. 25, there are 55 active cases in custody, of which five are symptomatic and 50 are asymptomatic.

There are 65 “red” patients in custody, who are either showing COVID-19 symptoms, awaiting test results or tested positive. They will be released individually from OPHU, HU 8A or HU 8C when cleared by medical.

There are 185 “orange” patients in custody, who are at an increased risk of contracting COVID-19. Orange patients are currently healthy but are medically vulnerable according to the SRJ patient color coding system outlined in the [COVID-19 Outbreak Control Plan](#).

Approximately 8.7 percent of the jail population is medically vulnerable at the moment. 18 housing pods were quarantined in the span of two weeks. While some have been released early due to negative test results for the index cases, there are currently nine housing pods still under quarantine.

Jail News

Kimi Watkins-Tartt, Director of Alameda County Public Health Department (AC-PHD), discussed the vaccine distribution plan for SRJ's staff and incarcerated population.

She explained that the distribution will be based on a framework created by federal health agencies adopted by California. State agencies determine the dosage allocation per health jurisdiction. AC was expecting to receive the first shipment of the Pfizer vaccine by Dec. 18.

Phase 1A of the [distribution plan](#) will include high-risk health workers, first responders and those in long-term care facilities. Phase 1B will include people of all age groups with comorbidities and underlying conditions that put them at significantly higher risk and older adults living in congregate and overcrowded settings.

SRJ's staff and population fall under Phase 2 of the distribution plan. Currently, the vaccine is voluntary for everyone.

Watkins-Tartt explained that the current allocation of 13,600 doses is not sufficient for everyone eligible in Phase 1. Health officials must prioritize those in the Phase 1 category before moving to the next eligible group.

More detailed information on vaccine distribution recommendations has been developed by the [Advisory Committee on Immunization Practices \(ACIP\) and CDC](#).

[Full report here](#)

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Monday Morning Thoughts: A Large Pool of Candidates for AG

There will be a lot of wrangling over who the Attorney General appointment by Governor Newsom will be—that is if he even gets the opportunity. While President-elect Joe Biden appointed Xavier Becerra to Secretary of Health and

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COVID CHRISTMAS OUTBREAK: ICE Detainee Supporters Charge Sheriff ‘Presiding Over Humanitarian Crisis’ at Yuba County Jail

The Sheriff at the Yuba County Jail ICE Detention Facility here is “presiding over a humanitarian catastrophe,” charged immigrant rights advocates this past holiday weekend, claiming more than 70 people in the jail

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Guest Commentary: A Tale of Two Body Camera Videos

Over the past month, two high-profile incidents reaffirmed why police body cameras cannot serve as a police transparency and accountability tool as long as state law empowers the police to determine what footage the public

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Denver Independent Monitor Releases Review Critical of Police Response to George Floyd Protests

The murder of George Floyd by Minneapolis police on May 25, followed by the murder of Breonna Taylor by Louisville police on March 13, garnered national attention that led to national protests over police brutality and systemic

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Massive COVID-19 Outbreak in Santa Rita Jail; New On-Site Program for Staff Testing – Highlights from SRJ’s COVID-19 Crisis

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COVID CDCR and Jail Dashboards

High Desert Prison Reports Second COVID-19 Death; CDCR Death Toll Reaches 114

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Massive COVID-19 Outbreak at Santa Rita Jail – Over 50 Cases Reported in 24 Hours

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

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Yolo County Court Watch

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The Vanguard Week In Review: Court Watch (Dec. 21 to Dec. 24, 2020)

The Davis Vanguard is an online news forum that provides coverage of criminal justice reform and courts throughout California and the nation. In 2006, the Davis Vanguard began to cover Davis and Yolo County groundbreaking, local

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Sacramento Court Watch

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Social Media Bust: Be Careful What You Post on Social Media

Posting on social media allows individuals to connect all over the world with just the click of a button; however, it also can inform law enforcement of illegal activity.

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Alameda Court Watch

Multiple PDs Argue Recent COVID-19 Spike a Risk for Clients, but Judge Disagrees

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

[Read More](#)

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: The Vanguard still needs your support!

Date: Monday, December 28, 2020 at 5:00:08 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Alternate text

Image

Hi Valerie ,

You still have an opportunity to empower young interns like Julietta and Tiffany to find their voices and advocate for those who need to have their stories told.

Every dollar you give today will be put to good use by allowing us to further fund our Court Watch program and COVID-19 in CA Jails & Prisons projects.

Together, we can do so much more for our community by advocating for those in need. Please make a gift today to support The Davis Vanguard in the new year -- and beyond.

Here are two of our interns giving you their thoughts on how this project had impacted them and those who's narrative they have told.

Alternate text

"While working on the COVID-19 in CDCR project, I've learned a lot about the criminal justice system in conjunction with public health. From collecting daily figures on the number of COVID-19 cases to interviewing incarcerated individuals, this project has allowed me to see the value in what I am doing. I've learned how to work in a team, create visual storyboards, and help bring light to the truth. I am thankful for this opportunity to help give the incarcerated population a voice during a difficult time."

Julietta Bisharyan
Editor-in-chief of the Davis Vanguard at UC Davis.

Alternate text

"I am responsible for tracking COVID-19 in Alameda County's Santa Rita Jail. I collect data from the Alameda County Sheriff's Department website and write daily reports on fluctuations in positive COVID-19 cases, testing rates, population, staff cases, quarantined housing units, and many more. Based on further research and the present data, I also write weekly articles based on the overall data fluctuation. These articles feature testimonies from currently incarcerated individuals, or content from conference calls with the jail. Through this project I was able to develop more skills in investigative journalism, along with how to translate data to analysis in my articles to tell a story."

Tiffany Devlin
Graduating senior at San Francisco State University
B.A. Criminal Justice Studies

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Thanks in advance,

David Greenwald
Director of The Davis Vanguard

P.S. Setting up a monthly subscription donation helps to budget your gift over the next year -- for you and us! Please consider making a recurring contribution by [clicking here](#).

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221 G St Ste 203
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Subject: Everyday Injustice - Impact of COVID on Incarcerated People at San Quentin; How Can the Sheriff Solve Policing in Kern When He's in Denial

Date: Thursday, December 24, 2020 at 7:00:11 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

Kern County Sheriff Donny Youngblood: "I do not believe that the men and women of this organization have EVER violated the constitutional rights, have ever used excessive force that we didn't deal with punitively when we found it – that just doesn't happen in our organization."

Everyday Injustice Newsletter - December 24, 2020

Concerns Over CDCR's Early-Release Programs

By Julietta Bisharyan, Nick Gardner and Jaskiran Soomal

Incarcerated Narratives

40 year-old Michael Espitia is one of the 27 individuals set for early release this month.

Espitia, who was convicted of second-degree murder as a teenager, has spent the past 20-plus years at Substance Abuse Treatment Facility in Corcoran (SATF). SATF is among the state's worst hit prison's following a massive outbreak of COVID-19 in early November.

On the date Espitia's request for parole was approved — Dec. 11 — 720 individuals within SATF were reported to be carrying the deadly virus.

Espitia will now have to wait a maximum of 120 days for the decision to be finalized by both the Board of Parole Hearings and Gov. Newsom.

Espitia's wife, Olga, described being in "shock" following news of her husband's decision. While Olga is relieved to see Espitia's release process set in motion, she is worried about the risk of contracting COVID-19 during his last 4 months behind bars.

She says, "Sixty days, not 120 days, you know? I think 60 days is more than enough time for them to rethink their decision in a sense and get these signatures."

In a statement to Action News, CDCR confirmed that parole hearings are being expedited, and that priority will be given to high risk individuals as well as those within institutions experiencing large outbreaks of COVID-19.

On Sunday, family members of incarcerated people gathered at eight Central Valley prisons — Avenal State Prison, Pleasant Valley State Prison, CA State Prison Corcoran, and Substance Abuse Treatment Facility to protest CDCR's response to the pandemic.

However, certain CDCR decisions have sparked public outrage, especially from family members of

victims and prosecution teams. The decision in early November to release Richard Anthony Sepolio, a disgraced Naval petty officer who killed four and injured several following an alcohol-induced car crash in San Diego, garnered widespread disapproval.

Olga is aware of the gravity of her husband's decision as a teenager, but wants people to know that he is truly regretful and ready to re-enter society as a reformed and productive individual.

"There's nothing he can do to bring that individual back and I understand that and I feel for that family, those people," Olga acknowledged. "But at the same time, he can make a difference to another child that's out there thinking that they can go out and live life like this. He can make a difference to them."

[Full story here](#)

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Commentary: Kern County Sheriff Has Worst Record in Nation in Officer Involved Shootings; But Denies AG's Allegations

California Attorney General Xavier Becerra – appointed by Biden to head us Health and Human Services – has been rightly criticized for failing to hold police accountable for misconduct and officer-involved shootings.

[Read More](#)

Guest Commentary: Impact of COVID-19 on the Inmates and Guards Inside San Quentin

It was at the height of the COVID-19 outbreak at San Quentin State Prison when I overheard an inmate call out to a correctional officer who worked the tier. "Hey, CO," he said. The officer returned and looked through the bars of the

[Read More](#)

Guest Commentary: Why COVID-19 Makes

Marijuana Enforcement a Waste of Resources

In red and blue states, from rural areas to urban centers, marijuana and drug policy reforms are uniting Americans at a time of deep political division. Voters passed every ballot initiative regarding cannabis

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SFDA's Office Report Reveals 'Justice Driven Data' has Led to Decrease in Crime During COVID Pandemic

Despite faced with the COVID-19 crisis just a few months after election, San Francisco District Attorney Chesa Boudin a report by the SFDA's office shows how the use of "Justice Driven Data" led to a decrease

[Read More](#)

Ohio Mayor Requests Removal of Officer for Not Turning on Body Camera during Fatal Police Shooting

Mayor Andrew Ginther called for the immediate termination of a police officer who failed to turn on his body camera during his fatal shooting of an unarmed Black man early Tuesday.

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak at Sierra Conservation Center and CSP Solano Over Weekend

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Our daily run down on the COVID cases in selective County Jails

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde

Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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After Violating TRO Multiple Times, Man Still Released after Taking Deal in Stalking Case

Yolo County Superior Court Judge David Rosenberg approved the release, with sentencing set for February, of Estaban Ascencio Wednesday after the defendant pleaded no contest to a stalking charge and promised

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Sacramento Court Watch

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Judge Says 'Time' for Defendant to 'Go to Prison' Following Fifth Felony Conviction

You might say defendant George Tutt ran into a tough judge Wednesday in Sacramento County Superior Court, Dept. 62 on December 23 as he tried to resolve his case. In short, Judge Michael A. Savage denied Tutt's release from custody

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadoran immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Re: TRO filed in Zepeda Rivas today
Date: Thursday, December 24, 2020 at 6:55:42 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Correction - the Government responded at 9pm; the judge ruled at 11pm.

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Thursday, December 24, 2020 10:54 AM
To: David M. Greenwald <info@davisvanguard.org>
Subject: Re: TRO filed in Zepeda Rivas today

Here's the order from the judge (came out at 9pm last night). Please contact Emilou.Maclean@sfgov.org and/or Kelly.Wells@sfgov.org for any follow-up. Thank you!!

From: Ibarra, Valerie (PDR)
Sent: Wednesday, December 23, 2020 2:21 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: TRO filed in Zepeda Rivas today

Hi David - here's today's filing; the judge has ordered the government to respond by 6pm tonight. If you need to do any interviews - both Emi Maclean and Kelly Wells are available today. Feel free to reach out to them directly if needed, and just cc me.

Emilou.Maclean@sfgov.org
Kelly.Wells@sfgov.org

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: Re: TRO filed in Zepeda Rivas today
Date: Thursday, December 24, 2020 at 6:54:35 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: ORD.DCT.922 Order Granting Motion for TRO.pdf

Here's the order from the judge (came out at 9pm last night). Please contact Emilou.Maclean@sfgov.org and/or Kelly.Wells@sfgov.org for any follow-up. Thank you!!

From: Ibarra, Valerie (PDR)
Sent: Wednesday, December 23, 2020 2:21 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: TRO filed in Zepeda Rivas today

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Emilou.Maclean@sfgov.org
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Thank you,
Valerie

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: TRO filed in Zepeda Rivas today
Date: Wednesday, December 23, 2020 at 10:21:17 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: 911 Motion for TRO.pdf

Hi David - here's today's filing; the judge has ordered the government to respond by 6pm tonight. If you need to do any interviews - both Emi Maclean and Kelly Wells are available today. Feel free to reach out to them directly if needed, and just cc me.

Emilou.Maclean@sfgov.org
Kelly.Wells@sfgov.org

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: Everyday Injustice - AG Hammers Kern Sheriff Who Denies Charges; Weber Named Sec of State
Date: Wednesday, December 23, 2020 at 7:02:45 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We've entered a new era for policing in America. Accountability and transparency are drivers of today's reform and many in law enforcement in California are accepting the challenge," said Attorney General Becerra.

Everyday Injustice Newsletter - December 23, 2020

If You Don't Acknowledge a Problem You Can't Solve Policing

By David Greenwald

California Attorney General Xavier Becerra - appointed by Biden to head us Health and Human Services - has been rightly criticized for failing to hold police accountable for misconduct and officer involved shootings.

On Tuesday, he rolled out a major announcement with a settlement aimed at reforming "a wide range of practices at the Kern County Sheriff's Office "

The settlement came after a four year investigation by California DOJ. They had major findings with regards to the use of unreasonable force, unreasonable stops, searches, and seizures, and failure to exercise appropriate management and supervision of deputies both on patrol and in the county's jails.

"We've entered a new era for policing in America. Accountability and transparency are drivers of today's reform and many in law enforcement in California are accepting the challenge," said Attorney General Becerra. "Today's settlement with the Sheriff's Office is a critical step in helping rebuild trust and partnership in Kern County. It won't happen overnight, and we'll all have to stay on task. But, these are the steps our communities want to see us launch for safer neighborhoods."

So far so good, especially since Kern County Sheriff has a long history of complaints.

But then Sheriff Donny Youngblood got up and said, "I want to make it clear that we don't agree with everything that the attorney general has said."

He said, "I do not believe that the men and women of this organization have EVER violated the constitutional rights, have ever used excessive force that we didn't deal with punitively when we found it - that just doesn't happen in our organization."

"We disagreed with that, he said. "With that said, we realized that when the DOJ came in, we realized that they found deficiencies and when they pointed them out, they were correct..."

I don't think the press conference did justice to this issue. The questions asked by reporters were frankly a disgrace asking questions about how they can implement reform during times of rising crimes.

But the history here is bad. [The Guardian](#) in 2015 did a series on "the story of America's deadliest police." They write: "Police in Kern County, California, have killed more people per capita than in any other American county in 2015. The Guardian examines how, with little oversight, officers here became the country's most lethal."

In 2017, [the ACLU](#) release a report "on the use of excessive force by the Kern County Sheriff's Office and Bakersfield Police Department. The findings of the study show a disturbing pattern of shootings, beatings and canine attacks by police and sheriff's deputies, beyond what was called for in numerous law enforcement situations, especially when dealing with unarmed individuals."

And this documentary from [KCET](#) in Los Angeles.

"Relatives of the victims have organized, holding protests in front of the Bakersfield Police Department, urging for more accountability and transparency in the form of body cameras and thorough homicide investigations. Hear from law enforcement officials who must make split-second decisions when their lives are threatened, and families who continue to grieve and fight for justice."

But Sheriff Youngblood disputed the findings even as he agreed to the remedy and few where there or asked the tough questions to hold him accountable.

My question how do you solve a problem that you won't admit you have? A settlement agreement is fine, but there has to be an institutional will to change.

Thanks for reading.

[Full article is here.](#)

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Criminal Justice News/ Commentary

Commentary: Reactions to Newsom's

Appointments – ‘Yay’ and ‘Meh’

It was a busy day for Governor Gavin Newsom as he filled the Senate seat vacated by Vice President-Elect Kamala Harris with Secretary of State Alex Padilla, becoming the first Latino US Senator to represent California. And that

[Read More](#)

The Truth Act: Three Testimonials Provide a Window on the Human Cost of Police Collaboration with ICE Officials

The Transparent Review of Unjust Transfers and Holds (TRUTH Act) requires that governors, who give ICE officials access to any person during the year, hold at least one public community forum, to share information about how this

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Coalition Voices Support for George Gascón’s Progressive Criminal Justice Reforms

Although there has been some backlash to newly elected Los Angeles County District Attorney George Gascón’s progressive platform, multiple southern California criminal justice reform organizations Monday voiced united

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Missouri County Jail Faces Lawsuit Alleging Inhumane Conditions, Inadequate Medical Care

Pretrial detainees endured unconstitutional, discriminatory, and dangerous conditions at the St. Francois County Jail in Farmington, MO, according to a complaint filed Monday by the Simon Law Firm, Vonne Karraker and

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak at Sierra Conservation Center and CSP Solano Over Weekend

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Yolo County Court Watch

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The Vanguard Week In Review: Court Watch (Dec. 14 to Dec. 18, 2020)

The Davis Vanguard is an online news forum that provides coverage of criminal justice reform and courts throughout California and the nation. In 2006, the Davis Vanguard began to cover Davis and Yolo County groundbreaking, local

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Sacramento Court Watch

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Judge is No Grinch, Rewards Defendant for Hard Work by Dismissing Her Case

Sometimes district attorneys can be Grinches, but fortunately for Kathy E. Miller this week here in Sacramento County Superior Court, Judge Scott Tedmon rewarded Miller's work ethic with an early Christmas gift, agreeing to

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

Subject: Happy Holidays Valerie!

Date: Wednesday, December 23, 2020 at 7:00:16 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Alternate text

Merry Christmas for the Davis Vanguard Team!

Image

Merry Christmas, Valerie!

It's the season of fun and laughter, cheer, presents, and glittering Christmas lights!

The team at Davis Vanguard would like to thank you for all of your support this year. Thanks to you, we have been able to better serve *your community* by expanding our local news coverage to help keep you informed on issues that matter.

We hope that you will continue to show your support of the Vanguard by giving a generous donation this month.

Thanks to a gracious donor and supporter of the Vanguard, all donations made by the end of this month will be doubled!

That means your donation will have double the impact!

As this year comes to an end, we hope you will continue to support the Vanguard and help us bring more awareness to the issues that matter to you.

DONATE TODAY!

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\$25

\$50

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Subject: Everyday Injustice - UCLA Report Paints Dire Picture of Prolonged Detention; NYC Investigation Finds NYPD Used 'Excessive Enforcement' against George Floyd Protesters

Date: Tuesday, December 22, 2020 at 7:00:42 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"The NYPD as an institution made a number of key errors or omissions that likely escalated tensions and the potential for violence, and certainly contributed to a public perception that the department was suppressing rather than facilitating lawful First Amendment assembly and expression," Garnett said.

Everyday Injustice Newsletter - December 22, 2020

"COVID-19 could only have reached death row via staff. Many of us believe this was intentional."

By Jaskiran Soomal

This account is part 3 of the Vanguard's series on COVID-19 stories from CDCR. Click [here](#) for part 2 and [here](#) for part 1.

"We are all painted with the same brush"

Steve* has been incarcerated at San Quentin since 1983 and eligible for parole since 1997. He shared his experience battling COVID-19 in an interview with the Davis Vanguard.

San Quentin has had 2,243 cases and 28 COVID-19 related deaths, the third highest cases count and highest death toll respectively across CDCR.

Steve tested positive during the first COVID-19 wave in July. He was subsequently sent to the “hole” for quarantine that lasted 2 months.

He said, “If someone is thought to be positive, they are basically punished by being placed in isolation. This happened to me, I was told that I would be in quarantine for 10 to 12 days...This was a lie. I was held in the hole for 60 days...”

He added that the nurses did not notice him for the first 10 days. None of them could offer a clear answer regarding the medical protocol for positive patients or justify a 60 day quarantine.

He was finally released and allowed to return to his cell after continuously reminding them that he was well past his 14-day quarantine. Many others have undergone indefinite quarantine, which has become akin to solitary confinement. “The distrust of medical is overwhelming,” he says.

“Absolutely no medical care is provided to those who test positive unless they are so ill they require hospitalization,” he adds.

Regarding testing, Steve says tests are only being administered for those who were not positive in the past. These tests are offered once every week or two.

CDC guidelines recommend upper respiratory tests for initial diagnosis of COVID-19. However, numerous reports have emerged of jails and prisons using nasal swabs instead of nasopharyngeal tests. At San Quentin, Steve says, “Inmates are handed a swab which they place shallowly in their noses. No deep swabbing.”

Nasal swabs and self-testing are known to have a higher false negativity rate. Steve and others have also questioned the accuracy of the tests, as they have observed a high number of false positives and false negatives.

He states that nurses visit housing units placed on full quarantine twice a day offering temperature checks, however, many decline them to avoid solitary confinement-style quarantines if they show a higher temperature or subsequently test positive.

[Full article is here.](#)

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Criminal Justice News/ Commentary

Report Out of UCLA Law School Paints a Dire Picture of Prolonged Detention in LA County Jail During COVID

The crisis from the COVID-19 pandemic did not cause the overcrowded and dangerously unhealthy conditions in jails like Los Angeles County, but researchers at UCLA Law School found that while the conditions have been bad for

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NYC Investigation Finds NYPD Used 'Excessive Enforcement' against George Floyd Protesters

The New York Police Dept. response to the George Floyd protests was "excessive" against protestors and "undermined public confidence in the NYPD's discharge of its responsibility to protect the rights of

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Soledad Inmates Provide Scholarship for Academy of Arts Freshman

Academy of Arts freshman Syon Green was able to finish his high school career with a scholarship provided by the Soledad inmates with the hope that Green is not the last to receive such a scholarship.

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Concerns Over CDCR's Early-Release Programs; COVID-19 High-Risk Transfers Halted Indefinitely

Espitia, who was convicted of second-degree murder as a teenager, has spent the past 20-plus years at Substance Abuse Treatment Facility in Corcoran (SATF). SATF is among the state's worst hit prison's following a massive

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak at Sierra Conservation Center and CSP Solano Over Weekend

Our daily run down on the COVID cases in the California Prison System (CDCR)

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COVID-19 Cases Surge in Santa Clara Jails

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Victim's Sister Delivers Emotional Objection to Defendant's Proposed 12-Year Sentence for Stabbing Brother

Assistant Public Defender Patricia Beza Contreras and Deputy District Attorney Matthew Michael Chisholm of the Sacramento District Attorney's Office came to a resolution on behalf of the defendant, Norva Patton.

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Man Threatens to Kill Family after Taking Photographs in Their Front Yard

Robert Hasse—earlier this month found “incompetent” to stand trial—Monday was ruled by Sacramento County Superior Court Judge Kevin J. McCormick, after a preliminary hearing, competent enough to go before a jury .

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Subject: Everyday Injustice - A Letter from an Innocent Man Wrongly Incarcerated; San Quentin Inmates Blame Staff For COVID Spread

Date: Monday, December 21, 2020 at 7:01:26 PM Greenwich Mean Time

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“COVID-19 could only have reached death row via staff. Many of us believe this was intentional.”

Everyday Injustice Newsletter - December 21, 2020

All Eyes Should Be On Colorado on a Potential Model of Police Reform

by David Greenwald

[The Marshall Project](#) in partnership with NBC News has published a report Colorado's grand experiment which limits immunity for the police. The idea was to eliminate the protection of "qualified immunity," protecting individuals police officers from liability. Ultimately the bill was watered down by a police union and undermined by some local officials, and it will be tested in court soon as well.

But still - this is a tremendous way forward. Police officers who violate people's civil rights can no longer hide behind qualified immunity which means they get defended by their municipality and shielded from personal liability in state court.

Qualified immunity is a legal doctrine that prevents government workers from being held liability for what they do on the job - except in very rare occasions.

Some legal experts are praising the new law.

"Colorado has passed what is, for the moment, the gold-standard reform," said Robert McNamara, a senior attorney at the Institute for Justice, a libertarian non-profit. "These laws are changing the status quo as to when there are consequences for bad behavior."

And of course the change is drawing heavy criticism from police unions "which say qualified immunity is essential to protect their members from being sued for doing their jobs, and from some local governments which fear it will hurt their abilities to recruit and retain officers. "

The Marshall Project notes that in 1967, the US Supreme Court "qualified immunity" exception that helps government officials. Under the ruling, they cannot be sued if they were acting in good faith and did not know they were violating the law.

The article points out: "Over the years, the court expanded that doctrine so that now, even police officers who knowingly violate someone's rights are protected—unless a court has ruled that their behavior was unconstitutional in a previous case involving nearly identical circumstances."

Justice Sonia Sotomayor in her scathing dissent blasted qualified immunity arguing, "it also sends an alarming signal to law enforcement officers and the public. It tells officers that they can shoot first and think later, and it tells the public that palpably unreasonable conduct will go unpunished. "

She said that qualified immunity is an "absolute shield" for officers accused of brutality.

Mississippi federal court Judge Carlton Reeves, reluctantly held that a white police officer who detained, interrogated, and illegally searched Clarence Jamison, a Black man driving a Mercedes-Benz, for nearly two hours despite clearing multiple background checks, could not be held accountable for his actions.

He said, "Judges have invented a legal doctrine to protect law enforcement officers from having to face any consequences for wrongdoing. The doctrine is called 'qualified immunity.' In real life it operates like absolute immunity."

The ACLU argues, "Qualified immunity is a legal defense that can shield police officers from liability for misconduct. Once an obscure legal doctrine, it has become a **central focus** of activists' calls for police accountability following nationwide protests over police brutality."

They believe the Supreme Court should "abolish qualified immunity and return Section 1983 to its original meaning."

Will holding individual police officers accountable change their conduct - as we have seen with body cameras, not necessarily. But shielding bad conduct clearly doesn't work either.

We now get to see what happens in Colorado to see if it improves the situation.

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Criminal Justice News/ Commentary

Guest Commentary: A Letter from an Innocent Man Wrongly Incarcerated

First and foremost I hope that this supplication for help, succor, grace and mercy has found you in the best of spirits. My name is Tevarez Richard Lopez but I'm addressed by the jail I've been sitting in for five years now as inmate

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“COVID-19 could only have reached death row via staff. Many of us believe this was intentional.”

Steve* has been incarcerated at San Quentin since 1983 and eligible for parole since 1997. He shared his experience battling COVID-19 in an interview with the Davis Vanguard.

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Looking Back: Reintegration Into Society Is Most Often Difficult

Reintegration into society following imprisonment, whether one was in prison wrongfully, as I was, or as the result of having committed a crime, is a very difficult experience. As many are aware, I was incarcerated for 16 years for a crime

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After Backlash, LA District Attorney George Gascón Reverses New Policy on Sentencing Enhancements

Newly sworn-in Los Angeles District Attorney George Gascón issued an open letter Friday after backlash that he received about his new policies which would eliminate all sentencing enhancements.

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Coalitions Commend DA Gascón's Effort to End 'Racist' Sentencing Guidelines

The DROP Life Without Parole (LWOP) coalition and California United for a Responsible Budget (CURB) issued a statement this week that they “enthusiastically welcome” Los Angeles District Attorney George Gascón’s new

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Judge Disqualifies Conservative San Luis Obispo County DA from Prosecuting BLM Activist

It had been a contentious case that pitted a conservative prosecutor against a prominent Black Lives Matter activist in a California county with a near-even left-right divide. But a superior court judge has now disqualified the district

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COVID CDCR and Jail Dashboards

CDCR COVID-19 Death Toll Surpasses One Hundred – Four More Deaths Since Yesterday

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Big Questions, Big Doubt but Judge Sends Grand Theft Case to Jury Trial

There appeared to be many questions left to answer in Sean Pelton's grand theft preliminary hearing here Friday in Sacramento County Superior Court—and Judge Stephen Acquisto indicated he has big doubts even as he sent

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Not Unusual Goings On: Judge Hikes Rather Than Reduces Bail for Defendant

As often happens, a plea by a defendant here in Sacramento County Superior Court to have bail lowered had the opposite result, when the judge—after reviewing the file—boosted the bail amount needed to be released.

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Man Pleads No Contest to Domestic Battery, 2 Other Counts Dropped

After facing three misdemeanor counts involving domestic abuse—including repeatedly punching the alleged victim in the face with full force—a Sacramento man was sentenced last week to 45 days after pleading no

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Alameda Court Watch

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Subject: Everyday Injustice - Judge Recuses SLO DA Office For Bias in BLM Case; Long Pardoned After 44 Years Wrongly Imprisoned
Date: Friday, December 18, 2020 at 7:00:35 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"Guerrero's ruling required, not only Dow, but the entire San Luis Obispo County District Attorney's Office to recuse itself from the Arata case, a decision seen as a clear victory for the defendants."

Everyday Injustice Newsletter - December 18, 2020

Ronnie Long Pardoned

By David Greenwald

Ronnie Long served 44 years in prison in North Carolina for a crime he did not commit, but in August, the Fourth District Court of Appeals overturned his conviction and the state AG's office dismissed charges allowing him to be released. But that was only one step.

On Thursday, North Carolina Governor Roy Cooper pardoned Long, making him eligible for \$750,000 in compensation (a pittance compared to the actual damages, but at least a way to ensure that Long will be taken care of).

In his pardon, Governor Cooper noted that the Court of APpeals issued a ruling that his "due process rights were violated by the suppression of material, exculpatory evidence in violation of Brady v. Maryland... and remanded his case to the district court."

The US District Court then granted the writ and vacated his convictions, ordering his release.

"I, Roy Cooper, Governor of the State of North Carolina in consideration of the above factors and by virtue of the powers and authority vested in me by the Constitution of the State, do by these presents Pardon of Ronnie Wallace Long, it being a Pardon of Innocence."

In a concurring opinion written by Judge Wynn and signed onto by Judges Thacker and Harris they note, "Without a doubt, no reasonable jury could find Mr. Long guilty based on the undeniable facts before us today: suppressed physical evidence failing to link Mr. Long to the crime scene, the perjured testimony of investigating officers, missing key biological evidence, and an eyewitness identification obtained through means now illegal in North Carolina."

Judge Wynn in the concurring opinion wrote that "while I am in full accord with the majority that Mr. Long would be entitled to additional discovery if it were necessary, I believe there to be no need for it. Rather, justice demands that we immediately grant Mr. Long the relief he has pursued for forty-four years."

The judge continued, "This case exemplifies how our current habeas precedent incentivizes and rewards bad faith on the part of police and prosecutors. Our habeas precedent rewards state actors guilty of Brady violations for committing additional constitutional violations in order to subject the Brady claim to a higher standard of review. But keeping an innocent man in prison should not be considered a 'reward.'"

Duke law professor Jamie Lau in an email to media noted, "The Fourth Circuit has now affirmed what we have said all along — that Mr. Long's constitutional rights at trial were repeatedly violated by dishonest police officers and the suppression of evidence. No reasonable juror would ever convict Long knowing these facts, and it is time for the State of North Carolina to set him free."

He added, "Our efforts in state court take on even more significance now, as Mr. Long's life is potentially at stake due to the global pandemic ... If North Carolina cares about fairness and accuracy in its criminal justice system, Ronnie Long must be free."

"I'm blessed that it happened," Ronnie Long told the Vanguard. "But with the circumstances surrounding the case it should have happened way before now."

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Criminal Justice News/ Commentary

Judge Disqualifies Conservative San Luis Obispo County DA from Prosecuting BLM Activist

It had been a contentious case that pitted a conservative prosecutor against a prominent Black Lives Matter activist in a California county with a near-even left-right divide. But a superior court judge has now disqualified the district

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CA Supreme Court Rules SB 1437 Allows Relief for Defendant Who “Aided and Abetted” in Crime Resulting in Murder

The California Supreme Court Thursday reversed a Court of Appeal’s decision relating to Senate Bill 1437, ruling that a defendant convicted for second-degree murder under the natural and probable consequences theory is eligible

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Scandal-Plagued Sacramento Lawmaker and Ex-Cop Considers Run for Sheriff

California Assemblymember Jim Cooper announced Tuesday that he is mulling a run for county sheriff. Cooper, a former Sacramento County sheriff’s deputy, tweeted that he’s “been asked by many elected officials and citizens

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Federal Grand Jury Formally Indicts 6 Men for Conspiracy to Kidnap Michigan Governor Over COVID Policies

U.S. Attorney Andrew Birge announced Thursday that a federal grand jury has indicted six men for conspiring to kidnap Michigan Governor Gretchen Whitmer – reportedly in retaliation to her coronavirus policies.

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COVID CDCR and Jail Dashboards

CDCR COVID-19 Death Toll Surpasses One Hundred – Four More Deaths Since Yesterday

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Yolo County Court Watch

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Judges Cites Educational Kinship to Defendant, Expunges Reckless Driving Case

After a long day filled with arraignment hearings, Dept. 1 of Yolo County Superior Court ended on a compassionate note, despite some technical difficulties.

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Sacramento Court Watch

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Fearing Kidnapping, Concerned Mother Asks Court to Keep Abuser in Jail – Judge Agrees

Andres Gutierrez allegedly violated a court order and his probation, according to a victim who told a courtroom here that she feared he was going to kidnap her children.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Riverside Court Watch

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Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

Subject: Everyday Injustice - Cooper Considers Sheriff Run; Voices of Former ICE Detainees Still Haunted by Abuse
Date: Thursday, December 17, 2020 at 7:01:06 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"It just shows you what those people think of us community members, they call us illegals and jam us in a place that's fit for only 52 people and yet they put 400 people in there to maximize their pockets."

Everyday Injustice Newsletter - December 17, 2020

Jim Cooper Considers Run For Sacramento Sheriff

by David Greenwald

He's a Democrat, he's Black, but he is also an ex-police officer who has generally supported draconian law and order issues and opposed most reforms including SB 1437.

On Tuesday he tweeted, “After a 30-year career in law enforcement, I’ve been asked by many elected officials and citizens across the county to seek the open Sheriff’s seat in Sacramento County in 2022.”

He said, “At this point, I am only weighing my options and considering what is best for my family, the people of the 9th Assembly District, and for the citizens of Sacramento County.”

In a fiery exchange with the Democratic Party of Sacramento County, he tweeted, “@sacdems your lack of leadership and ignorance is beyond troubling and is exactly why there has never been a Democratic Sheriff in Sac County in 170+ years. I’ve been a lifelong proud Democrat and I always will be!”

He added, “Perhaps the @sacdems party should look at history and how your leadership has massively failed to elect a Dem as Sheriff. Moreover, you should reflect on how you complain about current electeds, instead of immediately disenfranchising potential future change.”

The Appeal in an article on Wednesday did not hold back, “California Assemblymember Jim Cooper may seek to be Sacramento sheriff once more—despite sexual harassment allegations and a long history of outlandish antics.”

It noted: “he led a scandal-plagued life in public service, including an incident in which he **admittedly called the then-mayor of Elk Grove “a bitch.”** He also was accused of overseeing a county jail where **suicides spiked** and deputies **forced women to strip and dance for them**, and was involved in another incident in which a judge **issued a restraining order against him** after he allegedly threatened to shoot a man in the back of the head.”

The article adds, “Perhaps most notably, while working as a sheriff’s deputy in 2005, Cooper was reportedly investigated by Internal Affairs after he was anonymously accused of asking a woman who’d recently gotten engaged if she wanted some “jungle love” before getting married. Although Cooper denies any wrongdoing or that the incident constituted sexual harassment, he has stated in the past that he believed the remark **was an “off-color joke in the workplace.”**”

Personally would be less concerned about the personal indiscretions and more concerned with his record which has been to push for a series of anti-reform law enforcement policies “including a failed 2017 bill **opposed by the American Civil Liberties Union** that would have made it easier for police and immigration agents to search the phones of Californians.”

The Appeal writes: “In 2019, Lara Bazelon, a professor of law at the University of San Francisco, assailed Cooper’s pro-law-enforcement record as a lawmaker and **told The Appeal that** he “uses charged language to make people feel angry, vulnerable, and reactive, which then promotes the policies he wants. It’s all about propping up mass incarceration and fighting change.””

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Criminal Justice News/ Commentary

CA Sheriff ‘Refuseniks’ – Orange County Sheriff Rebuffs Court Order to Cut Jail Population in Half Because of COVID-19 Threat

Elected California Sheriffs up and down the state have refused to enforce COVID-19 mask orders and avoided requirements to make jails safer by not distributing masks to inmates or even requiring their own

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Homeless Citizens ‘Aggressively’ Thrown from Stockton Blvd. Encampment – Activist Groups Urge Health Department to Intervene

“We are in a state of crisis here locally in Sacramento..we may be the best city to live [in], but we are not the best city to live [in] if you are poor or unhoused,” charged Faye Wilson Kennedy of the Sacramento Poor People’s Campaign

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Guest Commentary: Biden Can End the Mass Detention of Immigrants

The administration of President-elect Joe Biden must do more than reverse the cruel immigration policies of the Trump administration. While the Trump administration’s policies have been particularly egregious, they are just the

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“My dinner was two spoonfuls of rice, beans, peas, carrots and casserole” – COVID-19 Stories from CDCR’s Valley State Prison

Blake* is incarcerated at Valley State Prison (VSP) in Chowchilla. The Vanguard received a copy of a letter she wrote to her loved ones detailing her experience with COVID-19 . “Covid sucks. Prison sucks. Covid in prison

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Yolo County Court Watch

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Hearing on Edens Delayed until February, Possibility of Settlement Cited – Details in the Case against Former Davis Police Officer Remain Murky

While the public still does not know the full extent of the allegations against former Davis Police Officer Trevor Edens, a preliminary hearing was postponed until February, with defense counsel suggesting the possibility of some

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Sacramento Court Watch

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'Buzz Ball' Driver Faces 2 Felonies after Allegedly Causing Severe Injuries

At a preliminary hearing here in Sacramento County Superior Court Wednesday, Teunie Turner admitted she consumed a few sips of a "Buzz Ball," and turned head-on into another car, causing severe injuries to the passenger

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Everyday Injustice - Senator Reintroduces Bill To Reduce Incarceration; Will Newsom Select a Progressive Prosecutor as AG?

Date: Wednesday, December 16, 2020 at 7:00:08 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"The War on Drugs failed. Let's own that failure & move forward. We introduced new legislation to end mandatory prison time for drug possession, which fuels mass incarceration. Judges will now have discretion to instead sentence to probation or suspended sentence," tweeted Senator Wiener.

Everyday Injustice Newsletter - December 16, 2020

**Will Newsom Select a
Progressive Prosecutor To Fill AG Vacancy?**

by David Greenwald

A case out of San Luis Obispo illustrates the ongoing problem with the California Attorney General's office. A judge recused the San Luis Obispo DA's office from prosecuting a high profile case involving a protester due to bias. It was an unusual action, but now the AG's office has to decide whether to fight the judge's ruling, dismiss the charges against the protester, or simply prosecute the case.

Say what? All across the country cases like these are being dismissed by local DA's, this DA was found to be acting with bias – a very unusual finding and yet this matter was not simply dismissed by Becerra's office. It's very reminiscent of the shortcomings of both Kamala Harris and Xavier Becerra with regards to Orange County's scandals – where first the AG's office fought the dismissal of the OC DA's office and then the removal of the death penalty before they finally failed to charge anyone with government misconduct.

We have a chance to change that because President-elect Biden appointed Becerra to serve as Health and Human Services secretary. If Becerra is confirmed by the U.S. Senate early next year, Governor Newsom gets a chance to appoint a replacement for the next two years.

Many want to see him select a progressive prosecutor – someone who will take critical action on criminal justice reform, police and prosecutorial accountability.

A key figure here might be Cristine Soto DeBerry. Right now, she heads up the Prosecutors Alliance of California, which was founded by SF DA Chesa Boudin and LA DA George Gascon as a counterweight to the California District Attorney's Association.

DeBerry has an interesting record, she was Deputy Chief of Staff to Newsom when he was San Francisco Mayor, former Chief of Staff to the San Francisco District Attorney's office under both Chesa Boudin and George Gascon and a member of Gascon's transition team.

She told the LA Times this week that she “expects the governor to appoint an attorney general with a modern, progressive perspective on criminal justice — rejecting the tough-on-crime attitude that prevailed in California through the end of the 20th century.”

The Times reports that while Gascon is committee to serving as DA in Los Angeles, his pick could be modeled after him.

The Times has a whole list of potential candidates which include people like Contra Costa DA Diana Becton but also San Francisco City Attorney Dennis Herrera (who most progressives would probably question).

More intriguing to me might be Rob Donta, a Assemblymember out of Alameda and Ted Lieu. Ted Lieu is now a congressman from Toerrance, but in 2010 ran for Attorney General against Kamla Harris in the primary and lost. When I interviewed him back in 2009, I was favorably impressed (and decidedly unimpressed with Harris).

I have heard some interesting lesser known possibilities. But the key for me is someone who has a progressive bent – people like Boudin, Gascon, and Becton who will move us forward and not dodge tough issues on prosecutorial misconduct and police oversight as the last two AGs have done.

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Criminal Justice News/ Commentary

CA Sheriff ‘Refuseniks’ – Orange County Sheriff Rebuffs Court Order to Cut Jail Population in Half Because of COVID-19 Threat

Elected California Sheriffs up and down the state have refused to enforce COVID-19 mask orders and avoided requirements to make jails safer by not distributing masks to inmates or even requiring their own

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Homeless Citizens ‘Aggressively’ Thrown from Stockton Blvd. Encampment – Activist Groups Urge Health Department to Intervene

“We are in a state of crisis here locally in Sacramento..we may be the best city to live [in], but we are not the best city to live [in] if you are poor or unhoused,” charged Faye Wilson Kennedy of the Sacramento Poor People’s Campaign

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Guest Commentary: Biden Can End the Mass Detention of Immigrants

The administration of President-elect Joe Biden must do more than reverse the cruel immigration policies of the Trump administration. While the Trump administration’s policies have been particularly egregious, they are just the

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‘War on Drugs Failed’ Tweets Lawmaker; Introduces State Legislation to Untie Hands of Judges in Drug Sentencing

Incarceration for simple drug possession could soon end – or at least be minimized – under legislation introduced here at the State Capitol by State Senator Scott Wiener to repeal mandatory minimums that

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“My dinner was two spoonfuls of rice,

beans, peas, carrots and casserole” – COVID-19 Stories from CDCR’s Valley State Prison

Blake* is incarcerated at Valley State Prison (VSP) in Chowchilla. The Vanguard received a copy of a letter she wrote to her loved ones detailing her experience with COVID-19 . “Covid sucks. Prison sucks. Covid in prison

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COVID CDCR and Jail Dashboards

CDCR COVID-19 Death Toll Surpasses One Hundred – Four More Deaths Since Yesterday

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Rita Jail’s Staff Cases Rise; Population of High-Risk Patients Peaks

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

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Yolo County Court Watch

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Defendant Does Not Take Advantage of Treatment Center – Now to Reside in Risky Yolo Jail

Defendant Christopher Appleby, a Yolo County Superior Court judge ruled Monday, had a chance for a treatment program bed, but instead will be spending his time in a COVID-19 risky jail.

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Sacramento Court Watch

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Two Vehicle-Related Domestic Abuse Cases Now Set for Trial in 2021

It was a short morning in Dept. 4 of Sacramento County Superior Court for Judge Steve White as he oversaw just two cases, both of which involved a lover's quarrel turned bad. And motor vehicles.

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Judge Sets Trial of Man Accused of Dozens of Child Molestation Incidents with One Victim

A Sacramento County Superior Court judge Tuesday found Dante Ramon Colbert likely guilty at his preliminary hearing, after testimony from an officer investigating dozens of child molestation incidents that allegedly occurred

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Communication Problem Made Simple Fresno Plea Hearing Difficult

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Riverside Court Watch

Riverside Judge Admits COVID Impacting Riverside Courts, Sidelining Its Judges and Staff – But Gov. Says Hope Is on Way

The continued spread of COVID-19 has had sweeping impacts on the function of the criminal justice system, including Riverside County, but hope is on the way in the form of a vaccine that Monday will be delivered to all parts of

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Everyday Injustice - Another Officer Charged in SF; Human Rights Calamity in the Prisons and Jails
Date: Tuesday, December 15, 2020 at 7:01:41 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Keith Baraka, SF DA, "Police officers must be held accountable for acts of brutality they commit against those they have sworn to protect and serve."

Everyday Injustice Newsletter - December 15, 2020

"Guards are trying to kill prisoners"- COVID-19 Stories from CDCR's High Desert State Prison

By Koda Slingluff

This account is Part 1 of the Vanguard's series on COVID-19 stories from CDCR.

Asher* is currently incarcerated at High Desert State Prison (HDSP) in Susanville, CA. In early November, he called his mother Mary* with chilling news about the devastating spread of COVID-19 at the facility.

HDSP reported a massive outbreak in November. Cases rose from only four on November 1st to over 700 by the 24th. Currently, there are 645 active cases in custody and one COVID-19 related death. The guards' conduct terrified and confused him. He states that the guards and staff have displayed a clear neglect and intent to put the prison population in harm's way.

Those who had tested negative for the virus were shuffled into the same units that were just used for the sick— units that were completely unsanitized.

Asher told his mother that if anything were to happen to him, the prison's conditions were to blame. **The intentional mixing of infected and uninfected people** and the lack of sanitization led Asher to a conclusion; the guards wanted him to die.

"He feels the guards are trying to kill the prisoners," Mary told the Vanguard. "He feels everyone from the warden on down knows what's going on."

The HDSP houses over 5,500 people, of which 645 individuals are currently COVID-19 positive. She urged her son to speak to the guards' superiors. But Asher feared that going to authorities about the conditions would leave him worse off. He replied, "I can't, they'll retaliate against me."

Without safe living conditions or protection from authorities, Asher attempted self-isolation in his cell to take control of his health. Mary says that he was written up for wanting to stay isolated.

By Dec. 7, Asher had contracted coronavirus.

As he experienced loss of smell, taste, and difficulty breathing, there was no aid available for him. "There is no medical staff," Mary wrote, "No one has even checked to see if he needs to go to the hospital."

"Due to the poor care and negligence and the outright disrespect for human life, the inhuman treatment of my son, and others, they could lose [their] lives."

These final words sum up his mother's experience best.

"He warned me."

*names changed for anonymity

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Criminal Justice News/ Commentary

SF PD Officer Charged by District Attorney with Multiple Felonies for Brutal Baton Beating of Black Man More than a Year Ago

A San Francisco Police Dept officer – accused of beating a man with his baton on October 7, 2019 so badly it broke his leg and wrist – now is facing felony charges after San Francisco District Attorney Chesa Boudin

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Criticizing Officials, Superior Court Judge Orders Orange County Jail to Cut Population in Half

While the pandemic continues to pose a threat to California, elected officials, and local jails have failed to meet public health experts' recommendations to keep vulnerable people in jail safe, according to a court pleading filed here.

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COVID-19 Halts Valuable Re-Entry Programs At Santa Clara Jails Impacting Population's Education Goals

Re-entry and rehabilitative programs assist incarcerated people in successfully transitioning into society after a period of incarceration to mitigate recidivism.

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“Guards are trying to kill prisoners”- COVID-19 Stories from CDCR's High Desert State Prison

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COVID CDCR and Jail Dashboards

Correctional Training Facility Reports Fifth COVID-19 Death; CDCR Death Toll Reaches 97

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Santa Clara County Jails Report 24 Cases in Custody — Highest Count in Four Months

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Sacramento Court Watch

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Innocent Trespass Order Results in Not-So-Innocent Alleged Homicide at Local Sacramento Library

Accused murderer Ronald Seay, charged in a 2018 homicide after North Natomas Branch Library supervisor was found dead after multiple incidents of verbal aggression and hostility, will finally get his trial next year.

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Tough day to be a judge in Sacramento, department 60.

It was a long, long day for Sacramento County Superior Court, Dept. 60 Judge Scott L. Tedmon – he faced many disruptions in his courthouse throughout a long day of arraignments, and in one the defendant pointedly said “F**k

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

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YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=MTA0MmYyZDg0NjUyYjlxNw==&h=NTQ3ODc2NjlxZWl2ZGU3MDVjZDY4MjI2NWQ3YWFhZWNiMmMzZjg3YTA1NzlmY2Y1MjI1NmlwMDgwNjQwZGU5NQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJlZjdlYzFiNjBiYWNhNjRjMjNmMzI5NjlyYWMwODEwOnYx>

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Subject: Everyday Injustice - Protests Rise Against Tiny Meal Portions, Suspicious Transfers, Lack of Testing
Date: Monday, December 14, 2020 at 7:01:14 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Jamie Lien, who is currently incarcerated at SATF says, "I don't want to die in here."

Everyday Injustice Newsletter - December 14, 2020

"I don't want to die in

here” – Protests Rise Against Tiny Meal Portions, Suspicious Transfers, Lack of Testing

By Julietta Bisharyan and Jaskiran Soomal

On May 30, San Quentin (SQ) had zero COVID-19 cases. Now, it has reported over 2,200 total confirmed cases and 28 deaths. The initial outbreak began when CDCR officials transferred 121 men from California Institution for Men, a COVID-19 hotspot, to San Quentin, without prior testing.

In November, a three-judge panel in the First District Court of Appeals ruled that San Quentin must reduce its population to no more than 1,775 people to mitigate the spread of COVID-19. Justice J. Anthony Kline expressed that the facility's outbreak has been the worst epidemiological disaster in California's correctional history.

Juan Moreno Haines is an award-winning journalist incarcerated at San Quentin. He is a member of the Society of Professional Journalists and a regular contributor to Solitary Watch. He contracted COVID-19 in June and was moved to solitary confinement in the Badger unit.

He interviewed two other SQ residents, Christopher Hickson and Walter McGee, who were also sent to the Badger unit after contracting the virus.

Juan remembers going outside for the first time in months after being in solitary confinement, which was meant to be medical isolation or quarantine.

“My vision adjusted to the sunlight as I walked through the gate. It was since mid-May that I breathed fresh air and felt the sun on my skin. It was August 3.”

He absorbed the beautiful views of the ocean and Mount Tamalpais surrounding the prison's fences. After testing positive for the virus on June 27, he was moved from North Block to the Badger unit. He reported that the cells very filthy and about 60 people were locked inside for 24 hours a day. They were only let out for showers every three days, were not given any electrical power and had no TVs. Only battery operated radios were provided, but Juan did not have any batteries.

On June 29, several inmates began a hunger strike. Christopher Hickson was one of them. After nine days, he ended his strike after prison officials agreed to improve some of their living conditions. One of these changes included being placed in individual 4-ft by 10-ft cells rather than shared cells. Juan reported feeling better with this improvement.

For Juan, being able to go outside into the yard gave him the opportunity to talk with others and share experiences with COVID-19. He spoke with 24-year old Walter McGee who said, “They got us in here like dogs.” Walter tested positive on June 28 and was also placed in the Badger unit.

Walter says that CDCR is trying to correct their mistakes with handling the virus, but they are too late. For Walter, being able to take a deep breath of fresh air and feel the sun gave him the belief that God had answered his prayers.

Walter explains, “A lot of us broke the law and may have been wrong, but I was lost and scared to change. But, since being in prison, I've learned how this affects my family...”

See full report [here](#).

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San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Monday Morning Thoughts: Reisig Tried to Walk the Walk, But Couldn't

George Gascon last week was inaugurated in as Los Angeles' DA. On day one, he unveiled a revolutionary plan on a host of fronts – one of the most spectacular was his resentencing proposal.

[Read More](#)

Criminal Justice Reform Focus on Sacramento Press Club Webinar

A criminal justice reform webinar here last week at the Sacramento Press Club featured Los Angeles District Attorney George Gascón, campaign strategist Dana Williamson, and executive director of Californians for Safety

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“I don't want to die in here” – Protests Rise Against Tiny Meal Portions, Suspicious Transfers, Lack of Testing

On May 30, San Quentin (SQ) had zero COVID-19 cases. Now, it has reported over 2,200 total confirmed cases and 28 deaths. The initial outbreak began when CDCR officials transferred 121 men from California Institution for Men, a

[Read More](#)

The Vanguard Week In Review: Court Watch (Dec. 7 to Dec. 11, 2020)

The Davis Vanguard is an online news forum that provides coverage of criminal justice reform and courts throughout California and the nation. In 2006, the Davis Vanguard began to cover Davis and Yolo County groundbreaking, local

[Read More](#)

Many Defendants Denied Right to Speedy Trial Because of Pandemic

As expressly stated in the Constitution, a speedy trial is one of the fundamental rights, for every American citizen, when facing criminal charges. However, the pandemic has stalled that process. Today, defendants could wait for

[Read More](#)

Letter: Involuntary Prison Transfers

We represent a large number of incarcerated people in San Quentin. We have learned of the new involuntary transfer policies, along with the recent lift of medical holds that were put into place to protect our clients' health and safety, in

[Read More](#)

SF DA Boudin, Weeks After Announcing Historic Charges against SFPD Officer, Declines to Prosecute 2 Other Officers

San Francisco District Attorney Chesa Boudin announced the charges against officers in two officer-involved shootings ("OIS") from earlier this year have not been filed.

[Read More](#)

COVID CDCR and Jail Dashboards

Two New Deaths Reported at Chuckawalla & Centinela Prison; CDCR Death Toll Reaches Ninety-Five

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

COVID-19 Cases Surge in Santa Clara County and Sacramento County Jails

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than

half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

Defendant Languishes in Jail for Months Waiting for Treatment – Upset Judge Calls It ‘Unacceptable’

Defendant Larry Tillman—in custody for more than 60 days—has yet to receive treatment or admission to a state hospital. He has been languishing in county jail.

[Read More](#)

Sacramento Court Watch

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Tale of 2 Witnesses: Judge Rules against Unlicensed Contractor in Restitution Hearing

Conflicting details between the testimonies of defendant Michael O’Brien—an unlicensed contractor—and a homeowner victim emerged here in Sacramento County Superior Court Friday.

[Read More](#)

Judge Denies Longshot Bid by Defendant to Withdraw Previous Plea

A man serving a 14-year sentence filed a longshot motion here in Sacramento County Superior Court last week asking the judge to consider Penal Code section 1203.4, which allows defendants who were sentenced before

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

[Read More](#)

Fresno Court Watch

Communication Problem Made Simple Fresno Plea Hearing Difficult

Even though the defendant here could converse in English and Spanish—and had an interpreter just in case, a hearing here Tuesday in Fresno County Superior Court had a series of “communication” problems.

[Read More](#)

Riverside Court Watch

Riverside Judge Admits COVID Impacting Riverside Courts, Sidelining Its Judges and Staff – But Gov. Says Hope Is on Way

The continued spread of COVID-19 has had sweeping impacts on the function of the criminal justice system, including Riverside County, but hope is on the way in the form of a vaccine that Monday will be delivered to all parts of

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

[Read More](#)

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Sacramento Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/Sacramento-Court-Watch-1432660796849531/%26nbsp%3B&g=NTUwNzI3ZTg1ZDE1MTBjNw==&h=OTU2YzQ4ZjM3OGI5Y2Q0NmYxZTAyZjU4MjQ0Y2YwOGM2NDBiYWRhYjZiYjI4Nzg0YTVjNGU2ZmE2ODRjZDI4Mg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmlzN2MzOWlwMGJmNTk3MzhhZWRIYjg2N2I2ODNmZjRhOnYx>
Twitter: <https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard%26nbsp%3B&g=NTIzYTJmMTBIZWI3ZDYzNQ==&h=MDkzMTIzZGJiMzVmMWU3OGI3MGFmZTRhZDEwNTY3YWU3Njc0YzlwNjdIMTc3MTc4Yjc0YWQ1N2UzZGY1ZTdiNg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmlzN2MzOWlwMGJmNTk3MzhhZWRIYjg2N2I2ODNmZjRhOnYx>
YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=MzI3NjVhOGFiMGViODRlNQ==&h=YTQ5NTRjYTk5NTE5NjkyZml1OTU0MjY2NTM1OGI0ZTk0YzFhNGQ0ODg2OTk1MGZINDcxYWE3YjU1ZGU4N2FjOQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmlzN2MzOWlwMGJmNTk3MzhhZWRIYjg2N2I2ODNmZjRhOnYx>

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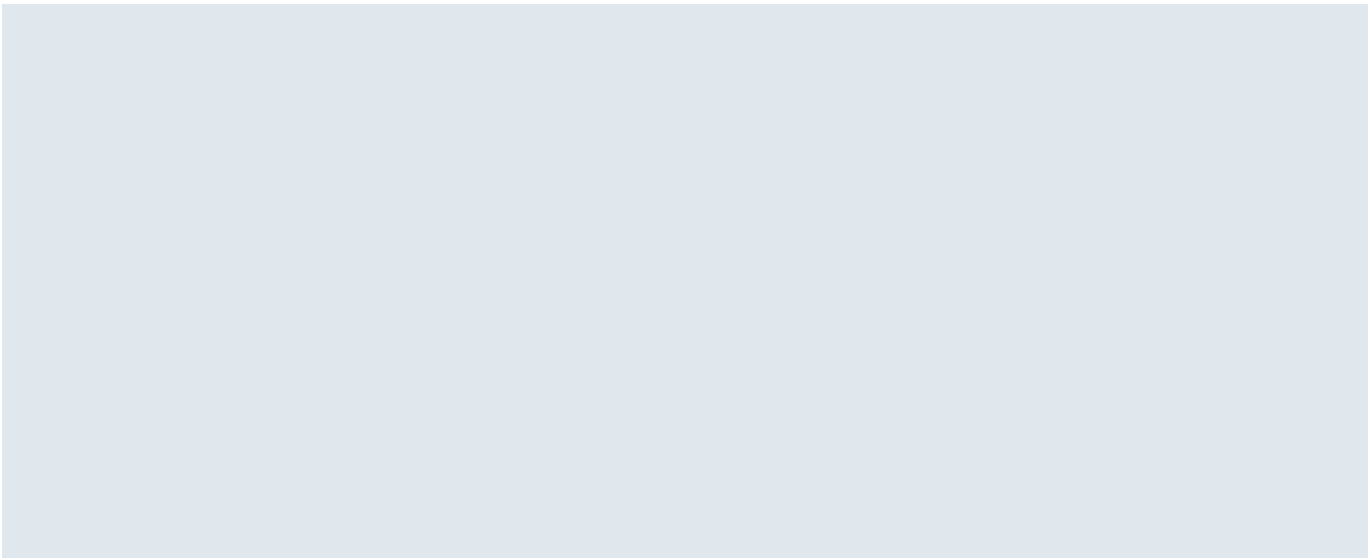
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Subject: David Greenwald (@DavisVanguard) has added you to a group conversation on Twitter!
Date: Monday, December 14, 2020 at 5:39:53 PM Greenwich Mean Time
From: David Greenwald (via Twitter)
To: SF Public Defender

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o=https%3A//t.co/BGwOQSKtfo%E2%80%9D&g=ZTQ4YmFmZGI3NmU



Subject: We're as committed as you are, Valerie

Date: Monday, December 14, 2020 at 4:00:06 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

A rectangular box with a thin black border, containing the word "Image" in the top-left corner. The rest of the box is empty, indicating a missing image.

Image

Hello Valerie,

I write to you today because I trust you care.

You are part of our community because you believe in bringing fairness to local government while promoting social justice and democracy.

We remain committed to this cause -- until every person is treated with the equity and equality they deserve. While we work for lasting, systemic change, we also continue to serve those who have yet to be treated equitably and equally.

At The Peoples Vanguard of Davis Inc our mission of bringing transparency, accountability, and fairness to your community has not changed. We've been working to make a change through the efforts made by our court watch interns, our COVID-19 tracking project, and our outgoing journalist in the Davis Vanguard at UC Davis in the middle of all that 2020 has thrown our way.

You joined our community because of the work we do. And we still need you.

That's why I'm asking you, Valerie, to consider supporting our efforts during this incredibly difficult period by giving today.

Your generous gift will ensure that we can continue to fund the efforts made by our COVID-19 tracking project. Our tracking project aims to shed light on the COVID outbreaks happening behind prison walls. Our six interns have dedicated hours to investigating and interviewing those currently being affected by these outbreaks. Their work has allowed those currently incarcerated and their family members to have a platform to have their voices and concerns heard by a larger audience.

Thanks to a generous donor, all contributions made before the end of this month will be matched -- that means your gift will be doubled!

With physical distancing, you may not be able to see the difference you are making first-hand today, but let me tell you, YOU ROCK!

Will you join me today in making a gift that will have a positive impact all year?

Together, we can do so much more in the New Year -- and beyond.

[GIVE NOW](#)

Thanks in advance,

David Greenwald
Director of the Davis Vanguard

P.S. Be the change you want to see in the world with a monthly subscription donation to <https://bit.ly/37c7bPs>

The Peoples Vanguard of Davis Inc
221 G St Ste 203
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Subject: San Quentin - involuntary transfers
Date: Saturday, December 12, 2020 at 2:47:45 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
CC: Rodarmel, Danica (PDR)
Attachments: Counsel Letter RE Involuntaty Transfers 12.11.20.pdf

Hi David & the Vanguarg Team --

I wanted to bring this to your attention: Please see attached letter to Governor Newsom from attorneys representing over 300 habeas corpus petitioners from San Quentin.

Excerpt:

"We represent a large number of incarcerated people in San Quentin. We have learned of the new involuntary transfer policies, along with the recent lift of medical holds that were put into place to protect our clients' health and safety, in order to facilitate transferring these individuals. We write to implore you to stop the California Department of Corrections from transferring any of our clients

without their consent or an opportunity for counsel to weigh in on these decisions."

If you have any questions, please contact my colleague Danica Rodarmel, the statewide policy director for the San Francisco Public Defender's Office. -[Email: Danica.Rodarmel@sfgov.org, copied on this message]

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
(628)249-7946
SFPublicDefender.org/Media

Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Friday, December 11, 2020 at 11:07:52 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Layla Mustafa

People or stories from the inside - understanding the environment inside the jail.

- attorneys who have had clients who've described the environment (SHF has been painting a rosy picture) -- any positives? if so, what is SF doing right compared to other counties
 - are people refusing tests, can they, and why?
 - any problems getting in contact with clients
 - anything w/ clients raising concerns about the virus
 - background ok! leads her to get a better understanding; with on-record later
- get connected with folks in jail
- Jacque is going to start training her on PRU next month
- gap year before law school; Court Watch
- M-F 8am-5pm

- let me know when you're on assignment

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Dear
Ms. Ibarra,

I
hope this email finds you well. My name is Layla Mustafa, I am an intern at the Davis Vanguard, and I actually write for Courtwatch through the SF Public Defender's Office. I wanted to formally introduce myself as I have recently been instructed to focus more
of my time studying COVID-19 cases and protocol in SF county jail. I understand that in the past you may have been in contact with other interns from our department, and I wanted to confirm that you were still the proper contact to reach out to.

Currently,
I am interested in the state of COVID-19 cases and protocol within the jail. From the Public Defender's viewpoint have there been many issues in contacting or meeting with clients? Additionally, have clients voiced any complaints or concerns regarding COVID-19
procedure and guidelines within the jail? I am generally hoping to gain more clarity on the incarcerated narrative in SF county.

I
understand that it can get fairly hectic at the office, and I am willing to be completely flexible with your schedule and preference for communication. If a phone call is more preferable, my number is 415-990-9736. Otherwise, I would be more than happy to
continue this conversation via email correspondence.

If
in fact, you are not the correct person to reach out to, would you possibly be able to recommend a better contact? I would greatly appreciate anyone you might be able to forward me to in the office.

Thank
you for all of your help, and I look forward to hopefully speaking with you in the future!

All
the best,
Layla

--
Layla Mustafa
University of California Davis - Class of 2020

Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Friday, December 11, 2020 at 7:49:09 PM Greenwich Mean Time
From: Layla Mustafa
To: Ibarra, Valerie (PDR)

Hello Valerie,

I wanted to follow up and see if you would still be willing to have a quick meeting today? My schedule is flexible, so please let me know what works best for you.

Thank you again,
Layla

On Wed, Dec 9, 2020 at 6:17 PM Layla Mustafa <lrnustafa@ucdavis.edu> wrote:

Hello Valerie,

Moving our meeting to Friday works for me. What time is best for you?

Best,
Layla

On Wed, Dec 9, 2020 at 5:10 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi Layla,

Wondering if we could switch to Friday. My time is much more flexible that day and I'll hopefully be finished with this big project I'm working on. Or, if early next week works.

Thanks,
Valerie

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Tuesday, December 8, 2020 12:25 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Wow- thank you for the compliment, it means a lot!

If it works for you, we can chat at 12:00. I'll be free during that 12:00-1:30 timeslot.

Once again, I really appreciate you taking the time out of your busy schedule to meet with me. I look forward to speaking with you soon!

Best,
Layla

On Tue, Dec 8, 2020 at 8:52 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi Layla,

I apologize for not responding to you sooner. I have been on a deadline for a big project and could set up a time to touch base with you later this week. Are you available Thursday (either between 12:00-1:30pm or 3:00-5:00pm) to set up a chat? I'd like to make sure that I fully understand your questions, which will help me to track down the right people.

By the way, I wanted to mention that I have read some of your recent articles and they've been really good.

Thank you,
Valerie

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 1:50 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Thank you for your quick response!

Our research on COVID-19 in California jails is ongoing, and my study within SF will not necessarily be confined to one article. Essentially, I am trying to do more investigative work into the current environment at the SF county jail to hopefully produce multiple articles or lead me down new avenues of research.

All that being said, while I don't necessarily have a "deadline" to meet, I think that some of the information the Public Defender's Office might be able to provide would be helpful in developing a new understanding of current jail conditions- beyond the statistics provided by the Sheriff's Office.

Therefore, I would love to connect at the earliest time most convenient for you!

I am also not completely familiar with office protocol, however, if it is appropriate I would be open to you sharing my contact with any attorney who would be interested in having a conversation about their experience regarding the matter thus far. Here is a [link](#) to some of the articles written on research conducted in different counties.

Once again, thank you so much for your help!

All the best,
Layla

On Thu, Dec 3, 2020 at 1:04 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Dear Layla,

Thank you for reaching out. I am the Public Information Officer for the office, so I am the first point of contact for media inquiries.

In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

Valerie
(628)249-7946

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Dear
Ms. Ibarra,

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introduce myself as I have recently been instructed to focus more of my time studying COVID-19 cases and protocol in SF county jail. I understand that in the past you may have been in contact with other interns from our department, and I wanted to confirm that you were still the proper contact to reach out to.

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Thank

you for all of your help, and I look forward to hopefully speaking with you in the future!

All

the best,

Layla

--

Layla Mustafa

University of California Davis - Class of 2020

International Relations Major, Minor in Arabic and Psychology

lrnustafa@ucdavis.edu - 415.990.9736

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--

Layla Mustafa

University of California Davis - Class of 2020

International Relations Major, Minor in Arabic and Psychology

lrnustafa@ucdavis.edu - 415.990.9736

Subject: Everyday Injustice - San Quentin Prison Asking COVID-19 Devastated Prisoners to Accept Legal Liability for Own Deaths; Trump Executes Man Over Widespread Objections

Date: Friday, December 11, 2020 at 7:00:45 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Murdering Brandon will only further cycle of trauma and harm, it is another demonstration of the legacy of this country where we treat trauma with more trauma," said Ayanna Pressley

Everyday Injustice Newsletter - December 11, 2020

Boudin Declines to File in Officer-Involved Shootings

By Ruby Chavez

San Francisco DA Chesa Boudin announced the charges against officers in two officer-involved shooting ("OIS") have been declined from earlier this year. After the thorough investigation, this DA's Office's Independent Investigation Bureau ("IIB") made their decision, which responded to both incidents that occurred. Under District Attorney Boudin's leadership, the DA' Office has been working conscientiously reviewing each case that involved officer use-of-force. Therefore, in both cases, the evidence provided did not support prosecution of neither officers that were involved.

DA Chesa Boudin said, "my office is committed to holding police accountable when they commit a crime as well as to notifying officers who are investigated- and the community at large- as soon as possible when an investigation is complete."

"My office carefully reviews the specific facts in each case involving officer use-of-force so we can determine when charges are warranted as well as when officers acting under stressful situations behaved lawfully. In these two incidents the evidence showed that the officers' use of force was lawful self-defense", said Boudin.

October 11,2020, SFPD officers were dispatched to the area of Valencia and Market Streets regarding a suspected carjacking with a knife. Cesar Vargas was located after the officers searched the area. The officers leave their patrol vehicles and attempt to talk to Vargas. Vargas then charged at the officers with the knife making threats. Vargas was killed during the shooting, from charging at police with a knife.

The IIB unit responded to the scene, and the IIB attorney's and investigators began a thorough investigation on the officers' use-of-force. The IIB included interviews with witnesses and the officers who were involved and reviewing written reports. They reviewed surveillance videos and the police body camera footage to get every evidence needed. With the evidence, they determined it did not support criminal charges against the officers involved at the shooting.

Lateef Gray, the head of the District Attorney's IIB Unit said, "this was a tragedy, and we express condolences to Mr. Vargas's family for their loss". Gray implied, "although we recognize that this announcement may bring them pain, we hope that by reporting the results of our investigation, we can bring some closure and provide them space to grieve".

The second OIS incident that was also declined to file charges by the District Attorney's Office, on April

21, 2020, officers were dispatched to the Pierre Hotel for a report of a person inside the lobby waving a 2x4 piece of lumber and possibly holding a knife. Thomas O'Bannon was present and hit a glass window with a piece of wood and ripped at a red fire box in the inside wall of the front office. The officers attempted to handle the situation promptly and safely by trying to have the case manager at the hotel speak to Mr. O'Bannon.

The efforts were not successful and caused O'Bannon to thrust the 2X4 piece of wood at the officers. The officers then used their Extended Range Impact Weapon (ERIW) ,which was also unsuccessful. O'Bannon was armed with a screwdriver, and began to charge outside of the lobby towards the officers. Once he was outside, with the screwdriver in his hand, he charged an officer, who began to fall backwards, fired his firearm twice, but did not strike O'Bannon with either bullets.

Thomas O'Bannon was charged by the DA's Office after his arrest and is currently in Behavioral Health Court, living in a residential program, and has been compliant with the terms of the program.

The IIB Unit responded to this scene as well and conducted witness interviews, officer interviews, reviewed all written reports, and carefully reviewed surveillance and body camera footage before a decision has been made. IIB Unit followed the same procedure as the first one.

The announcement of the declination to file charges in these two incidents follows DA Boundin's recent announcements. On November 23, 2020, DA Boundin announced the historic prosecution of former Officer Chris Samayoa, who shot and killed Keita O'Neil in 2017. This was the first homicide charge against an on-duty officer in SF' history. DA Boudin announced that a grand jury had returned indictments for felony charges against Officer Christopher Flores- who shot Jamaica Hampton in December 2019.

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Criminal Justice News/ Commentary

San Quentin Prison Asking COVID-19 Devastated Prisoners to Accept Legal Liability for Own Deaths?

San Quentin State Prison – the stuff that movies are made of – has become a real live killing field this year after COVID-19 spread like a wildfire, as predicted, killing dozens.

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Trump Administration Executes Another Person Thursday Night – 5 Others to be Killed Before President Leaves Office

Brandon Bernard was executed late last night here at the federal correctional center – one of six federal executions scheduled at the hand of President Trump in his waning days before leaving office. He's already

[Read More](#)

New LA DA Gascón Directs Office to Stop Seeking Death Penalty, Review All Death Row Cases

New Los Angeles District Attorney George Gascón continues to make big criminal justice reform waves just days after taking office. This week he has directed all deputy district attorneys to immediately stop filing letters asking for

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State Senator Takes Aim at Bad Cops, Introduces Bill to License Peace Officers

As the only Black member of the California State Senate, Senator Steven Bradford (D-Gardena) is taking aim at bad cops, introducing legislation that seeks accountability of law enforcement officers.

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Sacramento Homeless Union Focus on Helping Homeless Community During Pandemic; Suing County, Sheriff Up Next

People throughout most of California are upset about a new stay at home order going into effect in order to stop the spread of the Coronavirus. But what if you don't have a home?

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Two New Deaths Reported at Chuckawalla & Centinela Prison; CDCR Death Toll Reaches Ninety-Five

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Defendant Languishes in Jail for Months Waiting for Treatment – Upset Judge Calls It ‘Unacceptable’

Defendant Larry Tillman—in custody for more than 60 days—has yet to receive treatment or admission to a state hospital. He has been languishing in county jail.

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Everyday Injustice - Gascon Lays Out Sentencing Review Plans; Prosecutorial Misconduct Hearing Continues in Kansas

Date: Thursday, December 10, 2020 at 7:01:03 PM Greenwich Mean Time

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To: valerie.ibarra@sfgov.org

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Ayanna Pressley and Rachael Rollins, et al: "The policies addressing excessive force should be significantly informed by those who actually experience such force. For too long, the chorus of voices dominating the discussions on "

Everyday Injustice Newsletter - December 10, 2020

Reform Leaders in Massachusetts Call On Governor to Sign Police Reform Bill

Ayanna Pressley (US Representative), Rachael Rollins (Suffolk County DA), Liz Miranda (State Representative), and Tanisha M. Sullivan (Boston NAACP President) in an op-ed published on Wednesday in the [Boston Globe](#), called on Governor Baker to sign the sweeping reform bill.

They wrote:

Eight decades after the civil rights movement began, Black people are still fighting for basic human and civil rights. Black women especially so.

Consider [Breonna Taylor](#), a Black woman who was killed in March by Louisville police executing a no-knock warrant while she slept in her home. The target had already been arrested. Yet Taylor was shot five times and no police officer gave her aid. To date, only one officer has been charged, and it was for the bullets he shot that missed Taylor. The city of Louisville has since banned no-knock warrants. But why did it take Taylor's killing for there to be this common-sense policy change?

In the aftermath of Taylor's death, as well as the killing of George Floyd by Minneapolis police in May, hundreds of thousands took to the streets across the country. The US House of Representatives passed the [George Floyd Justice in Policing Act](#), sweeping legislation that would limit the use of no-knock warrants and make it easier to hold police officers accountable. In Massachusetts, state policy makers

signaled a commitment to address police violence and the need to dismantle systems that for too long have exacerbated racial injustice. The police reform bill before Governor Charlie Baker reflects meaningful steps toward reining in violent, excessive force used by police, including police decertification, regulation of facial recognition technology, and requiring officers to intervene if their peers use illegal force. Baker has the opportunity and critical responsibility to implement these changes by signing the bill into law.

The bill includes an amendment by one of us, Representative Liz Miranda, who represents one of the most overpoliced sections of Boston. Her amendment requires a heightened level of scrutiny and allows only judges — not clerk magistrates — to grant these warrants when there is a credible threat to officer safety without it. The provision also requires that officers confirm that no children or seniors are in the target location.

Critics suggest that these common-sense limits might put officers' lives in jeopardy. We would argue that the SWAT-like tactics of no-knock raids pose grave dangers to all involved — especially unarmed and innocent families behind the doors where those warrants are executed. Public policy should be designed to protect and value the lives of all — not just some. Indeed, Black lives matter too.

The policies addressing excessive force should be significantly informed by those who actually experience such force. For too long, the chorus of voices dominating the discussions on proposed reforms has been overwhelmingly composed of police unions and law enforcement. That is why, in June — as many were awakening to the brutal reality of violence, terror, and fear that so many Black people experience when encountering law enforcement — the NAACP Boston Branch convened community members and sister organizations to develop and advance urgent community-informed policing reform priorities. The demand for limits on excessive use of force was resounding.

[Click here to see the full op-ed](#)

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Criminal Justice News/ Commentary

LA District Attorney George Gascón Doesn't Waste Time in Reform, Adopts Resentencing Guidelines

Newly-elected Los Angeles District Attorney George Gascón is wasting no time in reforming the justice system here, and has announced he has “adopted new charging and sentencing principles.”

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Alleged Prosecution Misconduct Hearing

in Kansas Resumes for Third Day

Prosecutorial misconduct proceedings for ex-Shawnee County Deputy DA Jacqie Spradling opened for a third day Wednesday as two key witnesses were presented to the court.

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Guest Commentary: The Biden Administration Must Prioritize Reversing Trump's Damage to Racial Justice Policy

In the last four years, the Trump administration has aggressively dismantled federal protections that ensure equal treatment against racial discrimination, amplified racist rhetoric, and explicitly targeted communities of color

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Civil Rights Groups File Damage Claims Against Governor, State for Unconstitutionally Transferring State Prisoners to ICE Custody

Four people formerly incarcerated in California prisons, who were supposed to be released back to their homes but instead were sent to ICE (Immigrations and Customs Enforcement) facilities, are part of a damage

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

Subject: Valerie,Happy Hanukkah from the Davis Vanguard!

Date: Thursday, December 10, 2020 at 4:00:34 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

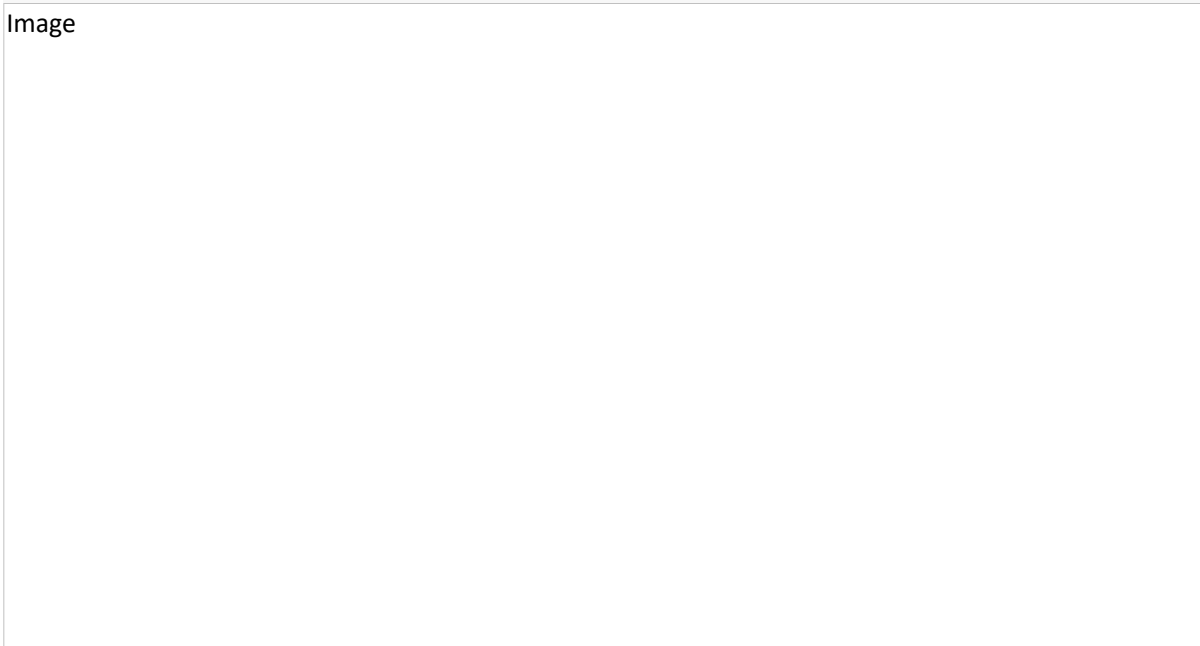
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Image



Happy Hanukkah from the Davis Vanguard

Image



Hello Valerie!

Happy Hanukkah! Wishing you all the miracles of light and good health during this season of Hanukkah!

Hanukkah is a celebration of humanity's ongoing struggles for freedom and justice. Sharing stories, like Ajay Dev's, allow us to share our experiences of persecution throughout history. With your support, we continue to stand in solidarity with those who share our yearning for a more just and equal world.

Our Vanguard team would like to thank you for your support throughout the year. With your help, we have been able to:

- bring transparency and accountability to more local communities such as San Francisco, Fresno, and Riverside,
- establish the Davis Vanguard at UC Davis club; and,
- expand our COVID-19 project to expose the mishandling and mistreatment of those incarcerated during outbreaks of covid 19.

Please support our fight for justice and accountability as generously as you can this holiday season.

Please consider signing up for a monthly contribution.

Monthly donations help sustain the Vanguard and further encourages our community engagement and outreach.

\$5

\$10

\$25

\$50

\$100

Please select a donation amount and donation frequency.

With the holiday season upon us, please consider giving a generous gift to continue supporting the efforts made by the Davis Vanguard.

Support our fight for justice and accountability.

All donations made by December 31 will be matched by generous donor.

DONATE TODAY

The Peoples Vanguard of Davis Inc
221 G St Ste 203
Davis, CA 95616
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Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Thursday, December 10, 2020 at 2:17:44 AM Greenwich Mean Time
From: Layla Mustafa
To: Ibarra, Valerie (PDR)

Hello Valerie,

Moving our meeting to Friday works for me. What time is best for you?

Best,
Layla

On Wed, Dec 9, 2020 at 5:10 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi Layla,

Wondering if we could switch to Friday. My time is much more flexible that day and I'll hopefully be finished with this big project I'm working on. Or, if early next week works.

Thanks,
Valerie

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Tuesday, December 8, 2020 12:25 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Wow- thank you for the compliment, it means a lot!

If it works for you, we can chat at 12:00. I'll be free during that 12:00-1:30 timeslot.

Once again, I really appreciate you taking the time out of your busy schedule to meet with me. I look forward to speaking with you soon!

Best,
Layla

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By the way, I wanted to mention that I have read some of your recent articles and they've been really good.

Thank you,
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From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 1:50 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Thank you for your quick response!

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Therefore, I would love to connect at the earliest time most convenient for you!

I am also not completely familiar with office protocol, however, if it is appropriate I would be open to you sharing my contact with any attorney who would be interested in having a conversation about their experience regarding the matter thus far. Here is a [link](#) to some of the articles written on research conducted in different counties.

Once again, thank you so much for your help!

All the best,
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Dear Layla,

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In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

Valerie
(628)249-7946

From: Layla Mustafa <lrmustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Ms. Ibarra,

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hope this email finds you well. My name is Layla Mustafa, I am an intern at the Davis Vanguard, and I actually write for Courtwatch through the SF Public Defender's Office. I wanted to formally introduce myself as I have recently been instructed to focus more
of my time studying COVID-19 cases and protocol in SF county jail. I understand that in the past you may have been in contact with other interns from our department, and I wanted to confirm that you were still the proper contact to reach out to.

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I am interested in the state of COVID-19 cases and protocol within the jail. From the Public Defender's viewpoint have there been many issues in contacting or meeting with clients? Additionally, have clients voiced any complaints or concerns regarding COVID-19
procedure and guidelines within the jail? I am generally hoping to gain more clarity on the incarcerated narrative in SF county.

I
understand that it can get fairly hectic at the office, and I am willing to be completely flexible with your schedule and preference for communication. If a phone call is more preferable, my number is 415-990-9736. Otherwise, I would be more than happy to
continue this conversation via email correspondence.

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in fact, you are not the correct person to reach out to, would you possibly be able to recommend a better contact? I would greatly appreciate anyone you might be able to forward me to in the office.

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lrnustafa@ucdavis.edu - 415.990.9736

Subject: Everyday Injustice - California Bill Would Require Cops Get Bachelor's; Gascon and Mosby Discuss Sentencing Review

Date: Wednesday, December 9, 2020 at 7:04:30 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"The collective assessment of the two studies is that ... the distribution (of military equipment) to local law enforcement doesn't seem to affect one way or the other. It doesn't reduce crime, it doesn't lead to an increase in crime. It doesn't seem to reduce officer injuries. It doesn't seem to increase them either," Clark said.

Everyday Injustice Newsletter - December 9, 2020

**Studies Find that
Militarizing Police Neither Reduces Crime Nor Protects Officers**

By David Greenwald

Local governments have spent billions on surplus military equipment with everything from tactical gear to armored tanks and high powered weapons. Much of that has been transferred from the federal government to local police after the Trump administration reinstated federal programs. Now two studies have come out, both peer-reviewed, and published in the journal, Nature of Human Behaviour.

The studies find that the Trump administration in fact justified their executive order in 2017 to reinstate Pentagon supplies of military equipment to police departments based on unreliable data.

"I think far too frequently we see public policy enacted on a hunch about what it will do and we don't spend much effort evaluating whether they work as intended. This is one very glaring example," Tom Clark, co-author of one of the studies and a professor of political science at Emory, told ABC News.

"The collective assessment of the two studies is that ... the distribution (of military equipment) to local law enforcement doesn't seem to affect one way or the other. It doesn't reduce crime, it doesn't lead to an increase in crime. It doesn't seem to reduce officer injuries. It doesn't seem to increase them either," Clark said.

Militarization of the police has been a lightning rod issue – brought to light during the Ferguson protests when military equipment was rolled out against protesters but also in work like that of journalist/ columnist Radley Balko, who has cited the rise of militarization as a leading cause for devastating police raids and the encroachment of civil liberties during drug enforcement efforts by state and federal law enforcement.

This all stems from the 1033 Program, which was establishment in 1990 to provide military surplus equipment to local law enforcement. Critics believe that such equipment "promotes a warrior mentality over a guardian approach to policing."

However, law enforcement believes that such equipment protects both police and the public.

ABC News quotes Michelle McCaskill, a spokesperson for the federal Defense Logistics Agency, saying that Congress authorized the 1033 Program "to make excess military equipment available to law enforcement as a way to maximize tax dollars, give law enforcement agencies additional support in counter-drug and counter-terrorism operations and enhance public safety."

"DLA is responsible for the management of the program and continues to make improvements for efficiency, cost effectiveness, transparency and inventory control," McCaskill said. "As lawmakers pursue policy goals regarding the disposition of excess military equipment through the legislative process, DLA will abide by all statutory and regulatory rules that are put in place."

However, Kenneth Lowande, an assistant political science professor at the University of Michigan and author of one of the new studies titled "[Police Demilitarization and Violent Crime](#)," says that his researchs shows that the Trump administration based their conclusions on flawed studies.

"My biggest concern is that those claims have been made by prior studies. They were explicitly suggesting that by giving military hardware to police departments, it would deter criminals from committing crimes," Lowande told ABC News. "It's just not an accurate record. It was never designed to be used to test that hypothesis."

For example, Lowande says he examined 3.8 million archived inventory records, and found that much of the equipment was never used.

"When you look at those types of police department's crime rates over time, you don't see any differences," Lowande said. "So, if this equipment was playing a big role in reducing crime in those areas, you would have expected to see crime go up and it just didn't."

But try convincing law enforcement that this stuff doesn't work or they don't need it.

Thanks for reading.

Support our work? Please consider a donation to our year end fund drive!

Click here to [help](#).

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Yolo County Court Watch: <https://www.facebook.com/groups/yolojudicialwatch/>
Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>
San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Newly Sworn-In LA D.A. George Gascón, Maryland State Attorney Marilyn Mosby Discuss Plans to Tackle Mass Incarceration

Maryland's State Attorney Marilyn Mosby and newly sworn-in Los Angeles District Attorney George Gascón discussed the formation of sentencing review units (SRUs), whose goal is to tackle mass incarceration and

[Read More](#)

Alleged Prosecutorial Misconduct Hearing in Kansas Continues for Second Day

A law enforcement officer attempted to shed some light here Tuesday by recounting his investigation of Dana Chandler during day two of misconduct hearing for prosecutorial misconduct and prosecutorial error filed against former

[Read More](#)

Assemblymember Jones-Sawyer Puts Forward New Police Reform Legislation That Would Require Bachelor Degrees For Police

Currently the state law only requires a very minimal standard of peace officers being 18 years of age and having a high school degree or test equivalent. Departments are able to have standards above the state minimum, but those

[Read More](#)

First Asian American Nominated By Gov. Newsom to Serve on 4th District Court of Appeal

CA Gov. Gavin Newsom Tuesday nominated Judge Truc T. Do to serve as an Associate Justice of the Fourth District Court of Appeal, Division One – Judge Truc T. Do will be the first Asian American Justice in the court’s history.

[Read More](#)

Misconduct Hearing Against Kansas Prosecutor Opens – 2 Cases of Misconduct Alleged

Day one of a virtual hearing began Monday in which attorneys made their opening statements in the case of prosecutorial misconduct and prosecutorial error filed against former Shawnee County attorney Jacqie Spradling.

[Read More](#)

COVID CDCR and Jail Dashboards

Substance Abuse Treatment Facility Reports Three New COVID-19 Deaths; Cases Surge Across CDCR

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail Reports Six Staff COVID-19 Cases and Eleven Housing Units Under Quarantine

Our daily run down on the COVID cases in selective County Jails

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

Self Defense Motion Fairs – Judge ‘Schools’ Defense Attorney on Worth of Evidence

Evidence in court is a mighty sword—but Judge Peter M. Williams told a defense attorney he didn’t have it, and ruled against his motion.

[Read More](#)

Sacramento Court Watch

[Like our Facebook Page](#)

Defendant Denied No Bail Release from Jail After Domestic Abuse Charge Detailed

No adult criminal record didn’t help 19-year-old defendant Emmanuel Deloney here in Sacramento County Superior Court Monday – the court felt the actions he is accused of were just too serious.

[Read More](#)

Expensive Fix for Probation Violator, But Chopper Chases Suspect, Canines Catch Him

Joseph Heinz maybe didn’t do the smart thing trying to outrun a police car, helicopter and a canine unit. He admitted as much Monday in Sacramento County Superior Court where he faced the consequences in front of Judge Michael

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

[Read More](#)

Fresno Court Watch

DUI Defendant Admits Needs to ‘Grow Up,’ Paid for Mistake – Literally

Defendant David Honeycutt knew he made a mistake and literally paid for it here – several thousand dollars. Honeycutt faced his second offense DUI conviction in Fresno County Superior Court Tuesday after driving under the influence

[Read More](#)

Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

[Read More](#)

Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

[Read More](#)

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

[Read More](#)

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Vanguard on Facebook: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/davisvanguard/%26nbsp%3B&g=MWRiYjVjMGUyY2FIZjIhMg==&h=NzU2YTlkOWRlOGRmNTBhNmJlZTZhNTBINzM5YjdlZWUyMmZkZTM2ZmRjYzk2MjAyMzQwYjM3MTNkMzQzNzg4ZA==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmNhNDFmYzU2NTc5OTE3YzVkMTBiNmUzNjlxMGRkZDY1OnYx>

Yolo County Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/groups/yolojudicialwatch/%26nbsp%3B&g=NTA3MzM4YjJiNzQ5OGNmMw==&h=MDIINWI1ZmE4YWNjNDRkYWM0MDE3YzNiZDYyMjQ4YzgwOTYyODY4ZGJiNGE0NjFhNzNhNjMyZDk1YTlmOTNkNg==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmNhNDFmYzU2NTc5OTE3YzVkMTBiNmUzNjlxMGRkZDY1OnYx>

Sacramento Court Watch: <https://avanan.url-protection.com/v1/url?o=https%3A//www.facebook.com/Sacramento-Court-Watch-1432660796849531/%26nbsp%3B&g=YzA0N2QwMTU4ZTUyZTM1Yw==&h=ZmVjNzkwYTViZW5iNzUxZjYzMzJhNWE3NmU5MDcwNTg1ODZkOTNmOTk2NzE1MmlwMmE4MjdkYTViOTA1ZjkwMg==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmNhNDFmYzU2NTc5OTE3YzVkMTBiNmUzNjlxMGRkZDY1OnYx>

Twitter: <https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard/%26nbsp%3B&g=ODU3YjQ5NDNjNGZmNDI0OA==&h=N2NhNTM3ODJiMDYxMWRhMDY1NGI4MmQ0ZWE3ZjM1Mzk1NTcxYmQwNjAzNDhiNmVkOTYxZjkyZmU2ZTVkZTUzNg==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmNhNDFmYzU2NTc5OTE3YzVkMTBiNmUzNjlxMGRkZDY1OnYx>

YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=ZGM2NDQ4MWEyYzA0MDI0Yg==&h=YzFiYjQ2YTlFmOTk2NTJjMDE2ZjOWZiZTFmMDdkODNhZWU1MDk3NTU0NmI4YjZmOTdmMGU1OWUzMGZjNWJiZQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmNhNDFmYzU2NTc5OTE3YzVkMTBiNmUzNjlxMGRkZDY1OnYx>

The People's Vanguard of Davis | P.O. Box 4715, Davis, CA 95617-4715

[Unsubscribe \[valerie.ibarra@sfgov.org\]\(mailto:unsubscribe.valerie.ibarra@sfgov.org\)](mailto:unsubscribe.valerie.ibarra@sfgov.org)

[About our service provider](#)

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Date: Tuesday, December 8, 2020 at 8:25:22 PM Greenwich Mean Time
From: Layla Mustafa
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Valerie
(628)249-7946

From: Layla Mustafa <lrnustafa@ucdavis.edu>

Sent: Thursday, December 3, 2020 12:55 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Dear

Ms. Ibarra,

I

hope this email finds you well. My name is Layla Mustafa, I am an intern at the Davis Vanguard, and I actually write for Courtwatch through the SF Public Defender's Office. I wanted to formally introduce myself as I have recently been instructed to focus more of my time studying COVID-19 cases and protocol in SF county jail. I understand that in the past you may have been in contact with other interns from our department, and I wanted to confirm that you were still the proper contact to reach out to.

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I am interested in the state of COVID-19 cases and protocol within the jail. From the Public Defender's viewpoint have there been many issues in contacting or meeting with clients? Additionally, have clients voiced any complaints or concerns regarding COVID-19 procedure and guidelines within the jail? I am generally hoping to gain more clarity on the incarcerated narrative in SF county.

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If

in fact, you are not the correct person to reach out to, would you possibly be able to recommend a better contact? I would greatly appreciate anyone you might be able to forward me to in the office.

Thank

you for all of your help, and I look forward to hopefully speaking with you in the future!

All

the best,

Layla

--

Layla Mustafa

University of California Davis - Class of 2020

International Relations Major, Minor in Arabic and Psychology

lrnustafa@ucdavis.edu - 415.990.9736

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Layla Mustafa

University of California Davis - Class of 2020
International Relations Major, Minor in Arabic and Psychology
lrmustafa@ucdavis.edu - 415.990.9736

Subject: Everyday Injustice - Gascon Sworn In Implementing Sweeping Changes on Day One
Date: Tuesday, December 8, 2020 at 7:01:10 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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George Gascon: "The status quo hasn't made us safer."

Everyday Injustice Newsletter - December 8, 2020

**Gascon Transforms
Himself and Looks to Transform the Criminal Justice System
Entire**

By David Greenwald

"40 years ago I walked my first beat as a young police officer," LA's New DA George Gascon said on Monday. "I am not the same man I was when I first put on the uniform."

He explained, "One of the many reasons for that is because of situations I faced as a young officer - situations & experiences that have stayed with me, and that continue to shape my approach to this work."

"Those experiences taught me the criminal justice system is fundamentally broken," he continued. "Today, we will usher in a new era of criminal justice, and transform the largest criminal justice jurisdiction in America."

Powerful words – but he really could have gone back just a few years rather than forty to make the point. Many of the boldest initiatives he is putting forward on day 1 – from ending money bail to ending the death penalty, to a robust post-conviction unit, he did not put in place in San Francisco – his predecessor, Chesa Boudin did.

But George Gascon ran as a hardcore reformer this year and is now walking the walk, after talking the talk.

"The status quo hasn't made us safer," he said as he offered a plan where his prosecutors won't seek cash bail or the death penalty, will not try juveniles as adults and will address police brutality – the types of cases that critics charge escaped him in San Francisco.

It won't be easy. While Chesa Boudin managed to turn over his office with only small amounts of personnel change, LA might be different.

"Everyone's in shock," says one longtime LA County prosecutor, who calls it a "complete culture change for this office." This person (who asked not to be identified) says some prosecutors are talking about leaving according to one report.

The DA put forward bold initiatives on several areas.

"Racism and the death penalty are inextricably intertwined. Numerous studies have found that race influences who is sentenced to die in this country and in California; this includes both the race of the defendant and the race of the victims," Gascon's office laid out in its death penalty policy.

He noted that 215 people on California's death row are from Los Angeles County and "an astonishing 85% of those people are people of color."

LA is not only disproportionately represented on death row, it is "an outlier even within the state's flawed system; the rest of California's death row is populated by 59% people of color."

Gascon also notes: "by imposing the death penalty, there is a real risk of executing innocent people. According to a peer-reviewed study published in the National Academy of Sciences, one in 25 people sentenced to death in the United States from 1973 to 2004 was erroneously convicted. This "conservative estimate" 12 would mean that at least 9 people currently on death row who were convicted in Los Angeles County are innocent."

He argues: "Maintaining a system of capital punishment when there is a significant risk that an innocent person will be executed is intolerable."

In the meantime, arguing, "The sentences we impose in this country, in this state, and in Los Angeles County are far too long," he is proposing "judicial resentencing hearings after 15 years of imprisonment for all convicted people."

He argues: “Justice demands that the thousands of people currently serving prison terms imposed in Los Angeles County under earlier, outdated policies, are also entitled to the benefit of these new policies. Many of these people have been incarcerated for decades or are serving a “ virtual life sentence ” designed to imprison them for life. The vast majority of incarcerated people are members of groups long disadvantaged under earlier systems of justice: Black people, people of color, young people, people who suffer from mental illness, and people who are poor. While resentencing alone cannot correct all inequities inherent in our system of justice, it should at least be consistent with policies designed to remedy those inequities.”

And those are just two changes being made.

Thanks for reading.

Support our work? Please consider a donation to our year end fund drive!

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San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

George Gascón Sworn in as LA County New DA, Announces Immediate Reform, Including End to Cash Bail and Death Penalty Prosecutions

Newly elected District Attorney George Gascón announced his immediate implementation of unprecedented reform to LA County's policing policies at his inauguration and swearing-in ceremony as LA

[Read More](#)

Baltimore Prosecutor Creates Sentencing Review Unit to Reduce Prison Population Amid COVID-19 Crisis

Maryland's State Attorney's Office announced the creation of the new Sentencing Review Unit (SRU) Monday, tasked with reviewing “cases of certain incarcerated people to determine whether the office supports their release.”

[Read More](#)

“A submarine that was sinking” – San

Quentin Residents Reflect on COVID-19 Devastation

San Quentin (SQ) has confirmed 2,238 positive cases and twenty-eight deaths thus far, making it the second most affected facility across CDCR. With a population of a little over 2,800, SQ has been mandated to reduce its population

[Read More](#)

Santa Rita Jail Refuses to Discipline Staff for Not Enforcing Social Distancing, Mask-Wearing

Over the span of two weeks and the Thanksgiving holiday, Alameda County Sheriff's Office (ACSO) reported six positive cases in the incarcerated population and nine staff/contractor cases.

[Read More](#)

COVID CDCR and Jail Dashboards

Santa Rita Jail Reports Six Staff COVID-19 Cases and Multiple Housing Units Under Quarantine — Highest Count Since Mid-August

Our daily run down on the COVID cases in the California Prison System (CDCR)

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CA State Prison Sacramento Reports Seventy New COVID-19 Cases Over the Weekend

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

[Read More](#)

Yolo County Court Watch

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Self Defense Motion Fairs – Judge ‘Schools’ Defense Attorney on Worth of Evidence

Evidence in court is a mighty sword—but Judge Peter M. Williams told a defense attorney he didn’t have it, and ruled against his motion.

[Read More](#)

Sacramento Court Watch

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Defendant Has Difficulties Understanding Plea Deal during Zoom Livestream Sentencing

Maybe it’s Zoom livestreamed hearings that have sometimes made it more difficult for judges and defendants to communicate over these past COVID-19 months.

[Read More](#)

One Preliminary Hearing Witness Convinces Judge Gun, Ammo Case Should Go to Trial

It didn’t take much to bind two defendants—Dante Miller and Darrel Hodges—over for trial on possession of ammunition and firearms at their preliminary hearing last week here in Sacramento County Superior Court.

[Read More](#)

Homeless Defendant Released Thanks to No Real Criminal Record

Having no real criminal record benefited defendant Tajia Thelusma here in Sacramento County Superior Court, Dept. 60 Friday—as a result, Judge Laurel White ordered the level two pretrial release until later in December.

[Read More](#)

Man Does Nearly 3 Years in Jail; Now DA

and Defense Want to Find Him Help

"I see voices and I hear things," in-custody defendant Timothy Harrington shouted out during the prosecution's remarks Friday in Sacramento County Superior Court.

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

[Read More](#)

Fresno Court Watch

Defense Request Backfires – Routine Arraignment Prompts Custody Concerns

A defense attorney's request to remove the defendant's children from a criminal protective order prompted a new debate over custody concerns involving that defendant—in effect, the request backfired.

[Read More](#)

Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

[Read More](#)

Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

[Read More](#)

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

[Read More](#)

Davis Vanguard | 530-400-2512 | [Email](#) | [Website](#)

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The People's Vanguard of Davis | P.O. Box 4715, Davis, CA 95617-4715

[Unsubscribe valerie.ibarra@sfgov.org](mailto:unsubscribe.valerie.ibarra@sfgov.org)

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Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Tuesday, December 8, 2020 at 4:51:35 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Layla Mustafa

Hi Layla,

I apologize for not responding to you sooner. I have been on a deadline for a big project and could set up a time to touch base with you later this week. Are you available Thursday (either between 12:00-1:30pm or 3:00-5:00pm) to set up a chat? I'd like to make sure that I fully understand your questions, which will help me to track down the right people.

By the way, I wanted to mention that I have read some of your recent articles and they've been really good.

Thank you,
Valerie

From: Layla Mustafa <lmustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 1:50 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch

Hello Valerie,

Thank you for your quick response!

Our research on COVID-19 in California jails is ongoing, and my study within SF will not necessarily be confined to one article. Essentially, I am trying to do more investigative work into the current environment at the SF county jail to hopefully produce multiple articles or lead me down new avenues of research.

All that being said, while I don't necessarily have a "deadline" to meet, I think that some of the information the Public Defender's Office might be able to provide would be helpful in developing a new understanding of current jail conditions- beyond the statistics provided by the Sheriff's Office.

Therefore, I would love to connect at the earliest time most convenient for you!

I am also not completely familiar with office protocol, however, if it is appropriate I would be open to you sharing my contact with any attorney who would be interested in having a conversation about their experience regarding the matter thus far. Here is a [link](#) to some of the articles written on research conducted in different counties.

Once again, thank you so much for your help!

All the best,
Layla

On Thu, Dec 3, 2020 at 1:04 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Dear Layla,

Thank you for reaching out. I am the Public Information Officer for the office, so I am the first point of contact for media inquiries.

In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

Valerie
(628)249-7946

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Layla

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--

Layla Mustafa
University of California Davis - Class of 2020
International Relations Major, Minor in Arabic and Psychology
lrnustafa@ucdavis.edu - 415.990.9736

Subject: Its been a wonderful year for the Davis Vanguard!
Date: Tuesday, December 8, 2020 at 4:00:28 PM Greenwich Mean Time
From: David Greenwald
To: valerie.ibarra@sfgov.org

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Image



Image



Hi Valerie,

I want to let you know the difference a year makes.

Just this year, The Peoples Vanguard of Davis Inc reached more than fifty undergraduates looking to start a career in law or journalism in our community -- now more than ever we need your support to overcome obstacles and to continue inspiring future generations of college students.

Thanks to so many generous donors, so much has been accomplished.

And with your help, we can accomplish so much more in 2021! We'll move forward together to create a broader vision for more than fifty undergraduates, looking to bring transparency, accountability, and fairness to our community, who need us to:

- Promote students to be involved in their community by reporting on local news;
- Hire more staff who can help cover news in the San Francisco Hall of Justice; and,

- Expand The Davis Vanguard at UC Davis, which is headed by a diverse group of female journalists and activists from UC Davis.

As you consider your giving plans for year-end, we hope that you will choose to support our efforts through a gift to The Peoples Vanguard of Davis Inc.

With gratitude,

David Greenwald
Director of the Davis Vanguard

P.S. [Monthly subscription](#) gifts are budget-friendly and will help us build a sustainable future. Thanks for all that you do to support us!

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The Peoples Vanguard of Davis Inc
221 G St Ste 203
Davis, CA 95616

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Subject: Everyday Injustice - Becerra Appoints to HHS; Reformers Pleased to See Him Leave As AG
Date: Monday, December 7, 2020 at 7:00:10 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"The evidence presented in this article provides additional argumentation supporting the position of all UN organizations that mandatory treatment settings do not represent a favorable or effective environment for the treatment of drug dependence," said Fabienne Hariga, MD, MPH

Everyday Injustice Newsletter - December 7, 2020

COVID Is Running Wild in Jails and Prisons, Authorities Not Doing Enough

I wanted to use this space to highlight some of the great work the Vanguard is doing. One of the projects that has really taken off has been our COVID in prison and jails reporting. Not only do we have a daily tracker of COVID cases, a team of writers is getting inside the jails and prisons and doing some first rate report.

This was published from Tiffany Devlin on Saturday - [full article](#).

Since late-May, Mike Brady, Director of Sabot Consulting (SC), has been conducting a series of inspections and spot-checks to monitor the jail's compliance with CDC/Public Health guidelines and the progress of the implementation of previous recommendations made by Sabot.

In Brady's [Sept. 22 spot-check](#), he found several instances in the dayroom and kitchen where incarcerated people and staff were not complying with social distancing and mask-wearing guidelines.

In Pod 6D, he observed approximately 25 people in the dayroom together with no social distancing. At least 10 of them were not wearing their masks properly — some were down below their noses and others were below their chins. He also observed two inmate trustees pushing carts out of a housing unit with their masks below their noses.

Brady writes that, "In both instances, the Housing Unit Deputies and [Watch Commander and Compliance Unit Sergeant] could clearly see that these inmates were not properly wearing their masks in violation of Commander Sanchez's July 22,

“Housing Unit Updated-Inmate Mask Wearing” station order, but made no effort to correct these violations as directed by the July 22, 2020 station order.”

Brady clearly recommends that staff are disciplined for not enforcing orders. He writes, “Station Orders issued by Assistant Sheriff Madigan and Commander Sanchez must be strictly enforced and staff/supervisors who fail to [enforce orders] should be disciplined.”

Despite this recommendation, no such disciplinary actions or consequences for staff have been established.

Captain Dan Brodie, head of the Internal Compliance Unit, expressed that disciplining staff or incarcerated people for not complying with mask-wearing or social distancing rules is a difficult matter.

“The issue is that it is a tricky subject, because we do not want to take away privileges,” Brodie responded in regards to disciplining incarcerated people. He stated that the Compliance Unit performs periodic audits to check if the necessary protocols are being followed. Brodie explained that if staff are not wearing PPE, they are advised and given a warning.

Take a [look at the full report](#) and see how the captain responded to the Vanguard’s inquiries.

Support our work? Please consider a donation to our year end fund drive!

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Neko Wilson: A 17 Year Testament to the Flaws of U.S. Criminal Justice System

After having spent almost the entirety of his adult life fighting the criminal justice system, Neko Wilson finally departed the Navajo County Detention Center as a free man Oct. 23, about six weeks ago.

[Read More](#)

Los Angeles DA-Elect Gascón Transition Team Readies on Promise of Prosecutorial Reform

George Gascón – set to be sworn in Dec. 7 as the 43rd Los Angeles District Attorney – publicly has released his new transition team, and those announced appear to be consistent with Gascón’s promise for prosecutorial

[Read More](#)

Guest Commentary: Five Victories for CJ Reform This Past Election

With many of us doom-scrolling about democracy and the smooth transition of power, it’s easy to miss the local and state progress voters willed to life in California. With about 96% of votes now tallied, here are our five takeaways from

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Santa Rita Jail Refuses to Discipline Staff for Not Enforcing Social Distancing, Mask-Wearing

Over the span of two weeks and the Thanksgiving holiday, Alameda County Sheriff’s Office (ACSO) reported six positive cases in the incarcerated population and nine staff/contractor cases.

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The Vanguard Week In Review: Court Watch (Nov. 30 to Dec. 4, 2020)

The Davis Vanguard is an online news forum that provides coverage of criminal justice reform and courts throughout California and the nation. In 2006, the Davis Vanguard began to cover Davis and Yolo County groundbreaking, local

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COVID CDCR and Jail Dashboards

CDCR Reports First COVID-19 Related Death at Correctional Training Facility; Total Death Toll Reaches 89

Our daily run down on the COVID cases in the California Prison System (CDCR)

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Self Defense Motion Fairs – Judge ‘Schools’ Defense Attorney on Worth of Evidence

Evidence in court is a mighty sword—but Judge Peter M. Williams told a defense attorney he didn’t have it, and ruled against his motion.

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Sacramento Court Watch

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Defendant Blows Kisses during Victim’s Testimony at Preliminary Hearing

While defendant Luis Luna’s ex-girlfriend testified about a domestic disturbance that occurred on May 9 this year, Luna blew kisses at the Zoom screen the victim appeared on in a Sacramento County Superior Court preliminary

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Defense Request Backfires – Routine Arraignment Prompts Custody Concerns

A defense attorney's request to remove the defendant's children from a criminal protective order prompted a new debate over custody concerns involving that defendant—in effect, the request backfired.

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Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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[Unsubscribe valerie.ibarra@sfgov.org](mailto:unsubscribe_valerie.ibarra@sfgov.org)

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Subject: Everyday Injustice - The 17 Year Story of Injustice and Neko Wilson; Gascon's Transition Team

Date: Friday, December 4, 2020 at 7:00:15 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Max Szabo: "the individuals Gascón appointed to lead his transition are many of the same individuals calling for change. They are personally motivated, but also have deep expertise and experience in the criminal justice system either as experts who have seen the adverse consequences of the criminal justice system or as persons of lived experience."

Everyday Injustice Newsletter - December 4, 2020

100 Current and Former Elected Prosecutors Oppose the Application of the Federal Death Penalty

On Thursday, in a letter curated by Fair and Just Prosecution and signed by 100 current and former elected prosecutors, the prosecutors wrote in opposition "to the application of the death penalty, and in support of clemency, for those individuals scheduled for federal execution in the coming months."

"Case after case has revealed that our nation's long experiment with the death penalty has failed. The process is broken, implicates systemic racism and constitutional concerns, and distinguishes our country from many other democratic nations in the world. If ever there were a time to revisit this practice, that time is now," they argue.

These prosecutors come to the conclusion that "our nation's use of this sanction cannot be repaired, and it should be ended."

They write: "The death penalty raises serious concerns in tension with the constitutional ban against cruel and unusual punishment and the guarantees of due process and equal protection under the law. It is unequally and arbitrarily applied, ineffective at improving public safety, and a waste of taxpayer resources; and its use presents the perilous risk of executing an innocent person."

They continue:

We also now know that we have not executed the worst of the worst, but often instead put to death the unluckiest of the unlucky – the impoverished, the poorly represented, and the most broken. Time and again, we have executed individuals with long histories of debilitating mental illness, childhoods marred by unspeakable physical and mental abuse, and intellectual disabilities that have prevented them from leading independent adult lives. We have executed individuals with trial lawyers so derelict in their duties and obligations that they never bothered to uncover long histories of illness and trauma. We have also likely executed the innocent.

Race also plays a deeply disturbing and unacceptable role in the application of the death penalty. Studies have documented that defendants of color are disproportionately likely to be sentenced to die – this is particularly and uniquely true when the victim is white.⁴ The pernicious and racially disparate legacy of the death penalty is incontrovertible: people of color have accounted for a disproportionate 43% of executions in the United States since 1976, and 55% of defendants currently awaiting execution are people of color. ⁵ Moreover, there are stark disparities in executions relative to the race of the victim: since 1976, a total of 21 white defendants were executed for crimes perpetrated against a Black victim; in contrast, in that same time period, 296 Black defendants were executed for crimes perpetrated against a white victim. Strikingly, while 80% of all death penalty cases involve white victims, only one-half of all murder victims are white.⁶ This research underscores the systemic racism evident throughout our justice system.

The federal government should not ignore these issues in the best of times, but these concerns are especially acute in the midst of a global pandemic and calls for racial justice that have led to an ever-deepening erosion of trust in government and our criminal legal system. Moreover, rushing through executions during a surge in COVID-19 infections also implicates Sixth Amendment right to counsel concerns. The COVID-19 pandemic is at its peak; in mid- November there were 140,000 new cases in the nation, with these numbers continuing to grow.⁷ It is impossible for attorneys to effectively represent their clients during this time, either in clemency or in their motions to stay or reverse the sentence of death.

Thanks for reading.

Excerpt - see full article to be published Thursday on the website

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Neko Wilson: A 17 Year Testament to the Flaws of U.S. Criminal Justice System

After having spent almost the entirety of his adult life fighting the criminal justice system, Neko Wilson finally departed the Navajo County Detention Center as a free man Oct. 23, about six weeks ago.

[Read More](#)

Los Angeles DA-Elect Gascón Transition Team Readies on Promise of Prosecutorial Reform

George Gascón – set to be sworn in Dec. 7 as the 43rd Los Angeles District Attorney – publicly has released his new transition team, and those announced appear to be consistent with Gascón’s promise for prosecutorial

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CA Supreme Court Tosses Kim Long Conviction – She Spent 7 Years in Prison for Murder

Kim Long was incarcerated seven years in prison for the murder of her live-in boyfriend, which she did not commit and spent 17 years trying to prove her innocence.

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COVID CDCR and Jail Dashboards

CDCR Reports First COVID-19 Related Death at Correctional Training Facility; Total Death Toll Reaches 89

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Sacramento Court Watch

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Case Ready for Trial Since February 2020 Gets Continued Again to January 2021

Assistant Public Defender Noel Calvillo is a busy guy – he asked the court to continue his client's case, which has been set for trial since before Feb. 2020, to next year because he has four trials next week.

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Saving Court Money Trumps Rights of Defendant in Upcoming Trial, Rules Judge

Sacramento County Superior Court Judge Shelleyanne Chang denied defense attorney Stephen Hirsch's objection this week to consolidating defendant Adrian Kushner's three charges for his upcoming jury trial.

[Read More](#)

Judge Has 2nd Thoughts after Sentencing Man to Nearly 6 Years for Drugs, Weapon Possession and Evading Police

Lorenzo Fernandez seemingly caught a break here Monday in Sacramento County Superior Court Dept. 61, appearing in front of Judge Michael Sweet with private defense attorney David Knoll and Deputy District

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Fresno Judge Sees Domestic Violence Pattern, Hikes Bail for Defendant

Defendant Justin Sims appeared to have a pattern of domestic violence conduct, opined Fresno County Superior Court Judge Francine Zepeda here this week, and she quickly rejected the defendant's pretrial release

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Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

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Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Thursday, December 3, 2020 at 9:50:22 PM Greenwich Mean Time
From: Layla Mustafa
To: Ibarra, Valerie (PDR)

Hello Valerie,

Thank you for your quick response!

Our research on COVID-19 in California jails is ongoing, and my study within SF will not necessarily be confined to one article. Essentially, I am trying to do more investigative work into the current environment at the SF county jail to hopefully produce multiple articles or lead me down new avenues of research.

All that being said, while I don't necessarily have a "deadline" to meet, I think that some of the information the Public Defender's Office might be able to provide would be helpful in developing a new understanding of current jail conditions- beyond the statistics provided by the Sheriff's Office.

Therefore, I would love to connect at the earliest time most convenient for you!

I am also not completely familiar with office protocol, however, if it is appropriate I would be open to you sharing my contact with any attorney who would be interested in having a conversation about their experience regarding the matter thus far. Here is a [link](#) to some of the articles written on research conducted in different counties.

Once again, thank you so much for your help!

All the best,
Layla

On Thu, Dec 3, 2020 at 1:04 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Dear Layla,

Thank you for reaching out. I am the Public Information Officer for the office, so I am the first point of contact for media inquiries.

In short, many adjustments continue to be made in the time of COVID-19 and I can gather some of that information for you. I am on a couple of deadlines this week, but wondering when you were hoping to connect and if you are on a deadline for this story.

All the best,

Valerie
(628)249-7946

From: Layla Mustafa <lrnustafa@ucdavis.edu>
Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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Dear
Ms. Ibarra,

I
hope this email finds you well. My name is Layla Mustafa, I am an intern at the Davis Vanguard, and I actually write for Courtwatch through the SF Public Defender's Office. I wanted to formally introduce myself as I have recently been instructed to focus more
of my time studying COVID-19 cases and protocol in SF county jail. I understand that in the past you may have been in contact with other interns from our department, and I wanted to confirm that you were still the proper contact to reach out to.

Currently,
I am interested in the state of COVID-19 cases and protocol within the jail. From the Public Defender's viewpoint have there been many issues in contacting or meeting with clients? Additionally, have clients voiced any complaints or concerns regarding COVID-19
procedure and guidelines within the jail? I am generally hoping to gain more clarity on the incarcerated narrative in SF county.

I
understand that it can get fairly hectic at the office, and I am willing to be completely flexible with your schedule and preference for communication. If a phone call is more preferable, my number is 415-990-9736. Otherwise, I would be more than happy to
continue this conversation via email correspondence.

If
in fact, you are not the correct person to reach out to, would you possibly be able to recommend a better contact? I would greatly appreciate anyone you might be able to forward me to in the office.

Thank
you for all of your help, and I look forward to hopefully speaking with you in the future!

All
the best,
Layla

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Layla Mustafa
University of California Davis - Class of 2020
International Relations Major, Minor in Arabic and Psychology
lrnustafa@ucdavis.edu - 415.990.9736

--

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Subject: Re: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Thursday, December 3, 2020 at 9:03:50 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Layla Mustafa

Dear Layla,

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Sent: Thursday, December 3, 2020 12:55 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Introduction and Inquiry - Davis Vanguard Courtwatch

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University of California Davis - Class of 2020

International Relations Major, Minor in Arabic and Psychology

lrnustafa@ucdavis.edu - 415.990.9736

Subject: Introduction and Inquiry - Davis Vanguard Courtwatch
Date: Thursday, December 3, 2020 at 8:55:26 PM Greenwich Mean Time
From: Layla Mustafa
To: valerie.ibarra@sfgov.org

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lrnustafa@ucdavis.edu - 415.990.9736

Subject: Everyday Injustice - Paper Examines Confidence-Accuracy for Eyewitness Testimony; Opposition Grows to Rahm Emanuel
Date: Thursday, December 3, 2020 at 7:01:36 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Jamaal Bowman: "when I got word that President-elect Biden was considering Emanuel for a Cabinet position, I was hurt. It wasn't because Rahm and I have differing views on policy (although we do), but because Rahm saw the murder of Laquan McDonald as a political obstacle, a threat to his reelection bid. Instead of seeking justice for Laquan and the people of Chicago, he took the coward's way out by trying to bury the story. To me, that speaks volumes about his character."

Everyday Injustice Newsletter - December 1, 2020

DA elect Gascón Transition Team

By Layla Mustafa

Prefacing his upcoming term as the next Los Angeles District Attorney, George Gascón publicly released his new transition team. The impressive lineup of individuals as well as their professional or personal backgrounds is emblematic of Gascón's promise for reform in LA.

If Gascon is able to follow through on campaign promises- the results should have tremendous influence throughout not only throughout the county, but the country. As the home to the nation's largest jail system and prosecutorial office- significant criminal justice reform in Los Angeles county will consequently have nationwide implications for the future of court and criminal proceedings.

This past November saw a highly competitive race in which incumbent District Attorney Jackie Lacey lost her position of 30 years.

The results of the race were reflective of a greater nationwide call for social justice and accountability towards law enforcement agencies following the murder of George Floyd. During the November 3rd election Californians widely rejected Proposition 20- a measure which would have increased penalties for low level offenses and supported Proposition 17- a measure which allows people on parole for felony convictions to vote.

By positioning himself as the progressive counterpart to Lacey- Gascón was able to secure the election in his favor. The results demonstrated the enthusiasm and readiness of Californian voters to support palpable reform to our criminal justice system.

Prior to his campaign in Los Angeles Gascón acted as San Francisco District Attorney. During his time in San Francisco, Gascón was able to build the foundation for his progressive platform. As SF DA, Gascón provided alternatives to monetary bail and was reluctant to file charges against many low-level offenders. After the sale of cannabis was legalized in the state, Gascón took initiative to clear many low-level marijuana convictions.

During his time in San Francisco, many of Gascón's dissenters - primarily comprised of police unions and law enforcement agencies - disagreed with the intensity of his reform agenda. In one controversial ballot initiative, Gascón co authored Proposition 47 which reduced violations for some low-level offenses from felonies to misdemeanors and allowed thousands of defendants statewide to renegotiate punishments for past convictions. This ballot was found by many of his dissenters to value criminals over the safety of the community.

Excerpt - see full article to be published Thursday on the website

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San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>

Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

New Scholarly Article Explores Unknowns of Confidence-Accuracy Relationship for Eyewitness Testimony

Findings from a newly released study published in Memory Magazine suggest that eyewitness testimony may be even less reliable than previously thought, despite the initial high confidence eyewitnesses have in what they saw and who

[Read More](#)

Guest Commentary: We Can't Restore The Soul Of The Nation With Rahm Emanuel In Public Office

If Laquan McDonald could have three wishes, he wanted to turn back the clock on his life, have enough money to live with dignity, and see his grandmother again. This is what he said to a clinical worker during their meeting, weeks

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Defendant's Sad Story Doesn't Sell – Bail Left at \$1 Million

Defendant Eric Bouie's lawyer had a sad story to tell the judge here in Sacramento County Superior Court Monday, and asked the court to lower the \$1 million bail.

[Read More](#)

Vanguard Investigation: CDCR Sends People on a Wild Goose Chase for Release Dates, PPC or Early Release Eligibility

The COVID-19 pandemic has ravaged the United States since early March. While Americans scrambled to stock up on toilet paper and hand sanitizers, incarcerated people confined to their cells, tucked away from the rest of society

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Man's Big Mistake was Resisting Arrest After Assaulting Wife

As it turned out, Cesar Gutierrez' biggest mistake – at least in terms of criminal damage – was not his alleged assault on his wife, but his resisting arrest. Assistant Public Defender Alicia Hartley said her client

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After Defendant Expresses Concerns About Confidentiality, Court Learns Zoom Unavailable For Private Counsel

The pandemic has introduced Zoom as the primary replacement for court hearings, the “new normal” – but it may have a downside when it comes to attorney-clients confidentiality.

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Man Sentenced in Arden Mall Beating in Sacramento Superior Court

A Sacramento man pleaded no contest Wednesday in Sacramento County Superior Court to a single victim assault – the defendant was part of a group who took part in the beating at Arden Mall.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Domestic Violence Victim Asks For 'Peaceful' Contact With Abuser

The victim of domestic abuse told the judge here in Fresno County Superior Court this week that she was feeling “blessed.” And then asked Judge Francine Zepeda to modify

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Riverside Court Watch

Anything Can be a Weapon – Man May

Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Everyday Injustice - Cal Supreme Hears Oral Arguments on Juveniles in Adult Court; Federal Court Rules Detained Immigrants Must Receive Timely Access to Judges

Date: Wednesday, December 2, 2020 at 7:00:55 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Emily Galvin-Almanza: "Rachel Barkow, a respected legal scholar, expert on executive clemency, and former clerk to Justice Antonin Scalia would be an ideal choice to start and lead a powerful new program inside the Biden White House."

Everyday Injustice Newsletter - December 1, 2020

Kim Long Served 7 Years For Murder That She Did Not Commit

By Ruby Chavez

Kim Long has spent 7 years in prison for the murder of her live in boyfriend, which she did not commit. The California Supreme Court has decided to toss out Long's murder conviction in a unanimous decision. If the jury had heard of a time of death analysis, the results of the trial would have been different.

The California Supreme Court wrote, "The court ruled that expert testimony estimating time of death before arrived home 'could reasonable raise a reasonable doubt in the minds of the jurors' and 'could be fatal to the Peoples case.' Applying our independent judgement, we agree." With that being said,if the death analysis was brought to the jury's attention, they would have made a different decision for Kim Long.

In 2016, Long was released after Riverside Superior Court Judge Magers reversed her conviction, which found the results of the trial would have been different if the jury had heard from a time of death expert about when Kim's live-in boyfriend died. Long was released on bail despite an appeal by the Riverside County DA's Office. Recent decision, relied on the time of death analysis to once again prove Kim Long's innocence of not murdering her boyfriend.

Justin Brooks, Director of the California Innocence Project and a Professor of Law at California School of Law said, "I was thrilled to read the California Supreme Court decision on Kim Long's case." He added "this ruling ends a 17 year-legal battle and affirms that Kim Long never should have been convicted of this heinous crime."

Even with the years-long battle, Long is employed, reacquainted with family and friends, and have rejoined society as a productive member, while enjoying her freedom at her best.

Alissa Bjerkhoel, Litigation Coordinator at the California Innocence Project at California Western School of Law, says "it's with mixed emotions that we celebrate this tremendous win." Knowing Long was

innocent, she goes on “on the one hand, Kim Long has been vindicated once again and by the highest court of our state. I am so proud of our justice system for correcting this wrong and I am even more proud of Kim, the strongest woman I know, who has had to endure this nightmare for far too long.”

The California Innocence Project has joy and relief for Kim Long after her innocence has been proved once again. If a death analysis expert was at the trial beforehand, Long would have been found innocent and would not have served 7 years in prison.

We came up just short yesterday - still need to raise \$400

We raised \$4600, but our goal was \$5000 and we just missed, but you can still donate today to get that last \$400.

Click here to [help](#).

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

CA Supreme Court Hosts Oral Argument on Constitutionality of SB 1391, Fate of Sending Youth Under 16 to Adult Court

California’s Supreme Court Justices heard a challenge Tuesday by prosecutors to SB 1391 –requiring all criminal cases against those younger than 16 years old to be tried in juvenile court – in a gambit to

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Guest Commentary: Fixing the Broken Executive Clemency Process

There is a moment in Hamlet, when Ophelia is ostensibly going mad (or reacting pretty reasonably to the absolutely maddening circumstances around her) and Claudius asks her how she’s doing. She replies, “We know what we are,

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Federal Court Rules Detained Immigrants Must Receive Timely Access to Judges

A federal court has ruled that Immigrations and Customs Enforcement (ICE) must present detained immigrants before a judge within 10 days of being arrested – the first of its kind requirement in the nation, and

[Read More](#)

Vanguard Investigation: CDCR Sends People on a Wild Goose Chase for Release Dates, PPC or Early Release Eligibility

The COVID-19 pandemic has ravaged the United States since early March. While Americans scrambled to stock up on toilet paper and hand sanitizers, incarcerated people confined to their cells, tucked away from the rest of society

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COVID CDCR and Jail Dashboards

Three New COVID-19 Deaths Reported at Substance Abuse Treatment Facility and Correctional Training Facility

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Rita Jail Holds Nearly Two-Hundred COVID-19 At-Risk Patients in Custody

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Yolo Judge Not Happy Camper – Twice – After Court Mix-ups

A day before the holiday last week, Yolo County Superior Court Judge Peter Williams was not a happy camper. Not once, but twice. Attorney Johnny L. Griffin waited on the court's livestream for at least 30 minutes before Judge

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Sacramento Court Watch

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Defense Attorney Accuses DA of 'Abusing' COVID Orders, Violating Defendant's Speedy Trial Rights

Private Defense Attorney Kelly Babineau last week accused the Sacramento District Attorney's Office of "abusing" the court's emergency orders by extending a trial without good cause, and filed a motion to dismiss the.

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Sheriff's Department Mistake Leaves Expert 'Pissed,' Sex Crimes Trial Delayed

A mistake by the Sacramento Sheriff's Department left one court-approved expert "pissed" after the department failed to provide a Zoom link to conduct a defendant's evaluation, as was revealed here in Sacramento

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Defendant Pleads No Contest to Felony Robbery of Bike, and Possession of Meth

Arrested for crimes of alleged theft of a bicycle, assault and battery, and in possession of a loaded weapon, and methamphetamines in April and August, Curtis Fleming pleaded "no contest" in a Sacramento County

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Domestic Violence Victim Claims Harassment by Defense Investigator – Judge Insists It’s Civil Court Matter

In Fresno County Superior Court Judge Glenda Allen-Hill’s courtroom, a victim of domestic violence charged she was being harassed by an investigator working for defendant Gregory Hudson’s defense.

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Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Francisco Public Defender Mano Raju

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Image

Hi Valerie,

As you've heard from me, and possibly others -- today is #GivingTuesday -- a day to celebrate the power of collective generosity.

And thanks to a generous donor, all contributions made by midnight today will be matched -- that means your gift will be doubled!

So, today isn't the only day to give, but it sure is a good one!

If you can give today to support interns like Dylan and Danae, thank you!

Dedicated supporters have already raised a significant amount this year already! Will you join them?

A gift of \$15 will make a world of difference for the Vanguard interns, like Dylan and Danae.

Remember, any gift made today will be doubled thanks to a generous donor.

Can they count on you?

DONATE NOW

With gratitude,

David Greenwald
Director of The Davis Vanguard

P.S. Monthly subscription donations help to budget your gift -- for you and us! Please consider making a recurring contribution by [clicking here](#).

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Subject: Everyday Injustice - Legislation to Open Cops' Records Reintroduced; Poll Shows Many Fewer Americans Believe Criminal Justice System 'Not Tough Enough'

Date: Tuesday, December 1, 2020 at 7:01:29 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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David Cole, ACLU: "is too early for civil libertarians to give up on the Supreme Court."

Everyday Injustice Newsletter - December 1, 2020

Vanguard Investigation: CDCR Sends People on a Wild Goose Chase for Release Dates, PPC or Early Release Eligibility

By Özge Terzioğlu

The COVID-19 pandemic has ravaged the United States since early March. While Americans scrambled to stock up on toilet paper and hand sanitizers, incarcerated people confined to their cells, tucked away from the rest of society wondered, "What happens to us?"

California's jails and prisons harbor the perfect conditions for deadly coronavirus outbreaks. There is little sanitation, PPE is prioritized for staff, and social distancing is nearly impossible in such close quarters.

People who are incarcerated have no choice on how to protect themselves from contracting this often fatal disease. In this unprecedented situation, they are at the will of the administration.

CDCR moved to control the spread of COVID-19 in their thirty-five prisons by reducing population through various early release programs. Additionally, Governor Newsom passed [executive order N-36-20](#), which halted transfers between county jails and CDCR for 30 days after March 24. CDCR Secretary Ralph Diaz further extended the order till Aug. 24. Currently, intake has resumed on a limited basis.

Due to limited transfers, county jail populations across the state have spiked. The Prison Law Office estimates that over 8,000 individuals meant to be in CDCR custody are being held in county jails. As of Nov. 21, 155 individuals in Santa Rita Jail, Alameda County—8% of the total jail population—are

slated for state facilities. SRJ's rising population has contributed to its four massive outbreaks since March.

Typically, CDCR reception centers process Positive Programming Credits (PPC), good-behavior or time-served credits, as a part of the intake process, to determine a release date or parole eligibility. Due to halts in transfers, CDCR has requested support from county jails to aid the credit calculation and release processes.

Several of these 8,000 individuals are eligible for release or parole based on the total credits earned. However, they have not received release or transfer dates due to backlogs and broken bureaucracies, leaving them in a painful state of uncertainty. Many are also serving longer sentences than originally intended.

[Click here for full story](#)

TODAY IS GIVING TUESDAY

We are off to a good start, we raised just about \$2000 yesterday. We have much more to go. If you can help us - please do so.

GIVING TUESDAY IS TODAY!!!

I can't stress this enough - this is our critical end of the year fund drive. We managed to survive 2020. But we needed funding to continue into 2021. All your donations will be matched between now and the end of the day on December 1.

We really appreciate your support but we need your help.

So if you can help - from now until December 1 - your donations will be matched. Please donate here.

<https://davisvanguard.networkforgood.com/projects/112639-year-end-campaign>

My pitch to you: we are just scratching the surface of what we can accomplish, the only thing holding us back is the ability to fund it. Please help today. Your donation can help us continue to expand our Vanguard at UC Davis project, our Court Watch projects, our COVID in prisons project.

Thanks for reading.

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Criminal Justice News/ Commentary

Guest Commentary: Can Liberals Win in a Conservative Court?

President Trump is on his way out the door, even if he goes kicking and screaming. The Biden-Harris administration will have its hands full picking up the pieces. Trump has left the federal government a kind of environmental disaster area,

[Read More](#)

Poll Shows Many Fewer Americans Believe Criminal Justice System 'Not Tough Enough'

A recent Gallup Poll shows that many fewer Americans now believe the criminal justice system is "not tough enough" as compared to those polled in 1992 – the poll also shows people would rather put money into

[Read More](#)

Legislation to Open Cops' Records and Punish Agencies Who Don't Comply with Public Requests to be Reintroduced at Capitol

Legislation that would greatly expand public access to peace officer records and penalize jurisdictions who don't comply with the disclosures will be reintroduced in the state Legislature Dec. 7, said Sen. Nancy

[Read More](#)

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Yolo County Court Watch

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Yolo Judge Not Happy Camper – Twice – After Court Mix-ups

A day before the holiday last week, Yolo County Superior Court Judge Peter Williams was not a happy camper. Not once, but twice. Attorney Johnny L. Griffin waited on the court's livestream for at least 30 minutes before Judge

[Read More](#)

Sacramento Court Watch

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Defense Attorney Accuses DA of 'Abusing' COVID Orders, Violating Defendant's Speedy Trial Rights

Private Defense Attorney Kelly Babineau last week accused the Sacramento District Attorney's Office of "abusing" the court's emergency orders by extending a trial without good cause, and filed a motion to dismiss the.

[Read More](#)

Sheriff's Department Mistake Leaves Expert 'Pissed,' Sex Crimes Trial Delayed

A mistake by the Sacramento Sheriff's Department left one court-approved expert "pissed" after the department failed to provide a Zoom link to conduct a defendant's evaluation, as was revealed here in Sacramento

[Read More](#)

Defendant Pleads No Contest to Felony Robbery of Bike, and Possession of Meth

Arrested for crimes of alleged theft of a bicycle, assault and battery, and in possession of a loaded weapon, and methamphetamines in April and August, Curtis Fleming pleaded "no contest" in a Sacramento County

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Domestic Violence Victim Claims Harassment by Defense Investigator – Judge Insists It's Civil Court Matter

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Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Subject: Valerie, have you been looking for a way to connect?

Date: Tuesday, December 1, 2020 at 3:04:16 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

Hi Valerie!

Good morning.

As we've learned the art of physical distancing and maintained health and safety guidelines these past few months, one thing's become abundantly clear to me:

We need connection. We are interdependent. We collaborate and work together even while we stand apart. We need one another because we are stronger together.

Sometimes nonprofit work can feel isolating, like we're facing a giant mountain alone. But on #GivingTuesday, nonprofits across the globe show the power of collective generosity in the social sector. To declare we are NOT alone!

Remember Ajay Dev's story of being wrongfully convicted, Linh Nguyen's experience as the co-editor-in-chief of The Davis Vanguard at UC Davis, and countless other Vanguard inters? They have been empowered by the generosity of others to continue their work with the Vanguard.

You feel the power of being one among millions creating change, by making a gift to The Peoples Vanguard of Davis Inc today.

And we'll witness the power of collective generosity as, together, we change the world.

All donations made by December 1 will be matched!

[DONATE NOW](#)

Let's be the change,

David Greenwald
Director of The Davis Vanguard

P.S. Please share our #GivingTuesday posts on [Facebook](#), [Instagram](#), or [Twitter](#) to encourage your friends and family to feel the power of collective generosity.

The Peoples Vanguard of Davis Inc
221 G St Ste 203
Davis, CA 95616

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Subject: Valerie, you can help Ajay Dev!

Date: Tuesday, December 1, 2020 at 2:00:27 AM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Hi Valerie,

I'm reaching out today to tell you about Ajay Dev and to ask for your support of our Giving

Tuesday Campaign.

Ajay Dev was sentenced to 378 years in prison for allegedly raping his adopted daughter. What has emerged over the last five years - *in part through our reporting and in part through the great work of the family and post-conviction counsel* - is evidence that the key pre-text phone call was allowed to be interpreted by the complaining witness on the stand at trial - ***and was misinterpreted.***

Meaning the key evidence used to convict him was falsified.

Moreover, numerous witnesses have written declarations that the complaining witness acknowledged she had fabricated her story.

Help Ajay Dev continue his fight for freedom!

“The Davis Vanguard deserves larger funds to be granted because there is no doubt the public will continue to greatly benefit from their service with their informative, honest, and trustworthy journalism.” - Ajay Dev

Your gift right now will help the Vanguard hire more staff members to encourage and promote this investigative journalism experience to bright young college students who will grow as writers and journalists while learning about the political issues surrounding our criminal justice system.

You can help people like Ajay receive justice!

Thanks to a generous donor, all contributions made by December 1 will be matched —that means your gift will be doubled!

With your generous support, we hope to continue our efforts to bring transparency and accountability to your local government through The Davis Vanguard.

Remember, any gift made today will have TWICE the impact thanks to a generous donor.

Can Ajay Dev count on your gift of \$25 today?

COUNT ME IN!

With gratitude,

David Greenwald
Director of The Davis Vanguard

P.S. Monthly subscription donations budget your gift—for you and us! Please consider making a recurring contribution by [clicking here](#).

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Subject: Everyday Injustice - Trump Tries To Reinstate Firing Squads; Scheck and Krinsky Talk About Prosecutors
Date: Monday, November 30, 2020 at 7:00:33 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Barry Scheck and Miriam Krinsky: "The job of a prosecutor is to pursue justice, not to win at all costs. One innocent person behind bars is too many."

Everyday Injustice Newsletter - November 30, 2020

Trump Pushes For Firing Squads and the Quick Execution of Five More Out the Door

By David Greenwald

It is a literal race for life or death. [ProPublica](#) last week reported that the Justice Department is seeking to expand regulations to allow for the use of additional methods for federal executions including firing squads as the administration rushes to execute five additional people before Trump's term expires.

They write: "One proposal has raced through the process with little notice but unusual speed — and deadly consequences. This [rule](#) could reintroduce firing squads and electrocutions for federal executions, giving the government more options for administering capital punishment as drugs used in lethal injections become [unavailable](#). The Justice Department surfaced the proposal in August and accepted public comments for only 30 days, instead of the usual 60. The rule cleared White House review on Nov. 6, meaning it could be finalized any day. The Justice Department didn't respond to a request for comment."

Strangely, the publication reports: "Once finalized, this rule might never be put into practice. The Trump administration [executed](#) a federal prisoner in Indiana on Nov. 19 and plans five more executions before Jan. 20, all with lethal injections."

ProPublica further notes: "After that, Biden has signaled he won't allow any federal executions and will push to eliminate capital punishment for federal crimes."

Strangely enough, President-Elect Biden opposes the federal death penalty - we will leave that one alone in this brief comment - and may push to end capital punishment for all federal crimes.

If the Justice Department succeeds in the final five executions, it will have put 13 prisoners to death since July. The New York Times calls it "one of the deadliest periods in the history of federal capital punishment since at least 1927."

Steve Vladeck, a law professor at the University of Texas, told the [NY Times](#) that this policy "represented a "symbolic" and "deeply practical" step by the department."

"It's a pretty gruesome way to go out," he told the paper. "This is basically the attorney general doubling down on, you know, sort of making it possible to execute as many federal prisoners as he can before his tenure is over."

From my view, a staunch death penalty opponent, the 13 executions are egregious.

For example, the case we are currently tracking - Lisa Montgomery - is a person with severe mental illness and a history of horrific trauma.

One of her attorneys, Sandra Babcock said recently: "Lisa Montgomery is person with severe mental illness, and numerous experts have concluded that her crime was the product of a psychotic episode. It is difficult to grasp the extremity of the horrors Lisa suffered from her earliest childhood, including being raped by her stepfather, handed off to his friends for their use, sold to groups of adult men by her own mother and repeatedly gang raped, and relentlessly beaten and neglected. No one intervened to help Lisa, though many knew what was happening to her."

She added, "Executing Lisa Montgomery would be yet another injustice inflicted on a woman who has known a lifetime of mistreatment."

What possible purpose does killing this woman serve? And yet, with the courts stacked as they are, there is probably no way to save her before Biden takes office.

Thanks for reading.

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Happy Thanksgiving. Thanks for reading.

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Criminal Justice News/ Commentary

Guest Commentary: 2020 Vote Saw Pro-Reform Prosecutors Win – They Need to Fix Mistakes by their Predecessors

Against the backdrop of protests against racial injustice and the Covid-19 crisis playing out in our prisons and jails, criminal justice reform was on the ballot in a big way this year. And Americans made clear on Election Day that they

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The Vanguard Week In Review: Court Watch (Nov. 23 to Nov. 25, 2020)

The Davis Vanguard is an online news forum that provides coverage of criminal justice reform and courts throughout California and the nation. In 2006, the Davis Vanguard began to cover Davis and Yolo County groundbreaking, local

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Looking Back: Restoring Quality Education to Prisoners Makes Sense

Having college education available to prisoners was one of the best ideas ever to be put into practice in terms of rehabilitation. It was truly a case of a win-win scenario. Firstly, the recidivism rate of those who had a college

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Sentencing Project Research Study Reveals Modern Female Incarceration Population Is Seven Times Higher Than 1980

The Sentencing Project released a new report titled "Incarcerated Women and Girls" just before Thanksgiving that revealed, among other concerns, that the female incarcerated population currently stands

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Yolo County Court Watch

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[Judge, for Now, Won't Release Defendant with Serious Cancer on No Bail](#)

It was a tough call on the day before Thanksgiving for Yolo County Superior Court Judge Paul K. Richardson, who was asked to release a felon – who had recently been diagnosed with deadly metastatic cancer of

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[Sacramento Court Watch](#)

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[Smoking Pipe Found in Man's Rectum After Allegedly Assaulting Girlfriend](#)

Maybe it seemed like a good idea at the time, but a Sacramento man apparently tried to hide a narcotic smoking pipe inside his rectum after he allegedly assaulted his girlfriend in their home with a heavy drinking glass.

[Read More](#)

[Man Expects a 'Tinder' Date; Gets Robbed Instead](#)

When a man drove to a local park in the middle of the night to meet his "Tinder" date earlier this year, he got a little more than he bargained for when he was allegedly robbed not just by his "date," but by two gun-toting men who later beat him.

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[Defendant Pleads to 13+ Criminal Counts in a Year – Gets Accepted to Drug Rehab](#)

Chang D. Vang had a long list of charges he was facing – from vehicle theft to violating a restraining order – when he was sentenced here in Sacramento County Superior Court just before Thanksgiving.

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[Alameda Court Watch](#)

[Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice](#)

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Twitter: <https://avanan.url-protection.com/v1/url?o=https%3A//twitter.com/DavisVanguard/%26nbsp%3B&g=Y2ZkY2FjNjk5YzVkdjVtYmYyYzVjZjE2ZTU2NGUyYg==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmJjNTBkZjA2N2JkOWE3NGNiYTg4ZWl4OGNiYWMzM2VmOnYx>
YouTube: <https://avanan.url-protection.com/v1/url?o=http%3A//www.youtube.com/davisvanguard&g=MDA3M2M5OWZjNmFjODVtMmMw==&h=NTk5NjU4YjZjNDMwNWE1MjQwOGI0NDM1YjZjZjFIMGYwNTIkM2I4MjBiODE4MzRkMjhhNWU0MDBmZjFjMjg3YQ==&p=YXAzOnNmZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmJjNTBkZjA2N2JkOWE3NGNiYTg4ZWl4OGNiYWMzM2VmOnYx>

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Subject: Valerie, want to join a worldwide movement from your couch?
Date: Sunday, November 29, 2020 at 7:00:25 PM Greenwich Mean Time
From: David Greenwald
To: valerie.ibarra@sfgov.org

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Image

Hey Valerie,

I believe you care about *bringing transparency, accountability, and fairness to local government*.

At this moment, as the world continues to deal with a global health crisis, an economic crisis, and rampant injustice, The Peoples Vanguard of Davis Inc will be joining others on Giving Tuesday, December 1st to show the power of good.

Together we can raise awareness of the systems of oppression and neglect that leave too many behind -- and demand that our work continues.

Please get involved.

You'll feel great knowing you're part of a worldwide movement working to make a difference -- and you won't even have to leave your favorite chair.

Let's show the power in numbers:

- Post a note or picture on your social media page and tag our Facebook, Instagram, Snapchat and/or Twitter accounts.
- Share an #unselfie that says why you support us! The social sharing will help broaden awareness for our cause.
- **Contribute to a cause you care about.** [Click here](#) to donate to The Peoples Vanguard of Davis Inc

All donations made by December 1 will be matched.

Won't you join us—and the generous individuals across the globe?

Thanks in advance.

Kind regards,

David Greenwald
Direct of the Davis Vanguard

P.S. When you make a gift, please post a photo of yourself with the hashtag #unselfie, tag us in your post, and include a note about why you support The Peoples Vanguard of Davis Inc.

The Peoples Vanguard of Davis Inc
221 G St Ste 203
Davis, CA 95616

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Subject: Happy Thanksgiving, Valerie!

Date: Thursday, November 26, 2020 at 6:00:17 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image



Dear Valerie,

Thanksgiving is a time to reflect, in gratitude, for those who make a difference in our lives. So, I thank you, on behalf of The Peoples Vanguard of Davis Inc, for being part of our community, and wish you and your loved ones:

Happy Thanksgiving!

David Greenwald
Director of The Davis Vanguard

The Davis Vanguard

PO Box 4715

Davis, CA 95617

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Subject: Everyday Injustice - Boudin Talks Homicide Charges Against Officer; Kyle Rittenhouse Bought His Freedom. Kalief Browder Could Not

Date: Wednesday, November 25, 2020 at 7:00:12 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“I see this as one small step towards fulfilling a promise to enforce laws equally, to charge cases as I see them,” Boudin said, “and that includes cases where police are the ones who commit the crime.”

Everyday Injustice Newsletter - November 25, 2020

Incarcerated Narratives Describe Folsom State Prison’s Poor COVID-19 Response & Massive Outbreaks

By Julietta Bisharyan, Nick Gardner and Jaskiran Soomal

Vanguard reporter Ozge Terzioglu spoke with the mother of an incarcerated person at Folsom State Prison (FSP) — the sixth most affected CDCR institution with 1,342 confirmed cases of COVID-19. Over 1,000 of these cases were reported during the months of September and October. The woman, who will be referred to as Diana per request to remain anonymous, gave brief insight into her son’s experience battling COVID-19 at FSP, as well as the misguided safety measures that have allowed the virus to spread rapidly to more than half of the prison’s population.

When the first major COVID-19 outbreak emerged at Folsom State Prison in mid-August, the institution mirrored CDCR’s general lack of preparedness. Makeshift quarantine areas proved ineffective, cross contamination between the prison’s sick and healthy population was widespread, and testing lacked the consistency required to ensure the safe reintegration of previously infected individuals into the general population.

Diana recalled her son’s anxiety when over 1,000 COVID-19 cases were reported at FSP in October.

“He felt like he was living in a Petri dish.”

His encounter with COVID-19 likely began in a visitation room that had been converted to a holding area for quarantine purposes. In the absence of strong testing protocols, the makeshift lockdown unit had unknowingly become home to a mix of healthy and infected individuals. He spent two days in this isolation unit, among roughly 30 individuals, before testing positive.

Upon testing positive, Diana's son was assigned to one of many blue tents erected in the prison's yard to isolate sick members of the population. For two weeks, he and three others occupying the tent battled an array of symptoms, while receiving minimal medical attention.

"When he was sick with COVID, all they gave him was Tylenol," Diana added. Once his symptoms subsided, he was relocated to his original cell for three days before being transported to Delano for a scheduled court appearance. He was not tested prior to his transportation, relocation or reintegration into the general healthy population.

"When they took him to court you would think they would have tested him to make sure he wasn't still infected, and he said that they didn't have it until they brought people in from another prison and building, it was like trying to infect everyone to achieve herd immunity," Diana recalled.

While her son's COVID diagnosis was likely the result of his two-day tenure in the converted visitation room, Diana pointed to a general lack of safety protocols that puts every member of FSP's population at risk of contracting the deadly virus.

"When he used the phone, they were making him clean it with a dirty cloth, so cross contamination was happening," Diane explained.

Her son's removal from the infected blue tents without a negative test was also not a one-off event. "When they are moving the sick, they would expose them to the healthy when they could've quarantined people separately."

Diana's concerns are identical to those of many incarcerated persons highlighted by the *Vanguard*. The lack of communication by CDCR officials has left many in the dark about the status of their loved ones. Flaws in safety protocols have fostered anxiety and general uncertainty among family members.

"It was a lot of stress not knowing how sick he was or if he was dying," Diane concluded. "This has been so hard for me."

[Full article here](#)

We are off until November 30... GIVING TUESDAY IS NEXT TUESDAY

I can't stress this enough - this is our critical end of the year fund drive. We managed to survive 2020. But we needed funding to continue into 2021. All your donations will be matched between now and the end of the day on December 1.

We really appreciate your support but we need your help.

So if you can help - from now until December 1 - your donations will be matched. Please donate here.

<https://davisvanguard.networkforgood.com/projects/112639-year-end-campaign>

My pitch to you: we are just scratching the surface of what we can accomplish, the only thing holding us back is the ability to fund it. Please help today. Your donation can help us continue to expand our Vanguard at UC Davis project, our Court Watch projects, our COVID in prisons project.

Happy Thanksgiving. Thanks for reading.

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Criminal Justice News/ Commentary

SF DA Boudin Declares ‘This taking of O’Neil’s life is not justifiable’ in Live Discussion Tuesday of Historic Filing of Homicide Charges Against Former Police Officer

San Francisco District Attorney Chesa Boudin discussed his office’s filing of homicide charges against former SF Police Dept. officer Chris Samayoa for the killing of an unarmed suspect in 2017 Tuesday morning on KQED.

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Guest Commentary: Kyle Rittenhouse Bought His Freedom. Kalief Browder Could Not

San Francisco District Attorney Chelsea Boudin last Friday announced that the San Francisco DA’s office’s website has posted a comprehensive list of prosecutions that may be impacted by the misconduct—a

[Read More](#)

San Francisco DA, Fair and Just Prosecution Founder in Webinar on Racial Injustice and Mass Incarceration

Congregation Beit Simchat Torah (CBST) hosted a webinar over Zoom and Facebook live to discuss mass incarceration and racial injustice in the criminal justice system this week, and they were joined by two prominent figures

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Everyday Injustice Podcast Episode 85: Martin Yant on the History of Wrongful Convictions

While the advent of DNA testing and the Innocence Project pushed wrongful convictions into the mainstream consciousness, there was important work done on wrongful convictions dating back well into the last century and

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COVID CDCR and Jail Dashboards

CDCR Reports Over Two Thousand Active Cases; First COVID-19 Death at Substance Abuse Treatment Facility

Our daily run down on the COVID cases in the California Prison System (CDCR)

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Santa Rita Jail Holds Nearly Two-Hundred COVID-19 At-Risk Patients in Custody

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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DA Objects, Judge Unsure but Defense Counsel Proves COVID-19 Special Orders Rule

COVID-19 raised its ugly head again, this time in the form of state judicial council pandemic orders that one defense attorney here in Yolo County Superior Court knew full well, but had to prove to a baffled judge and prosecutor.

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Sacramento Court Watch

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Judge Shuns Probation, Sends Defendant to Prison for 'Picking' on 'Vulnerable Victims'

Sacramento County Superior Court Judge Patrick Marlette called out a robbery suspect here last Friday for deliberately “picking particular victims when they are in particularly vulnerable situations.”

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Judge Charges Defendant Made ‘Mockery’ of Courtroom When He Lied to Jury

Judge Shelleyanne W.L. Chang reprimanded defendant Shawn Larkin Monday for making a “mockery” of her courtroom and the procedures of the court after he lied and then coerced his victim to lie on the

[Read More](#)

Two Neighbors Attack Each Other with Knives, Sword, Baton, Gun

A violent confrontation between two neighbors escalated into an altercation involving knives, a sword, a baton, and a gun, according to testimony here in Sacramento County Superior Court Friday.

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Attempted Murderer Hopes for Probation but Gets 25 Years to Life in Prison

Defendant Jamaal Gooding—who shot someone heckling him at a McDonald’s restaurant five year years ago on Halloween —was hoping something good would happen Friday in Sacramento Court Dept. 19 at a

[Read More](#)

Arson Defendant Sent to State Hospital to Take Anti-Psychotic Meds – No Help for Vet, Sent to Jail Not Veterans Court

There were two negotiated plea agreements Friday morning in Sacramento County Superior Court—both simple and both seemingly designed to not overcrowd the county jail, which has been reduced by about half of its

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Motion to Consolidate Denied – Judge Rules May Prejudice Case against Homeless Mother

A deputy district attorney did everything she could here Monday to consolidate minor misdemeanor cases involving a homeless mother with children, but in the end the judge agreed with the defense counsel and consolidation

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Judge Mulls Jurisdiction in Human Trafficking Case

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Everyday Injustice - Podcast

see our podcasts

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Subject: Everyday Injustice - Boudin Files Homicide Charges Against Officer; Podcast on Wrongful Convictions

Date: Tuesday, November 24, 2020 at 7:01:21 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"I'm committed to equal enforcement of the law, and to a justice system where the outcomes don't depend on the color of your skin, how much money you have in the bank, or whether you wear a uniform to work," SF DA Chesa Boudin

Everyday Injustice Newsletter - November 24, 2020

A Test For Holding Police Accountable...

By David Greenwald

We all know the history of police shootings - too often they are never charged criminally even when there seems to be good cause, and even when they are charged criminally, it is rare for a jury to convict and even more rare for them to serve substantial time.

Some of that is the close relationship between police and prosecutors - many prosecutors are reluctant at best to alienate their partners in law enforcement. Some of that is the nature of the job - police put themselves on the line on a daily basis, and many jurors are willing to give them the benefit of the doubt. And some of that is the nature of the laws which allow articulated fear of safety to become justification for a lethal use of force.

San Francisco will be interesting test because potentially all of those elements could be missing.

On Monday, Chesa Boudin, San Francisco's new progressive district attorney - announced manslaughter charges against the police officer who fatally shot 42-year-old Keita O'Neil during a 2017 chase. This is believed to be the first time in modern San Francisco history that a police officer has been charged with a homicide in a use-of-force case.

"I'm committed to equal enforcement of the law, and to a justice system where the outcomes don't depend on the color of your skin, how much money you have in the bank, or whether you wear a uniform to work," Boudin told the Chronicle.

He added: "We're filing charges in the Keita O'Neil case because we're confident we can prove to a jury that when Mr. O'Neil was shot and killed, it was an unlawful shooting, and it was an unlawful taking of a human life."

Boudin always figured to be different. In fact, the San Francisco Police Officers Association bitterly opposed his candidacy where he pledged to hold the police accountable. They poured in megabucks to oppose him. And he has pushed back pushing for legislation and Bar Association rules that would decouple prosecutors from police associations.

In addition, California enacted AB 392 which has become one of the strongest use-of-force bills in the nation. The bill updates the existing standards to provide that deadly force can only be used now when deemed absolutely necessary.

The third part of the equation remains to be seen - will a San Francisco jury vote to convict a cop of manslaughter? That's an interesting question, but probably San Francisco is the most likely venue.

This does not appear to be a slam-dunk case. The officer was a rookie and had just graduated from the police academy - Boudin opted for manslaughter over second degree murder. The question before the jury will be whether the officer acted reasonably, or in unreasonable self-defense or acted with "criminal negligence," disregarding the life and safety of the victim.

He also faces three additional charges: assault with a firearm, reckless discharge of a firearm and unlawful assault by a police officer.

Thanks for reading.

Year End Fund Drive - DOUBLE YOUR IMPACT

Now through December 1, your donation will be matched.

<https://davisvanguard.networkforgood.com/projects/112639-year-end-campaign>

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Criminal Justice News/ Commentary

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SF District Attorney Files Homicide Charges Against SFPD Officer Monday, Believed to Be 1st Ever Homicide Prosecution of Police in SF

In what critics of police brutality here are calling a reversal of a policy of “rewarding” peace officers for killing members of the community, the San Francisco District Attorney Monday announced it has filed homicide

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SF District Attorney Releases List of Cases that May Be Impacted by Drug Bust of Medical Examiner Analyst

San Francisco District Attorney Chelsea Boudin last Friday announced that the San Francisco DA’s office’s website has posted a comprehensive list of prosecutions that may be impacted by the misconduct—a

[Read More](#)

Incarcerated Narratives Describe Folsom State Prison’s Poor COVID-19 Response & Massive Outbreaks

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COVID CDCR and Jail Dashboards

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Yolo County Court Watch

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Defendant Interrupts Mental Competency Hearing with Claims of Alleged Murder of Officer

"Listen, it doesn't matter, I know what happened, I know what happened, I know what happened Mr. Richardson, you don't know, nobody else knows."

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Sacramento Court Watch

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Halloween Becomes True Horror after 22-Year-Old Sexually Assaulted by Co-Worker

What began as a normal evening out with co-workers on Halloween night became a horror show when a young woman woke up to being sexually assaulted by the defendant not once, but twice in one night.

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New Medical Expert OK'd After Previous Doctor Breaks Protocol; Defense Suggests DA Just Unhappy with Review

A psychologist was removed from a list of doctors approved to evaluate defendants and testify in Sacramento County Superior Court after it was found that he allowed his supervisee to help him with the evaluation of a defendant.

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Defense Helps Compel Judge to Release Defendant Same Day

An absentee defendant was released here late last week because of his defense attorney's clear representation and a judge's willingness to listen.

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Plea Agreements Help Keep County Jail COVID-19 Depleted

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Subject: Everyday Injustice - 13 Priorities For New Admin with Respect to CJR; A look at pretrial issues in Kansas and Chicago

Date: Monday, November 23, 2020 at 7:00:22 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Jaythan Kendrick: "I'm very, very happy today because I never thought this would happen, although I hope and wish that it would."

Everyday Injustice Newsletter - November 23, 2020

How Can a Biden Administration Advance Criminal Justice Reform?

By David Greenwald

As we wait for the post-election madness to die down, it is interesting to note that President Elect Joe Biden along with VP Elect Kamala Harris enter office with the opportunity and perhaps even the mandate to transform the justice system.

Ironic because Joe Biden helped to erect it in 1994. Ironic still because Kamala Harris rose to this office as a former DA and AG in California.

As the [Fair and Just Prosecution report](#) notes: "The new administration is poised to build its legacy on bold action to end the failed war on drugs that has had a devastating impact on communities of color, counter ineffective and harsh sentencing practices that have made this nation an international outlier, ensure that people in the criminal legal system have opportunities to rehabilitate and rebuild their lives, revitalize communities shattered by mass incarceration, and finally close the prison system's revolving door."

They recommend a 13 point plan to fix the criminal legal system:

13 RECOMMENDATIONS FOR CHANGE AND FEDERAL ENGAGEMENT

1. Appoint the Right People and Encourage the Right Culture in the Department of Justice and Throughout the Federal Government
2. Reform Policing Top to Bottom
3. Establish Mechanisms that Allow for Sentencing Second Chances and Second Look Opportunities and Advance Conviction Integrity
4. Establish Fair, Just, and Equitable Charging, Plea Negotiation, and Sentencing Policies That Alleviate Mass Incarceration and Promote Public

Safety

5. Apply a Harm Reduction Approach to Substance Use
6. Adopt and Support Policies That Treat Kids Like Kids and Recognize Their Diminished Culpability and Heightened Capacity for Change
7. Address Concerning Conditions of Confinement in Federal Facilities and End the Use of Private Prisons
8. Support Improved, Expanded, and Increased Pathways to Successful Reentry
9. Address the Justice System's Poverty Penalty by Ending Cash Bail and Excessive Costs, Fines, and Fees
10. Reverse Cruel and Inhumane Immigration Policies and Build a Just and Effective Immigration System
11. Promote and Prioritize Racial Equity in All Criminal Justice Policymaking
12. End the Federal Death Penalty
13. Support, Promote, and Establish a Task Force on 21st Century Prosecution

See the full report [here](#).

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Criminal Justice News/ Commentary

Guest Commentary: Voters' Decisions on Propositions 17 and 20 Bring Hope to Criminal Justice Reform in California

This election cycle, Californians were presented with two propositions on their ballots—17 and 20—that are of major significance in the quest for true criminal justice reform.

[Read More](#)

Kansas Pretrial Task Force Report Makes Recommendations

Nationally, about two thirds of local incarcerated population have yet to be convicted of a crime, meaning that the jail population is predominantly people awaiting trial or who cannot post bond. Kansas sits slightly lower at 53 percent.

[Read More](#)

After 25 Years in Prison, Jaythan Kendrick is Exonerated In Queens

Jaythan Kendrick has spent 25 years, a quarter century, in prison trying to prove his innocence. But Thursday, November 19, 2020, Judge Joseph Zayas

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Day 5 of ICE Mesa Verde Hearing: Inconsistent Witness Testimony

The weeklong hearing on whether the Mesa Verde ICE detention center in Bakersfield should continue to be overseen by the U.S. District Court continued Friday, the fifth day in front of U.S. District Judge Vince Chhabria.

[Read More](#)

The Sentencing Project Highlights Youth Incarceration During Pandemic

Josh Rovner, Senior Advocacy Associate at The Sentencing Project, a research and advocacy group advocating for decarceration, hosted a webinar this week discussing youth incarceration during COVID-19.

[Read More](#)

CHICAGO STUDY: Bail Reforms Alleviate Financial Burden on Poor and Minority Defendants without Increasing Overall Crime

Cook County's bail reform – known as GO18.8A – created a presumption of release without monetary bail for the large majority of felony defendants in Cook County and encouraged the use of lower bail amounts for those

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COVID CDCR and Jail Dashboards

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Judge Calls Out Defendant's Laundry List of 25 Active Cases

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Sacramento Court Watch

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29-Year Love Story Marriage Becomes Domestic Violence Horror Story

Defendant Damon Lewis and his wife have been married for more than 20 years. Their love story now might be considered something out of a horror film, with Lewis facing felony domestic violence charges.

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Defendant Faces 32 Different Counts of

Lewd Acts with Underage Minors

Edward Marin was in Sacramento County Superior Court Thursday because he is charged with 32 counts of sexual assault spanning 10 years against with two underage daughters of a former girlfriend.

[Read More](#)

Gunfire 3 Years Ago Leads to 6-Year Prison Sentence – But Man Walks Free

Robert Fox was sentenced late last week in Sacramento County Superior Court to six years in prison after pleading to being a felon with a firearm and admitting a felony strike—and then he walked free.

[Read More](#)

'Insidious' Assault, Stalking Charges Net Serial Defendant Max Sentence

Anthony Sanchez awaited sentencing here in Sacramento County Superior Court last week to his assault and stalking charges, knowing that he was already behind bars, about to face his victim and hear the effects that his crimes

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Domestic Violence Victim Claims Harassment by Defense Investigator – Judge Insists It's Civil Court Matter

In Fresno County Superior Court Judge Glenda Allen-Hill's courtroom, a victim of domestic violence charged she was being harassed by an investigator working for defendant Gregory Hudson's defense.

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Riverside Court Watch

Anything Can be a Weapon – Man May Stand Trial for Stabbing Someone with BBQ Fork

Deputy District Attorney Garrett Behrens argued during a preliminary hearing that nearly everything can be a weapon if the circumstances allow it. Even eating utensils.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

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Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: Everyday Injustice - Gascon Announces Very Aggressive Reform Team; ICE Hearing Continues in SF
Date: Friday, November 20, 2020 at 7:00:51 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“I was elected by the people and this community will have a seat at the table as we work to modernize our criminal justice system,” said Los Angeles County District Attorney-elect George Gascón.

Everyday Injustice Newsletter - November 20, 2020

Gascon’s Transition Team is Definitely Tilting Heavily Towards the Reform Side of the Equation

By David Greenwald

George Gascon knocked off incumbent LA DA Jackie Lacey running heavily on a reform agenda. Still some of us who watched Gascon closely and covered the courts during his time as San Francisco DA wondered what his administration would look like in LA.

After his Wednesday announcement of his transition team, however, there doesn’t seem to be much question - he is tilting hard in the reform direction.

District Attorney-elect George Gascón announced his transition team. Mr. Gascón recruited a diverse group of community members, practitioners and subject matter experts. Where possible his goal was to

ensure individuals with lived-experience were helping inform the policies, procedures, and future of the Los Angeles County District Attorney's Office.

"I was elected by the people and this community will have a seat at the table as we work to modernize our criminal justice system," said Los Angeles County District Attorney-elect George Gascón. "Those that have been directly impacted by the work of this office have unique insights that are integral to an effective administration. If we had all the answers victims would feel restored and we wouldn't have astronomic rates of recidivism. Instead, our profession has largely missed the opportunity to learn from those that are justice-involved. We need to listen, grow, and take this opportunity to be better."

Most teams have additional members beyond those named below with lived-experience and technical expertise providing contributions and recommendations. Several additional efforts are being led by teams of experts covering everything from data to *Brady* policy, misdemeanor charging, prosecutorial ethics, and more.

Transition Steering Committee – Cristine DeBerry / Jamarah Hayner / Joseph Iniguez / Max Szabo

Bail – Dolores Canales / Robin Steinberg

Conviction Review – Franky Carrillo / Paula Mitchell

Death Penalty – Stefanie Faucher / Sean Kennedy / Natasha Minsker

Diversion, Reentry & Behavioral Health – Judge Songhai Armstead (Ret.) / Eunisses Hernandez

Enhancements, Three Strikes & Charging – Michael Romano

Environmental Justice – Michael Kadish / Angeleno Logan / Mary Nemick / Aura Vasquez

Immigration – Maritza Agundez / Rose Cahn

Juvenile – Frankie Guzman / Michael Mendoza / Maureen Pacheco / Patricia Soung

Law Enforcement Accountability – Erwin Chemerinsky / Je Yon Jung

Law Enforcement Relations – Kevin Jablonski / Rebecca Neusteter / Jacqueline Seabrooks

Resentencing – Hillary Blout / Kate Chatfield / Christopher Hawthorne / Jennifer Hansen / Paula Mitchell / Michael Romano

Trauma Informed Approach to Victims – Ivette Alé / LaNaisha Edwards / Gena Castro-Rodriguez / Bamby Salcedo

George Gascón will be sworn in as the 43rd District Attorney of Los Angeles County on December 7, 2020.

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Criminal Justice News/ Commentary

Hearing with Expert Testimonies to Determine Fitness of ICE Mesa Verde Facility, Struck with COVID-19

A hearing resumed here in U.S. District Court Thursday to determine if the Mesa Verde ICD Detention Center should continue to be monitored by the courts after a massive COVID-19 outbreak this summer that sickened

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ACLU Sues to End Death Row 'Terror' Conditions that Retraumatize Lisa Montgomery, Due to be Executed in December

The American Civil Liberties Union (ACLU) sued U.S. Attorney General William Barr and the wardens of Terre Haute Correctional Complex and Federal Medical Center at Carswell this week, asserting that the death row

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Groups Protests Arguing that CDCR Has Taken Inadequate Steps To Reduce COVID Threat in Prisons

On Wednesday, the Essie Justice Group, a nonprofit organization of women with incarcerated loved ones held a caravan attempting to draw attention to the COVID spike around the country, where incarcerated people at CDCR

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Whistleblower from Santa Rita Jail Highlights Improper Testing and False Testing Counts

Over the span of two weeks, there was only one confirmed case of COVID-19 in Santa Rita Jail (SRJ). It was first reported on Nov. 7 and resolved in nine days.

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COVID CDCR and Jail Dashboards

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Sacramento Court Watch

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Defense Fact Checks Deputy District Attorney – Judge Still Goes with High Bail

The prosecution sought to retain a defendant's "no bail" status here in Sacramento County Superior Court Wednesday, citing his criminal history, police report, and the victim and witness testimony of defendant's

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Defendant Can't Afford Restitution; Judge and DDA Give Defendant a Break

Defendant Bryan Rosengren is working hard to get a felony conviction reduced to a misdemeanor—and he found a little support from Sacramento County Superior Court Judge Scott L. Tedmon this week.

[Read More](#)

Judge Goes Off on Attorneys for Re-Scheduling without Informing Court

Judge Steve White went off on a group of attorneys here in Sacramento County Superior Court, telling them it is "simply not acceptable" to postpone their preliminary hearings without informing the court.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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In Fresno County Superior Court Judge Glenda Allen-Hill's courtroom, a victim of domestic violence charged she was being harassed by an investigator working for defendant Gregory Hudson's defense.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed

ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Merced Court Watch

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Subject: ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center | Davis Vanguard

Date: Thursday, November 19, 2020 at 7:58:20 PM Greenwich Mean Time

From: valerie.ibarra@sfgov.org

To: Francisco Ugarte, Emilou Maclean

CC: Carolyn Goossen

FYI- Davis Vanguard covered the hearing on Monday.

<https://www.davisvanguard.org/2020/11/ice-questioned-in-sf-district-court-over-covid-19-outbreak-at-mesa-verde-detention-center/>

Sent from my iPhone

Subject: Everyday Injustice - Sounding the Alarm on COVID in CDCR; SF Public Defender Launch Cop Watch
Date: Thursday, November 19, 2020 at 7:01:52 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“The purpose of our action is to visibilize what’s happening behind bars and let folks know that even though there is not as much media attention about the humanitarian crisis now as there was when there was that outbreak at San Quentin, the situation is just as dire if not more so,” Rena Karefa-Johnson, Director of Campaigns and Advocacy at Essie Justice

Everyday Injustice Newsletter - November 19, 2020

**Whistleblower from
Santa Rita Jail Highlights Improper Testing and False Testing
Counts**

By Tiffany Devlin

Santa Rita Jail Solidarity published testimonies on [Oct. 30](#) and [Nov. 2](#), from Stephanie (Jamee) Navarro in HU 24E, regarding SRJ's lies about testing counts and the improper administration of tests leading to inaccurate results. Stephanie has faced retaliation from jail officials for filing grievances and speaking against the jail.

"The most important thing is for them to know is that the jail is lying to people about how much they are testing. They are not offering the test to everyone. Since March 2020 they have not offered the test to every inmate, so not every inmate has been tested." Stephanie wrote.

In previous testimonies to the Vanguard, many attested to [minimal testing](#) and [poor quarantine protocols](#), suggesting that there are more active cases at SRJ than the confirmed cases count reported by Alameda County Sheriff's Office (ACSO).

"They aren't doing the tests right, so they don't have accurate results. I don't have faith in the tests. How are they getting accurate samples from just swabbing the tip, near the opening of my nose, there is no mucus there" Stephanie added.

These reports are similar to [concerns](#) from Elmwood Correctional Center in Milpitas, Santa Clara County, where patients were asked to swab their own noses.

Regarding quarantine, Stephanie wrote, "... I am not high risk or quarantined so why am I in here? Where do I belong?"

Stephanie's pod is considered high-risk. The population consists of pregnant and elderly women among others. She stated that some newly quarantined individuals were "straight from the street", suggesting that high-risk patients are being mixed with others who are not high-risk.

This inter-mixing coupled with improper testing, puts the high-risk population in more danger of contracting COVID-19.

While Alameda County Public Health Dept. made only [one visit](#) to SRJ in six months despite multiple outbreaks, Stephanie reports that visits from Sabot Consulting, a third-party body that monitors the jail's response to COVID-19, were biased since officials knew that they were visiting beforehand.

"When Sabot consulting, who is supposed to monitor the jail's response to COVID, comes to the jail "unexpectedly," it's not unexpectedly... They do not surprise any of the housing units because we have been given notice. So giving the jail an A plus on the report card is a joke." Stephanie wrote.

Stephanie has been deprived of pod time, along with being denied additional grievance forms.

"On November 1, I filed a grievance. Then, Deputies Fink & Sensibil in Housing Unit 24-West refused to provide me with additional grievance forms." she wrote.

Stephanie is considered a whistleblower and has faced retaliation from the jail after complaining to her lawyer about how the jail has not passed out soap in months. The jail has also failed to be consistent in passing out masks once a week.

"When I started complaining to my lawyer who then complained to the jail they put up a sign by the pod door saying if you need wipes, masks, or soap ask a deputy. But a lot of inmates don't know how to read, making this sign useless for some. Many inmates will not come out of their cells let alone ask for soap, masks or wipes." Stephanie wrote, highlighting an accessibility issue arising from the literacy of some incarcerated people.

Stephanie wrote that HU 24 and the entire jail needs more serious auditing and monitoring.
To read the whole article: [click here](#)

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Criminal Justice News/ Commentary

Groups Protests Arguing that CDCR Has Taken Inadequate Steps To Reduce COVID Threat in Prisons

On Wednesday, the Essie Justice Group, a nonprofit organization of women with incarcerated loved ones held a caravan attempting to draw attention to the COVID spike around the country, where incarcerated people at CDCR

[Read More](#)

U.S. District Court Shocker: ICE Had No Plan to Deal with COVID-19 Outbreak at Mesa Verde Detention Center

The Mesa Verde ICE detention center – more than half of detainees and at least one-quarter of staff were infected with COVID-19 – had no contingency plan for an outbreak even though the virus was running rampant throughout

[Read More](#)

Webinar Focuses on Eliminating Slavery Language in Constitutions

Jamilia Land – a member of the Abolish Slavery National Network (ASNN) in California and the founder of A.S.A.P, an organization centered on the mental health and well-being of children impacted by police and community murder, gun

[Read More](#)

Justices Sotomayor, Kagan Dissent After SCOTUS Denies Appeal by Inmates at Geriatric Prison to Require COVID-19 Precautions

The U.S. Supreme Court Monday denied an appeal by inmates at a Texas geriatric prison to reinstate a court's order that the prison use COVID-19 safety protocols.

[Read More](#)

Whistleblower from Santa Rita Jail Highlights Improper Testing and False Testing Counts

Over the span of two weeks, there was only one confirmed case of COVID-19 in Santa Rita Jail (SRJ). It was first reported on Nov. 7 and resolved in nine days.

[Read More](#)

SF Public Defender Makes Public 'CopWatch SF' Database of Misconduct of SF Police and Sheriff Deputies

Hundreds of public records about wrongdoings by law enforcement officers are now being made available to everyone as of Wednesday through the San Francisco Public Defender's "CopWatch SF" database that tracks the

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COVID CDCR and Jail Dashboards

High Desert State Prison Reports First COVID-19 Related Death

Our daily run down on the COVID cases in the California Prison System (CDCR)

[Read More](#)

Santa Rita Jail Reports Three New Staff/Contractor COVID-19 Cases

Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ICE Questioned in SF District Court over COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Judge Calls Out Defendant's Laundry List of 25 Active Cases

James Michael Saragoza was sentenced by Judge David W. Reed in Yolo County Superior Court Tuesday for violations of probation. And it is not as though Saragoza just missed a meeting. His scrapes with the law

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Sacramento Court Watch

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Short Phone Call Saves Defendant's Trial Date – Kind of

Because an officer witness is on injured leave a defendant's trial date would have been pushed to next year if a Sacramento public defender had not questioned why the injury prevented the officer from testifying on the stand.

[Read More](#)

Judge Sets Trial, But Probable Cause Questioned in Muddled Testimony

Although the judge in Sacramento County Superior Court Tuesday ruled a drug case can go to trial, some of the testimony suggested a search may have been illegal, and a detective's testimony was muddled.

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'Children Get One Childhood' – Tough Love from Sacramento Judge to Defendant with 1-Month Old Baby

It's called tough love, and maybe Judge Scott Tedmon provided those type of strong words of advice to a mother of a month-old son during an arraignment hearing Tuesday afternoon in Sacramento County Superior Court.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

[Read More](#)

Fresno Court Watch

Domestic Violence Victim Claims Harassment by Defense Investigator – Judge Insists It's Civil Court Matter

In Fresno County Superior Court Judge Glenda Allen-Hill's courtroom, a victim of domestic violence charged she was being harassed by an investigator working for defendant Gregory Hudson's defense.

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

In February of 2019, longtime legendary public defender Jeff Adachi died. Taking over the position as the only elected public defender in California was Mano Raju. His first 18 months has seen not only the sudden ascent to head the

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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“For someone who has suffered the kind of sexual terror and trauma that Lisa has, this treatment isn’t just cruel and unusual — it is torture,” said Cassandra Stubbs, director of the ACLU’s Capital Punishment Project.

Everyday Injustice Newsletter - November 18, 2020

The Traumatizing Conditions of Death Row

By David Greenwald

As one who has been a lifelong opponent of capital punishment, I tend to focus on two issues: (1) the problem of wrongful convictions and unequal application of the law and (2) the immorality of the state attempting to teach citizens not to kill while itself killing.

But the ACLU brief filed this week in a lawsuit against Attorney General William Barr illustrates another problem.

In a press release, the ACLU notes “the torturous conditions under which Lisa Montgomery has been held since a warrant for her Dec. 8 execution was issued due to parallels to the decades of sexual terror she endured.”

They demand “an end to these conditions and seeks to prevent the added trauma that will inevitably result from her planned transfer to the all-male Terre Haute prison.”

Anyone who watched the movie, *Just Mercy*, will recall the inhumanity of the execution that was depicted in that movie. Reading several books of people wrongly convicted and sitting on death row, the trauma experienced at those facilities and the anticipation is horrific.

Add to that the questionable circumstances of President Trump rushing through executions on his way out and the questionable cases that have resulted in multiple executions by the federal government and we can see a real problem.

IN the case of Montgomery, the ACLU notes, “When her execution date was scheduled on Oct. 16, Lisa was immediately deprived of all of her belongings, including books, legal papers, and photographs of her children. She was transferred to a cold cell with bright lights that shine all day and night. Male guards watch her 24/7, including when she uses the toilet. Her standard clothing, including bra, panties, and socks were taken away, leaving her only with a loose gown with velcro straps. She finally received a pair

of mesh panties, with the instruction, “be a good girl, now.” The defendants in the ACLU’s lawsuit plan to transfer her to an all-male prison as her execution date looms.”

The ACLU notes: “These conditions would be unbearable for anyone, but Montgomery’s history of immense sexual terror, trauma, and mental illness that developed as a result makes the conditions horrific. At the age of 11, her stepfather raped her for the first time. This abuse went on for years — he eventually built a special room to isolate and rape her. When her mother found out, she put a gun to Lisa’s head and threatened her.”

They continue: “When Lisa was in her early teens, her mother trafficked her to older men, leading her to be vaginally, anally, orally raped — sometimes by multiple men at one time. When Lisa was 17, she was coerced into marrying the adult son of her mother’s boyfriend, who continued to sexually torture and rape her.”

These are the kinds of tragic stories that lead people to death row. But we focus on the back end - the horrific behavior that leads to the death sentence, and not the front end of how people got to that point.

“For someone who has suffered the kind of sexual terror and trauma that Lisa has, this treatment isn’t just cruel and unusual — it is torture,” said Cassandra Stubbs, director of the ACLU’s Capital Punishment Project.

She added, “Lisa is the first woman to be executed by the federal government in nearly 70 years, but the conditions she is held under are far harsher than any man on death row, or anyone on suicide watch. The depravity and cruelty of the treatment are seemingly the point. The Constitution does not give our government permission to torture people before putting them to death — these conditions must be alleviated immediately.”

This is why many of us oppose the death penalty.

Thanks for reading.

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Criminal Justice News/ Commentary

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VANGUARD INVESTIGATION: New Evidence Reveals California's Longest Serving Inmate on Death Row May Actually be Innocent

After decades of fighting for his release, Douglas Ray Stankewitz may finally have a real chance at freedom. In an all-encompassing Writ of Habeas Corpus filed by his legal team

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Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju

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San Francisco Court Watch

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ICE Questioned in SF District Court over

COVID-19 Outbreak at Mesa Verde Detention Center

Hearings began here this week in U.S. District Court to decide if the court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter

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Yolo County Court Watch

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Judge Calls Out Defendant's Laundry List of 25 Active Cases

James Michael Saragoza was sentenced by Judge David W. Reed in Yolo County Superior Court Tuesday for violations of probation. And it is not as though Saragoza just missed a meeting. His scrapes with the law

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Sacramento Court Watch

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ONE COURT SESSION: Release for Man Who Threatened to 'Bury' Neighbor,' Credit for Homeless and Delay for Man Claiming to Work for Pentagon and CIA

On a typical day in Sacramento County Superior Court, defendants are often seen entering pleas, preparing for trial with their counsel, or being sentenced. On Monday, the outcome for some defendants

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Judge Rules Testimony Ex-Wife of Credible, Current Wife Not So Much – Won't Release Defendant

Three witnesses—including a current and former wife—testified this week in defendant Rudolph Henderson's violation of probation and bail hearing in Sacramento County Superior Court, but the current wife was deemed not

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Wheelchair Bound DUI Defendant Released but Still Gets DUI Device

In a somewhat unusual court scene, a defendant sat in his wheelchair as the Sacramento County Superior Court commissioner issued him a SCRAM alcohol monitoring device to keep him from being “a flight risk.”

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Domestic Violence Victim Claims Harassment by Defense Investigator – Judge Insists It's Civil Court Matter

In Fresno County Superior Court Judge Glenda Allen-Hill's courtroom, a victim of domestic violence charged she was being harassed by an investigator working for defendant Gregory Hudson's defense.

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: FOR IMMEDIATE RELEASE: San Francisco Public Defender Launches “CopWatch SF” Database to Ensure Public Access to Available Police Records

Date: Wednesday, November 18, 2020 at 5:08:59 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: November 18, 2020

Contact: SF Public Defender’s Office – Valerie.Ibarra@sfgov.org – (628)249-7946

****PRESS RELEASE****

San Francisco Public Defender Launches “CopWatch SF” Database to Ensure Public Access to Available Police Records

SAN FRANCISCO – This morning, the San Francisco Public Defender’s “CopWatch SF” database went live, making available hundreds of public records about police and sheriffs. What began as a data collection tool for public defenders fighting cases for individual clients has grown into a database accessible to all.

“This database was designed by our Integrity Unit to shine a light on police conduct and encourage greater accountability. Everything included is available publicly, but nowhere else is it consolidated into an easily searchable online resource,” said Mano Raju, Public Defender of San Francisco. “We believe this is a model that can and should be replicated across the state.”

The CopWatch SF database is now available on the Public Defender’s website - sfpublicdefender.org/copwatch - and contains a list of local cops with records that have so far been released under the 2019 law SB 1421, plus other publicly available documents like civil lawsuits, news articles, and known findings of complaints filed with the Department of Police Accountability.

SB 1421, authored by Senator Nancy Skinner, made public police conduct in four categories: shooting a gun at a person, use of force causing great bodily injury, sustained allegations of dishonesty, and sustained allegations of sexual assault. In January 2019, the San Francisco Public Defender’s Office requested records on over 2,000 active SFPD officers from agencies including the SFPD, DPA, the District Attorney, and the SF Police Commission; the records so far received are in this database.

“It’s been almost two years since the new law took effect and we have received less than 10% of what exists. At this rate, it will take twenty years to get records on all current cops,” said Danielle Harris, Managing Attorney of the Integrity Unit. “We have worked to make what is available easily accessible to all. The database unfortunately does not tell the full picture because many police records are still shielded from public view under confidentiality laws, because police agencies have no incentive to prioritize the records’ release, and because there has not yet been the political will to create that incentive. Despite these limitations, CopWatch SF is a living database that will grow and expand for all who care about transparency and accountability in policing, including the community at large, activists,

journalists, civil rights attorneys, and public officials.”

California State Senator Nancy Skinner attempted to expand those categories this year with SB 776, but the bill did not make it through the legislative cycle.

“I commend the San Francisco Public Defender’s Office for creating this important database and making records on police use of force and serious misconduct available in an easy-to-use format. This tool will make it far easier for the public to obtain records that were made accessible with the passage of SB 1421,” said Senator Nancy Skinner, D-Berkeley, author of SB 1421. “Transparency builds trust between the public and police. My office is committed to expanding public access to law enforcement records and to building the trust that public safety in every community relies on.”

Adriana Camarena, a local community advocate for families whose loved ones have been killed by SFPD officers, has been frustrated by the limited amount of information that families can find. “The Public Defender’s Office has radically increased transparency by aggregating public records on officers into one searchable and public database, but this should and could have been done long ago by the City agencies in charge of these records,” said Camarena. “We are sitting in the cradle of the information economy with a myriad of solutions available for open government, and the SFPD has failed to provide user-friendly, easily relatable, open data sets that allow the public and media to find the real story behind the data and to support public policy change.”

The Public Defender’s Integrity Unit tracks police officer misconduct and advocates for systemic change; it also assists community members in filing complaints against SFPD and Sheriff’s deputies. “We consider this our duty because our clients’ freedom often depends on systemic accountability and because the community trusts us to stand up for their rights,” said Raju.

###

To view this press release online, please visit sfpublicdefender.org/media.

Subject: Valerie, have you read our coverage of cases like Ajay Dev, help us continue to provide it

Date: Wednesday, November 18, 2020 at 4:30:52 PM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

Image

Hi Valerie,

The work of the Davis Vanguard is extremely important to us and nowhere is it more important than the work we have done on the case of Ajay Dev.

Ajay Dev is not only a supporter of the Davis Vanguard and but also victim of wrongful convictions in Yolo County.

Ajay Dev had been sentenced to 387 years in prison for a crime that he was wrongly accused of. Dev was accused of raping his adopted daughter; however, what has emerged over the last five years - in part through our reporting and in part through the great work of the family and post-conviction counsel - is evidence that the key pre-text phone call was allowed to be interpreted by the complaining witness on the stand at trial - and was misinterpreted.

Meaning the key evidence used to convict him was falsified.

Here is what Ajay Dev had to say about the Davis Vanguard:

"The unchecked and unbalanced power of the prosecutor of the Yolo County criminal court proceedings needs the importance of the Davis Vanguard."

"David and his team of interns read through thousands of pages of my trial transcripts and even produce a three-part video with limited funds to inform the public about the facts of my case...I am personally grateful to Mr. Greenwald and the Davis Vanguard for keeping my case alive."

Because of generous donors, the Davis Vanguard offered Dev the opportunity to have his story heard by hundred of readers throughout California and thus his case gained the public attention it deserved.

We don't know who will be next. But we need to be ready!

Just this week our investigative reporting team published a critical news article on Douglas Stankewitz, who was wrongly convicted in 1978, spending much of that time on San Quentin's Death Row.

Read Douglas Stankewitz's story here: <https://bit.ly/3kH3XHk>

The Davis Vanguard is on the edge of local and investigative reporting on issues that matter to people. But we can't do it alone. We need your support.

Your gift today will help continue the Vanguard's effort in investigating cases like Ajay's and bring transparency, accountability, and fairness to local government.

Thanks to a generous donor, all contributions by December 1 will be matched—that means your gift will be doubled!

Through the generous support of donors, we will hire more staff members to encourage and promote this investigative journalism experience to bright young college students who will grow as writers and journalists while learning about the political issues surrounding our criminal justice system.

That's why I'm asking you today, Valerie, will you make a gift of \$100 to continue your support of the Davis Vanguard? *Remember your impact today will be doubled on December 1.*

Can people like Ajay Dev and so many others count on your support today?

COUNT ME IN

With gratitude,

David Greenwald
Director of the Davis Vanguard

P.S. Setting up an automatic monthly subscription gift <https://bit.ly/3jRBH4j>

The Davis Vanguard

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Subject: Everyday Injustice - Vanguard Exclusive Report on the Probable Innocence of California Death Penalty Inmate
Date: Tuesday, November 17, 2020 at 7:02:16 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Nancy Skinner and Kate Chatfield: "courts and appellate courts are misinterpreting the statute and denying people the right to counsel when the legislation clearly mandates this frustrates the intent of the Legislature."

Everyday Injustice Newsletter - November 17, 2020

California State Assembly Blasts CDCR's COVID-19 Response Following Inspector General Report

By Julietta Bisharyan and Nick Gardner

In the midst of the pandemic, Bill was caught between a fire camp in Valley View Conservation Camp and High Desert State Prison (HDSP) in Susanville.

Bill, who was incarcerated for six years before being released in September, shared his experiences with the Davis Vanguard. His name has been changed to protect him from potential retaliatory actions from prison officials.

When the COVID-19 outbreaks began in March, Deuel Vocational Institution (DVI) in Tracy — the reception center for the northern region of CDCR — did not start testing or handing out masks until May. The masks that were handed out were not the N95 masks that prison advocacy groups were sending in,

but rather a cloth mask made from a cut up t-shirt with two little ear holes.

The N95 masks were instead reserved for the officers to wear.

Although Governor Gavin Newsom **restricted** transfers between prisons and jails, CDCR continued to move individuals throughout the whole system.

Initially, HDSP did not report any cases, but the lead clerk for Cal Fire and CDCR transported people from DVI and San Quentin State Prison. They were not tested before being moved.

At the cusp of fire season, all the fire camps were put on quarantine for two weeks and each individual was tested twice. If there were no positive cases, they were allowed to be released.

At Bill's fire camp in Valley View, four contract nurses were sent in. Two of the nurses had COVID-19. "They didn't even test the nurses who were coming into the facilities to test the inmates," says Bill. "It was a whole big mess, and I'm sure it's no different now."

Bill recalls his commander speaking with the press about the prison's conditions. The warden at HDSP immediately sent him a letter, telling him that his job would be in jeopardy if he spoke to the media again about the prison's policies and procedures.

"There was a memorandum sent out by the warden of Susanville in September going around CDCR right after my commander got lambasted, and it stated that nobody can speak out about the conditions because staff members were talking to the media," Bill says. "It said your jobs [are] in jeopardy if you speak to the media, you're under contract to not speak to any resources, the only one allowed to speak is the PIO (public information officer)."

For individuals who needed to be quarantined, prison officials would move one section of the incarcerated population to a different area, clean and disinfect that area, then move positive COVID-19 patients there. Instead of moving patients to special housing, regular cells were converted into quarantine blocks.

Bill says that the fire camps were so isolated, that the only way for anyone to be infected was if a staff member from Cal Fire or CDCR brought in the virus. To further mitigate the spread, education, substance abuse and anger management programs all shut down. Family visits also ceased.

At first, the incarcerated population was in good shape, until nurses were brought in and started moving people to HDSP for small medical issues. People from the fire camps would get mixed in with COVID-19 patients and would have to do a two-week quarantine.

"It only takes a few people to bring it into a prison population, and it spreads like wildfire because it's so crowded in there that there's nowhere else for it to go."

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Criminal Justice News/ Commentary

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Facilities – Over Nine-Hundred New Cases Identified in Two Weeks

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Our daily run down on the COVID cases in selective County Jails

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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Drugs Found Hidden in Tissue Dispenser – Judge Considers Lowering Charges Because of ‘Antiquated’ Law

A police officer here in Yolo County Superior Court late Friday admitted she found a suspect’s drugs in a tissue dispenser in a room, and explained, “In all my years of doing this trade, I learned to look everywhere.”

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Sacramento Court Watch

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A probable cause hearing here in Sacramento County Superior Court late last week determined that a defendant facing multiple felonies for allegedly throwing rocks at cars and using a shopping cart as a deadly weapon would not

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Defense Attorney Asks Judge to Drop Charges After Victim Requests It – Judge Balks

A preliminary hearing began here in Sacramento County Superior Court last week in the murder case of Hubert Calimee, a Sacramento man gunned down outside a Ramada Inn on New Year's Day 2020.

[Read More](#)

Unhappy Friday: Public Defender Fights with Client, Argues about Attorney

Private defense attorney Matt Martinez did his best in Sacramento County Superior Court late last week to convince a judge that his client shouldn't be prosecuted, and, if she was held to answer, her bail should be exonerated.

[Read More](#)

Bail Triples for Defendant Who Gets Another DUI, Violates Domestic Violence Conditions

It was not a happy Friday for one assistant public defender here in Sacramento County Superior Court's Department 62 recently. It wasn't a lot of fun for the court, either.

[Read More](#)

Judge Cites Former CA Supreme Court Chief Justice When He Did Not Immediately Dismiss A Case

The good news for Cory Satnowski was that his sixth or fourth DUI—that's in dispute—didn't influence his bail. The bad news is his latest DUI was a violation of his domestic violence court order. His bail tripled.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Subject: Davis Vanguard Podcast with Mano
Date: Tuesday, November 17, 2020 at 7:23:19 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Raju, Manohar (PDR)
CC: Goossen, Carolyn (PDR)

Haven't had a chance to listen yet -- but let's try to do so and share it. I "liked" it from PDR, but that's all so far. Such a great picture that he took of you at the gates of San Quentin. It's his "Mano stock-photo" that he uses every time... which we can also include in the December Newsletter if you like how it turned out.

<https://twitter.com/DavisVanguard/status/1328372506911268865?s=20>

David Greenwald on Twitter

"Everyday Injustice Episode 84: San Francisco Public Defender Mano Raju | Davis Vanguard <https://t.co/r0lklob6jm> .@ManoRajuPD .@sfdefender"

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Subject: Everyday Injustice - Conversation with SF Public Defender Mano Raju
Date: Monday, November 16, 2020 at 7:01:07 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Ken Anderson “remains the only prosecutor — past or present — who has ever spent time in jail for misconduct that led to a wrongful conviction, even though 729 people exonerated since 1989 were wrongly convicted in cases involving prosecutorial misconduct.”

Everyday Injustice Newsletter - November 16, 2020

Reform without Accountabilty?

By David M. Greenwald

We have talked a lot about police accountability in the months since the death of George Floyd. We have a serious problem there - as we saw over the weekend in the New York Times: “A Watchdog Accused

Officers of Serious Misconduct. Few Were Punished.”

The [NY Times](#) did an analysis and they found, “the N.Y.P.D. has reduced or rejected recommendations for stiff discipline of officers in about 71 percent of 6,900 serious misconduct charges.”

Personally I think it is too simple to simply blame unions. Although we see in Minneapolis, as reported by the [Washington Post](#) among other publications in the last week, “Minneapolis violence surges as police officers leave department in droves.”

The Post reports: “Nearly six months after George Floyd’s death here sparked massive protests and left a wide swath of the city burned and destroyed, Minneapolis is grappling with dueling crises: an unprecedented wave of violence and droves of officer departures that the Minneapolis Police Department warns could soon leave the force unable to respond to emergencies.”

The stats show homicides up 50 percent, with 75 people killed this year and more than 500 people shot.

We cannot reform the system if the people simply refuse to buy in.

Sadly as bad as things seem on the police accountability front, they may be worse on the prosecutorial front, despite a lot of progress in the reform movement over the last five years.

In a piece that was run by the Innocence Project, they note that seven years ago, Prosecutor Ken Anderson was booked into jail in Williamson County, TX and began a ten DAY sentence for misconduct that led to the wrongful conviction and 27 year sentence of Michael Morton.

The punctuation on the joke: Anderson’s 10 day sentence was reduced to five due to “good behavior.” The Innocence Project notes that the consequences he faced “paled in comparison to the quarter of a century Mr. Morton spent in prison for a crime he didn’t commit.”

They write: “In light of this clear injustice, [Texas lawmakers unanimously](#) passed the Michael Morton Act in 2013. The legislation created an “open-file” criminal discovery policy that requires county and district attorneys to disclose most of their investigative evidence to the defense. The significant step allowed attorneys to prepare an adequate defense to avoid wrongful conviction.”

Perhaps more astonishing is this: Ken Anderson “remains the only prosecutor — past or present — who has ever spent time in jail for misconduct that led to a wrongful conviction, even though 729 people exonerated since 1989 were wrongly convicted in cases involving prosecutorial misconduct.”

Moreover, “Anderson is also one of just a few prosecutors to have had their license to practice law revoked as a result of their role in a wrongful conviction.”

It gets worse.

The Innocence Project notes that a case involving Eric Hillman, a former assistant district attorney in the Nueces County District Attorney’s Office, “highlighted a major flaw of the Michael Morton Act.”

He filed a wrongful termination act “alleging he was fired for refusing his supervisor’s order to withhold exculpatory evidence from a defendant.”

Here Hillman tried to do the right thing and yet “the Texas Supreme Court ruled that the act did not protect or other prosecutors from being fired in such circumstances. The court added that only the state’s legislature could change the law.”

This is the landscape that we face - we know the right thing to do in both cases of police and prosecutorial misconduct, but the system is set up in such a way that accountability is impossible to achieve for a variety of reasons.

Thanks for reading.

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Criminal Justice News/ Commentary

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Judge Rules Shopping Cart a ‘Deadly Weapon’ in Walmart Parking Lot Fracas

A probable cause hearing here in Sacramento County Superior Court late last week determined that a defendant facing multiple felonies for allegedly throwing rocks at cars and using a shopping cart as a deadly weapon would not

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Suspend Federal Death Penalty Until Biden Takes Office, Congressional Lawmakers Urge AG Barr

Congressional lawmakers Friday called on Attorney General William Barr to suspend all federal executions until the incoming Biden-Harris administration is able to evaluate the cases.

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CA Legislative Black Caucus Urges Governor to Appoint African American Woman to Fill Kamala Harris U.S. Senate Seat

The California Legislative Black Caucus met via Zoom with other Black leaders Friday and urged Governor Gavin Newsom to appoint an African American woman to fill the U.S. Senate seat that will be vacated when Kamala Harris

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‘Re-Imagine LA County’ – Measure J – Approved, Called Major Step in Criminal

Justice Reform

County voters here—despite major opposition from law enforcement—have passed Measure J, or “Reimagine LA County,” a major step forward in criminal justice reform, claim supporters.

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COVID CDCR and Jail Dashboards

High Desert State Prison Reports Massive Outbreak of 184 Active COVID-19 Cases in Custody

As of November 12, there have been 17,084 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 15,244 have been resolved while 1,301 remain active in custody. There have been 82 deaths throughout CDCR.

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

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Yolo County Court Watch

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Yolo Court Confusion: Defendant Not Released After Alleged ‘Alarming Statements,’ Another Held Because of No Bus Fare

Confusion plagued Yolo County Superior Court Judge Peter Williams' court Friday – he had one defendant who should have been released days earlier, and another one who was there only because he said he didn't have bus

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Sacramento Court Watch

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Defendant's Gambit of Firing Lawyers to Get Better Deal Fails

Sacramento County Superior Court Judge Patrick Marlette was informed here Friday that a defendant kept firing his attorneys in an effort to delay his trial and manipulate the court process.

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Missing Witnesses, Confusing Officer Testimony Lead to New Deal for Defendant

In a preliminary hearing in Sacramento County Superior Court last Thursday, the prosecution had three witnesses to call to the stand. But it never got that far.

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Accused Narcotics Dealer Could Face Trial on Multiple Charges After Officers Say He Ran from Them

Defendant Stanley Ramsey – already under suspicion of drug activity – ran for it, according to the arresting officer. Along the way, he tossed a few bits of evidence away, allegedly.

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Alameda Court Watch

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To: valerie.ibarra@sfgov.org

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Juror Laird Cooper does not oppose the commutation of Mr. Bernard's sentence because his trial lawyers "failed to even adequately represent him."

Everyday Injustice Newsletter - November 13, 2020

**Prisons Continue to Get
Hammered by COVID**

By David Greenwald

The **Marshall Project** reported on Thursday that new infections among incarcerated individuals have increased sharply this week - as they have in the rest of the country - to their highest level since the start of the pandemic, far exceeding previous peaks. That should not be a shock given that on Thursday, the US topped 163,000 cases, more than double what had been the high marks prior to October.

The Marshall Project reports - "At least 182,593 people in prison had tested positive for the illness, an 8 percent increase from the week before. Iowa, Michigan and the federal prison system each saw more than 1,000 prisoners test positive this week, while Texas prisons surpassed 2,000 new cases."

Vice reports, "With at least 229 prisoners and 12 staffers currently infected, Fort Dix has the most severe outbreak in the federal Bureau of Prisons." "It is filthy, people are ill, everyone is depressed, everyone looks like death," one prisoner said.

The **Washington Post** reports, at Ohio's Pickaway Correctional Institution, "Within a week, 23 inmates and 17 staff members were found to be infected. One inmate, Charles Viney Jr., a 66-year-old with a collapsed lung, died hours after testing positive. Within a month, more than three-quarters of Pickaway's roughly 2,000 inmates were confirmed positive. By the end of May, 35 were dead."

The Denver Post reports that at El Paso County jail inmates: "The more than 1,200 inmates inside the El Paso County jail on any given day were not provided masks until last week, when the jail became the site of Colorado's second-largest coronavirus outbreak."

"The masks were not provided all the way across the population until the week of Nov. 1," El Paso County sheriff's spokeswoman Sgt. Deborah Mynatt said Wednesday.

Meanwhile in our work, which started tracking cases at San Quentin at 11 before the outbreak that drew national attention in June, yesterday we reported that High Desert State Prison reported a massive new outbreak at 184 active COVID cases in custody. That included 140 new cases, according to reporting by the Vanguard's Julietta Bisharyan, Nick Gardner, Jaskiran Soomal and Aparna Komarla.

Back in June the **Marshall Project** reported, "The Bureau of Prisons was unprepared and slow to respond. Then officials took steps that helped spread the virus."

There has been much handwringing about San Quentin, but as we reported earlier this week, the measures taken by the prisons thus far have not gotten to the point where they need to get.

As Julietta Bisharyan and Nick Gardner reported in October, court rulings have ordered San Quentin to reduce its population in half to create "an environment that allows for physical distancing between incarcerated folks."

They write: "The target is for San Quentin to reduce its population to 1,775— nearly half of its current holding. The court ruling suggests that prison officials include new solutions for those over 60 to be released, in addition to the transfers. Incarcerated individuals over 60 have shown significantly lower recidivism rates compared to other age groups, even among those with violent convictions."

They continue, "The decision gives the CDCR control over which methods are used to decrease prison population."

Recently, a spokesperson for the CDCR commented that the department is working to "determine the next steps," which could include an appeal to the California Supreme Court. In an email to the Mercury News, CDCR spokeswoman Dana Simas wrote that "we respectfully disagree with the court's determination."

So far, that does not appear to have occurred - as the national reporting shows, this is not just a California problem - but that is of little recourse.

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Criminal Justice News/ Commentary

Guest Commentary: Working with the Most Unlikely DA in America Gave Me Hope

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Attorneys for Woman on Death Row Seek TRO, Preliminary Injunction Delay After they Catch COVID-19; Ask Trump to Intervene

Assistant Federal Public Defenders Kelly Henry and Amy Harwell, attorneys for Lisa Montgomery – facing the federal death penalty in less than a month – have revealed Thursday in a pleading that as a result of traveling

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Trump Asked to Grant Clemency for Death Row's Brandon Bernard; Jurors Support Call, Citing Inadequate Defense

Just one month before Brandon Bernard is scheduled for execution on federal death row on Dec. 10, 2020, he has filed for clemency to President Donald Trump, and has garnered support from a majority of the surviving

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COVID CDCR and Jail Dashboards

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Yolo County Court Watch

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Facing Numerous Witnesses and Multiple Counts, Man Decides to Plead No Contest to Domestic Violence Charges

A pretrial hearing here in Yolo County Superior Court this week for a man facing multiple domestic violence misdemeanor counts with a number of witnesses instead lasted just two hours and one witness before the defendant

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Sacramento Court Watch

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Judge Reluctantly Reduces 'Ridiculous' \$1.5 Million Bail to \$500,000 for Alleged Gang Member with No Prior Criminal Convictions

Defense Attorney Chet Templeton and Judge Michael Savage were more than a \$1 million apart here in Sacramento County Superior Court this past week in a bail hearing.

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Judge in Good Mood – Gives Defendant a Break

Judge Michael A. Savage appeared to be in a good mood here this week – he joked about the location of a defendant’s previous conviction, and Oregon laws. And later gave a break to the defendant in the case.

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After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

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Fresno Court Watch

Man Pleads to Contempt, But Released and Strict Stay-away Order Rescinded

After spending 132 days in custody, defendant Inthy Channoy was more than ready for a hearing Thursday here in Fresno County Superior Court.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

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Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

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Subject: Everyday Injustice - LA Sups Consider Removing Sheriff; Oversight Needed of COVID-19 Hot Spot Mesa Verde ICE Facility

Date: Thursday, November 12, 2020 at 7:00:32 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“The Trump Administration has repeatedly downplayed the dangers of COVID-19, which has put millions of lives at risk,” said Bree Bernwanger, senior staff attorney at the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area.

Everyday Injustice Newsletter - November 12, 2020

**LA Considering
Removing the Sheriff...**

By David Greenwald

The LA County Board of Supervisor is divided on this issue which will probably mitigate against the possibility of severe retribution, but the very fact that the board led by Supervisors Mark Ridley-Thomas and Sheila Kuehl is going after the independently elected sheriff, is worth watching.

They are building a playbook for removing him - but it was a 3-2 vote - because of his thumbing his nose about accountability and his efforts to roll back critical reform.

Avenues include: impeachment, stripping him of responsibilities, and an amendment to the state constitution that would shift sheriffs in California to appointed positions - that is something I might favor.

Supervisors Kathryn Barger and Janice Hahn were opposed; Supervisor Hilda Solis cast the swing vote for the proposal.

Ridley-Thomas told media on Tuesday that he is looking at institutional and structural changes that could make law enforcement more accountability.

"He has just made the case more compelling as to why it would be appropriate, but the conversation is structural," said Ridley-Thomas. "I doubt that someone who can be terminated in the appropriate manner would be as belligerent as we're seeing with the current sheriff."

However, Ridley-Thomas is termed out and was elected to the LA City Council last week.

"Despite the exponential growth of the county and tremendous advances of modern day policing, we are still beholden to this anachronistic model of law enforcement—and left without a mechanism to hold the Sheriff accountable," he tweeted.

In their motion, Sheriff Villanueva was criticized for attempts to block oversight, failure to balance the budget, and the fact that the county has now had to pay out more than \$149 million the last five years to settle lawsuits and settle judgment - these includes cases where deputies were involved in incidents that included civil rights violations, excessive force, and officer involved shootings.

"With a sheriff that is unwilling to demand accountability for deputy misbehavior, lawsuits will continue to be filed against the sheriff, and it is the county's taxpayers who will continue to pay for the consequences," the motion says.

It is interesting, Sacramento last year had similar struggles with Sacramento Sheriff Scott Jones, they basically allowed him to defy them. LA may not take it sitting down however. Some will recall that Sheriff Jones removed the authority of a watchdog when it appeared they would issue an adverse report.

The Sacramento Board of Supervisors was not happy but never was able to muster any kind of stick. We will see if Los Angeles proves more successful.

Thanks for reading.

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Criminal Justice News/ Commentary

U.S. District Court Should Continue to Oversee COVID-19 Hot Spot Mesa Verde ICE Facility, New Documents Show

The U.S. District Court should continue to oversee the embattled Mesa Verde ICE detention facility in Bakersfield, where more than half of detainees and at least one-quarter of the staff were infected with COVID-19 in July

[Read More](#)

Guest Commentary: Police Unions Are Losing The War on Criminal Justice Reform

Law enforcement unions are maybe the most powerful force in politics that most voters never think twice about. By quietly dumping millions of dollars in key prosecutor elections and ballot initiative fights, these organizations

[Read More](#)

Gov. Newsom Commutes Sentences, Pardons 10 that May Aid Immigrants Facing Deportation

California Gov. Gavin Newsom Tuesday commuted the sentences or criminal histories of over three dozen current or former felons, including 10 pardons that may aid immigrants facing the possibility of deportation.

[Read More](#)

Supporters Call on Trump to Commute Death Sentence of Lisa Montgomery

In letters delivered today, a broad coalition of current and former prosecutors, anti-sex trafficking and anti-domestic violence groups, child advocates and mental health groups is urging President Trump to stop the execution of Lisa

[Read More](#)

After Years of Trying, Joseph Webster Finally Finds Relief in 2006 Tennessee Conviction

It's not as though Joseph Webster ever stopped trying, and Tuesday, Nov. 10, a "Note of Intent" was successfully filed in the Webster V. Tennessee Case NO. 2005-B-1384, which was a first degree murder conviction that occurred March 1, 2006.

[Read More](#)

COVID CDCR and Jail Dashboards

CDCR Institutions are 105 Percent Over Capacity Despite Efforts to Reduce Population

As of November 11, there have been 16,794 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 15,241 have been resolved while 1,015 remain active in custody. There have been 82 deaths throughout CDCR.

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San Francisco Jails Report Two Active COVID-19 Cases and Hundreds in Quarantine

As of Nov. 10, there is still one active asymptomatic case of COVID-19 in SRJ. The case was first reported on Nov. 7.

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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10 Year Restraining Order for Domestic Abuser Not Too Long, Rules Yolo Judge

Is a 10-year restraining order that keeps a parent from his child too long? Judge Timothy Fall in Yolo County Superior Court, Dept. 11 last Friday said no it wasn't. Especially if the defendant was a threat.

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Sacramento Court Watch

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How Courtrooms Have Evolved Since COVID-19 First Struck

The coronavirus pandemic caused a massive shut down of nearly everything; however, crime did not stop. And California's Superior Courts needed to take action to develop new procedures for processing old and new cases.

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Victim's Emotional Statement Prefaces Judge Sentencing Decision to Jail 3 Co-Defendants for Violent Home Invasion

Judge Helena Gweon invited a disabled victim of a home invasion to make a statement before the Sacramento County Superior Court judge sentenced defendants Isis Bolton, Antwaneck Hobby, and Catherina

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Prosecution Chooses Lesser Charges in Domestic Violence Cases

Sacramento County's District Attorney Anissa Galata resolved two separate domestic violence cases, opting to only charge misdemeanors, rather than felonies, for both defendants who were released from jail

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Is Wearing Shorts on a Chilly October Night a Way Out of a DUI Charge?

Could wearing shorts on a chilly October night be an excuse to perform poorly on a field sobriety test? This was a question Fresno County Superior Court Judge Samuel Dalesandro had to answer late last week in the case of Jonathan Schutt, who

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkeley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: FOR IMMEDIATE RELEASE: New Documents Reveal ICE and Private Prison Contractor Exacerbates a COVID Outbreak at Immigration Detention Center

Date: Wednesday, November 11, 2020 at 8:01:47 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: November 11, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946

****PRESS RELEASE****

New Documents Reveal ICE and Private Prison Contractor Exacerbates a COVID Outbreak at Immigration Detention Center

Hid Risks to Immigrants in Grave Danger Due to COVID Pandemic, Misled Court

SAN FRANCISCO – Last night, detained immigrants held at the Mesa Verde ICE detention center, in Bakersfield California, filed new documents in support of their request that the U.S. District Court continue to exercise oversight over a facility that suffered a severe COVID outbreak in July and August. By mid-August, more than half of those detained and more than a quarter of the staff became infected with the virus.

Newly-disclosed documents in the plaintiffs' court filing reveal that ICE and GEO officials ignored CDC protocols, misled the court about their practices, and acted in a manner which

amplified the risk of COVID transmission.

The documents reveal that ICE officials:

- **Waited four days to offer testing** to a dorm exposed to an individual who had tested positive. Despite having tests on-site that produce rapid results, they refused to use them. Test results took *two weeks* to return. In the meantime, they crammed over 50 people who had been exposed to COVID into a single dorm. By the time they did, **90% of a combined dorm had become infected**. (Ex. 33, 34, 48)
- **Compromised medical standards** and knowingly left people with COVID symptoms in a crowded dorm where social distancing was impossible after the outbreak started. Tests would later reveal that *everyone* who had been identified as symptomatic was *already* infected with COVID at that time. (Ex. 48, 49)
- **Misrepresented to the court** the distance between bunk beds in its facility to support a claim that they allowed for adequate social distance when they did not.
- **Intentionally downplayed risk factors and symptoms** to avoid testing. ICE tested zero detainees for COVID symptoms before July 29 – the day the outbreak started. (Ex. 13)
- **Ignored the growing threat of staff transmission**. (Ex. 25)

After refusing to test detained immigrants for months because of a lack of space to house positives, ICE did so feverishly in fear of a restraining order. On Aug. 4, ICE asked for testing to be completed “urgently.” Onsite medical staff responded: “I just stayed and tested them all because they said a lawyer was going to put a restraining order on us.” (Ex. 50)

“These documents show that high level ICE officials were fully aware that their facilities were a powder keg for COVID infection. They knew what needed to be done to avoid an outbreak,” said Emi MacLean, Deputy Public Defender at the San Francisco Public Defender’s Office. “Not only did they fail to take steps to avoid an outbreak, they made it worse and misled the public about what they were doing.”

“The Trump Administration has repeatedly downplayed the dangers of COVID-19, which has put millions of lives at risk,” said Bree Bernwanger, senior staff attorney at the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area. “This same callousness was on full display here. Now more than ever it is clear that we cannot trust ICE to protect people in its custody.”

“That ICE and GEO knowingly exposed immigrant detainees to such an unreasonable risk of harm is both inexcusable and illegal,” said Sean Riordan, senior staff attorney at the ACLU of Northern California.

In August, at the time of the outbreak, the District Court intervened and both prevented the

introduction of any new detainees and required weekly testing of staff and people detained. Now ICE and GEO have asked the court to lift these restrictions.

An evidentiary hearing in the matter is scheduled for November 16, 2020 before Federal District Court Judge Vince Chhabria in the Northern District of California, where ICE officials will testify under oath. Among those expected to testify are ICE Deputy Field Office Director Erik Bonnar and Acting Deputy Field Office Director Moises Becerra.

Plaintiffs are represented by the ACLU of Northern and Southern California, the San Francisco Public Defender's Office, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Lakin & Wille LLP, and Cooley LLP.

###

To view this press release online and access the court documents, please visit sfpublicdefender.org/media

Subject: Everyday Injustice - Progressives Push Back, Argue, Defund the Police and Medicare for All Didn't Lead to Democratic Losses in the House

Date: Tuesday, November 10, 2020 at 7:00:38 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Molly Greene said: "We have been thrilled at the level of local and national attention on this race, which both encouraged and reflected a heightened public awareness of both the power and discretion that a DA has...now that the races has been resolved, we intend to make sure that this awareness translates into continued accountability."

Everyday Injustice Newsletter - November 10, 2020

"People have lives. Picking up and moving affects people" – San Quentin Residents on COVID-19 Related Transfers

By Julietta Bisharyan and Nick Gardner

Incarcerated Narratives

At San Quentin State Prison (SQ), the novel coronavirus has now claimed the lives of 28 incarcerated individuals, including one correctional officer.

Marcus Henderson described his experiences witnessing the prison outbreak in an editorial published in the [San Quentin News](#).

Henderson recalls the sound of the incarcerated emergency medical alarms ringing throughout the housing units as correctional officers march through the prison.

He describes the image of medical nurses administering aid, dressed in Personal Protection Equipment (PPE), as “resembling a sci-fi movie.”

He asserts that the incarcerated population has had to fight for many of their rights, such as religious rights, access to the courts, to end the indefinite use of solitary confinement and to win adequate healthcare.

“Even in these times of crisis, it feels that we (the incarcerated) always have to prove our humanity, our rehabilitation and our willingness to make amends,” Henderson writes.

Henderson mentions the debate surrounding early releases and whether or not they should be applied only to non-violent offenders versus those who have committed violent crimes.

According to [CDCR’s own recidivism study](#), over 50% of prisoners, who paroled after completion of a determined sentence, were convicted of a new crime within three years. On the other hand, only 5% of lifer parolees were convicted of a new crime within three years.

In addition, a study done by [Stanford University](#) between 1995 and 2010 found that only 5 out of 860 murderers paroled in California returned to prison for new felonies but none that required a life term. “So it pains most of us who have done the internal work—those who have worked through the childhood traumas and accepted accountability—to still be considered politically “risky” and not for safety reasons,” writes Henderson.

“As the coronavirus spreads and becomes our new reality, our fears of death are real. All we hope for is for society to remember whatever the deed was, most of us weren’t sentenced to death by the state.” Full story: [here](#)

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Criminal Justice News/ Commentary

Guest Commentary: No, Defund the Police and Medicare for All Didn’t Lead to Democratic Losses in the House

Reading postmortems on the disappointing results of congressional Democrats this election cycle, one could be forgiven for thinking that Bernie Sanders, rather than Joe Biden, led the party to a catastrophic defeat that cost the

[Read More](#)

LA District Attorney Accountability Coalition Congratulates George Gascón and Presents Priorities for Reform

After congratulating George Gascón on his victory as LA County District Attorney over incumbent Jackie Lacey last week, the Los Angeles DA Accountability Coalition (DAAC) is pressing an aspiring agenda for improvement in the

[Read More](#)

“People have lives. Picking up and moving affects people” – San Quentin Residents on COVID-19 Related Transfers

At San Quentin State Prison (SQ), the novel coronavirus has now claimed the lives of 28 incarcerated individuals, including one correctional officer. Marcus Henderson described his experiences witnessing the prison

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COVID CDCR and Jail Dashboards

Substance Abuse Treatment Facility Reports 213+ More COVID-19 Cases Over Weekend

As of November 9, there have been 16,646 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 15,038 have been resolved while 1070 remain active in custody. There have been 81 deaths throughout

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Santa Rita Jail Reports One COVID-19 Case in Custody While Weekly Testing Rate Increases by 4 Percent

As of Nov. 7, ACSO reports one active and asymptomatic case of COVID-19 in SRJ.

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins

Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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Road Rage: Motorcyclist v. Car Preliminary Hearing

Road rage—and the results thereof—was in full display here Monday in Yolo County Superior Court, as Judge David Rosenberg presided over the preliminary hearing of Samuel Davidson in Department 14.

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Sacramento Court Watch

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'Broken' Defendant Denied Probation in Child Molestation Case

Sacramento County Superior Court Judge Patrick Marlette Friday rejected a defendant's request for suspended probation in a child molestation case, despite pleas that he "led an extremely difficult life."

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Two Different Probation Violators Agree to Attend Class for Reinstatement of Probation

Attending class is a good thing—and not just when you're in school. In Sacramento County Superior Court's Dept. 60 last week, two defendants charged with an alleged violation of their probation were both given

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Is Wearing Shorts on a Chilly October Night a Way Out of a DUI Charge?

Could wearing shorts on a chilly October night be an excuse to perform poorly on a field sobriety test? This was a question Fresno County Superior Court Judge Samuel Dalesandro had to answer late last week in the case of Jonathan Schutt, who

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Judge Mulls Jurisdiction in Human Trafficking Case

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

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Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: "People have lives. Picking up and moving affects people" - San Quentin Residents on COVID-19 Related Transfers - Weekly Highlights from CDCR's COVID-19 Crisis | Davis Vanguard
Date: Tuesday, November 10, 2020 at 5:45:13 PM Greenwich Mean Time
From: valerie.ibarra@sfgov.org
To: Danielle Harris, Danica Rodarmel
CC: Carolyn Goossen

FYI- Not a terribly well-written article, and it gets a bit sloppy near the end, but it does quote Danielle.

<https://www.davisvanguard.org/2020/11/san-quentin-residents-on-covid-19-related-transfers-and-more-weekly-highlights/>

Sent from my iPhone

Subject: Everyday Injustice - Gascon Wins in LA; See How Criminal Justice Fared on Election Night

Date: Monday, November 9, 2020 at 7:00:22 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“I am very committed to those things that I talked about on the campaign. We will stop the death penalty immediately. We will begin to unwind current cases that are on the death penalty track. We will immediately stop prosecuting children as adults. I have committed to reopening some cases that involve law enforcement use of force,” George Gascon

Everyday Injustice Newsletter - November 9, 2020

Did Defunding the Police Hurt the Democrats?

By David Greenwald

Joe Biden has been declared the winner, but the left is already unhappy with the lack of down ballot success.

One of those aimed the laser pointer - Virginia Democrat Abigail Spanberger who believes that last week was a disaster, they should have gained seats and instead lost "members who shouldn't have lost."

She pushed back on the progressives here.

Defund the police was a loser.

She said: "The number one concern in things that people brought to me in my [district] that I barely re-won, was defunding the police. And I've heard from colleagues who have said 'Oh, it's the language of the streets. We should respect that.' We're in Congress. We are professionals. We are supposed to talk about things in the way where we mean what we're talking about. If we don't mean we should defund the police, we shouldn't say that."

She added, "We want to talk about funding social services, and ensuring good engagement in community policing, let's talk about what we are for. And we need to not ever use the words 'socialist' or 'socialism' ever again. Because while people think it doesn't matter, it does matter. And we lost good members because of it."

Bottom line: she blasted the left for advocating policies that might be popular in blue areas, but in the swing seats, these issues were losers.

The same with James Clyburn - the Black House Majority Whip from South Carolina, whose endorsement of Biden is credited with helping him win that state and turning things around.

He said on "Meet the Press" that the "defund the police" slogan hurt Democratic candidates in the recent election. He said that he didn't know if the slogan "cost all the seats" Democrats lost but noted he "really believes that's what cost" but he blamed it for the loss of Joe Cunningham in South Carolina and believes that it hurt Jaime Harrison in loss to Lindsay Graham in the Senate.

"That's why I spoke out against it a long time ago," Clyburn said. "I've always said that these headlines can kill a political effort."

"We are all about making headway, and I just hope that going forward we will think about each one of these Congressional districts and let people represent their districts," he added.

Perhaps it is the right policy with the wrong name - the idea that funding funding for the police can be redistributed to social programs. We have pushed the CAHOOTS model, allowing trained mental health therapists to respond rather than armed police. The model has been in place for 30 years in Eugene, Oregon and rarely do the police have to back them up.

But with the name, the Republicans have latched onto it and tied it to Democrats even though many did not support the movement.

It seems at the very least the push needs to be rebranded, but perhaps it is already fatally flawed.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: A Look At the Yolo DA and The Question – Is There an Internal Battle on To Replace Reisig?

We have heard a lot of rumors about the Yolo County DA's office – some have suggested that DA Jeff Reisig stepped back after his narrow reelection victory over Public Defender Dean Johansson. He has certainly been less

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Guest Commentary: Criminal Justice Reform Takes Another Big, Messy Step Forward in 2020 Elections

Criminal justice reform was a key issue in Tuesday night's elections, from the presidential race all the way down to municipal ballot initiatives.

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Two Virginia Gunmen Arrested at Philly Convention Center – May Be Related to Ballot Count

Two Virginia men have been charged with carrying a concealed weapon without a license as well as carrying a firearm on public streets in what could be—or not be—an attempt to cause harm to ballot counters at the Convention

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Incumbent Lacey Concedes to Reformer Gascón, Ending Los Angeles D.A. Race

Even with nearly one million ballots to count, the highly contested race for Los Angeles District Attorney ended here Friday morning when incumbent Jackie Lacey conceded to reform candidate George Gascón.

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Scott Peterson New Sentencing Trial Now Set for January 2021

Scott Peterson—who was found guilty of murdering his wife and unborn baby 15 years ago and sentenced to death—made an appearance via livestream in a San Mateo County Court Friday afternoon, largely to waive his

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COVID CDCR and Jail Dashboards

Substance Abuse Treatment Facility Reports 140+ New COVID-19 Cases In One Day

As of November 4, there have been 16,072 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,772 have been resolved while 765 remain active in custody. There have been 80 deaths throughout

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SF Jails Report One COVID-19 Case in Custody and Hundreds in Quarantine or Medical Isolation

HU 31ABC were released on Oct. 29 after only two days in quarantine, presumably due to the index case testing negative. Currently, Santa Rita Jail reports one active COVID-19 case in custody.

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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Defense Lawyer-Defendant Communication Helps, Notes Yolo Judge

Yolo County Superior Court Judge William Lebov, in effect, lectured lawyers in his courtroom last Friday that a little communication between lawyers and clients allows judges to respond more effectively to the needs of the

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Sacramento Court Watch

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Attorneys Debate Over Who Belonged to Bag of Meth Found by Police in Hotel

In a preliminary hearing on Friday at Sacramento County Superior Court, the district and defense attorneys argued over whether a bag of methamphetamine found in a hotel room indeed belonged to the defendant.

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Victim Thankful for Release of Her Son, the Defendant – Judges Expresses Confusion

A victim who had her home damaged was actually thankful that the defendant—her son—was released out of custody rather than sent to jail. Miguel Espitia, who was in custody during his hearing

[Read More](#)

PD Convinces Court to Treat Meth Defendant, Not Jail Him

A Sacramento male—arrested on multiple occasions recently trying to sell meth to maintain his drug addiction—caught a break here in Sacramento County Superior Court when his public defender convinced a judge to treat

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Two No Contest Pleas for Guns Lead to Different Sentences

Two no contest pleas taken by Judge Michael Savage in Sacramento County Superior Court last Friday morning point out some inconsistencies in sentencing. For instance, defendant

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Despite COVID-19 Jail Threat, Fresno County Still Imposes Cash Bail for Low-Level Offenses

Fresno County's new Emergency Bail Schedule policy allowed the county judge to issue eight arrest warrants with cash bail for failures to appear this—some warrants were set up to \$35,000.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Everyday Injustice - Podcast

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Subject: Everyday Injustice - Police Riot in NY; SF Public Defender on Criminal Justice Reform

Date: Friday, November 6, 2020 at 7:00:49 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“My office has long fought for bail reform in the courts, which has resulted in the Humphrey case currently pending review by the California Supreme Court. If the case is upheld, it will abolish the practice of using high money bail to detain poor people,” said Mano Raju.

Everyday Injustice Newsletter - November 6, 2020

SF Public Defender on Criminal Justice Reform

SF Public Defender Mano Raju put out the following statement yesterday on the Election and CJR

Declaring that although 2020 has been a year of “divisive politics and national reckoning with racism, police brutality, and systemic injustice,” San Francisco Public Defender Mano Raju said Thursday that Tuesday’s election illustrated a “consensus” of voters support a “path of meaningful criminal justice reform.”

“Much work is left to be done. I will continue to listen to the needs of the communities my office serves and work with lawmakers and stakeholders as we focus on repairing and reimagining the justice system and redefining public safety,” said Raju.

He noted that, referring not only to state propositions but local measures, “people voted for measures that will increase law enforcement accountability and decrease reliance on incarceration as a public safety tool. While there are ballots left to count, all of these propositions are headed for victory.”

Raju cited the apparent passage of Prop. 17 that would restore voting rights to thousands of Californians currently on parole in the state, and the defeat of Prop. 20, which would have “rolled back decades of reform efforts that my office and voters have supported to end mass incarceration in our state.”

He also touted the defeat of Prop. 25, which would have ended the “unfair” cash bail system, but would have replaced SB 10 and put in place a “risk assessment” decision to decide who will be released that is also unfair.

“Risk assessment tools have been shown to discriminate against communities of color, immigrants, and people from low-income neighborhoods,” said Raju.

“My office has long fought for bail reform in the courts, which has resulted in the *Humphrey* case currently pending review by the California Supreme Court. If the case is upheld, it will abolish the practice of using high money bail to detain poor people. The ruling makes clear that judges must consider non-monetary alternatives to money bail when making pretrial release decisions,” he added.

Raju also highlighted local criminal reform measures that did well in San Francisco and neighboring Sonoma County.

“In San Francisco, voters have largely supported Proposition D to establish formal oversight of our Sheriff’s department and the way in which they operate our jail system, as well as Proposition E to remove an outdated mandatory staffing minimum of police officers and send the SFPD through the annual budget process that all city departments must go through to justify and secure staffing,” he said.

“I am also encouraged to see that Sonoma County supported Proposition P to establish Sheriff oversight there and that Measure J was successful in Los Angeles, which is a vote for investing in community improvements and alternatives to incarceration,” Raju said.

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Criminal Justice News/ Commentary

Man Sentenced to Death for Kidnapping and Rape Files Habeas Petition for Conviction

Orlando Cordia Hall, who has been sentenced to die – within weeks – for kidnapping and raping a 16-year-old high school student, has filed his third federal habeas petition to appeal one of his convictions.

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‘Count the Vote’ March Ends When NYPD Batters, Arrests Protestors

Protestors were attacked by police while chanting anti-police sentiments at a demonstration here Wednesday. Reports are still sketchy, but at least several dozen people were arrested after sometimes violent clashes between about a 100 police

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Election Results Illustrate Voter Support of ‘Path of Meaningful Criminal Justice Reform,’ Declares SF Public Defender

Declaring that although 2020 has been a year of “divisive politics and national reckoning with racism, police brutality, and systemic injustice,” San Francisco Public Defender Mano Raju said Thursday that

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Contraband Found During a Warrantless Probation Search that Judge Rules Legal

– In September of 2019, a Sacramento male and female were found with contraband during a probation search of a car—but the detainments may have been unlawful, argued a defense attorney this week in a Sacramento

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Alleged DUI, Child Abuse Defendant Given Time to Post Bail as Arraignment Continued

While the future of cash bail in California courts was in the hands of voters Tuesday, its current availability may have helped Faustino Ramos Garcia avoid pre-trial detention at his arraignment at Yolo County Superior Court.

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Car Stolen, but Details Murky as Judge Sends Defendant to Trial

This was a Sacramento County Superior Court case involving a stolen car, a defendant, a prostitute and a victim. And Enterprise Car Rentals. Maybe

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Judge, Lawyers Collaborate, Cut Jail Time for Defendant to Attend Brother's B-Day

In these COVID-19 days, little things—like family birthdays—mean just a bit more to people, and two legal adversaries teamed up here in Sacramento County Superior Court Wednesday to help out one defendant.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Despite COVID-19 Jail Threat, Fresno County Still Imposes Cash Bail for Low-Level Offenses

Fresno County's new Emergency Bail Schedule policy allowed the county judge to issue eight arrest warrants with cash bail for failures to appear this—some warrants were set up to \$35,000.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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“This is a generationally significant moment in the history of the Eighth Amendment. Voters have declared that they will not tolerate any effort to deny them the fundamental constitutional right to bail,” said Jeffrey J. Clayton, Executive Director of the American Bail Coalition.

Everyday Injustice Newsletter - November 5, 2020

Prop 25 and Bail Reform Not So Simple

By David Greenwald

I ended up voting yes on Prop 25 - but I understand the concern that many of the criminal justice reform advocates have for it.

"There's a real concern that (the measure) could be worse than the system it's trying to fix," said San Francisco District Attorney Chesa Boudin as reported by the Chronicle last month - he stayed neutral.

Mano Raju, his former colleague and now counterpart in the SF Public Defenders office, opposed it.

"I am voting NO on Prop 25 because I don't believe it's the best path forward on bail reform and it's not in our clients' nor California's best interest," he said concerned that it would lock into place a risk assessment tool that would lead judges to detain more people pretrial.

Moreover it was reasonable to point out that by going the proposition route rather than legislative, that it would be more difficult to change if there were problems.

But Contra Costa DA Diana Becton is probably closer to where I stand, "a step in the right direction" and an acknowledgement: "There's no proposition that takes care of every issue money bail has, but I think it really is time to change the entire paradigm of our criminal justice system."

Cash bail is a big problem because it attempts to mitigate risk through money. Is someone really less dangerous to the community if they have the means to purchase their freedom pretrial? The rich can get out of pretrial custody where they have huge advantages while the poor remain in custody where they are under pressure to take a plea to prevent the loss of a judge or housing.

But mostly I supported Prop 25 because of who wanted it to fail - the bail industry. They put it on the ballot and now they have won.

"This is a generationally significant moment in the history of the Eighth Amendment. Voters have declared that they will not tolerate any effort to deny them the fundamental constitutional right to bail," said Jeffrey J. Clayton, Executive Director of the American Bail Coalition, the organization that sponsored the referendum effort.

He added, "It was truly an honor to fight shoulder to shoulder with civil rights groups and law enforcement against this misguided legislation. Voters recognized that while we don't often agree on criminal justice reform, when we do, it's because all of us consider watching out for the best interests of the people our highest priority."

In their review, they believe this affirms "the right to bail in the state."

Wow.

How you get a "right to bail" is really convoluted. The Eighth amendment simply says, "Excessive bail shall not be required." The case law gets complicated here wrapping excessive bail in with due process requirements, but I would tend to argue that bail reform is possible under the law and allow the courts to strike it down - and given the direction of the courts, who knows.

Thanks for reading.

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Criminal Justice News/ Commentary

Evaluating Criminal Justice Reform and Inclusion Propositions

Propositions 17, 20, and 25 on the ballot Tuesday all featured attempts to reform California's criminal justice system—and not necessarily in a good way. There were two victories and one loss for reformists.

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Police Reformer Gascón Leads Incumbent LA District Attorney Lacey in Early Voting

Incumbent Los Angeles District Attorney Jackie Lacey is trailing, after Tuesday's initial voting results, to George Gascón, the former DA of San Francisco who has campaigned on a platform to reform Los Angeles' law

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“In 12 years, I never saw so many people moved in so little time”

On May 15, 2020, Chuckawalla Valley State Prison (CVSP) confirmed its first two cases of coronavirus. A month later, the prison reported 989 cases.

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COVID CDCR and Jail Dashboards

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Election Day No-Shows in Yolo Court – Bench Warrants Quickly Issued

Maybe their excuse was they were standing in line to vote Tuesday, but five defendants did not appear at their scheduled arraignments with Judge Peter Williams here in Yolo County Superior Court—and the judge quickly issued bench

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Sacramento Court Watch

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Defendant Assaults Neighbor, Believing ‘Caucasian People from Hell,’ ‘Caucasian Android People’ Were Trying to Kill Him

A Sacramento County Superior Court judge heard testimony Wednesday that Kenny Golden believed that “Caucasian people from hell” and “Caucasian android people” were trying to kill him.

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Man Beats Another with Cane After Accused of Stealing Energy with His Mind

Matthew Williams accused his roommate of “trying to steal his energy with his mind,” and then allegedly struck that roommate over the head with an aluminum cane, according to testimony heard in Sacramento County Superior

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

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Fresno Court Watch

COVID-19 Quarantined Defendants Upset Balance of Cases in Fresno Court

A shockingly large number of defendants failed to appear in court here on Election Day Tuesday in Fresno County Superior Court Dept. 10—apparently it was because of mandatory COVID-19 quarantines at the jail.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

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Subject: FOR IMMEDIATE RELEASE: San Francisco Public Defender Mano Raju's Statement on Election's Implications for Criminal Justice Reform in California

Date: Thursday, November 5, 2020 at 6:26:05 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE:

November 5, 2020

CONTACT: SF

Public Defender's Office - Valerie.Ibarra@sfgov.org -
(628)249-7946

****PRESS STATEMENT****

San Francisco Public Defender Mano Raju's Statement on Election's Implications for Criminal Justice Reform in California

2020 has been a year of divisive politics and a national reckoning with racism, police brutality, and systemic injustice. However, this week there was consensus across California: voters made clear their desire to continue on a path of meaningful criminal justice reform.

Across the state, people voted for measures that will increase law enforcement accountability

and decrease reliance on incarceration as a public safety tool. While there are ballots left to count, all of these propositions are headed for victory.

Proposition 17 will restore voting rights to thousands of Californians who are currently on parole. In

San Francisco, voters have largely supported Proposition D to establish formal oversight of our Sheriff's department and the way in which they operate our jail system, as well as Proposition

E to remove an outdated mandatory staffing minimum of police officers and send the SFPD through the annual budget process that all city departments must go through to justify and secure staffing. I am also encouraged to see that Sonoma County supported Proposition P to establish Sheriff oversight there and that Measure J was successful in Los Angeles, which is a vote for investing in community improvements and alternatives to incarceration.

Californians appear to have strongly rejected Proposition 20, which would have rolled back decades of reform efforts that my office and voters have supported to end mass incarceration in our state. Proposition 25 is also likely to fail, striking down the previously passed bail reform bill SB 10. While it would have ended the inherently unfair cash bail system, Proposition 25 would have replaced cash bail with a system requiring the use of risk assessment tools in making decisions to release or detain people in jail. Risk assessment tools have been shown to discriminate against communities of color, immigrants, and people from low-income neighborhoods.

My office has long fought for bail reform in the courts, which has resulted in the *Humphrey* case currently pending review by the California Supreme Court. If the case is upheld, it will abolish the practice of using high money bail to detain poor people. The ruling makes clear that judges must consider non-monetary alternatives to money bail when making pretrial release decisions.

Much work is left to be done. I will continue to listen to the needs of the communities my office serves and work with lawmakers and stakeholders as we focus on repairing and reimagining the justice system and redefining public safety.

###

Subject: We're changing lives, Valerie one {beneficiary} at a time!
Date: Thursday, November 5, 2020 at 2:30:23 PM Greenwich Mean Time
From: David Greenwald
To: valerie.ibarra@sfgov.org

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Image



Image

Hello Valerie,

A few days ago, I shared a note from Linh, our interns, and editor-in-chief of the Davis Vanguard at UC Davis, about the impact the Davis Vanguard has had on her just this year.

Today, I'd like to share the story of Ajay Dev who's case helped shape and advance the work of the Davis Vanguard.

In July of 2009, I received a call from a family whose loved one was convicted of a horrific crime. Skeptic and unfamiliar with wrongful convictions, I nevertheless went to the sentencing hearing in Yolo County in August and was stunned when Ajay Dev received a 378 sentence for sexual assault.

What has emerged over the last five years - in part through our reporting and in part through the great work of the family and post-conviction counsel - is evidence that the key pretext call was allowed to be interpreted by the complaining witness on the stand at trial - and was misinterpreted. Moreover, numerous witnesses have written declarations that the complaining witness acknowledged she had fabricated her story.

Because of your kindness, the Vanguard created the court watch project, which grew from a small project with five interns, over the last ten years, into a multi-county project with dozens of interns whose mission to expose everyday injustices in the courts and to bring more awareness into cases like Ajay Dev's.

This wouldn't have been possible without your generous support! Thank you!

I'm asking you to take a moment to think about cases like Ajay Dev and of the interns who work hard to find evidence to help prove his innocence. Right now, several other individuals, like Ajay Dev, are struggling to prove their cases have been mishandled and need us to help bring their stories to the public.

To continue helping the Davis Vanguard spread awareness and expose injustice in the court system, please donate now!

With your donation today, we will expand our Vanguard program into San Francisco and the Los Angeles area. You can help us bring transparency and accountability to your local courthouses and keep you and

your community informed on issues that matter.

Will you make a gift today so that the Vanguard can continue to help people like Ajay Dev in their fight for freedom?

<https://davisvanguard.networkforgood.com/projects/112639-year-end-campaign>

I'll be sharing more of Ajay's stories in the coming weeks; until then, thanks for everything!

David Greenwald
Director of The Davis Vanguard

P.S. Make a lasting impact and become a monthly subscription donor, <https://bit.ly/3jRBH4j>

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Subject: Everyday Injustice - California's Death Penalty Under Scrutiny; Prosecutors Gear Up to Protection Election Sanctity

Date: Tuesday, November 3, 2020 at 7:00:49 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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LA Times Editorial: "The death penalty, in California as elsewhere, falls disproportionately on Black and Latino men, and is determined less by the nature of the crime than by where it occurred — a capital crime in the eyes of one district attorney might not be in the eyes of another, though both are enforcing the same state law. That is irrefutably arbitrary. The death penalty cannot stand, and we hope the court embraces the moment and throws out this barbaric practice."

Everyday Injustice Newsletter - November 3, 2020

California has a Chance to End Its Death Penalty

By David Greenwald

California is a weird state when it comes to the death penalty. It twice in the last decade had a chance to end the death penalty - and twice the voters turned down the opportunity and in 2016 they actually expanded it or attempted to by speeding up the process.

Meanwhile the state has executed just 13 people since the 70s and none since 2006. Last year Gavin Newsom put a moratorium on it - but he didn't commute the sentences.

This year, we see the rather inexplicable decision by prosecutors in Stanislaus County to seek the death penalty again against Scott Peterson. Given the fact that he is already convicted and sentenced to LWOP, given the costs of retrying a death penalty case after 15 years which we estimate will easily top \$1 million when all is said and done, given the unlikely possibility that he would every be executed - it doesn't seem reasonable to attempt this.

But last week Governor Gavin Newsom filed an amicus in a state death penalty case that could make this all moot.

This may not be the Rose Bird court of the early 80s which also featured my good friend, Cruz Reynoso, but over the last ten years Governor Brown and Governor Newsom remade what had been a center-right court into a more liberal one. How liberal? We really have not had a chance to find out - we will now.

The court will re-examine a 2009 case involving Don'te McDaniel who was convicted of murdering two people in a gang-related drug dispute back in 2004. The jury convicted him of murder but deadlocked during the sentencing phase on the death penalty. A second jury was then impaneled which sentenced him to death.

Unlike in the guilt phase, there is no reasonable doubt requirement and some observers have pointed out they don't have to agree on which aggravating factors they arrived at.

But the bigger issue here deals with race. As Newsom argued in his press statement last week, "Amid our nationwide reckoning on racism and historical injustice, the State of California is continuing to address the failings in our criminal justice system. California's capital punishment scheme is now, and always has been, infected by racism."

"Since its inception, the American death penalty has been disproportionately applied, first, to enslaved Africans and African Americans, and, later to free Black people. With this filing, we make clear that all Californians deserve the same right to a jury trial that is fair, and that it is a matter of life and death," he said.

As the [LA Times notes in an editorial](#) this week: “The death penalty, in California as elsewhere, falls disproportionately on Black and Latino men, and is determined less by the nature of the crime than by where it occurred — a capital crime in the eyes of one district attorney might not be in the eyes of another, though both are enforcing the same state law. That is irrefutably arbitrary. The death penalty cannot stand, and we hope the court embraces the moment and throws out this barbaric practice.”

That is a big test for a court that has not shaped its identity as of yet.

Thanks for reading.

Can you help us out? If you like our work - we could use your support. Please become a sustaining member if you aren't already.

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Criminal Justice News/ Commentary

Guest Commentary: Why Black People Must Be Informed And Empowered About Their Rights With The Police

To this day, I have not been able to watch the whole video of George Floyd's execution by police on a Minneapolis street. Nor can I bring myself to view the countless other recordings of Black and brown people who have been

[Read More](#)

Sacramento Region, Cities Around U.S. Boarding Up Windows – Officials Move to Ensure Free, Safe Election Day

Cities across the nation – including the Sacramento region, New York, San Francisco, Washington D.C. and Los Angeles – are preparing for the worst on Election Day. Retailers have boarded up their shop doors and windows in anticipation

[Read More](#)

“In 12 years, I never saw so many people moved in so little time”

On May 15, 2020, Chuckawalla Valley State Prison (CVSP) confirmed its first two cases of coronavirus. A month later, the prison reported 989 cases.

[Read More](#)

COVID CDCR and Jail Dashboards

Two More COVID-19 Related Deaths At CA Institution For Men & Avenal State Prison

As of November 2, there have been 15,877 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,726 have been resolved while 615 remain active in custody. There have been 80 deaths throughout the

[Read More](#)

Santa Clara County Jails Test 100+ Individuals Over Weekend Despite Reporting One Active Case

HU 31ABC were released on Oct. 29 after only two days in quarantine, presumably due to the index case testing negative. Currently, Santa Rita Jail reports one active COVID-19 case in custody.

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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Jail Time ‘Pays’ Off: Defendant Converts Time Into Credit for Fines and Fees

Sometimes sitting in jail can pay off. At least that is the case for Osiris Nunez, who saw her one day time credit convert to a credit for fines and court fees Monday thanks to Yolo County Superior Court Judge David W. Reed.

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Sacramento Court Watch

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Defendant Agrees to Turn Self In After Zoom Hearing Reveals Concerns About Public Safety

Defendant Shabondy Simpson should be in jail Tuesday morning on \$1 million bail. He was out of custody Monday until a hearing in Sacramento County Superior Court went “south,” and the judge ruled he had to turn himself in to the Sheriff

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‘Routine Not So Routine in Sacramento Court’ – Judge Halts Restitution Hearing

Sometimes “routine” hearings in court become not so routine, as was the case last Friday in Sacramento County Superior Court when Judge Trena Burger-Plavan halted a “routine” restitution hearing for a 2015

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Judge Chooses to Believe Less Flattering View of Young, COVID Positive Suspect – Keeps High Bail

There are apparently two sides to defendant Devin Sanders – and Sacramento County Superior Court Judge Michael Sweet chose Monday to believe the less flattering side.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

[Read More](#)

Fresno Court Watch

Defendant Admits to COVID-19 Positive Test with Symptoms While Sitting Across from Attorney

Last week the Vanguard reported an unidentified attorney came to court without a mask – a violation of Sacramento County Superior Court rules – and not one official, from the courtroom deputy to the judge, said

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

[Read More](#)

Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: Everyday Injustice - California's Surprise Progressive Prosecutor; Podcast Discussion About Barrett
Date: Monday, November 2, 2020 at 7:01:10 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“We became a system that was just processing cases,” Tori Salazer,
San Joaquin DA

Everyday Injustice Newsletter - November 2, 2020

The Surprise Progressive Prosecutor...

By David Greenwald

Early this year - pre-COVID days - seems like a million years ago, Tori Verber Salazer, the San Joaquin prosecutor, a Republican, announced she was leaving the California DA's Association. We covered the story, she was rather critical of her colleagues for opposing reasonable criminal justice reform.

Since then at pretty much every announcement we see Salazer joined with Chesa Boudin (San Francisco), Diana Becton (Contra Costa) and usually George Gascon, who is running to be DA of Los Angeles and is the former SF DA.

I won't quite go as far as Robert Greene of the LA Times from a few days ago that Salazar is the most progressive prosecutor in California. That has to be Boudin - and not by a close margin. While Salazar deserves credit here in joining Boudin on key reforms, it is clear that Boudin is driving the boat. But she is the least likely of the four here.

Greene of course can't help himself: "I couldn't help myself. "But wait," I said. "You're a Republican, right?"

He writes: "she might traditionally have described her job as putting away people who harm others. But she was talking instead about how the law-and-order, tough-on-crime model failed victims and also perpetrators, who too often go on to experience more failure and inflict more harm. And she was driving not toward the jail but to homeless encampments perched alongside dry canals, and from there to housing projects and family care centers."

"We became a system that was just processing cases," she told him. "We never really taught the importance of data and how it can drive decision making. Data can raise red flags to show when you're implementing things in a discriminatory manner, or getting discriminatory consequences that greatly outweigh the harms caused" by the crimes.

So there she is - an elected Republican DA in a red county in the valley of California talking reform.

For the progressive movement - or whatever you prefer to call it - to succeed, John Pfaff pointed out speaking in San Francisco in February in the pre-COVID days, it has to become something more than a few urban areas.

Otherwise it becomes vulnerable to what Trump called the "blue cities" phenomena.

As Pfaff explained, "It remains a very urban phenomenon." He noted, "you can't see states that incarcerated and states that decarcerated."

"This is a common pattern," he said. "Large counties are decarcerating. Small counties are not. Urban America is decarcerating. Rural America is not."

The 200 largest DA offices handle two-thirds of felonies nationwide, he said. "So if you flip 200 offices out of 2200 offices, you flip the top 10 percent, that's a massive change in what is going to happen."

The problem is that leaves 90 percent of all offices untouched.

“The language of progressive prosecution, this language that is rooted very much in racial and social justice, is not the kind of language that’s going to work in white, rural, Trump-voting America.”

So while I would argue that Chesa Boudin is the leader in California of the progressive movement, Tori Salazar holds the key.

Thanks for reading.

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Criminal Justice News/ Commentary

Everyday Injustice Episode 83: What the 1968 Battle over Fortas SC Nomination Tells Us about Barrett

This week on Everyday Injustice we speak with Michael Bobelian, author of *Battle for the Marble Palace*, which chronicles the 1968 court battle over Abe Fortas’s nomination to elevate him from associate to Chief Justice by

[Read More](#)

Defense Fails to Convince Judge 3 Suspects Should Not Have Been Arrested in Walmart Theft

Multiple defense lawyers tried to convince a Sacramento County Superior Court judge in a preliminary hearing late last week that their defendants—Elliot Anthony Edwards Northley, Andrew Elles and Ebijon

[Read More](#)

Contra Costa County Assessor Running for Supe Accused at Trial of Creating Hostile Work Environment

Contra Costa County Assessor Gus Kramer—running for county supervisor—has been accused of making sexist, racist and ageist comments to employees from 2013 to 2018, and stood trial on civil misconduct charges

[Read More](#)

My View: Who is Matt DeMoura and Does He Speak for the Yolo DA's Office?

A sponsored ad on Facebook the last few weeks turned some heads. "Results over rhetoric, action over attacks, people over politics," the ad read. "Re-elect Jim Provenza." The photo is that of Jim Provenza speaking.

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Criminal Justice Leaders Calling For Injunction Against Federal Troop Deployment to American Cities

The pushback against Trump administration policies on federal law enforcement deployment and tactics continued to play out this week, with 80 criminal justice leaders – including eight Attorneys General and twelve current or former Police Chiefs

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COVID CDCR and Jail Dashboards

Another COVID-19 Related Death At CA Institution For Men Brings CDCR Death Toll to 77

As of October 29, there have been 15,771 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,673 have been resolved while 566 remain active in custody. There have been 77 deaths throughout the

[Read More](#)

COVID-19 Testing Rates Decrease At Santa Rita Jail While Population Continues to Rise

There are no active COVID-19 cases in Santa Rita Jail. The last two positive individuals were released from custody while they were COVID-19 active. HU31ABC is the only housing unit under quarantine as of Wednesday, Oct. 28.

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San Francisco Court Watch

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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Yolo County Court Watch

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Yolo Jury Finds Man Guilty of Child Molestation; Prosecutor Delivers Blunt Argument

A Yolo County Superior Court jury late Friday delivered a guilty verdict against Edwardo Aguilar Castro, who was charged with 22 instances of sexual assault, most

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Sacramento Court Watch

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Man Accused of Killing Wife Held to Answer after Preliminary Hearing Friday

On January 14 of this year, a witness said he received a call from his friend Asghar Ehsan, stating that he had "a big emergency." That turned out to be an understatement.

[Read More](#)

Judge Releases Defendant Who Allegedly Threatened to Slit Throats of Victim and Her Dog

A defendant here allegedly threatened to slit his victim's throat and the throat of her dog. Despite that, Sacramento County Superior Court Judge Scott Tedmon released him without bail, but with on a Level

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Defense Fails to Convince Judge 3 Suspects Should Not Have Been Arrested in Walmart Theft

Multiple defense lawyers tried to convince a Sacramento County Superior Court judge in a preliminary hearing late last week that their defendants—Elliot Anthony Edwards Northley, Andrew Elles and Ebijon

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DUI Judge Decries Lack of Organization with ‘We Can’t Do This’ – Livestream Abruptly Ends

Judge Philip F. Stanger of Sacramento County Superior Court Dept. 84 didn’t have a good Friday last week. In fact, it seemed like chaos, with cases on calendar now transferred somewhere else

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadoran immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender’s

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Fresno Court Watch

Judge Tosses Peace Officer Evidence – Didn’t Have Reasonable Suspicion to Arrest Defendant

A Fresno County Superior Court judge threw out the testimony of a Fresno police officer here Thursday, ruling he did not have reasonable suspicion to detain a man for DUI hit and run.

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkeley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: Re: Podcast - Mano Raju - November 6, 2020 - 11am-12pm
Date: Monday, November 2, 2020 at 5:33:05 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Perfect. Thanks so much! I'll let you know if there's anything specific he wants to add.

From: David M. Greenwald <info@davisvanguard.org>
Sent: Monday, November 2, 2020 9:26 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Podcast - Mano Raju - November 6, 2020 - 11am-12pm

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He can call me at 530-400-2512

See if he has things he wants to talk about. Not sure that much has changed since I sent that list.

On Mon, Nov 2, 2020 at 9:24 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi David,

We've got the podcast on Mano's calendar for this Friday 11/6 at 11am. He said that he prefers to do audio-only this time around, so please let me know if there are special call-in instructions and who calls whom, etc.

Below are the questions you initially sent, but if you'd like to make any changes, please do so and I can present the updated list to Mano and he can decide if there are things he'd like to add.

Thank you!

- What have you learned in your first nearly 18 months as chief public defender in San Francisco?
- What are your biggest challenges?
- How has COVID changed things?
- How do we reduce jail and prison populations further during times of COVID and elsewhere?
- What are your priorities?
- What do you see as the biggest problems in the criminal legal system?
- What accomplishments are you most proud of?
- Discussion about racial disparities in the criminal legal system
- Discussion about policing and reform

--

David M. Greenwald
Executive Director
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Subject: Re: Podcast - Mano Raju - November 6, 2020 - 11am-12pm
Date: Monday, November 2, 2020 at 5:26:09 PM Greenwich Mean Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)

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He can call me at 530-400-2512

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Subject: Podcast - Mano Raju - November 6, 2020 - 11am-12pm
Date: Monday, November 2, 2020 at 5:24:12 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Hi David,

We've got the podcast on Mano's calendar for this Friday 11/6 at 11am. He said that he prefers to do audio-only this time around, so please let me know if there are special call-in instructions and who calls whom, etc.

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- Discussion about policing and reform

Subject: Valerie, do you want a trick or a treat?*

Date: Saturday, October 31, 2020 at 9:00:18 AM Greenwich Mean Time

From: David Greenwald

To: valerie.ibarra@sfgov.org

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Image

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Hi Valerie,

I think most of us prefer treats over being tricked, so I'd like to share a little treat with you - a note from Linh Nguyen, a vanguard intern and Editor-in-chief of The Davis Vanguard at UC Davis. Here's what she had to say:

"I have only good things to say about my experience as an intern with the Davis Vanguard. Coming into the program with little journalistic experience, I was given the opportunity to write and develop those skills needed to pursue a career in journalism, as well as build a strong portfolio. Ten months later, my success and learning continues to grow as I take on

more projects and leadership opportunities and expand my knowledge on what is happening in the topic of criminal justice and politics.

I can say that applying for this internship is one of the best decisions I have made in my undergraduate college career. If I ever go on to being an award winning journalist, I will credit the Davis Vanguard for kickstarting my career.”

I wanted to let you know that lives are being changed through The Davis Vanguard program.

Just this year, donors made it possible to reach more than 70 undergraduate students across California like Linh in our community to bring transparency, accountability, and fairness to local government while promoting social justice and democracy.

- Established The Davis Vanguard at UC Davis - a student-directed online news publication which is headed by a diverse group of female journalists and activists from UC Davis.
- Designed a CDCR dashboard system to track the number of COVID-19 cases in over a dozen prisons throughout California.
- Encouraged and promoted an online internship for over 70 interns throughout California, from UC Davis to UCLA, to report on local news and gain experience in the journalism field.

Watching their progress is a huge treat!

We'd love for you to be part of the magic that happens when we come together to support our community and inspire the next generation of journalists .

Sincerely,

David Greenwald
Director of The David Vanguard

P.S. Please visit [The Davis Vanguard](#) to learn more about how we've converted to virtual programming during the pandemic while continuing to help those who need us most.

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Subject: Everyday Injustice - Protests Dog Lacey in LA; Postal Worker Files Civil Rights Suit in San Rafael, Claims Police Terrorized Him

Date: Friday, October 30, 2020 at 6:01:07 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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SF Chronicle: " it's time to bring the focus back to Death Row in another way. The courts are citing the state for its "deliberate indifference" in handling the outbreak, calling it a "disaster," a label warranted by the heartbreaking death toll."

Everyday Injustice Newsletter - October 30, 2020

Newsom Has Targeted the Death Penalty, But Dragging His Feet on Prison Condition

By David M. Greenwald

From the stand point of criminal justice reform, California Governor Gavin Newsom has done some pretty good stuff in his first two years. The moratorium on the death penalty was a good start. Him filing an amicus this week with the California Supreme Court has the potential to end the death penalty.

I know some folks will disagree on this point but Newsom has handled COVID probably better than most which is why California has fared fairly well in two of the first three waves - only over the summer was California among the hot zone.

But on prisons he has dropped the ball which is the subject of a scathing criticism from the [San Francisco Chronicle yesterday](#).

Writes the Chronicle Editorial Board: "Gov. Gavin Newsom is dug in against the death penalty, but he's also implausibly dragging his feet on the documented COVID dangers at San Quentin, home of California's Death Row."

As they point out: "His support in denouncing capital punishment is forthright enough: Its application is racially discriminatory and flawed, a perversion of justice. He's giving new voice to that position in submitting arguments in the legal case of a prisoner facing execution."

So why the slow walk on COVID in prisons?

We have reported on the mindboggling incompetency that led to a deadly outbreak in San Quentin.

Writes the Chronicle: "San Quentin hastily put up tents and medical facilities to alleviate overcrowding and further infections, but that's not enough. After the state prison chief was replaced, the new head isn't announcing any moves."

Last week a three judge panel ordered the state to cut the prison numbers in half.

They are floating what seems to be a reasonable path forward: "early release of inmates over 60 who've served more than 25 years, a group considered unlikely to pose societal danger."

When we spoke to Chesa Boudin's office a few months ago they were working on filing 1170D motions for prisoners who should no longer pose a public safety risk, but at that time at least, they were the only county doing so. The state has all sorts of options that could alleviate the problem.

The Chronicle points out: "In adding his voice to the death penalty appeal this week, Newsom was outspoken and clear. He sided with rightful arguments that white majority juries often are swayed against black defendants. Death penalty charges are disproportionately brought against minority suspects. On Death Row, a third of the 711 inmates are Black, the governor stated in his filing."

"Great points, governor," the Chronicle argues. "But it's time to bring the focus back to Death Row in another way. The courts are citing the state for its "deliberate indifference" in handling the outbreak, calling it a "disaster," a label warranted by the heartbreaking death toll."

I really don't get it.

But one point that the Chronicle didn't raise is that when the Governor has paroled certain people from prison, DA's across the state, like Yolo County's Jeff Reisig have mau-maued him.

Back in August, the Vanguard itself got heavy pushback when we called the Yolo County DA's office to task for taking to Fox News.

Assistant DA Melinda Aiello told Fox News, "I want to emphasize that as prosecutors were absolutely appalled at the lack of transparency at the release decisions that are being made on the state level, CDCR has already released over 10,000 inmates who were convicted and sentenced to what we call a determinant term. They had a determined outdate."

But she added that "now CDCR has expanded their efforts, and they're including violent criminals, including murderers, and that's the situation that we have here with Terebea Williams."

So when Gavin Newsom does release people he gets hammered by DA's and when he doesn't he gets hammered by criminal justice reform advocates - most of whom are likely going to end up backing him anyway.

Not trying to defend Newsom here - because I certainly think he can and has to do more. But from his perspective, he gets hammered either way.

Thanks for reading.

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Criminal Justice News/ Commentary

Months of Protests Challenging LA District Attorney Jackie Lacey Ends with Casting Ballots

Every Wednesday at 3 p.m. for the past four months, Black Lives Matter activists have gathered outside the Hall of Justice in Downtown Los Angeles, demanding the removal of LA District Attorney Jackie Lacey.

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Postal Worker Files Civil Rights Suit, Claims Police Terrorized Him

Karl Bracy and his attorney, John Burris, announced the filing of a civil rights lawsuit Thursday against the city of San Rafael and several of its officers after they claimed that San Rafael police terrorized Bracy for driving while Black.

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Philly Warns Trump to Keep His 'Goon Squads, Proud Boys' Out of City

As the 2020 elections being just a few days away, the U.S. has made little to no strides to answer the calls for deep systemic justice – an example are anti-racist movement protestors mobilizing this week in Philadelphia after Walter

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Duke Researchers Report Life Without Parole Sentencing on Rise; Blacks Hurt Most

Researchers from the Wilson Center for Science and Justice at the Duke University School of Law reported an increase of life without parole sentencing in North Carolina – more than 1,600 people have been sentenced to life

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COVID CDCR and Jail Dashboards

Another COVID-19 Related Death At CA Institution For Men Brings CDCR Death Toll to 77

As of October 29, there have been 15,771 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,673 have been resolved while 566 remain active in custody. There have been 77 deaths throughout the

[Read More](#)

COVID-19 Testing Rates Decrease At Santa Rita Jail While Population Continues to Rise

There are no active COVID-19 cases in Santa Rita Jail. The last two positive individuals were released from custody while they were COVID-19 active. HU31ABC is the only housing unit under quarantine as of Wednesday, Oct. 28.

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San Francisco Court Watch

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Yolo County Court Watch

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Parking Lot Stab Victim Fingers Assailant in Prelim – Judge Won't Set Bail

Denis Bugreyev's preliminary trial here this week in Yolo County Superior Court didn't go well for him – the judge ruled he had to face a trial for felony charges of attempted murder and great bodily injury.

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Sacramento Court Watch

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Defendant Ejected from Court After Telling Judge He Does Not Have 'Power Over Me'

Chaos erupted in Dept. 26 of Sacramento County Superior Court Wednesday, causing Sacramento Judge Curtis M. Fiorini to order the defendant to be forcibly removed from the courtroom.

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Authorities Say Woman Admitted Stabbing and Killing Boyfriend

Norva Patton was present in Sacramento County Superior Court this week in an orange outfit, with a cane resting against her legs, far removed from Sept. 7, 2019, at approximately 5 a.m. when deputies from the Sacramento

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

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Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: Everyday Injustice - The Battle in Maricopa County; Barrett Confirmation Means Roe Is at Risk, and Prosecutors Need to Step Up
Date: Thursday, October 29, 2020 at 6:00:23 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Miriam Krinsky: "As we confront a reality where the rights of women across this country to make their own health care decisions is under attack, elected state and local prosecutors are an increasingly critical defender of these essential reproductive rights."

Everyday Injustice Newsletter - October 29, 2020

**The Race in Maricopa County
Arizona**

By David Greenwald

At this point there are really two DA races we are heavily tracking - the one out of Los Angeles, the subject of yesterday's column and a heated one in Arizona featuring Julie Gunnigle, a Democrat running as a reformer and appointed incumbent County Attorney Alister Adel, a Republican, who says she is a reformer but she is backed by police unions and has declined to charge officers in high-profile police shootings.

The two candidates differ perhaps most on the issue of police accountability.

Gunnigle favors reallocating money from the police budget to social services - what you might call the soft-form of defunding the police. She favors establishing an independent, community involved unit investigate and prosecute crimes committed by the police.

On the other hand, Adel, endorsed by the Phoenix police union, has according to a recent article in the Appeal, not committed to creating any sort of independent unit and has on multiple occasions declined to file charges against officers for killing civilians.

Right now, there is no independent process to investigate officer involved killings. When someone is killed by police in Maricopa County, "other officers—often from the same department—**investigate** the killing. When the investigation is complete, the law enforcement agency responsible for the investigation **submits** the case to the county attorney's office."

"There is an undeniable conflict of interest between prosecutors and police by virtue of their close working relationship," Gunnigle said in a questionnaire from the American Civil Liberties Union of Arizona. "I will create an independent and community involved unit to take on these cases and hold police accountable."

For Gunnigle then, her view is to create an independent unit that is separate from the ordinary chain of command to investigate and prosecute police shootings, use-of-force cases, and other misconduct.

This is the opposite of what Adel would do. She has not committed to an independent process and has only said, "This office has updated and implemented a new critical incident response protocol." In fact, she argues that the office of the state attorney is "an independent charging agency" and that "When these situations arise, it is the responsibility of this office to review and analyze the facts and evidence submitted to us by law enforcement."

In a high profile case, a few months after being appointed by the outgoing prosecution, Adel decided not to file charges in the case of the killing of 14 year old Antonio Arce, a 14 year year old who was shot in the back last year as he held a toy gun.

In addition, she declined to file charges against the state trooper who shot and killed Dion Johnson over Memorial Day weekend and she even dropped charges against a Maricopa County sheriff's deputy who allegedly had sex with a domestic violence victim after responding to a call to assist her.

Here is the shocking thing - no charges have been filed in 52 of 53 officer-involved shootings that has occurred in Maricopa County since Adel was appointed. What makes this stunning is that she was only appointed last year and they have already had 53 such shootings.

If a police officer violates the public trust and commits a crime, they should be held accountable. In order for that to happen, however, there has to be a prosecutor committed to holding them accountable.

But just as important, a good amount of police shootings are tragic but unavoidable, but if the public does not have a transparent process by which they know each shooting will be fairly and justly evaluated, there

can be no trust when the prosecutor says that no charges will be filed.

That is what is at stake in Maricopa County where one candidate is committed to transparency and accountability and the other candidate has received huge amounts of campaign money from police unions.

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Criminal Justice News/ Commentary

Guest Commentary: Barrett Confirmation Means Roe Is at Risk, and Prosecutors Need to Step Up

Monday's confirmation of Amy Coney Barrett has given the U.S. Supreme Court a conservative supermajority, making the longstanding anchor of Roe v. Wade — the landmark decision enshrining a woman's constitutional

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ELECTRIC CAR CONFUSION: SF PD Wins Acquittal for Client Accused of Carjacking and Robbery

Valentine Sua, 28, was acquitted this week at trial in San Francisco County Superior Court on all carjacking and robbery charges stemming from an incident in May. It was largely a case of his fear of police, and not knowing electric

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ANATOMY OF A ROBBERY: PART I

Four deputy law enforcement officers and a detective from the Sacramento Sheriff's Department gave witness testimony last week in a preliminary hearing at Sacramento County Superior Court about a one-day mobile phone

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COVID CDCR and Jail Dashboards

CDCR's Substance Abuse Treatment Facility Reports Second COVID-19 Outbreak – Two Hundred Cases Since Monday

As of October 28, there have been 15,688 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,628 have been resolved while 454 remain active in custody. There have been 76 deaths throughout the

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SF Jails Report Zero Active Cases In Custody & Stable Population Count

HU 31ABC are under quarantine a patient presenting COVID-19 symptoms on Oct. 26. The housing units are scheduled for release on Nov. 10 unless the test results are negative for the index case. HU 7F is still under

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San Francisco Court Watch

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Yolo County Court Watch

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16 Charges Not Biggest Problem Facing Defendant – 'Safe' Plea Sought

Facing 12 misdemeanor and four felony charges, Jose Indalopez must wait in custody to make a plea. Because even all those charges are not his biggest problem.

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Sacramento Court Watch

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ANATOMY OF A ROBBERY: PART I

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Defendant's Statements Backfire, Judge Cites Them as Reason to Not Release Her Without Bail

Judge Michael Sweet here Wednesday in Yolo County Superior Court refused to release an autistic defendant without bail, who kept interjecting her own thoughts during court proceedings—including that she got lost on her way to

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Everyday Injustice - Podcast

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Date: Wednesday, October 28, 2020 at 10:53:43 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: October 28, 2020

CONTACT:

Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

SF Public Defender's Office Wins Acquittal for Client Accused of Carjacking and Robbery

SAN FRANCISCO – Yesterday, a jury acquitted a client of the Public Defender of all carjacking and robbery charges stemming from an incident in May. The jury found that Valentine Sua, 28, did not “use force or fear” with the intent to steal the car of a man who had stopped to help him jump-start his own vehicle, but rather had fled from an unfortunate

miscommunication to avoid interacting with police.

On May 2, 2020, Sua was visiting family and friends in San Francisco's Sunnydale neighborhood, and video surveillance showed that Sua had asked several people to help him jump-start his car. When a man in a Prius offered to help, Sua was confused by its quiet start and assumed that the man hadn't turned on the car. Sua reached into the Prius and asked for the key. The man, who had immigrated from China just a year prior and did not fully understand what Sua was saying, got out of the car. By the time Sua had gotten into the driver seat of the Prius to jump-start his car, he saw that the man was running away. Sua panicked and fled, and was arrested shortly thereafter. He was charged with carjacking and robbery, but the jury found him not guilty on both counts.

The key evidence was established when the defense was able to show surveillance footage showing that Sua had been trying to jump-start his car all day. The original camera footage that SFPD investigators provided to the prosecution was a compilation produced by Watchtower Security, the company contracted to operate the cameras. "The compilation showed many of Mr. Sua's activities that day, but I had to request the raw footage to discover that he had been flagging down cars all day asking people to help start his car," said Deputy Public Defender Eric Fleischaker. "This helped prove to the jury that Mr. Sua was intending to start his own car, not to steal someone else's."

"Mr. Sua's panicked flight response was based on his previous interactions with police while growing up in Sunnydale where he has always felt like the police assume he's guilty," said Fleischaker. "After system involvement in his younger years, he had gotten his life back on track with a job promotion, a wife, and a child. With so much to lose, his reaction was to flee."

The defense team called upon a social worker, Larry Jones Jr. - who also grew up in Sunnydale public housing - to provide cultural insight to Sua's response. Jones spoke about the nearly constant and often negative police presence in the few square blocks of Sunnydale, which is monitored at all times by fifty-nine surveillance cameras.

###

Subject: Everyday Injustice - Mayor Breed Fires Back at Gascon, Congress Responds to Amy Coney Barrett's Confirmation to the U.S. Supreme Court
Date: Wednesday, October 28, 2020 at 6:01:16 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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SF Mayor London Breed: "Like countless others who have witnessed Gascon's brand of "leadership" up close, I have opposed his candidacy from the start, and for very simple reasons: Gascon was bad for San Francisco, and he would be bad for LA."

Everyday Injustice Newsletter - October 28, 2020

San Francisco Mavor

San Francisco Mayor Smacks Gascon

By David Greenwald

San Francisco Mayor London Breed has not been a supporter of progressive reform in prosecution. She supported Suzy Loftus for DA - in fact she appointed her to replacement George Gascon last fall when he stepped down just about a year ago. But it was reformer Chesa Boudin who ended up winning.

Now she has publicly backed Jackie Lacey in Los Angeles over the same George Gascon. This despite the fact that the LA establishment has turned against Lacey because of her opposition to reforms and weak record on police shootings.

But that hasn't stopped London Breed from now penning a sharp-toned op-ed in the Los Angeles Sentinel.

"Gascon claims he "rattled cages" in San Francisco and that's why our city's top leaders oppose him. This is nonsense," Breed writes.

She continues: "Like countless others who have witnessed Gascon's brand of "leadership" up close, I have opposed his candidacy from the start, and for very simple reasons: Gascon was bad for San Francisco, and he would be bad for LA."

Breed noted that Gascon was a registered Republican when he came to San Francisco, supported the death penalty "in appropriate cases," and had a poor record on things like police reform.

He writes: "Later, when he decided to run for D.A., Gascon found it politically convenient to re-brand himself as a progressive. He reversed his position on the death penalty. He talked up the need for police reforms, even though he had instituted none when he was police chief."

She continues: "While many of us were working to enact meaningful police reforms, Gascon failed to indict any of the officers involved in a series of high-profile shootings. Communities of color continued to suffer disproportionately from violence on our city's streets, even as the D.A.'s office became increasingly cavalier toward victims of violence."

She argues: "Experienced public servants left Gascon's notoriously mismanaged office in droves."

She concludes: "As L.A. voters are asked to consider George Gascon, I hope they will take into account both his poor record as a D.A. and his lack of character as a public servant. And to the Black voters, in particular, whom Gascon is so eagerly courting: I don't believe we need self-serving "allies" who are only there for us when it suits their needs, we need true partners who will stand with us through thick and thin in the ongoing fight for justice for all. George Gascon is not that person."

London Breed would probably have been better served not getting involved in this race at all. Having been in the courtroom last year and seen first hand the DA's office - there were a lot of problems in San Francisco and things that Chesa Boudin and his staff are cleaning up.

There was a clear disconnect between the views expressed by Gascon, his rhetoric and the facts on the ground.

But the problem is by backing Jackie Lacey, London Breed is ignoring the fact that everything that she is saying about Gascon, could be said tenfold about Jackie Lacey. There is a reason why a lot of the San Francisco progressives are supporting Gascon in LA and why the establishment has turned against Lacey.

Thanks for reading.

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Criminal Justice News/ Commentary

Congress Responds to Amy Coney Barrett's Confirmation to the U.S. Supreme Court

Six weeks after the passing of Supreme Court Justice Ruth Bader Ginsburg, the Senate confirmed Amy Coney Barrett to succeed Ginsburg's seat, despite the fact that the presidential election is approaching in a few days.

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Seattle Office of Police Accountability Releases Five Completed Investigations of Alleged Police Misconduct

Across the country, since late May, there have been large and noisy demonstrations protesting the police killing of Black men and women by law enforcement, including the murder of George Floyd by a Minneapolis Police Officer..

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'Two Black Dudes' Profiled, Claims Defense – Trial Set for December

A car with an open container of marijuana parked in a red zone led to the arrest of two suspected "Strawberry Manor Bloods"—allegedly in possession of two firearms and cocaine—and a preliminary hearing Monday in Sacramento.

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COVID CDCR and Jail Dashboards

CDCR's Substance Abuse Treatment Facility Reports Second COVID-19 Outbreak

As of October 27, there have been 15,602 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,604 have been resolved while 467 remain active in custody. There have been 76 deaths throughout the

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SF Jails Report Zero Active Cases In Custody & Stable Population Count

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San Francisco Court Watch

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Inconsistent California Court Livestreaming – A Public Access Crisis

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Yolo County Court Watch

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Man Brings Knife to Road Rage Incident after Almost Being Hit by Vehicle

A road rage incident took a violent turn when one man pulled a knife on the other, and the altercation ended with a slashed tire, broken windows, and an arrest. One man was held to answer here in Yolo County Superior Court, with the

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Sacramento Court Watch

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Alameda Court Watch

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After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

Fresno Defendant Pursues Jury Trial for DUI Charges While Most Take Plea Deals

In Judge William Terrance's courtroom in Fresno County Superior Court this week, Defendant Dominik Herrold was the only defendant who chose to take his DUI case to trial rather than take a plea deal from the prosecutor.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

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Judge Mulls Jurisdiction in Human Trafficking Case

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“California’s capital punishment scheme is now, and always has been, infected by racism,” said Governor Gavin Newsom

Everyday Injustice Newsletter - October 27, 2020

California Court Requires San Quentin To Reduce Population By Fifty Percent

By Julietta Bisharyan and Nick Gardner

A recent appellate court ruling has ordered that San Quentin State Prison reduce its population by nearly half.

The First District Court of Appeals ruled on October 20 that the conditions within San Quentin constituted cruel and unusual punishment under the 8th Amendment.

64-year old petitioner Ivan Von Staich filed suit against the California prison after being placed in a cell “so small that you can touch the walls with your hands” with an individual who had tested positive. Due to his age and underlying respiratory problems, Von Staich is a highly at-risk individual.

Although Von Staich contracted the virus and has since recovered, his lawsuit argues that it is “impossible” to effectively prevent the virus from infecting him again, and that “there is no opportunity to engage in social distancing” within the prison.

The ruling, which blasted the CDCR for its response to the coronavirus outbreak in California’s oldest prison, will call for the transfer of San Quentin inmates to other California prisons. In early April, this very practice initiated the devastating outbreak of COVID-19 in San Quentin that has claimed the lives of 28 incarcerated folks and one correctional officer.

As made clear by J. Anthony Kline, the court order does commute the sentence of Von Staich or any other individual. Rather, it recommends that Von Staich and others be released from San Quentin and placed in an environment that allows for physical distancing between incarcerated folks.

The target is for San Quentin to reduce its population to 1,775— nearly half of its current holding. The court ruling suggests that prison officials include new solutions for those over 60 to be released, in addition to the transfers. Incarcerated individuals over 60 have shown significantly lower recidivism rates compared to other age groups, even among those with violent convictions.

The decision gives the CDCR control over which methods are used to decrease prison population. Recently, a spokesperson for the CDCR commented that the department is working to “determine the next steps,” which could include an appeal to the California Supreme Court. In an email to the Mercury News, CDCR spokeswoman Dana Simas wrote that “we respectfully disagree with the court’s determination.”

Meanwhile, advocates for decarceration are hoping that two recent ballot initiatives, proposition 47 and 57, will be used to drastically reduce prison population.

Jay Jordan, executive director of Californians for Safety and Justice, a crime prevention advocacy group, told the Mercury News: “I hope (CDCR) does take the long view and uses what’s on the books, like Prop. 57, to release these people,” Jordan said. “We don’t want to see them transferred. That’s why San Quentin became a petri dish.”

To see full article - [click here](#).

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Criminal Justice News/ Commentary

Boudin and Other DA’s Join Governor’s Declaration That Death Penalty is Applied in Racial Biased Manner

On Monday, Governor Gavin Newsom in response to a rare request by the California Supreme Court, filed a briefing about the constitutionality in which the governor declared that the California Death Penalty has been applied in a

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CA Governor Files Death Penalty Amicus Brief, Focuses on Racist Juries

Charging the state's capital punishment "scheme is and always has been infected by racism," California Governor Gavin Newsom Monday filed a 175-page amicus brief in *People vs. McDaniel*, arguing that juries must be racially

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Police Gun Down Man with Knife Early Monday in Philly in Front of Family

In the near-dawn hours here Monday, 27-year-old Walter Wallace Jr. was reportedly gunned down by police officers in the neighborhood of Cobbs Creek in West Philadelphia.

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COVID CDCR and Jail Dashboards

Two More COVID-19 Related Deaths At CDCR Facilities Over Weekend

As of October 26, there have been 15,380 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,573 have been resolved while 277 remain active in custody. There have been 76 deaths throughout the

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Sacramento Youth Detention Facility Reports First COVID-19 Case

Over the weekend, two housing units began quarantine due to patient presenting COVID-19 symptoms. HU 24D began quarantine on Oct. 23 and was scheduled for release on Nov. 6, but was quickly released yesterday, presumably due

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California Court Requires San Quentin To Reduce Population By Fifty Percent

The COVID-19 pandemic has now claimed the lives of 28 incarcerated individuals and one guard. 55-year-old Ron Lee Joffrion survived the brutal past few months at San Quentin, and discussed his experiences in a testimonial

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Yolo County Court Watch

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Yolo County Defendant Allegedly Admits Guilt to Deputy – Trial Set

Defendant Daniel Martin—who allegedly confessed burglary to law enforcement—had his preliminary hearing Monday here in Yolo County Superior Court and then was told he will stand trial for the alleged crime, among others.

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Sacramento Court Watch

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Sacramento Prosecutor Wants \$1 Million Bail, Defense Wants \$200K – Judge Refuses Both

Here in Sacramento County Superior Court Monday, Assistant Public Defender Damien Jovel asked Judge Patrick Marlette to reconsider his decision to deny bail to defendant Kayla Villarreal and requested a bail of \$200,000.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Court Watch

ACLU Files Brief in Support of Motion to Reopen Case of Woman Convicted of Murder for Stillborn Birth

The ACLU of Northern California and Drug Policy Alliance filed briefs in support of a motion to allow for Adora Perez, who is serving 11 years in prison for manslaughter after delivering a stillbirth baby, to appeal her case.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

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Subject: Everyday Injustice - Seattle, Portland, NYC Sue Trump, Barr and Others for Unconstitutional Anarchist Memo
Date: Monday, October 26, 2020 at 6:01:01 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Trump: "I am the least racist person in this room."

Everyday Injustice Newsletter - October 23, 2020

Seattle Office of Police Accountability Release Investigative Findings into Seattle Police Behavior At Protests

This weekend we have published accounts of far right groups inciting and escalating violence at protests. But the other things many of these protests have inspired is police brutality and other

misconduct by the police themselves at the very protests that were critical of police conduct in the first place.

Late last week, the Seattle Office of Police Accountability (OPA) released five more completed investigations into alleged Seattle Police Department (SPD) employee misconduct at protests following the murder of George Floyd.

The incident in case [2020OPA-0363](#) occurred on June 7th when demonstrators positioned their bodies on the ground to prevent bicycle officers from leaving a barricaded area. One demonstrator was arrested after refusing to move. [Video analysis](#) indicates that the involved officer forcibly pushed the demonstrator into the ground, causing injury to the demonstrator's head. OPA found that the force was not proportional because of the lack of resistance on the part of the demonstrator and the lack of a physical threat to the officers. Given this, OPA recommended a sustained finding.

The underlying incident in case [2020OPA-0323](#) took place on May 29th when officers prohibited demonstrators from walking down a street and one person refused to comply. As officers attempted to take this person into custody, he physically resisted, struggling with two officers on the ground. He hit the officers with a water bottle, and the officers used force to prevent him from engaging in further similar conduct. OPA concluded that the force used by one officer was appropriate under the circumstances, given that it was an immediate reaction to the threat. However, OPA also concluded that the six to eight punches used by the other officer were excessive, particularly because he failed to modulate his force as the threat subsided. As such, OPA recommended a sustained finding for this officer.

The other findings released today were for cases [2020OPA-0402](#) (not sustained), [2020OPA-0438](#) (not sustained), and [2020OPA-0383](#) (not sustained). OPA compiled a [short video](#) to show the incident in 2020OPA-0383.

Since May 30th, OPA has been contacted over 19,000 times about SPD's conduct at and response to various demonstrations. So far, the emails, phone calls, and other feedback have resulted in 126 cases. OPA is now updating its [website dashboard](#) every three weeks to show progress into demonstration-related complaint investigations.

Can you help us out? If you like our work - we could use your support. Please become a sustaining member if you aren't already.

To become a sustaining member - hit this link - <https://davisvanguard.networkforgood.com/>

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Criminal Justice News/ Commentary

Seattle, Portland, NYC Sue Trump, Barr and Others for Unconstitutional Anarchist Memo

Plaintiff cities Seattle, Washington; Portland, Oregon and New York, New York have filed a complaint for declaratory and injunctive relief to the U.S. District Court, Western District in Seattle, declaring that the Anarchist Memo is

[Read More](#)

Man Wrongfully Convicted 30 Years Ago Finally Freed – Prosecutor on Hot Seat

On a 1985 day in Northern Philadelphia, a drug deal gone wrong led to the double murder of two brothers, Luis and Hector Camacho. The event occurred in broad daylight and even included an eyewitness who

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Gunnigle Charges AZ County Attorney Allister Adel Fails to Address Lack of Diversity in Workplace

Over the past few days Maricopa County Attorney's office has faced backlash for Allister Adel's decision to ignore the racial disparities in the office and in the legal system at large at a time when critics note the U.S. legal system has often

[Read More](#)

Sunday Commentary: What Purpose Would Be Served by Seeking Death Penalty in Peterson Case?

A series of events has led to an absurd place—on Friday in Stanislaus County, prosecutors indicated their intent to seek the death penalty once again in the case of Scott Peterson, where he was found guilty in the killing of his wife

[Read More](#)

It Was a Member of the Boogaloo Bois That Opened Fire on the Minneapolis Police Precinct

Following the death of George Floyd, Minneapolis was the epicenter of mass protests, arson, rioting and looting. While this unrest and damage to property was in part in response to the death of Floyd. According to a sworn affidavit

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COVID CDCR and Jail Dashboards

Avenal State Prison Reports Only Twenty Active COVID-19 Cases In Custody

As of October 22, there have been 15,327 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,419 have been resolved while 455 remain active in custody. There have been 71 deaths throughout the

[Read More](#)

Santa Rita Jail Population Surpasses 2100 People Despite Continued Threat Of COVID-19

HU 3D began quarantine on Oct. 21. ACSO reported that a patient in HU 3D presented COVID-19 related symptoms on Oct. 20. Unless the patient tests negative, it is scheduled for release on Nov. 4. HU 3D was last

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San Francisco Court Watch

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Inconsistent California Court Livestreaming – A Public Access Crisis

The global coronavirus pandemic has been a source of hardship and uncertainty for many. The force of COVID-19 has tested the foundation of our government, and in doing so, has exposed many weaknesses of our democratic

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Yolo County Court Watch

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Yolo Victim Abducted, Held Hostage, and Forced on a 3.5 Hour Trip

A defense attorney attempted to undermine the credibility of a victim here in Yolo County Superior Court last week because of her admitted health problems. Deputy Public Defender Richard Van Zandt said the victim

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Sacramento Court Watch

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Sacramento Defendants Cheer and Dance in Courtroom after Case Dismissed

Co-defendants Joshua and Jamal Cross were ecstatic when their cases were dismissed last week by the Sacramento County District Attorney's Office. So excited, in fact, they let out cheers in the courtroom.

[Read More](#)

Judge Allows Alleged Sexual Assault Defendant to Visit His Granddaughter

Sacramento County Superior Court Judge Patrick Marlette Friday lifted a no-contact order to allow a defendant, who is charged with sex crimes, to have supervised visits with his granddaughter.

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadoran immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

[Read More](#)

Fresno Court Watch

ACLU Files Brief in Support of Motion to Reopen Case of Woman Convicted of Murder for Stillborn Birth

The ACLU of Northern California and Drug Policy Alliance filed briefs in support of a motion to allow for Adora Perez, who is serving 11 years in prison for manslaughter after delivering a stillbirth baby, to appeal her case.

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: SQ Habeas Updates

Date: Friday, October 23, 2020 at 10:07:17 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: mlagos@davisvanguard.org

Updates can be found at the bottom of the FAQ doc here: <https://sfpublicdefender.org/habeas/>

It has a summary and all the upcoming dates. As for public access to these dates, that's TBD by Marin County Court.

Thank you,
Valerie

Subject: Everyday Injustice - Chesa, DA's, Legislators Role Out Proposal Dealing with Conflict of Interest on Police Misconduct

Date: Friday, October 23, 2020 at 7:00:31 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Trump: "I am the least racist person in this room."

Everyday Injustice Newsletter - October 23, 2020

"I am the least racist person in this room."

By David Greenwald

The good news: it was better than the last time. I wasn't watching the debate this time through my fingers

The good news: it was better than the last time. I wasn't watering the debate this time through my fingers over my face. Still I think there is a lot of material here that people can unpack. I am going to look at some curious statements by the President and Biden's response.

Trump tries to attack Biden on Criminal Justice Reform. And look, Biden has to own the 1994 crime bill – there is no way around that. But hanging your hat on the first step act and a few handfuls of commutations really doesn't work for a sitting president.

But here is the line from Trump: “he's been in government 47 years, he never did a thing, except in 1994, when he did such harm to the black community, and they were called ... and he called them superpredators. And he said that, he said it, superpredators. And they never lived that down. 1994, your crime bill, the superpredators.”

Then he said: “Nobody has done more for the black community than Donald Trump.”

Okay, possible exception of Abraham Lincoln. That's right, he said, “possible exception.”

Later he added, “I am the least racist person in this room.”
First of all, Joe Biden didn't call anyone superpredators – Hillary Clinton did.

Second, Joe Biden does not have a great record here, but he did admit, “It was a mistake.” And his platform here is fairly strong.

Trump gets a little credit for pointing out that he (and Obama) had eight years to rectify it – but Biden fails to make the counter-point – Trump could rectify it now. He could commute the sentence of everyone in federal prison on a “pure drug offense.” And Biden could have said on day one, he would do exactly that. Where Biden was strong was pushing back against Trump's record. He pointed out, this is a guy who said, “The problem with the crime bill, there's not enough people in jail. There's not enough people in jail.”

Further, “He talked about marauding gangs, young gangs, and the people who are going to maraud our cities. This is a guy who in the Central Park Five, five innocent black kids, he continued to push for making sure that they got the death penalty. None of them were guilty of the crimes they were suggested.”

All over Twitter, was the graphic of the full page ad taken out by Trump in 1989.

Ben Crump tweeted, “Donald Trump falsely accused 5 Black and brown teens — known as the “Central Park 5” — of rape. He even paid for this full-page ad to publicly call for their executions! ALL of them were exonerated 20 years ago and Trump has NEVER admitted this racist failure!”

Trump to this day still believes they were guilty.

Overall a better debate for Trump – but this exchange could bite him, though nothing he hasn't said before.

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Criminal Justice News/ Commentary

Lawmaker, CA DAs Announce State Measure to Cure Prosecutors' Conflict of Interest Investigating Police Misconduct

Multiple District Attorneys across California Thursday partnered up with Assemblymember Rob Bonta to announce new state legislation to cure the conflict of interest in prosecutorial investigations on police misconduct.

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Guest Commentary: Amy Coney Barrett's Record on Criminal Justice Is 'Deeply Troubling,' Reform Advocates Say

Judge Amy Coney Barrett's expected confirmation by the Senate on Monday to a lifetime seat on the U.S. Supreme Court will be an enormous blow to criminal justice reform, advocates say.

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53 Black Former McDonald's Owners Sue, Charge Corporate Discrimination

Fifty-three Black McDonald's franchisees have filed a major civil rights lawsuit against McDonald's, charging they have been the victims of the discriminatory nature of McDonald's and demanding a jury trial.

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Yolo Public Defender Argues Police Report Doesn't 'Smell Right' – Judge Disagrees But Lowers Bail

Deputy Public Defender Jose Gonzalez questioned – repeatedly – the veracity of a police report that served as probable cause for the arrest of Ismael Farias on a vandalism charge Wednesday in Yolo County Superior

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Judge Sets Trial, but Declares He'd Find Defendant Not Guilty in Bench Trial

Sacramento County Superior Court Judge Steve White set a trial date for a Sacramento man here, even after telling counsel that he would not proceed with this case with the current evidence.

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COVID CDCR and Jail Dashboards

Avenal State Prison Reports Only Twenty Active COVID-19 Cases In Custody

As of October 22, there have been 15,327 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,419 have been resolved while 455 remain active in custody. There have been 71 deaths throughout the

[Read More](#)

Santa Rita Jail Population Surpasses 2100 People Despite Continued Threat Of COVID-19

HU 3D began quarantine on Oct. 21. ACSO reported that a patient in HU 3D presented COVID-19 related symptoms on Oct. 20. Unless the patient tests negative, it is scheduled for release on Nov. 4. HU 3D was last

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Evidence Thin, but Brother Accused of Elder Abuse in Knife Attack Set for Trial

In a preliminary hearing here in Sacramento County Superior Court Thursday, defendant Jeremy Braley faced felony and misdemeanor charges for an alleged attack on his older brother.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Subject: Everyday Injustice - Kendi Talks About Anti-Racism; Anonymous Grand Juror Reveals Homicide Charges Never Presented in Breonna Taylor Case

Date: Thursday, October 22, 2020 at 7:01:06 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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The grand jury asked questions about bringing other charges against the officers, "and the grand jury was told there would be none because the prosecutors didn't feel they could make them stick," the grand juror said.

Everyday Injustice Newsletter - October 22, 2020

**More Tales From the
Everyday Injustice System**

by David Greenwald

Yesterday, former Davis Police Officer Trevor Edens appeared via Zoom on a single charge of embezzlement. We still don't know what he is accused of doing as the Davis Police Chief told me that he has not been given clearance to divulge additional details of the acquisition.

But already we can see huge differences in this case, than others.

We have often noted the discrepancy between Black and white, rich and poor in terms of drug policies. Those who are white and/ or wealthy, have the ability to conduct their drug business in the privacy of their homes and indulge their habits in private rather than on the street where it can gain detection.

The result is that while Black and white commit drug offenses at similar rates, Black arrests and prosecutions occur at a 4 to 1 ratio.

The bias in the criminal justice system extends to the case of Trevor Edens.

The white collar crime is embezzlement - which means that while he absconded with money or assets that did not belong to him, he did not have to break into or physically overpower someone in order to acquire it.

So instead of facing serious prison time through robbery or burglary, he instead faces a slap on the wrist with embezzlement.

He was given a notice to appear, so he was not taken out of his home in handcuffs. He was not arrested. He was not booked in the county jail. There are no booking photos.

He appeared from his home on Zoom. Clearly embarrassed. When he appeared on camera, his voice was fleeting, his was scrunched down. A far cry from those having to sit in county jail, awaiting arraignment and eventually having to plead to something in order to gain release.

Edens attorney quickly waived time, his next hearing is December 14, he gets to resume his life in the meantime.

For reasons we don't know, Yolo County DA's office recused themselves, but Solano County has picked up the prosecution of the case. He faces simple embezzlement. There is no additional charge for committing crimes under the color of authority - another huge advantage that a white collar criminal is afforded while the more typical defendant faces much steeper charges for essentially the same crime.

Why? Because rather than abuse the public trust, they have to gain access to the property or money in order to appropriate it. It seems that the system has failed us there - failed to charge similar crimes, similarly and by advantaging those who merely abuse the public trust over those who use some manner of force to appropriate property belonging to someone else.

Is it really more dangerous for someone who breaks into someone's place than for someone for is sworn to protect and serve, and abuses that authority?

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Criminal Justice News/ Commentary

Former Davis Police Officer Arraigned on Embezzlement Charges

Former Davis Police Officer Trevor Edens was arraigned on Wednesday appearing via Zoom at Yolo Superior Court. The case is being prosecuted by Solano County Deputy DA Paul Sequeira because Yolo County DA has recused

[Read More](#)

Ibram Kendi Asks Fundamental Question About Disproportionate Black Deaths to COVID, Focusing Research on Anti-Racism

One is either a racist or an anti-racist, Professor Ibram Kendi argued this week at a talk at Harvard University. There is no middle ground. Kendi began his discussion by posing a “fundamental research question,” asking

[Read More](#)

Anonymous Grand Juror Reveals Homicide Charges Never Presented in Breonna Taylor Case

An anonymous grand juror in Breonna Taylor’s case wrote, “The grand jury did not have homicide offenses explained to them” this week, just hours after Judge Annie O’Connell ruled that the grand jurors could disclose the

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ACLU Files Brief in Support of Motion to Reopen Case of Woman Convicted of Murder for Stillborn Birth

The ACLU of Northern California and Drug Policy Alliance filed briefs in support of a motion to allow for Adora Perez, who is serving 11 years in prison for manslaughter after delivering a stillbirth baby, to appeal her case.

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San Francisco DA’s Office and Department of Elections Announce Hotline to Combat Election Fraud

The San Francisco District Attorney's Office Wednesday announced that it will team with the Dept. of Elections to combat election fraud during the upcoming election. DA Chelsea Boudin revealed he has been working closely with

[Read More](#)

COVID CDCR and Jail Dashboards

Another COVID-19 Related Death At California Institution for Men

As of October 21, there have been 15,315 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,312 have been resolved while 477 remain active in custody. There have been 71 deaths throughout the

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SF Jails Released Over 80 Percent Of All COVID-19 Positive Cases

On Monday, ASCO confirmed Santa Rita Jail's first active COVID-19 case in the past two weeks. HU 4D is the first housing unit to go under quarantine in nearly a week. ACSO reported that a patient in 4D presented COVID-19

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Jury Convicts West Sacramento Man for Luring 12-Year-Old Minor to Have Sex

A Yolo County Superior Court jury late last week found defendant Taylor Lewis Gholar guilty of luring a 12-year-old to have sex with him. After nearly two weeks of trial, the jury reached a verdict for Gholar,

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Sacramento Court Watch

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Man Beats Cousin with His Own Cane in Assault Case

There was no love lost between cousins, according to testimony here in Sacramento County Superior Court Wednesday in the preliminary hearing for a cousin who threatened and then beat his disabled cousin with his own

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadoran immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Subject: Everyday Injustice - Those Arrested At Protests Not Antifa; Court Rules SQ Warden Behaved with 'Deliberate Indifference' in COVID-19 Response

Date: Wednesday, October 21, 2020 at 7:00:13 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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First District Appellate Court further ruling, "We agree with petitioner that respondents' failure to accompany the measures they are taking with a drastic reduction of the prison population is not reasonable."

Everyday Injustice Newsletter - October 21, 2020

**Warden of San Quentin
Behaved with 'Deliberate Indifference' in COVID-19 Response**

By David Greenwald

Our COVID project for the last several months have tracked a lot of problems in jails and CDCR, the worst though was at San Quentin in early June. We watched as a failed prisoner transfer led to a conflagration.

The verdict is now in as an Appellate Court ruled on Tuesday that the warden of San Quentin Prison and California Dept. of Correction and Rehabilitation (CDCR) have behaved with "Deliberate Indifference and Relief is Warranted" concerning the treatment of prisoners during the COVID-19 pandemic.

As reported by the Vanguard's Madison Forwood, the Appellate Court ruled, "We agree with petitioner that respondents' failure to accompany the measures they are taking with a drastic reduction of the prison population is not reasonable."

The appellate court concluded with, "Given the gravity of the emergency at San Quentin, the speed at which transmission of the coronavirus may take place in outdated facilities, and the ease with which it appears respondents can modify their existing policies and programs to expedite releases and transfers in accordance with the views we have expressed, this decision shall be final in this court in this court 15 days from the date is filed."

San Quentin and CDCR was hit for a failure to test those incarcerated people transferred to San Quentin, but even more so because even with the negligence of introducing the virus to the prison population, they "failed to respond appropriately to the COVID-19 pandemic by not taking the necessary, cautionary steps to create space among inmates in order to slow the spread of the novel virus."

The petitioner Staich claims San Quentin "violates the prohibition against cruel and unusual punishment embodied in article I, section 17 of the California Constitution and the Eighth Amendment to the United States Constitution."

These failures created a human rights disaster with more than 2200 positive cases and 28 deaths - and what we won't know is the long-term health implications from all of this.

The ultimate remedy - prison population reduction.

And urgent memo recommended: "Given the unique architecture and age of San Quentin (built in the mid-1800s and early 1900s) there is exceedingly poor ventilation, extraordinarily close living quarters and inadequate sanitation. We therefore recommend that the prison population at San Quentin be reduced to 50 percent of current capacity (even further reduction would be more beneficial via decarceration)."

As Forwood points out, "Both the CDCR and the San Quentin facility have resisted, and remained ignorant to the suggestions of the Urgent Memo, public health officials, and many members of the medical disease field."

Read the full article [here](#).

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Criminal Justice News/ Commentary

Court Documents Show Most Arrested in Nationwide Protests Not Trump's Urban Antifa

A report written by the Associated Press strongly suggests that the majority of people arrested during nationwide protests against racial injustice were not violent urban left-wing radicals, as President Donald Trump claims, but rather

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CA Appellate Court Finds CDCR, Warden of San Quentin Behaved with 'Deliberate Indifference' in COVID-19 Response

California First District Appellate Court has stated that the warden of San Quentin Prison and California Dept. of Correction and Rehabilitation (CDCR) have behaved with "Deliberate Indifference and Relief is Warranted"

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Defendant Claims Sacramento Judge Marlette Biased and Racist

According to Defendant Julisha Douglas, Judge Patrick Marlette in Sacramento County Superior Court is biased and "racist as f***" – words she uttered after he sent her into custody with no bail.

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Defendant Bail in Domestic Violence Case Stays at \$1 Million

A Sacramento man, hoping his bail would be reduced to \$150,000, saw it remain at \$1 million after a Sacramento County Superior Court judge noted the defendant allegedly threw the mother of his soon to be child to the ground and

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COVID CDCR and Jail Dashboards

CSP Sacramento Reports Only 5 Active COVID-19 Cases Despite Testing 1100+ People Over 14 Days

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SF Jails Released Over 80 Percent Of All COVID-19 Positive Cases

Yesterday, ASCO confirmed Santa Rita Jail's first active COVID-19 case in the past two weeks. Despite this, neither have any new housing units been placed under quarantine nor has testing ramped up. The population growth rate

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Yolo County Court Watch

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Judge Denies, Then Bends to Public Defender Request to Delay Teen Attempted Murder Trial

County Deputy Public Defender Jose Gonzalez insisted several times Wednesday that a Yolo County Superior Court delay the trial in an attempted murder case, but Judge Paul K. Richardson was adamant about finishing the "old" case.

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Sacramento Court Watch

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Fresno Court Watch

Fresno Judge Tells Evasive Domestic Violence Victim to Stop Talking

What was supposed to be a short probable cause hearing turned into what looked like a reality television show – cheating, arguing, yelling, and accusations flew across the courtroom here in Fresno County Superior Court.

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Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

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Subject: Re: San Quentin Habeas case - Fri 1:30pm & updates
Date: Tuesday, October 20, 2020 at 11:44:19 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: mlagos@davisvanguard.org, David M. Greenwald

Hi Michelle & David,

I saw that [Anika covered](#) it for the Davis Vanguard, but I don't have her email address.

I wanted to update you all with the link to the next case conference on Friday 1:30pm and it should be the same link for the evidentiary hearing that starts on October 26th at 9am.

The link is now posted on the [Marin County Superior Court website](#) "Zoom October Criminal Calendar Information", page 3. It specifically says **San Quentin Writ Petitions**.

- **San Quentin Writ Petitions - Meeting ID: 982 6503 4598 Passcode: 105378**
<https://zoom.us/j/98265034598?pwd=MVI6M0w1QkpmbmttRGx6Tnc5dmVVZz09>

Thank you,
Valerie

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, October 16, 2020 1:40 PM

To: mlagos@davisvanguard.org <mlagos@davisvanguard.org>
Subject: Fw: San Quentin Habeas case - Fri 1:30pm & updates

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, October 16, 2020 1:38 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: Re: San Quentin Habeas case - Fri 1:30pm & updates

This one works:

Please click the link below to join the webinar:

<https://zoom.us/j/98265034598?pwd=MVl6M0w1QkpmbmttRGx6Tnc5dmVVZz09>

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, October 16, 2020 1:32 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: Re: San Quentin Habeas case - Fri 1:30pm & updates

Update from Marin - today's public link is not working. If another link becomes available, I'll let you know. Apologies for any inconvenience.

From: Ibarra, Valerie (PDR)
Sent: Friday, October 16, 2020 12:35 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: San Quentin Habeas case - Fri 1:30pm & updates

Hi David et al,

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Thank you,

Valerie

(628)249-7946

Subject: Everyday Injustice - The Dangerous Mix of Policing and Mental Illness; Court Coverage of Attack with a Toilet Paper Holder

Date: Tuesday, October 20, 2020 at 7:01:54 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“Although the number of these fatalities has declined, these confrontations remain a deadly and vexing issue, especially in small and midsize metropolitan areas,” Washington Post

Everyday Injustice Newsletter - October 20, 2020

“The numbers tell only
half the story” – Narratives From San Quentin On COVID-19 Data

By Julietta Bisharyan and Nick Gardner

Accounts from an incarcerated individual at San Quentin State Prison unveils the unsanitary and unsafe living conditions inside as the prison continues to recover from its major COVID-19 outbreak.

Through a series of letters, incarcerated comic book artist and illustrative journalist Orlando Smith shared his experiences with the Davis Vanguard, writing from inside San Quentin's 168-year-old prison.

In a [previous article](#), published by the Davis Vanguard, Smith described the filthy conditions he and other incarcerated people were subject to. At the time, San Quentin had over 200 active cases. Since then, the number of active cases reported by CDCR have decreased to just one — a sharp decline since reaching its peak of 1,635 cases on Jul. 7.

"I still feel at risk," Smith, 53, says. "The conditions have not changed."

Smith says that there are a lot more active cases among the incarcerated population than what is being reported by CDCR, revealing that most who become infected with the virus choose to stay quarantined in their cells rather than alerting medical staff.

"This prison system's only directive is to use any and all tools as punitive measures," says Smith. Individuals who report their symptoms are moved around and often placed in tents with no heat. Most were infected before officials started testing, so symptoms cleared up before testing began.

As for the living conditions, Smith says that he refuses to eat any state made food, describing the kitchen in San Quentin as "filthy" and with a rodent infestation. The prison population continues to be on lockdown status 24/7, now for over 18 weeks, with only two hours a week outside their cells.

Incarcerated persons are given two bars of soap a week and one and a half hours for showering, yard time and/or phone use. With enforced double-celling, frequent transfers and poor ventilation, it is nearly impossible to social distance, as recommended by the CDC.

"We have all these nurses and doctors coming in and out, and no one seems to speak out about this," Smith adds.

Smith also notes that San Quentin still lacks in cleaning supplies and only gets disinfected every two and a half weeks, minus any deep scrubbing.

In regard to mask wear, incarcerated persons are given masks but not on a regular basis. Outside their cells, mask wearing is hardly enforced. A few guards even refuse to wear masks while at work, or at the very least, while inside the building.

[Read the full article here.](#)

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Criminal Justice News/ Commentary

Commentary: The Dangerous Mix of Policing and Mental Illness

I have watched the video of Christopher Gray getting shot and killed. Tragic situation. He had already stabbed his mother and she was dying. There was a confrontation with the police, he seemed to charge at them and they opened

[Read More](#)

Attack with a Toilet Paper Holder Leads to Victim ‘Covered in Blood’

In a Sacramento County Superior Court preliminary hearing Monday, Judge Helena Gweon found 62 year old Carroll Jones should stand trial for – wait for it – assault with a deadly weapon, to wit, a toilet paper holder.

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COVID CDCR and Jail Dashboards

CA Rehabilitation Center Leads In COVID-19 Active Cases – Breaking Down COVID-19 in CDCR

As of October 19, there have been 15,305 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,255 have been resolved while 549 remain active in custody. There have been 70 deaths throughout the

[Read More](#)

SF Jail Population Consistently Less Than

850 Since July Enabling Social Distancing During COVID-19 Pandemic

Santa Rita Jail's population surpassed 2100 people over the weekend. The population growth rate suggests that it will continue to rise over the next several weeks, despite the continued threat of COVID-19.

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Sacramento Court Watch

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Man Held to Answer for Pipe Attack, Although Victim Fails to Identify Him

A Sacramento County Superior Court judge ruled here Monday that Richard Coghill should be held to answer for the assault of a Rancho Cordova man – although, oddly, the victim and defendant know each other and the victim did not i

[Read More](#)

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Judge Lowers Bail for Alleged Robber of Elderly Man; Two have a ‘History’

Sacramento County Superior Court Judge Steve White Monday swiftly decided to reduce bail from \$170,000 to \$50,000 for a defendant who allegedly pointed a loaded gun to an elderly man’s head and robbed him.

[Read More](#)

Defendant Refuses to Appear, DDA Refuses to Proceed

Defendant Kenny Goldman refused to appear before the Sacramento County Superior Court Judge Deborah Lobre Monday, where he faces three charges, including battery against a person with bodily injury, assault with a deadly

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Alameda Court Watch

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Subject: Everyday Injustice - Failures in the Grand Jury Process in Taylor Case; San Quentin Habeas Case Moves Forward

Date: Monday, October 19, 2020 at 7:00:50 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Miriam Krinsky: "The police department should never investigate its own officers — doing so is riddled with conflicts. And if local prosecutors aren't equipped to conduct a thorough and impartial investigation, an independent prosecutor should handle the case. But independence alone isn't enough."

Everyday Injustice Newsletter - October 16, 2020

The Polly Klaas Sisters Fight Back...

By David Greenwald

I was in college when Polly Klaas was abducted and killed by a career criminal in 1993. The reaction to that crime was emblematic of the lock 'em and throw away the key mentality. It cast a very wide net and so 17 years later right after launching the Court Watch in Yolo County, I caught the excess of the law - a man facing 25 to life for stealing cheese.

Prop 32 in part rectified some of the problems with the cheese case, forcing third strikes to be violent offenses. Prop 47 rectified another problem with the cheese case, making it impossible to charge a petty theft as a felony to begin with.

Three strikes didn't cause mass incarceration - that was already underway and it had many causes - but it definitely exacerbated it.

Leading the way to pass the legislation was Polly Klaas' father, who turned heartbreak into action. But now 27 years later, two of her sisters are now speaking out in an op-ed in the [LA Times](#).

We hear so much about victims and many in fact do want tougher and more punitive laws. But not all.

They write: "Losing Polly changed our lives forever. What we didn't realize at the time was that our loss would also have a major impact on the criminal justice system for decades to come."

They continue: "As children, we retreated from the public eye, hoping to heal and reclaim some sense of normalcy in our lives. As we grew older, however, we became aware of some of the legal and political changes that stemmed from Polly's death. Galvanized by the fear felt by families and communities across the country, legislators began pushing for harsh sentencing laws."

As they point out: "Ostensibly, these laws were meant to prevent tragedies like our sister's murder from being repeated. Yet many of the people who ended up with life sentences under three-strikes laws were convicted of nonviolent crimes — things such as stealing a bicycle, attempting to forge a check, breaking a church window or using drugs."

They further add, "The laws produced a misguided sentencing system benefiting the prison industry, whose survival depends on large numbers of incarcerated people serving extended sentences."

They also note, as others have, that those imprisoned under three-strikes and other mandatory sentencing laws are overwhelmingly Black and Latino, and many are mentally ill or homeless (as our cheese thief was).

They write, "As Polly's sisters, it is difficult to fathom how these laws became our sister's legacy. The beauty of Polly's life shouldn't be overshadowed by this pervasive injustice."

The two argue that, "three-strikes and other extreme sentencing laws have undergone some progressive reforms in the last decade to expand rehabilitation, but an initiative on California's November ballot called Proposition 20 aims to reverse much of that progress. Proposition 20 is an attempt by the prison industry and its allies to yet again weaponize our fear to expand their profits and their prisons."

Instead of more prisons, they argue, "the resources spent on mass incarceration should be used to reinvest in underserved communities for prevention programs. By providing support, job training and rehabilitative services, we can prevent crime at the local level, help formerly incarcerated people successfully reintegrate into society and make our communities safer."

And they argue that Prop 20 would move criminal justice in California "backwards."

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Criminal Justice News/ Commentary

Guest Commentary: Failures of Grand Jury Process Evident in Breonna Taylor Case

The Breonna Taylor case provides a stark illustration of the failings of the grand jury process in officer-involved shooting investigations. The fact that the only charges were against an officer for errant shots into a neighboring

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Maricopa County AZ Attorney Debate – Prosecutors Trade Barbs As Gunnigle Makes Case For Refrom

Maricopa County Attorney Republican incumbent Allister Adel and Democratic challenger Julie Gunnigle Friday evening traded barbs and debated criminal justice reforms in a race to become the next county attorney in the 3rd largest

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Life Sentence Survivors Speak on Dismantling Mass Incarceration

A virtual panel via Zoom focused on re-evaluating life sentences in U.S. prisons was hosted by The Sentencing Project in partnership last week with Wayne State University.

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Accounts from an incarcerated individual at San Quentin State Prison unveils the unsanitary and unsafe living conditions inside as the prison continues to recover from its major COVID-19 outbreak.

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COVID CDCR and Jail Dashboards

Pelican Bay Prison Tests Less Than 4% of Its Population Over Two Weeks – Breaking Down COVID-19 in CDCR

As of October 15, there have been 15,217 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,020 have been resolved while 682 remain active in custody. There have been 69 deaths throughout the

[Read More](#)

Sacramento County Jail Population Rises By 200+ Over 4-Week Period Despite COVID-19 Threat – Breaking Down COVID-19 in CA Jails

ASCO released HU 32DEF after three days in quarantine. The housing unit was scheduled for release on Oct. 26. The release was presumably due to the index case testing negative.

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Man Stuck in Limbo Due to Pandemic-caused Transportation Issues Wins Resentencing

A man sentenced to state prison last August has not yet been transferred out from Sacramento County jail to prison because of the COVID-19 pandemic, leaving him in limbo for months without receiving any in-

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Subject: Fw: San Quentin Habeas case - Fri 1:30pm & updates
Date: Friday, October 16, 2020 at 9:40:31 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: mlagos@davisvanguard.org

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, October 16, 2020 1:38 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: Re: San Quentin Habeas case - Fri 1:30pm & updates

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From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, October 16, 2020 1:32 PM
To: David M. Greenwald <info@davisvanguard.org>
Subject: Re: San Quentin Habeas case - Fri 1:30pm & updates

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International numbers available: <https://zoom.us/u/acFTtbEdTZ>

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From: Ibarra, Valerie (PDR)
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- This weekly Friday hearing may lend some insight to the status of the proceedings.
- I can put you in touch with some of the attorneys on the case if you have more questions.

Please click the link below to join the webinar 10/16/2020 at 1:30pm.
<https://zoom.us/j/92790602739?pwd=dFIQRkk3UE1sUXduNUpaWkYQzRtQT09>

Passcode: 105378

Or iPhone one-tap :

US: +16699006833,,92790602739#,,,,,0#,,105378# or +13462487799,,92790602739#,,,,,0#,,105378#

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US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799
or +1 929 205 6099
Webinar ID: 927 9060 2739
Passcode: 105378
International numbers available: <https://zoom.us/j/92790602739>

Thank you,

Valerie
(628)249-7946

Subject: Everyday Injustice - Scott Peterson May Get a New Trial - He Should; Huge Problems in Santa Clara Jail
Date: Friday, October 16, 2020 at 7:00:48 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Mark Godsey: "Despite what our intuition tells us, demeanor evidence just doesn't mean that much and can't be taken to the bank."

Everyday Injustice Newsletter - October 16, 2020

"The Whole Jail Will Be Infected Eventually."

Wanted to highlight the great work by Linh Nguyen - intern and also the co-editor in chief with our UC Davis publication.

Incarcerated Voices From Elmwood CC Highlight Inhumane Conditions During COVID-19

By Linh Nguyen

Seven incarcerated people inside Elmwood Correctional Complex in Milpitas, CA, Santa Clara County, expose the unsafe, unsanitary conditions inside the jail and blatant negligence from the jail's correctional officers during the COVID-19 pandemic.

They revealed their experiences with the Davis Vanguard in a series of phone calls. All of their names have been changed to protect them from potential retaliatory actions and repercussions from jail officials.

James, a 45 year old incarcerated person at Elmwood, has been in custody for 13 months. He tested positive for COVID-19 in mid July, along with everyone else in his dorm M3A.

During the pandemic, James stated that no one in the jail was tested until June, when people started experiencing symptoms. The population was called in for testing one night. They were lined up and given test swabs to swab their own noses. The nurses did not conduct the test; they only collected the test baggie.

James stated that the disease began spreading when jail officers placed someone in the dorm without testing them. This person was most likely newly booked. Two days later, an outbreak occurred and at least 12 people were infected.

Tom, a 46 year old who has been incarcerated at Elmwood for over four years tested positive for COVID-19 in July. He stated that everyone in his dorm caught the virus after jail officers placed a COVID-19 positive person in their dorm, showing blatant disregard for the obvious consequences. According to Tom, once the officers realized their mistake, the person was removed from the dorm but it was too late as they had already been exposed.

Many individuals did not receive their test results after being tested for COVID-19; they had to specifically request nurses for their results, regardless of the test status.

Dan, a 40 year old who has been incarcerated at Elmwood for three years, said, "The jail tests people, but the validity of their tests is questionable." He added that they do not provide test results unless someone requests them. Even then, the jail population does not know if tests are being administered properly because they are swabbing their own noses and dropping them in a container where cross contamination could happen.

James said that another concern was whether the medical staff were correctly processing the tests. He said that tests can be reported as positive one day, but as negative the following day.

[Read the whole thing here.](#)

Can you help us out? If you like our work - we could use your support. Please become a sustaining member if you aren't already.

To become a sustaining member - hit this link - <https://davisvanguard.networkforgood.com/>

Vanguard on Facebook: <https://www.facebook.com/davisvanguard/>

Yolo County Court Watch: <https://www.facebook.com/groups/yolojudicialwatch/>

Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>

San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>

Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Commentary: Scott Peterson's Case May Return For a New Trial – And It Should

While last month, the California Supreme Court threw out the death penalty in the Scott Peterson case – that was almost a moot point because there effectively is not death penalty in California and there may never be again.

[Read More](#)

Disenfranchisement Finds New Victim in Southern States: The Latinx Community

Recent studies released by the Sentencing Project—designed to calculate the scope of disenfranchisement—estimated that approximately 5.2 million people will be prohibited from voting in the 2020 Presidential elections.

[Read More](#)

More Than 3,000 Watch Manhattan DA Candidates Discuss 'Role of Prosecutors' Digital Forum

Manhattan's nine district attorney candidates this week debated policies they would enact as district attorney—with more than 3,000 viewers tuned into the Facebook livestream to hear candidates tackle questions about

[Read More](#)

Arizona Supreme Court Hears Case Where Man Has Been Held 15 Months In Custody Without Bail Hearing

The Arizona Supreme Court was presented with an Oral Argument this Tuesday regarding a finding made by the Court of Appeals. The argument questioned the court's decision on the special action petition of defendant Neko

[Read More](#)

COVID CDCR and Jail Dashboards

Pelican Bay Prison Tests Less Than 4% of Its Population Over Two Weeks – Breaking Down COVID-19 in CDCR

As of October 15, there have been 15,217 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 14,020 have been resolved while 682 remain active in custody. There have been 69 deaths throughout the

[Read More](#)

Sacramento County Jail Population Rises By 200+ Over 4-Week Period Despite COVID-19 Threat – Breaking Down COVID-19 in CA Jails

ASCO released HU 32DEF after three days in quarantine. The housing unit was scheduled for release on Oct. 26. The release was presumably due to the index case testing negative.

[Read More](#)

“The Whole Jail Will Be Infected Eventually.” — Incarcerated Voices From Elmwood CC Highlight Inhumane Conditions During COVID-19

Seven incarcerated people inside Elmwood Correctional Complex in Milpitas, CA, Santa Clara County, expose the unsafe, unsanitary conditions inside the jail and blatant negligence from the jail’s correctional officers

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

Inconsistent California Court Livestreaming – A Public Access Crisis

The global coronavirus pandemic has been a source of hardship and uncertainty for many. The force of COVID-19 has tested the foundation of our government, and in doing so, has exposed many weaknesses of our democratic

[Read More](#)

Yolo County Court Watch

[Like our Facebook Page](#)

Judge Denies, Then Bends to Public Defender Request to Delay Teen Attempted Murder Trial

County Deputy Public Defender Jose Gonzalez insisted several times Wednesday that a Yolo County Superior Court delay the trial in an attempted murder case, but Judge Paul K. Richardson was adamant about finishing the “old” case.

[Read More](#)

Homeless Defendant Represents Self, Judge Postpones Payments for Few Months Only

Christina Ramirez took the first deal here in Yolo County Superior Court Thursday—but it was only after the objections of her county public defender, who objected to not being provided a police report before the case was adjudicated.

[Read More](#)

Sacramento Court Watch

[Like our Facebook Page](#)

Loud Muffler Dispute Leads to Alleged Gardening Shears Threat, and Felony Trial

Loud mufflers are...well, loud. In a case that was heard here Thursday in Sacramento County Superior Court, it purportedly led to physical threats against one person, and maybe jail for another person..

[Read More](#)

Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

[Read More](#)

Fresno Court Watch

Fresno Judge Tells Evasive Domestic Violence Victim to Stop Talking

What was supposed to be a short probable cause hearing turned into what looked like a reality television show – cheating, arguing, yelling, and accusations flew across the courtroom here in Fresno County Superior Court.

[Read More](#)

Riverside Court Watch

DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

What was supposed to be a fun evening out with friends took an unexpected turn when one of the men, Refugio Rosales-Torres, was placed in handcuffs and put in the back of a patrol car.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

[Read More](#)

Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

[Read More](#)

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkeley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

[Read More](#)

Davis Vanguard | 530-400-2512 | [Email](#) | [Website](#)

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[Unsubscribe valerie.ibarra@sfgov.org](#)

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Subject: RE: David Greenwald Podcast

Date: Thursday, October 15, 2020 at 10:28:39 PM British Summer Time

From: Auyong, Angela (PDR)

To: Ibarra, Valerie (PDR)

I moved the interview to the 6th. Please add the details when you have.

Thank you,
Angela

Angela Auyong | Office Manager

Office of the Public Defender | City & County of San Francisco

555 7th Street | San Francisco, CA 94103

Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

From: Ibarra, Valerie (PDR)

Sent: Thursday, October 15, 2020 2:22 PM

To: Auyong, Angela (PDR) <angela.auyong@sfgov.org>

Subject: Re: David Greenwald Podcast

Great. Let's move it to 11/6 at 11am (one hour).

Thank you,
Valerie

From: Auyong, Angela (PDR) <angela.auyong@sfgov.org>

Sent: Thursday, October 15, 2020 2:04 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: RE: David Greenwald Podcast

Yes, that works. Thanks, Valerie!

Angela Auyong | Office Manager

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Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

From: Ibarra, Valerie (PDR)
Sent: Thursday, October 15, 2020 2:01 PM
To: Auyong, Angela (PDR) <angela.auyong@sfgov.org>
Subject: Re: David Greenwald Podcast

Can we do 11am on the 6th?

From: Auyong, Angela (PDR) <angela.auyong@sfgov.org>
Sent: Thursday, October 15, 2020 9:57 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: RE: David Greenwald Podcast

Hi Valerie,

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Subject: Re: David Greenwald Podcast

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Thank you!
Angela

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Subject: Re: David Greenwald Podcast
Date: Thursday, October 15, 2020 at 10:22:11 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Auyong, Angela (PDR)

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Thank you,
Valerie

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Subject: Re: Thanks + quick note

Date: Thursday, October 15, 2020 at 10:21:23 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: David M. Greenwald

That works! Thank you.

From: David M. Greenwald <info@davisvanguard.org>

Sent: Thursday, October 15, 2020 1:58 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Re: Thanks + quick note

How about 11 am on the 6th? I should be recovered from the election by then.

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Thank you,
Valerie

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Sent: Friday, October 2, 2020 2:21 PM

To: David M. Greenwald <info@davisvanguard.org>

Subject: Re: Thanks + quick note

Wonderful. Thanks so much!

PS - Mano is excited to be on your podcast at the end of October.

From: David M. Greenwald <info@davisvanguard.org>
Sent: Friday, October 2, 2020 1:20 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Thanks + quick note

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Everyone also LOVES the picture.

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Two quick things:

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- Original: **AB 1950**. This bill will reduce the length of probation periods for misdemeanors.
- Correction: **AB 1950**. This bill will reduce the length of probation periods.

2. For your consideration: Danica - our legislative expert & eagle eye - noticed the title gives credit to Newsom for the bills, and suggested saying ~ "Governor Newsom *Signs* ...CJR Bills"

--

Thank you,
Val

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David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

530.400.2512

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Subject: RE: David Greenwald Podcast
Date: Thursday, October 15, 2020 at 10:04:33 PM British Summer Time
From: Auyong, Angela (PDR)
To: Ibarra, Valerie (PDR)

Yes, that works. Thanks, Valerie!

Angela Auyong | Office Manager
Office of the Public Defender | City & County of San Francisco
555 7th Street | San Francisco, CA 94103
Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

From: Ibarra, Valerie (PDR)
Sent: Thursday, October 15, 2020 2:01 PM
To: Auyong, Angela (PDR) <angela.auyong@sfgov.org>
Subject: Re: David Greenwald Podcast

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From: Ibarra, Valerie (PDR)
To: Auyong, Angela (PDR)

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Subject: Re: Thanks + quick note
Date: Thursday, October 15, 2020 at 9:58:41 PM British Summer Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)

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Wonderful. Thanks so much!

PS - Mano is excited to be on your podcast at the end of October.

From: David M. Greenwald <info@davisvanguard.org>
Sent: Friday, October 2, 2020 1:20 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Thanks + quick note

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Good catch on the title - I often get caught trying to condense a headline to make it fit better. Made the changes.

On Fri, Oct 2, 2020 at 1:16 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi David,

The whole team truly appreciates you featuring Mano's statement in your "[Guest Commentary](#)." Everyone also LOVES the picture.

--

Two quick things:

1. One change: We ended up amending one thing after it went out -- Apparently 1950 also includes some felonies, so (short of getting too far into the weeds) we generalized the language:

- Original: **AB 1950**. This bill will reduce the length of probation periods for misdemeanors.
- Correction: **AB 1950**. This bill will reduce the length of probation periods.

2. For your consideration: Danica - our legislative expert & eagle eye - noticed the title gives credit to Newsom for the bills, and suggested saying ~ "Governor Newsom *Signs* ...CJR Bills"

--

Thank you,
Val

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Everyday Injustice - Unarmed Man Killed in Napa; Tampa Prosecutor Talks Policing and Racial Protests

Date: Thursday, October 15, 2020 at 7:00:26 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

“They let these felons go out on the street like this?” Yolo County Visiting Judge Renard Shepard

Everyday Injustice Newsletter - October 15, 2020

Differentiating Protesters From Looters and Rioters

By David Greenwald

There has been a lengthy political debate over the protests that occurred over the summer - and are continuing in some locations. One of the big questions: peaceful protesters v. rioters and looters. Some have conflated the two, but I have long maintained that there are separate groups and believe that our reporting over the last four months has demonstrated that.

Yesterday I interviewed, Andrew Warren, the chief prosecutor for the Florida State Attorney's office which represents Hillsborough County Florida, including Tampa Bay.

He told [Everyday Injustice](#) that he supports the right to protests, “but we're not willing to tolerate people that are committing crimes.” He added, “especially when they are committing crimes under the guise of a protest.” He said that the people who are committing those crimes, “are acting selfishly - they are distracting from the voice of the protest.”

“Someone who is raising their voice against racial injustice, doesn't need to destroy something to make their voice heard,” he said. “We've had people here try to take advantage of that situation by committing crimes.”

But here is the key. I asked him if he saw most of these as protesters that have gone amuck or people who are just trying to take advantage of the situation?

“Most of the people that we see committing crimes in connection with the protests are not protesters,” he said plainly. “They are people who are trying to take advantage of the situation.”

Warren also noted that when you get large groups of people together - a small number of people are doing something disruptive and potentially illegal, but most are acting appropriately.

“We have had some situations where protesters and counterprotesters got caught up in the moment and did somethings that they shouldn't do,” he said and when crimes are committed, he said, “they will be

prosecuted.”

In short, he was sympathetic to the message and importance of raising voices to stand up for members of the community who have been marginalized or worse.

The view he expressed pretty clearly is what we have observed. There is a group of people who are largely activists and peacefully protests. There are smaller groups who are attempting to either take advantage of the situation by rioting and looting or inflame passions by disrupting.

The point I make here is that prosecutors who are on the ground really have a vantage point to be able to investigate individuals crimes and ferret out who is doing what.

Thanks for reading.

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Criminal Justice News/ Commentary

Visiting Judge Complains About Yolo Releasing Too Many People – Deputy DA Agrees

– It was a routine case during arraignments on Wednesday, visiting Judge Renard Shepard presided and the DA made the request to hold someone on bail for vandalism charges, despite it being a zero bail offense. Judge Shepard

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Napa County Sheriff Deputy Shoots Unarmed Man – 2nd Controversial Killing in 6 Months

There have been three killings by Napa County sheriff's deputies over the past year and a half – in the last six months, they killed an unarmed man and shot another man who was walking away.

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Everyday Injustice Podcast Episode 82 – Andrew Warren, Florida State Attorney,

Hillsborough County

Andrew Warren was a federal prosecutor who ran for Florida State Attorney in Hillsborough County (Tampa) in 2016 and is now running for reelection. He ran as a reformer. Listen as he discusses issues of protests, police accountability.

[Read More](#)

64 Prosecutors Pledge to Not Criminalize Abortion, Even if Roe v. Wade Overturned

Sixty-four elected prosecutors across the U.S. – including CA Attorney General Xavier Becerra – Wednesday presented a joint statement vowing to “not enforce laws criminalizing abortion,” even if the justices on the Supreme Court

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Arizona Supreme Court Hears Case Where Man Has Been Held 15 Months In Custody Without Bail Hearing

The Arizona Supreme Court was presented with an Oral Argument this Tuesday regarding a finding made by the Court of Appeals. The argument questioned the court’s decision on the special action petition of defendant Neko

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McCloskeys Plead Not Guilty to Grand Jury Indictment For Brandishing Guns, Tampering With Evidence

Mark and Patricia McCloskey – the husband and wife who brandished firearms from their mansion’s lawn at passing peaceful protestors in a video that then went viral – Wednesday pleaded not guilty.

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COVID CDCR and Jail Dashboards

Sacramento State Prison & CSP Corcoran Ramp Up COVID-19 Testing, 24K Tests Administered Over Two-Week Period Across CDCR

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Close Proximity of Two Residences Causes Complications in Child Abuse Case

A sex offender was given a restraining order of 100 yards from his victim. However, he lives only about 50 yards away from the victim’s house. A complaint was filed on October 29, 2019, against Burnam Lowell Jr.

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Sacramento Court Watch

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Sacramento Man and Police K9 Stand Off after Alleged Burglary – Judge Ups Bail

Following a kick in the face, a Sacramento police K9 pinned a man's arm down after the man allegedly ran from a residential burglary. Wednesday, the man's bail was raised.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadoran immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Fresno Judge Tells Evasive Domestic Violence Victim to Stop Talking

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DUI Trial Out to Jury for Man Who Crashed ATV, Told Police He Consumed Alcohol

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Judge Mulls Jurisdiction in Human Trafficking Case

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 81: Dan Quart Runs for Manhattan DA

Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

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Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Subject: RE: David Greenwald Podcast

Date: Thursday, October 15, 2020 at 5:57:21 PM British Summer Time

From: Auyong, Angela (PDR)

To: Ibarra, Valerie (PDR)

Hi Valerie,

Thank you so much. Anytime from 11am-2pm on November 5 or November 6 will work the best.

Angela Auyong | Office Manager
Office of the Public Defender | City & County of San Francisco
555 7th Street | San Francisco, CA 94103
Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

From: Ibarra, Valerie (PDR)
Sent: Thursday, October 15, 2020 9:47 AM
To: Auyong, Angela (PDR) <angela.auyong@sfgov.org>
Subject: Re: David Greenwald Podcast

Thank you for letting me know. I can reschedule with David. When would be a better time?

From: Auyong, Angela (PDR) <angela.auyong@sfgov.org>
Sent: Thursday, October 15, 2020 9:37 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: David Greenwald Podcast

Hi Valerie,

I hope this email finds you well.

Mano will be out of the office from 10/26 to 10/30. I saw there is David Greenwald podcast on 10/29 at 1:30pm. Has this been confirmed? Is it possible to change?

Thank you!
Angela

Angela Auyong | Office Manager
Office of the Public Defender | City & County of San Francisco
555 7th Street | San Francisco, CA 94103
Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

Subject: Re: David Greenwald Podcast

Date: Thursday, October 15, 2020 at 5:46:49 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Auyong, Angela (PDR)

Thank you for letting me know. I can reschedule with David. When would be a better time?

From: Auyong, Angela (PDR) <angela.auyong@sfgov.org>

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Subject: David Greenwald Podcast

Date: Thursday, October 15, 2020 at 5:37:17 PM British Summer Time

From: Auyong, Angela (PDR)

To: Ibarra, Valerie (PDR)

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Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: Angela.Auyong@sfgov.org

Subject: Everyday Injustice - Maricopa Reformer Prosecutor Distinguishes Record; Podcast with Quart Running for Manhattan DA

Date: Wednesday, October 14, 2020 at 7:00:38 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“Prosecutors wield substantial influence, including life and death implications. It is essential that the Maricopa County Attorney’s office reflects the community it serves. If we will accomplish the highest notions of justice, it will be because we bring all voices and perspectives into the decision room, not just one race, one voice,” said Julie Gunnigle.

Everyday Injustice Newsletter - October 14, 2020

Arizona Supreme Court Hears Case of Man Held For a 17 Year Old Marijuana Case

By David Greenwald

One of our partners is the San Francisco Public Defender’s Office where we work with Jacque Wilson, one of their lead attorneys who also heads up the internship program.

His brother, Neko Willson, is the subject of an extraordinary case - the 38 year old Willson was among the first in California to be freed under SB 1437 - the felony murder reform law.

But he was shortly after released picked up on a probation violation that they didn’t know about and he has remained in Navajo County Jail since July 2019 with no bail.

The original case stems from a 17 year old marijuana case from a vehicle stop. In 2003, he was just 21 year old, and a passenger in a vehicle that was stopped for speeding. They alleged this was a driving while Black case. He believes he was racially profiled and the vehicle was then illegally searched when marijuana was found inside the vehicle.

At the time, he claimed the stop was illegal but told that if he fought the case, he would go to prison and so he took probation.

After being placed on probation, he was arrested for his involvement in a robbery in California - he pleaded guilty to two counts of robbery but released after nine years in custody.

At this point, his brother in a press conference described that he was a man transformed, opened a successful business, but as he was moving forward with his new life, his past caught up to him and he was taken into custody and has remained without bail for 15 months.

In June, the Arizona Court of Appeals ordered a new trial for Willson. But that decision was appealed by the County Attorney arguing that probationers should be held without bail. The release states that judges throughout Arizona routinely set no bail for anyone on probation.

Arguments for the case were heard yesterday with huge implications for justice in Arizona. A decision by the high court could force the state to change the practice of no bail on probation cases.

Wilson's attorney believes he is entitled to a new bail hearing "at which the court considers the circumstances of his case and considers non-monetary alternatives to bail.

"We want to start a movement in which defense attorneys all over Arizona demand that judges and prosecutors hold bail hearings for all probationers," Lee Phillips, Wilson's attorney said.

He argued, "The court of appeals was clear that judges are acting unconstitutionally and unlawfully by following the current practice."

Jacque Wilson said, "My brother has remained behind bars 459 days without bail and without a bail hearing on a marijuana case. That is insane." He added, "The inhumanity and injustice of mass incarceration is not unique to Neko; rather no bail is a deeply-embedded and discriminatory tool used to punish the poor and coerce waivers of rights every day across America."

Remember this case started as a 2003 traffic stop. They illegally searched the car and found marijuana. But what they done is uncover deep injustices in the criminal legal system.

Thanks for reading.

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Criminal Justice News/ Commentary

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Dan Quart has been in the NY State Assembly for nearly a decade. Now he is among many running for the Manhattan District Attorney's Office, a position currently held by Cy Vance, but it is unknown if by 2021, he will seek another turn.

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Arizona Prosecutor Candidate Draws Distinction from Opponent with Seven-Point Diversity Plan

Julie Gunnigle is the Democratic nominee for Maricopa County Attorney in the state of Arizona because she says she believes the people in her county “deserve a criminal justice system that is smart, fair, and tough.”

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Guest Commentary: Prop 20 Would Roll Back Years of Criminal Justice Reform

A proposition on California’s November ballot could weaken years of reforms to the state’s criminal legal system by reclassifying misdemeanor theft charges as felonies.

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COVID CDCR and Jail Dashboards

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Yolo County Court Watch

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Judge Keeps Felony Charge Despite 'Pretty Sparse' Evidence

Despite stating that there is a lack of evidence necessary for a jury to convict defendant Victoria Vallerga, Judge David Rosenberg allowed felony charges of vandalism and assault with a deadly weapon to remain here Tuesday

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Domestic Violence Case Deemed Misdemeanor, Injuries Not Severe Enough for Felony

Judge Renard F. Shepard ruled here in Yolo County Superior Court Tuesday that Darius Brown, charged with inflicting corporal injury on a spouse/cohabitant and vandalism, should stand trial for those charges but only as

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Sacramento Court Watch

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Yellow Screwdriver Sends Sacramento Man to County Jail

After a judge here in Sacramento County Superior Court heard evidence that a defendant assaulted a jogger with a yellow screwdriver, the judge said he was unwilling to look into rehabilitation or mental health programs.

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Alameda Court Watch

Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice

After more than three years, a Salvadorian immigrant detainee still remains in custody, despite previous legal rulings in favor of his release. Recently, the Alameda County Public Defender's

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Subject: Everyday Injustice - Time To End Juvenile Life Sentencing; San Francisco Man Shot and Killed by Police After Alleged Carjacking

Date: Tuesday, October 13, 2020 at 7:00:20 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Buta Biberaj: "America incarcerates more people under 18 than any other nation and is the only country in the world to condemn its children to die behind bars, with no chance of freedom or hope for redemption"

Everyday Injustice Newsletter - October 13, 2020

Incarcerated Narratives

By Julietta Bisharyan and Nick Gardner

This week, we are highlighting a narrative from Fishkill Correctional Facility in Beacon, New York. Adapting to life in a 30-man communal cell has not been easy for Corey Devon Arthur. As a maximum security prisoner for over two decades, Arthur had inhabited a single-person cell— an environment free from the lack of privacy, stress, and smells of his new residence.

"A cell was and is where I feel most at home," said Arthur in an editorial published by the Marshall Project.

But Arthur's living condition changed significantly following his reclassification as a medium A security prisoner. In the eyes of prison officials, Arthur is no longer considered dangerous enough to warrant his own cell.

Arthur's new residence requires him to share showers, cooking facilities, and recreational rooms with 30 other men. He describes spending time cleaning up after others and adjusting to life with far less privacy than he enjoyed for over 20 years.

But Arthur's main concern is not the messiness or lack of privacy afforded by his new dormitory. Rather, Arthur worries for his own safety among a large group of dangerous men.

“How am I supposed to sleep with killers, robbers, rapists and drug addicts having free access to me?”

Arthur mentioned how the stress of communal living has pushed incarcerated individuals towards violence, a threat posed by those in his cell that lack “higher-order thinking skills.” In the past, these skills have helped prevent Arthur from “committing the unthinkable.”

Over the summer, Arthur was temporarily relieved from his dormitory following a COVID-19 positive test of a coworker at FCF’s general library. Arthur was required to quarantine for 14 days in a solitary confinement cell, a COVID mitigation strategy that has resulted in outrage and civil rights issues from incarcerated individuals and activists across the country. For Arthur, however, his time in solitary confinement was a luxury.

“I smiled inwardly when I was told to pack up my property,” Arthur wrote. I was headed to a single-man cell where, for the first time in years, I would be a man at peace with himself. Solitary confinement can be torturous, but for a prisoner like me it’s a vacation.”

Upon arriving in his new temporary residence, Arthur examined the space for the attributes of a good cell: stash spots, a built-in shower, and areas blind to patrolling guards.

Arthur’s new cell was only 5 steps across. As a longtime maximum security prisoner, Arthur enjoyed the cell. However, he knew that it was no space for a human to live. This is how it was designed. But for Arthur, the cell is home.

“To someone like you, this sounds insane. But please don’t judge me for relishing in these simple, inhumane pleasures. If I have to remain in prison for the rest of my life, I want very much to stay in a cell. For someone like me, little else is true.”

For more - [go to here](#).

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Guest Commentary: Policymakers, Time To End Juvenile Life Sentencing

A viral video in August showed an 8-year-old boy being arrested at his elementary school in handcuffs that slid off his tiny wrists. A police officer can be heard telling the child, “You’re going to jail.” Sadly, this is just the latest disturbing

[Read More](#)

San Francisco Man Shot and Killed by

Police After Alleged Carjacking

A 21-year-old man was shot several times and killed by the San Francisco Police Department over the weekend, according to news reports. Responding to an alleged carjacking attempt Saturday near Market and Gough Streets, SFPD officers chased a suspect to Otis and Brady streets.

[Read More](#)

Indigenous People's Day Declared Over Diminished Columbus Day Celebration

Monday, October 12, Gov. California Gavin Newsom declared the date as Indigenous People's Day for the second year in a row – further diminishing "Columbus Day" as a national holiday in favor of the peoples slaughtered by

[Read More](#)

Pros and Cons of Proposition 25 – Bail and Problematic Consequences for California's Defendants

Voting has just begun, and California voters are facing a slew of ballot measure – that includes understanding what voting yes, or no, to Proposition 25 means.

A vote for Proposition 25, according to SPUR, would

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Proposition 20: Critics Charge It Will Undo Criminal Justice Reform

One of the criminal justice-related propositions on the California ballot Nov. 3 is Proposition 20. And, if passed, Prop 20 would undo important criminal justice reforms in California, making it easier for prosecutors to send people

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Bail Bond Industry Continues to Profit Off People of Color, Poor During Pandemic

Domestic violence cases nearly doubled in Sacramento County from February to August of this year, with COVID-19 stay-at-home orders to blame. Domestic violence cases were excluded from \$0 bail, therefore revenue from bail

[Read More](#)

FBI Report: Violent Crime, Rape Decreased Amid Pandemic – Lockdown, Mistrust of Police Factors?

The COVID-19 pandemic has led to irrepressible hardships including economic suffering, spiking suicide rates and a deep-rooted fear of the unknown in communities across the U.S..

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COVID CDCR and Jail Dashboards

Sacramento State Prison Ramps Up COVID-19 Testing, Pelican Bay Reports First COVID-19 Case While Testing Remains Extremely Low

As of October 12, there have been 15,183 confirmed cases of COVID-19 throughout the CDCR system. Of these cases, 13,590 have been resolved while 1,082 remain active in custody. There have been 69 deaths across all CDCR

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Santa Rita Jail Population Climbs Alarming, Six Housing Units Quarantined Over The Weekend

On Oct. 7, the Santa Rita Jail population surpassed 2000 incarcerated people. The current population count is 2002. This is the highest recorded population since early April, when the jail began releasing people to mitigate the spread

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CDCR Reports Deuel Vocational Institution Shutting Down Due To COVID-19 State Budget Cuts

This week, we are highlighting a narrative from Fishkill Correctional Facility in Beacon, New York. Adapting to life in a 30-man communal cell has not been easy for Corey Devon Arthur. As a maximum security prisoner for over two decades, Arthur had inhabited a.

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Subject: Everyday Injustice - Prosecutor Debate in Maricopa; Salvadoran Immigrant Illegally Detained after Winning His Immigration Case Twice in Alameda

Date: Monday, October 12, 2020 at 7:00:31 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"In over 15 years of practicing deportation defense, I've never seen anything like this," Raha Jorjani said. "The appellate court has basically erased the last nearly three years that Walter has waited in detention for a resolution in his case. It has effectively sentenced him to indefinite detention with no fixed end date."

Everyday Injustice Newsletter - October 12, 2020

Deskovic is Correct - Appellate Process is Insufficient to Protect the Innocent

by David Greenwald

Yesterday's Column by Jeffrey Deskovic illustrates a fundamental problem in the appeals process - the appellate courts really are not set up to protect the innocent.

He should know. He was wrongly convicted of murdering and raping his classmate when he was just 17 and it took him 16 years to correct the damage. And really he was lucky - he had DNA to prove his innocence.

He writes: "During that ordeal, in an effort to try to correct the injustice that was occurring to me, I was forced to gain an understanding of the processes involved in post-conviction court proceedings."

He argues, "Appellate courts, at both the state and federal level, have long been in the practice of 'rubber stamp denying' meritorious appeals of the innocent, no matter what facts are in the defendant's argument or legal arguments that are made. Nationwide, there have been 215 DNA exposed wrongful convictions, and in New York there have been 25. In almost every single one of those cases, the appeals process had long since run out for the defendants although they had been proven to be incorrect."

One of the big issues is that appellate courts are not looking for factual innocence. The presumption of innocence expires the second you are convicted beyond a reasonable doubt by a jury. The courts in fact assume that once the jury delivers a verdict that they got it right.

Supreme Court Justice Antone Scalia famously dissented in a death penalty case involving Troy Davis – who eventually was executed despite serious doubts of his guilt.

“This Court has never held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is ‘actually’ innocent,” Scalia wrote in a 2009 **dissent** of the Court’s order for a federal trial court in Georgia to consider the case of death row inmate Troy Davis. “Quite to the contrary, we have repeatedly left that question unresolved, while expressing considerable doubt that any claim based on alleged ‘actual innocence’ is constitutionally cognizable.”

Lara Bazelon, the USF Law Professor wrote in Slate in 2015, “If you are a wrongfully convicted man or woman in this country, it is extremely difficult—if not outright impossible—to win your case by advancing the simple argument that you are innocent.”

She noted, “The Supreme Court has repeatedly declined to hold that the federal Constitution allows for so-called freestanding claims of innocence, that is, the right to be let out of prison simply because you didn’t do it, without any other “technical” violation to back up your argument. In the United States, the inmate who raises a compelling case of innocence after a constitutionally proper trial may well be doomed.”

Even establishing innocence can prove difficult - with a many cases fought for years before a court will even order the testing of DNA evidence.

Just look at the case of Pervis Payne. He is a Black man with an intellectual disability scheduled for a December 3 execution in Tennessee.

In the Payne case, the state of Tennessee has been fighting even the testing of DNA evidence arguing that Payne “has not established he is entitled to such testing.”

At least in this case, the court ruled that he is entitled to that testing prior to execution. But sometimes it has not worked that way.

The District Attorney's Office has said that the evidence against Payne at trial was "overwhelming" and that anything discovered through DNA would not be enough to exonerate him.

"If the testing is allowed and someone else’s DNA is found on the evidence, Payne would still be prosecuted by our office for these horrific murders," Weirich said in a statement last week. "To say otherwise would require me to ignore the overwhelming evidence proving his guilt. DNA testing does not give us a date stamp. DNA evidence was not used to convict him. Testing the evidence and finding someone else’s DNA would only establish that someone else touched the item at some point in time. It would not prove that Payne didn’t kill a mother and her daughter and leave a young boy for dead.”

So if DNA exonerates him, the DA is saying, that is not enough. The DA here posits that someone else could have touched an item and gotten DNA on him.

This illustrates the exact problem in our system and why there are so many people sitting in prison for crimes that they didn’t do.

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Prosecutors Trade Accusations in Race for County Attorney in 3rd Largest County Jurisdiction in U.S.

Current county attorney Allister Adel and challenger Julie Gunnigle participated this past Saturday on Dr. Mike O'Neil's The Think Tank, in a debate ahead of Maricopa County's election for county attorney.

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Former 'Lifer' Becomes 1st 'Artist in Residence' for Philly District Attorney's Office

The District Attorney's Office officially appointed its first ever "Artist in Residence," James "Yaya" Hough and created its first ever virtual panel art discussion on the new art exhibit he created, "Points of Connection."

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Santa Cruz County to Kick-Off Neighborhood Court Program Modeled on Yolo County

The Santa Cruz County District Attorney's office has unveiled a new neighborhood court program designed to refer low-level misdemeanor offenses to a community-based panel that will provide a restorative justice alternative to

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Looking Back: The Appeals Process Is Woefully Insufficient to Protect the Innocent – Part 1

As many people are aware, I served 16 years in prison before being proven innocent by DNA. During that ordeal, in an effort to try to correct the injustice that was occurring to me, I was forced to gain an understanding of the processes

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Ex-Philly Police Officer Charged with Murder in 2017 Shooting Death of Unarmed Black Man

The Philadelphia District Attorney's office has pressed charges against former Philadelphia police officer Eric Ruch, Jr., for the 2017 shooting of Dennis Plowden, according to an announcement made by District Attorney

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San Francisco Anti-Police Violence Activists Sue City Police for Illegal Surveillance

Activists face constant threats to their movements, and to themselves—anti-racist movements not only have to contend with systemic racism, but also with the infringement of their First Amendment right to organize here in San

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COVID CDCR and Jail Dashboards

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Subject: Everyday Injustice - A Plot in Michigan Exposed; A New Approach To Prosecution

Date: Friday, October 9, 2020 at 7:00:27 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Trump: "Rather than say thank you, she calls me a White Supremacist—while Biden and Democrats refuse to condemn Antifa, Anarchists, Looters and Mobs that burn down Democrat run cities."

Everyday Injustice Newsletter - October 9, 2020

Michigan Foiled Plot a Wake Up Call

By David Greenwald

By now most should be aware of what happened in Michigan. The scary thing is that this wasn't just a plot to kidnap the governor - that would be bad enough - they actually thought they were going to start a civil war. I have been concerned about the level of political violence for some time - this just reinforces that concern.

When I learned of the story though, I tweeted at Eli Savit, the newly elected DA from Washtenaw County (home of Ann Arbor). He noted that the state legislature has failed "to BAN GUNS FROM THE CAPITOL BUILDING, like virtually every other state does."

In May, it was a group of gun-carrying protesters - part of an armed militia's response to COVID-restrictions, that drew national attention.

At the time, the reaction was mixed. News report noted that the showing, with the GOP leader of the state Senate referring to some protesters as "a bunch of jackasses" who "used intimidation and the threat of physical harm to stir up fear and feed rancor."

But of course President Trump yesterday criticized Governor Whitmer for calling him "complicit" and said she did a "terrible job" and "locked down her state for everyone." Perhaps she called him complicit

because in May, the President called the protesters “very good people” and has seemingly fanned the flames of discord.

The images of gun toting protesters reminded me that in 1967 a group of Black Panthers marched in the California State Capitol toting automatic rifles - unloaded it would turn out - and held a protest. As you might expect, the reaction in California in the 1960s was a bit different than the Republican legislature’s reaction in Michigan to a group of white militia people doing the same.

Two years ago the San Francisco Chronicle had an [article](#), “Open carry was legal until armed Black Panthers protested.”

May 3, 1967, reporter Warren Olney describes his news team for KRON in San Francisco, were jostling for space attempting to cover a photo op of Governor Reagan, having lunch with eighth graders on the Capitol Grounds.

He writes, “suddenly, several cars pulled up to the 10th Street curb. As passengers got out, they made no attempt to hide the fact that they were heavily armed. About two dozen African American men and women, some wearing leather jackets and black berets, started toward the Capitol carrying rifles, shotguns and pistols. They were not holding the weapons in a threatening manner; they were pointing them in the air as they marched into the building. “

Olney notes, the Capitol POlice “determined that the guns were not loaded.” But also, “if they had been, that was legal under state law, so long as they weren’t pointed at anyone. The demonstrators took their weapons back to the cars on 10th Street, and drove away.”

That helped convince even the NRA to support a gun control measure.

The “Panther Bill” ended up with the support of the NRA, the overwhelming majority of state legislators, and Governor Reagan himself, who signed it into law saying, “There’s no reason why on the street today a citizen should be carrying loaded weapons.”

Think about that. Reagan the darling of the NRA, who refused to support the Brady Bill named after his own aid shot and nearly killed during his own assassination attempt, and he signed the bill into law.

Writes Olney: “Today, the NRA advocates guns in all kinds of public places. But open carry is still illegal in California. Now as then, the real issue is not the guns being carried but, rather, who does the carrying.”

Ding, ding. We have a winner. And Vice President Pence still denies there is systemic racism.

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Criminal Justice News/ Commentary

Commentary: Pence Says “I trust our justice system”

Earlier this week in a commentary, I heavily criticized Joe Biden's criminal justice platform as well as his record supporting the 1994 Crime Bill. But the reality is that Trump has just as bad a record – despite claims by Vice

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Guest Commentary: A Smarter Approach to Measuring Prosecutorial Success

As the field of prosecution has increasingly recognized the failure of approaches of previous decades that aim to be tough on crime, a number of reform-minded prosecutors[1] have come into office asking critical questions: What works

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Two Prosecutors Running for LA District Attorney Clash Over Criminal Justice Reform

Los Angeles District Attorney Jackie Lacey and her office face more criticism from her primary Democratic challenger, George Gascon, who described her and her office's record on overturning wrongful convictions as a "horrific

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Philly DA Announces Election Task Force to Counter Voter Suppression and Unlawful Militias at Polling Places

A task force announced here this week will be responsible for fighting against voter suppression efforts ahead of the Nov. 3 general election, according to District Attorney Larry Krasner and city and community leaders.

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Judge Ruling that Police Don't have to Come to Court to Testify Called 'Hypocritical' by Public Defender

Deputy Public Defender Richard Van Zandt argued in Yolo County Superior Court Wednesday that a judge's ruling that police don't have to come to court to testify – although they could attend live trainings and go on

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Judge Denies Defendant Request for Release to Spend Time with Terminally Ill Mom

Here in Sacramento County Superior Court this week, at a settlement conference for a warrant arrest, a defendant made a special request from the judge. Be allowed to spend the next few months

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'Not Every Brandishing Is a 245,' Judge Rules in Finding Defendant Should Stand for 2 of 3 Felonies

Sacramento County Superior Court Judge Steven M. Gervercer leaped into his Thursday morning docket here, presiding over a probable cause hearing – he had to decide if there was probable cause to hold defendant

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Alameda Court Watch

Councilmember/Attorney Asks Alameda County Residents to Oppose Code Change Making Juries Unfair

Posting on his Twitter account Monday, John J. Bauters—a former trial attorney and current councilmember of the city of Emeryville—urged residents to oppose amendments to Alameda County Rule of Court 1.10, which he argues

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Fresno Court Watch

Self-Representing Defendant States Long-Standing Case Has Left Him at Risk of Homelessness

It's rare to have a defendant represent themselves – it's called "pro se" and "pro per" – in court, but that's what happened with the case of Yonatan Erena here in Fresno County Superior Court late last week.

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Riverside Court Watch

When It Comes to COVID-19 Riverside Jurors Almost Always Get a Free Pass

Courthouses across the United States have heard a wide variety of reasons for potential jurors to request to be excused from jury service; however, COVID-19 could be this year's most common explanation.

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Dear Valerie ,

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Our Mission Statement

The Davis Vanguard is a community-based watchdog and news reporting organization that publishes daily, covering Davis, Yolo, San Francisco, and other regional news and commentary. The Vanguard seeks to bring transparency, accountability, and fairness to local government while promoting social justice and democracy and adhering to principles of accuracy and fairness in our reporting.

We also encourage and promote students to be involved in their community by reporting on local news and experiencing the journalism field. As well as mentoring a student-directed online news publication, The Davis Vanguard at UC Davis, which is headed by a diverse group of female journalists and activists from UC Davis.

What Your Donations Would Do

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With your help, the Davis Vanguard can hire more staff who can help us better cover news and provide transparency while holding local officials and the courts accountable..

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Furthermore, possibly hire additional staff members to run a vanguard location in the Los Angeles area. We would also like to offer more job opportunities to interns, such as paying editors who are part of the Davis Vanguard at UC Davis. **To accomplish these goals, we are looking for sustainable donors, individuals who would be willing to contribute \$5 to \$10 a month, but anything would be appreciated.**

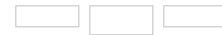
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Thank you for your support.

David Greenwald
Director,
Davis Vanguard

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Vice President Pence: "I trust our justice system"

Everyday Injustice Newsletter - October 8, 2020

Pence: "I trust our justice system"

By David Greenwald

Earlier this week in a [commentary](#), I heavily criticized Joe Biden's criminal justice platform as well as his record supporting the 1994 Crime Bill. But the reality is that Trump has just as bad a record - despite claims by Vice President Pence last night, and his plan is largely non-existent.

Remember that Donald Trump once took out a full page calling for the Death Penalty for the Central Park Five who have since been exonerated as innocent. And [he doubles down](#) on that, saying, "You have people on both sides of that."

Last night Pence criticized Kamala Harris on the First Step Act, saying, “You didn’t lift a finger to pass the First Step Act on Capitol Hill.”

The president keeps claiming credit for that, most critics argue that Trump deserves credit for signing it in 2018, as it “it aimed to lessen the overincarceration of black people and the racially disparate impact of federal criminal justice practices by reducing some mandatory minimum sentences.”

But that’s about all, they argue.

“Give Trump credit for the First Step Act — but not for much else on criminal justice issues,” Joe Davidson wrote in July in the [Washington Post](#).

Aside from the Central Park 5, Trump’s judges have a poor record. Last month, Ronnie Long was released after 44 years in prison in a case we were [following closely](#).

Wrote Judge Wynn of the Fourth Circuit: “Without a doubt, no reasonable jury could find Mr. Long guilty based on the undeniable facts before us today: suppressed physical evidence failing to link Mr. Long to the crime scene, the perjured testimony of investigating officers, missing key biological evidence, and an eyewitness identification obtained through means now illegal in North Carolina.”

Long had spent 44 years in prison for a crime that there was scant evidence that he committed and huge amounts of evidence that the prosecutors withheld exculpatory evidence and more.

And yet, it was a 9-6 decision by the en banc court. Here’s the kicker - Trump had two appointees on that court, both opposed releasing Long.

Last night Mike Pence said a lot of whoppers, but he saved some of the best for justice issues.

When asked about Breonna Taylor, he expressed empathy - something Trump has been criticized for lacking - but he also said, “I trust our justice system.”

Really? He trusts the justice system? Look I have a problem with Kamala Harris both as a DA and an AG, but she at least understands the lack of justice in our system and expressed that clearly last night.

Pence also denied we have systemic racism.

He said, “I must tell you, this presumption that you hear consistently from Joe Biden and Kamala Harris, that America is systemically racist, and that as Joe Biden said that he believes that law enforcement has an implicit bias against minorities is a great insult to the men and women who serve in law enforcement.”

Clearly Pence lacks understanding of what implicit bias actually is or that everyone has it. The fact that he would deny the existence of systemic racism is appalling.

Kamala Harris on the other hand - bad record as she has - nailed it: “Bad cops are bad for good cops. We need reform of our policing in America and our criminal justice system, “

Mike Pence wants credit for First Step, but denies there are problems in the criminal legal system. It just doesn’t work that way.

Thanks for reading.

[Full report here.](#)

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Criminal Justice News/ Commentary

Everyday Injustice Podcast Episode 80: Ben Pogue Runs for Solicitor in South Carolina

Ben Pogue is a candidate for the Ninth Circuit Solicitor in South Carolina, representing Charleston and Berkley Counties. He is looking to bring reform and accountability to the criminal justice system. During the interview he talked

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Inconsistent California Court Livestreaming – A Public Access Crisis

The global coronavirus pandemic has been a source of hardship and uncertainty for many. The force of COVID-19 has tested the foundation of our government, and in doing so, has exposed many weaknesses of our democratic

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DOJ Policy Change May Aid Election Interference, Charges Prosecutor Group's Exec Director

The weakening of the Department of Justice's Election Interference Policy has compelled Miriam Krinsky, the Executive Director of Fair and Just Prosecution, to release a statement revealing her concerns for the future of

[Read More](#)

Demonstrators in Irvine, Around Campuses Statewide Call for 'Cop-Free Schools'

A march and rally near the campus of the University of California Irvine late last week involved more than 100 people who demanded that police get out of their schools and off their streets.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Population Continues To Rise, Jail Appears To Recover >From Third COVID-19 Outbreak

HU 3C, 3D and 3E were released from quarantine on Oct. 6. All three housing units began quarantine in mid September without a definite release date. ASCO said that the release date was based on serial testing results. HU 3E

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CDCR COVID-19 Death Toll Rises To 69, Outbreaks At Avenal State Prison

As of October 7, there have been 14,863 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 12,640 have been resolved while 1,720 remain active in custody. There have been 69 deaths throughout the CDCR

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San Francisco Court Watch

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Yolo County Court Watch

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Stepfather Describes Posing as Underage Victim on Instagram in Trial of Accused Sexual Predator

The Taylor Gholar sexual predator trial resumed Wednesday here in Yolo County Superior Court, with the alleged victim's stepfather taking the stand to testify about the messages sent to his daughter from the 28-year-old defendant.

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Sacramento Court Watch

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Man Defends Self, Frequently Clashes with Judge, Claims Given Wrong Information

Judge Kevin McCormick was put in an awkward position here Wednesday when a defendant—representing himself on a probation matter—clashed with the judge, frequently interrupting him in Sacramento County Superior

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Victim Suffers a Burglary Worth \$20,000 after Property Dispute

After a spiteful, revenge burglary, a victim found they suffered a substantial \$20,000 loss, including losing a MacBook, jewelry, and designer clothes and bags.

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Alameda Court Watch

Councilmember/Attorney Asks Alameda County Residents to Oppose Code Change Making Juries Unfair

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Subject: Everyday Injustice - Fake Narrative of #SavetheChildren; Man Exonerated After Spending 7 Years in Prison for Armed Robbery
Date: Wednesday, October 7, 2020 at 7:01:06 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"Eyewitness misidentifications are one of the leading causes of wrongful convictions. Moreover, thanks to the post-conviction investigation by Harris' trial attorney, we also knew the true perpetrators had implicated themselves and exculpated Harris in the years following the conviction," California Western School of Law Michael Semanchik stated.

Everyday Injustice Newsletter - October 7, 2020

**First Wrongful Death
Lawsuit Filed Against San Quentin, Hearing In Habeas Case To
Release 50% Of CDCR Population Underway**

Here we wanted to highlight the work of Julietta Bisharyan and Nick Gardner.

San Quentin State Prison went weeks without a major rise in COVID-19 cases. However, the two new deaths this week could be a sign that the prison's early-pandemic troubles may be returning.

This week, San Quentin reported two new deaths, raising the death toll to 28. The other 26 deaths, excluding that of 55 year-old prison guard Gilbert Polanco, occurred during the months of June and July when the prison was experiencing a massive outbreak.

Earlier this month, CDCR's first wrongful death lawsuit was brought forth by the children of 61-year-old Daniel Ruiz, an incarcerated person at San Quentin. Cited in the claim is the prison's mishandling of transfers from other institutions, which is recognized as the impetus for San Quentin's deadly outbreak in May.

On May 30, 121 incarcerated individuals were transferred from the California Institution for Men to San Quentin. None of these new transfers had been tested for coronavirus in the past month, and at the time of their arrival San Quentin had not yet reported any cases.

As of today, over 2,240 cases have been confirmed at San Quentin.

Ruiz had been serving time for a nonviolent drug crime and met the requirements for the CDCR's early release program. At the time of his death, Ruiz had only a few months remaining on his sentence. "The folks in our prisons are human beings," said Michael Haddad, attorney for the Ruiz family. "Many who died at San Quentin had done non-violent crimes and should have been coming back home to their families soon. It is tragic and unacceptable that some prison bureaucrats treated them as less than human."

A number of politicians have also come out against San Quentin's decision to receive transfers in May. Assemblymember Marc Levine went so far as to label it "the worst prison health screw-up in state history"

The lawsuit also points to San Quentin's communal living quarters with old-fashioned barred cells — outdated infrastructure that makes it impossible to effectively quarantine sick individuals.

Researchers visited the institution in early June and found "grave" conditions, their report of which was published in *Nature*, a weekly scientific journal.

"Given the unique architecture and age of San Quentin (built in the mid-1800s and early 1900s), there is exceedingly poor ventilation, extraordinarily close living quarters, and inadequate sanitation," the researchers published in a memo following their visit.

Also Included in this memo was a solution to help mitigate the spread of the virus within San Quentin: "We therefore recommend that the prison population at San Quentin be reduced to 50% of current capacity (even further reduction would be more beneficial) via decarceration. . . . It is important to note that we spoke to a number of incarcerated people who were over the age of 60 and had a matter of weeks left on their sentences. It is inconceivable that they are still in this dangerous environment."

So far, CDCR has expedited the release of over 3,500 incarcerated individuals across the state. At a hearing on July 1, held by California senators with the goal of establishing the root of problems at San Quentin, CDCR Secretary Ralph Diaz confirmed that incarcerated individuals with 180 days or fewer on their sentence, as well as nonviolent and at risk individuals, will have their sentences expedited.

[Full report here.](#)

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Criminal Justice News/ Commentary

Commentary: Driving a False Narrative on “SavetheChildren”

For months now there has on social media been posts about these stories of sting operations that have supposedly uncovered huge amounts of previously missing children. It has spawned some to ask why during a global pandemic,

[Read More](#)

Commentary: The Elephant – Part III

Since Trump’s discharge from Walter Reed Medical Center, several people have asked me to opine on whether he left the hospital against medical advice. My opinion is, we simply do not know, but it doesn’t matter. Technically Trump

[Read More](#)

‘Factually Innocent’ Man Exonerated After Spending 7 Years in Prison for Armed Robbery

Director of the California Innocence Project Justin Brooks stated, “This is the way exonerations should happen. Defense attorneys and prosecutors working together to fix mistakes from the past. My thanks go out to the Los

[Read More](#)

EXONERATIONS: Part XI – FINAL: Discussion and Conclusions

Research by Samuel R. Gross, Maurice J. Possley, Kaitlyn J. Roll, and Klara H. Stephens concluded that there are several contributing factors the commission of misconduct by law enforcement officials that leads to wrongful

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Yolo County Court Watch

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Yolo Public Defender Surprised by Testimony of Victim's Mother in Controversial Sexual Misconduct Case involving Minor

Deputy Public Defender Jose Gonzalez was apparently caught off guard here in Yolo County Superior Court Tuesday when a witness began describing her first encounter with the defendant, Taylor Gholar, at an elementary

[Read More](#)

Impact Statements from Victim's Family Brings Defendant to a Tearful Apology

Defendant Nazim Shikhanstov was brought before Judge Timothy Fall this Tuesday here in Yolo County Superior Court to face a charge of felony manslaughter – and the victim’s family members, and six heartbreaking impact

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Sacramento Court Watch

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Judge Sets \$500K Bail for Homeless Man Charged With Robbing Victim Of Obama Phone

Assistant Public Defender Stephen Nelson argued this Monday in Sacramento Superior Court that defendant Michael Wilson’s actions did not equate to a robbery when the victim gave him one of the “Obama” (government)

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Miscommunication, Zoom or No Zoom: DUI Cases at Sacramento Superior Court During COVID-19

Despite the ongoing COVID-19 pandemic, only one defendant chose to appear remotely via Zoom in Dept. 84 of Sacramento County Superior Court on Tuesday. The presence of facial coverings in

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Alameda Court Watch

Councilmember/Attorney Asks Alameda County Residents to Oppose Code Change Making Juries Unfair

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Subject: Everyday Injustice - Newsom names Black Gay Man to Supreme Court; Exposing Santa Rita Jail

Date: Tuesday, October 6, 2020 at 7:02:40 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“These laws remained on the books of most Southern states for decades,” Justice Johnson wrote. “And this case demonstrates their modern manifestation: harsh habitual offender laws that permit a life sentence for a Black man convicted of property crimes.”

Everyday Injustice Newsletter - October 6, 2020

Work on Santa Rita Jail Getting Recognition

As the tweet shows - the work of the Vanguard is getting recognized. Here I want to highlight the great work of Linh Nguyen who wears so many hats for us - Court Watch Intern, COVID Reporter, and Co-

Editor in Chief of our UC Davis Publication.

Santa Rita Jail Administers No COVID-19 Testing Prior To Quarantine Release, Sheriff's Office Admits Population Control Is Not A Priority

By Linh Nguyen

Overview

Approximately a week after the Alameda County Sheriff's Office reported its third COVID-19 outbreak at Santa Rita Jail, 16 of the 18 active cases were reportedly resolved in a day. ACSO has confirmed that SRJ's outbreak protocol does not involve testing individuals prior to declaring them COVID-19 negative and releasing them from quarantine.

Testing Report

129 tests were completed this week with 41 tests pending results. In total, 4171 tests have been completed since the pandemic began. Last week, 263 tests were administered, implying that the testing rate decreased by 50 percent this week.

Testing revealed two new cases on Sep. 28, raising the number of confirmed cases from 16 to 18.

ACSO confirmed that individuals are not tested prior to release from quarantine. Only confirmatory testing is being done to mark a positive COVID-19 case.

Incarcerated people in "yellow" housing units (units with known contact to COVID-19) are tested for COVID-19. Those who test positive are separated and placed into a separate unit. Those who initially test negative will be tested again after seven days and again after another seven days. They will be released after testing negative in those two consecutive tests.

For those who initially tested positive, they are placed in a separate housing unit and are released when their symptoms resolve. According to Madeline, a Wellpath representative, those who test positive see a doctor daily who makes release decisions.

In short, individuals are tested for release if they initially test negative but are not tested for release if they initially test positive.

The Vanguard questioned Commander Yesenia Sanchez and Wellpath staff on why testing was not being universally administered prior to release. ACSO claims that their protocol is based on CDC and Alameda County Public Health Department's recommendations, which state that quarantine release strategy should not be based on testing, but rather on symptoms. According to the protocol, active cases are marked as resolved when symptoms resolve and at least after 10 days in quarantine.

The Vanguard has requested ACSO to provide proof of these recommendations from CDC and AC-PHD.

While ASCO claims that access to medical care and medicine is extensive and easy, testimonials from incarcerated people suggest otherwise, stating that [access to medical care and medicines is limited and restrictive](#).

[Read the rest here...](#)

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Criminal Justice News/ Commentary

Commentary: Is Biden Out of Step on Criminal Justice Reform?

While the nation has been transfixed with the Trump administration handling of everything from coronavirus to his debate to racial unrest, some on the left have given former Vice President Biden a virtual pass for his weak record on

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Governor Newsom Nominates First Openly Gay Justice to CA Supreme Court

Gov. Gavin Newsom Monday nominated Justice Martin Jenkins for the California Supreme Court – he would be the first openly gay and third Black man to serve on the California Supreme Court. It has been 29 years since an

[Read More](#)

Black Tennessee Man with Intellectual Disability and Strong Innocence Petitions Governor Lee for Clemency

Attorneys for Pervis Payne petitioned the Governor here Monday to spare his life from his execution conviction – he is petitioning for clemency on the grounds that, because of his intellectual disability, his execution is unconstitutional.

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Posting on his Twitter account Monday, John J. Bauters—a former trial attorney and current councilmember of the city of Emeryville—urged residents to oppose amendments to Alameda County Rule of Court

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Researchers, Prosecutors Promote ‘Transparency’ and ‘Accountability’ in Prosecution Practices

The US criminal justice system has recently been put into question with various movements calling for its complete renovation. At a time when the nation demands sweeping criminal justice reforms,

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COVID CDCR and Jail Dashboards

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First Wrongful Death Lawsuit Filed Against San Quentin

The sight of his sister through the barbed wire fence at Folsom State Prison was supposed to mark the end of a grueling 22-year sentence for Kao Saelee. Instead, the former incarcerated firefighter was placed in chains

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San Francisco Court Watch

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Yolo County Court Watch

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Softball Coach Found Guilty of Multiple Sexual Assault Charges on Underage Athletes

After weeks of graphic, sometimes lurid, testimony, a Yolo County jury has found 43-year-old softball coach “Buck” Maldonado Thomas guilty of sexually abusing underaged athletes under his training program.

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Sacramento Court Watch

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Defense Accuses Prosecutor of ‘Bootstrapping’ by Joining 2 Cases, Hurting Client’s Chances with Jury; Judge Agrees

Assistant Public Defender Corey Thornhill Monday complained loudly that a move by the District Attorney’s office was an attempt to hurt his client’s chances in front of a jury, even before the case got past the early stages of pretrial

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Everyday Injustice Newsletter - October 5, 2020

**2016 is Not 2020... But
Once Bitten, Twice Shy...**

by David Greenwald

While the national polls were close in 2016, the pundits and most people in general were wrong. Donald Trump did beat Hillary Clinton in the Electoral College by pulling an inside straight. Pundits were wrong in part because they were biased, but mostly because the state data was more volatile than was commonly understood.

That makes us more cautious in 2020, I get it. But there are so many reasons why 2020 is not 2016.

I will give you just a few here.

First, I wish people would stop looking at individual polls. The key is the average polling. And the average lead for Joe Biden is far larger than it was for Hillary. Moreover, 2016 was punctuated by exogenous shocks which crippled Hillary Clinton each time she re-established the lead. The lead for Biden has been remarkably stable now for months fluctuating between about 6 and 9.

Second, Joe Biden has a much stronger base than Hillary Clinton ever did. We underestimated just how much people hated Clinton. While people hated Trump too, the telling stat was that among people who hated both candidates, Hillary Clinton lost by over 20 points. Also we always knew Joe Biden would be far better at capturing the working class white vote. Hillary completely lost that vote while Biden is holding his own. Trump took advantage of this - but it was twofold - Hillary lost the white vote and Trump exploited it.

Third, people who argue 2020 will follow the script of 2016 are forgetting something kind of important - in 2016, we were in relative prosperity, Trump was a challenger and challenging the status quo. The facts on the ground heavily tilt against any incumbent especially one that seems complicit in those circumstances. While you can argue he was unfortunate to have had the pandemic occur on his watch - he contributed to the fallout from that pandemic.

Bottomline: watch the body language and use your common sense here.

Is this thing over?

It seems to me there are four possible ways for this to not end in defeat for the incumbent.

First, the polling can simply be wrong. This one is hard to imagine. The polling right now seems to line up with what we are seeing on the ground.

Second, the race could get closer and the electoral advantage could kick in. This is plausible. If this race gets within five points on average, I think Biden starts to sweat. Could we actually see a five point lead translate to a Trump electoral victory - when Nate Silver did the calculations the break point was about 2 to 3 points. But at five, if you have any error in the polls, it gets scary.

Third, circumstances could change. Those thinking that a major scandal would kill Biden, I'm not so sure because this race really is all about Trump and whatever you think of Biden, right now he benefits most from not being Trump. More plausible is that things get a lot better - maybe a vaccine, maybe the announcement of an imminent vaccine. I don't know. In four weeks, I'm leaning away from a radical change on the ground but this is 2020 - and you never know.

Fourth, the scary scenario - fraud and uncertainty. People are saying we might not know the result of the election for months. If people hold their vote by mails until election day, perhaps that will be true. But if people vote early, the votes get counted early. I do think there is something to this fourth scenario that if something weird happens with ballot collecting or counting it could throw the election. But that's likely only to matter if we are looking at 3 to 5 point race, currently it is eight.

Bottom line, I think there is probably an 80 percent chance that Joe Biden becomes president in 2021. There are ways that this does not occur. The most likely scenario in my view is not nefarious or radical, it is that Trump gains his footing, gets the race closer and allows the Electoral College advantage to play in his favor. But overall, I think it is far more likely than not that this doesn't occur.

Thanks for reading.

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Criminal Justice News/ Commentary

Everyday Injustice Podcast Episode 79: Community Policing Discussion

Everyday Injustice sat down with four individuals in the community of Davis California looking to make changes to policing at the local level. The participants: Morgan Poindexter, Aarthi Sekar, Lupita Torres, and Dillan Horton.

[Read More](#)

Monday Morning Thoughts: Murders are on the Rise – But Pinpointing the Cause is Trickier Than Some Think

The data released so far this year shows pretty clearly that the murder rate is up over previous years. During this election season, we know that murders are being politicized. I have own opinions on the reason why the murder rate is

[Read More](#)

Guest Commentary: Man Goes to Prison For Life For Stealing a Pair of Hedge Clippers – What Prosecutors Can do About It

Last month, the Louisiana Supreme Court refused to review the life sentence of Fair Wayne Bryant, who was sentenced to life in prison for attempting to steal a pair of hedge clippers more than 20 years ago. Bryant's sentence

[Read More](#)

CA Governor Signs Measure Giving Low Level Offenders 2nd Chance, Older Prisoners a Break

CA Gov. Gavin Newsom last week signed a measure designed to reduce the number of people in prison by giving first time low level offenders a second chance and older prisoners a bit of a break.

[Read More](#)

[Looking Back: Never Again part 3](#)

One of the causes of wrongful convictions comes when people who are either facing prison, or, who are already in prison, for unrelated crimes, make deals to testify for the Prosecution against another person in order to either avoid

[Read More](#)

[Guest Commentary: Policing Studies Measure Benefits to Crime Reduction—But Not Social Costs](#)

Perhaps one of the more unexpected events this turbulent year has been the rate at which efforts to defund police departments gained national political traction. Local governments collectively spend roughly \$100 billion per year

[Read More](#)

[Attorney and Man Wrongly Imprisoned for 44 Years Share Story in Webinar](#)

In honor of Wrongful Convictions Day, Duke Law Professor Jamie Lau and Wrongful Convictions Client Ronnie Long webinar this week discussed Long's landmark case, and how Duke Law is targeting systemic injustice through its

[Read More](#)

[THE VANGUARD WEEK IN REVIEW: Court Watch \(Sep. 28, 2020 – Oct. 1, 2020\)](#)

The Vanguard is an online news group that provides coverage of criminal justice reform, and the courts throughout California and the nation. The Davis Vanguard began by covering Davis and Yolo County with groundbreaking news

[Read More](#)

[COVID CDCR and Jail Dashboards](#)

[Santa Rita Jail Plunges Into Its Third COVID-19 Outbreak – Reports 18 Active Cases – Breaking Down COVID-19 in CA Jails](#)

Two more COVID-19 cases were confirmed, raising the number of confirmed active cases from 16 to 18. In total, there have been 263 confirmed cases.

[Read More](#)

[Outbreaks Persist in Folsom State Prison](#)

& Avenal State Prison, 4 More COVID-19 Deaths Since Last Week – Breaking Down COVID-19 in CDCR

As of September 28, there have been 14,086 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 11,449 have been resolved while 2,143 remain active in custody. There have been 64 deaths across the CDCR

[Read More](#)

Santa Rita Jail Admits Population Control Is Not A Priority Despite 3 COVID-19 Outbreaks – Breaking Down COVID-19 In CA Jails

One week after the Alameda County Sheriff's Office reported zero cases of COVID-19 at Santa Rita Jail, an outbreak with 17 active cases emerged. This led to serial testing and multiple housing unit quarantines.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Softball Coach Found Guilty of Multiple Sexual Assault Charges on Underage Athletes

After weeks of graphic, sometimes lurid, testimony, a Yolo County jury has found 43-year-old softball coach "Buck" Maldonado Thomas guilty of sexually abusing underaged athletes under his training program.

[Read More](#)

Yolo Judge Reassures DA that Zoom is 'New Normal' that Will Work Just Fine

Zoom has been a major topic of discussion in recent months with people in general, and lawyers and courts specifically— Zoom has become part of many people’s daily lives. But how will the courts and jurors adjust to this new

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Sacramento Court Watch

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Elderly Man Accused of Killing Wife Will Plead Not Guilty Due to Insanity

As Anh Thai was rolled into Sacramento County Superior Court last week, he did not look like a man capable of standing on his own, much less one to inflict harm to another person.

[Read More](#)

Video Records Defendant Taking Backpack Unlocked Vehicle

Roberto Guzman doesn’t like cameras – he objected to livestreaming at his preliminary trial last week in Sacramento County Superior Court, and later it was learned a camera caught him stealing.

[Read More](#)

Alameda Court Watch

Judge Claims She’s Not ‘Evil,’ Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

[Read More](#)

Fresno Court Watch

Self-Representing Defendant States Long-Standing Case Has Left Him at Risk of Homelessness

It’s rare to have a defendant represent themselves – it’s called “pro se” and “pro per” – in court, but that’s what happened with the case of Yonatan Erena here in Fresno County Superior Court late last week.

[Read More](#)

Riverside Court Watch

When It Comes to COVID-19 Riverside Jurors Almost Always Get a Free Pass

Courthouses across the United States have heard a wide variety of reasons for potential jurors to request to be excused from jury service; however, COVID-19 could be this year's most common explanation.

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Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 77: Senator Bradford Pushes Police Decertification

In the wake of George Floyd's killing, California legislators put forward a number of police reforms – many of which died prior to getting to a vote. One of those was Senator Bradford's SB 731 which would allow for police officers who

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Everyday Injustice Podcast Episode 76: It Could Happen to You

Everyday Injustice podcast covers criminal justice reform, mass incarceration, wrongful convictions, and more. – Episode 76: It Could Happen to You Jeffrey Deskovic and Bill Bastuk. Deskovic was wrongly convicted at age 16 and

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Subject: Re: Thanks + quick note

Date: Friday, October 2, 2020 at 10:21:08 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: David M. Greenwald

Wonderful. Thanks so much!

PS - Mano is excited to be on your podcast at the end of October.

From: David M. Greenwald <info@davisvanguard.org>

Sent: Friday, October 2, 2020 1:20 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Re: Thanks + quick note

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Good catch on the title - I often get caught trying to condense a headline to make it fit better. Made the changes.

On Fri, Oct 2, 2020 at 1:16 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi David,

The whole team truly appreciates you featuring Mano's statement in your "[Guest Commentary](#)."
Everyone also LOVES the picture.

--

Two quick things:

1. One change: We ended up amending one thing after it went out -- Apparently 1950 also includes some felonies, so (short of getting too far into the weeds) we generalized the language:

- Original: **AB 1950**. This bill will reduce the length of probation periods for misdemeanors.
- Correction: **AB 1950**. This bill will reduce the length of probation periods.

2. For your consideration: Danica - our legislative expert & eagle eye - noticed the title gives credit to Newsom for the bills, and suggested saying ~ "Governor Newsom *Signs* ...CJR Bills"

--

Thank you,
Val

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Subject: Re: Thanks + quick note

Date: Friday, October 2, 2020 at 9:20:44 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Subject: Thanks + quick note

Date: Friday, October 2, 2020 at 9:16:04 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: David M. Greenwald

Hi David,

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--

Thank you,
Val

Subject: Everyday Injustice - Officer in Vallejo Fired, But Not Because Black Lives Matter
Date: Friday, October 2, 2020 at 7:01:02 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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John Burris: "To me, it's a sham, it's not real justice in terms of the conduct he engaged in."

Everyday Injustice Newsletter - October 2, 2020

The Fight Against Zero Bail

By David Greenwald

One of the stranger stories is one I have been tracking in Yolo County, where DA Jeff Reisig, the heir to head up the California District Attorney's Association next year, has been playing both sides of the fence

on zero bail - criticizing it and yet doing nothing to stop it.

On Thursday, he sent out another press release.

"In an ongoing effort to inform the public about the impacts of the Emergency "\$0" Bail Schedule, the Yolo County District Attorney has released its most recent statistics on new crimes committed by those released on zero bail," the DA's office said.

They continued, "Although the Judicial Council rescinded its mandated use in June, the Yolo County Superior Court continues to use an Emergency Bail Schedule. Currently, there is no announced end date for the use of the Emergency Bail Schedule."

Since April 13, 2020, the DA's office continues to claim that 310 individuals have been arrested and released on zero bail a total of 359 times, "with some benefitting from \$0 bail on multiple occasions."

The DA's office said, "The individuals who have reoffended since their release on zero bail in Yolo County have committed over 304 new crimes, in Yolo County alone."

The Assistant Chief Deputy DA Melinda Aiello - who continues to be the spokesperson for the office as Jeff Reisig has strangely disappeared from the public light - told a local TV station last week, "It's a get-out-of-jail-free card. There's no real risk assessment done and there's no consequences because they're not even brought back to court for four to five months."

The problem is that the DA's office could have put a stop to this and have not.

In June, Melinda Aiello wrote the presiding judge that "we recognize the on-going need to maintain a reasonable jail population and after consultation with County Counsel encourage the court to return to its Emergency and Provisional Bail Schedule that became effective March 26, 2020."

So has the DA's office changed their position? Have they argued for remanding people into custody? It appears not. So what's the angle here?

When I spoke with Tracie Olson, the Yolo County Public Defender, on our recent [podcast](#), she said, "We know that people have been released on zero bail and been rearrested."

But she said that "most are re-arrested on misdemeanors" or "probation violations," which don't amount to a crime.

The case that caught people's attention last week was an attempted murder in West Sacramento.

Olson told Everyday Injustice, "He was put on probation by consent of the parties," she said. He was picked up on zero bail afterwards, first with a drunk in public.

"The DAs have the ability when they see cases come through to ask for deviation for zero bail," she pointed out. "Judges have the authority to deviate from zero bail." So, from her perspective, "I think it's very simplistic to say it's zero bail and then end of story."

Olson pointed out that when Yolo County made the determination as to whether to keep zero bail, they solicited the opinions from all of the stakeholders in the process and they all agreed—Judge McAdam, public defender, probation, sheriff, and DA—to keep zero bail.

Judge McAdam said at that time that if there are cases that shouldn't be zero bail, "utilize the statutes that are in place."

Olson told me, “I am personally not aware of any that have had a request for zero bail, the request was denied, and then they went out and committed a new crime.”

Tracie Olson further said that she was not aware that the DA has requested either ending zero bail or changes to it.

“Usually those sorts of policy questions—they are emails that include all the parties,” she said. “I have not seen any emails or requests to re-look at zero bail.” She told me that the DA’s position on all of this is “curious.”

That’s probably an understatement.

Thanks for reading.

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Criminal Justice News/ Commentary

San Francisco DA Chesa Boudin Talks Criminal Justice Reform (Podcast)

Elected in November 2019 in San Francisco as a reformer, Chesa Boudin has been on the job for nine months and already accomplished a lot. We discuss some of the reforms – racial disparities, police accountability, the post

[Read More](#)

Commentary: Officer is Fired in Vallejo – But the Firing Illustrates the Problem – Black Lives Don’t Matter To Police Officers

You could say it is another illustration of how black lives do not matter when it comes to police. The Vallejo Police Department announced on Thursday that it terminated Office Ryan McMahon, the officer who shot and killed Ronell

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Guest Commentary: Governor Newsom’s Groundbreaking Criminal Justice Reform Bills

"In the midst of the ongoing coronavirus pandemic, a shortened legislative session, and a powerful national grassroots movement demanding systemic change in the criminal legal system, my office was proud to support, and

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Eighth Federal Execution This Year Scheduled Nov. 19 Despite Claims of Prosecutorial Misconduct

Decades ago, an all-white jury sentenced Orlando Hall, who is Black, to death for murder, despite his attorneys stating that the jury did not hear critical facts about him or the case and that one of the prosecutors is known for barring

[Read More](#)

Los Angeles DA Won't File Charges after Rough Questionable Arrest

The Los Angeles DA's Office has decided, stating "insufficient evidence," not to file obstruction of justice against news reporter Josie Huang for allegedly interfering with an arrest following the death of two deputies in

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reportedly Recovers From Outbreak Only 1 Week After Reporting 18 Active Cases – Breaking Down COVID-19 in CA Jails

Overnight, the number of confirmed positive COVID-19 cases at Santa Rita Jail dropped by 16. On Sep. 29, there were 18 active cases; on Sep. 30, there were only two active cases.

[Read More](#)

CDCR Reports 2 More COVID-19 Deaths This Week, Population Remains Steady at 100,000 – Breaking Down COVID-19 in CDCR

As of October 1, there have been 14,372 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 12,022 have been resolved while 1,851 remain active in custody.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Tense Family Relations: Woodland Man Breeches Restraining Order from Father and Sister – Four Times

A Woodland man now faces trial and seven charges against him in the Yolo County Superior Court, including vandalism, dissuading, and violation of a court order – four times.

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Sacramento Court Watch

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Evidence Missing? Whereabouts Causes Court Confusion

Evidence—and its whereabouts if it exists—brought a hearing to a standstill Wednesday in Sacramento County Superior Court here. For Derrick J. Blakes, who is facing felony possession of a firearm

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Defendant Stabs Victim in Order to Claim Custody of Child

A defendant—accused of stabbing her past partner with a kitchen knife after attempting to escape with their mutual child in tow—is now set for trial after a preliminary hearing Wednesday at Sacramento County Superior Court.

[Read More](#)

Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Defendant Allegedly Bites Victim in Domestic Violence Case; Bail Doubles

After hearing defendant Arturo Ruiz bit an alleged victim three times in a domestic violence case, Fresno County Superior Court Judge Glenda Allen-Hill ordered the defendant to be remanded and set bail at \$115,000.

[Read More](#)

Riverside Court Watch

When It Comes to COVID-19 Riverside Jurors Almost Always Get a Free Pass

Courthouses across the United States have heard a wide variety of reasons for potential jurors to request to be excused from jury service; however, COVID-19 could be this year's most common explanation.

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Everyday Injustice - Podcast

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Subject: Re: Podcast Request - Mano

Date: Friday, October 2, 2020 at 4:13:18 AM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

Yes. That works.

On Thu, Oct 1, 2020 at 7:40 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

I've put a hold on Mano's calendar for Thursday, October 29th at 1:30-2:30pm. If that works for you, I'll confirm it and we can make sure to set him up with the tech.

Thanks,

Val

From: David M. Greenwald <info@davisvanguard.org>

Sent: Friday, September 25, 2020 12:52 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Podcast Request - Mano

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Hi Valerie -

My training session ended earlier so I had time to whip this out.

I'm very flexible on when to do this. Suggest we block out an hour, but will likely only need 40 minutes.

I sketched out some questions...

Questions for Mano...

-

What have you learned in your first
nearly 18 months as chief public defender in San Francisco?

-

What are your biggest challenges?

-

How has COVID changed things?

-

How do we reduce jail and prison populations
further during times of COVID and elsewhere?

-

What are your priorities?

-

What do you see as the biggest problems
in the criminal legal system?

-

What accomplishments are you most proud
of?

-

Discussion about racial disparities
in the criminal legal system

-

Discussion about policing and reform

**Is there anything in particular he wants to talk
about?**

Also let him know we could do audio only or Zoom, his preference.

David

--

David M. Greenwald

Executive Director

[The People's Vanguard of Davis](#)

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Follow us on Twitter:

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Sent from Gmail Mobile

Subject: Re: Podcast Request - Mano

Date: Friday, October 2, 2020 at 3:40:38 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: David M. Greenwald

I've put a hold on Mano's calendar for Thursday, October 29th at 1:30-2:30pm. If that works for you, I'll confirm it and we can make sure to set him up with the tech.

Thanks,
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To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

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Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on Criminal Justice Reform Bills Signed by Governor Newsom

Date: Friday, October 2, 2020 at 12:26:47 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: October 1, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

**SF Public Defender Mano Raju's Statement on Criminal Justice Reform Bills
Signed by Governor Newsom**

“In the midst of the ongoing coronavirus pandemic, a shortened legislative session, and a powerful national grassroots movement demanding systemic change in the criminal legal system, my office was proud to support, and advocate on behalf of, a number of statewide bills this session in collaboration with justice advocates across the state.

I am pleased that Governor Newsom has signed several bills which will significantly impact the lives of justice-involved people and their families, especially in this time of national reckoning over racism and state violence. I am also grateful to the amazing advocates, many of whom are directly impacted by the criminal legal system themselves, who have worked tirelessly in the fight for justice for years. My office is proud and humbled to work alongside all of you.

I am committed to continuing the efforts to hold law enforcement more accountable, redirecting funding from the criminal legal system to community services and families, and reducing the cost of people remaining in touch with their incarcerated loved ones across the state.

ROOTING OUT RACISM IN THE CRIMINAL LEGAL SYSTEM

My office was a strong supporter of the **California Racial Justice Act, AB 2542, authored by Assemblymember Ash Kalra** - a former public defender. Governor Newsom signed this bill which prohibits the state from seeking or obtaining a criminal conviction, or from imposing a sentence, based upon race, ethnicity or national origin.

Public defenders are keenly aware of the need to root out racial discrimination at every level of society, and particularly in the criminal legal system where it robs people of their rights and livelihoods in courtrooms every day. AB 2542 strengthens our ability to defend people and ensure convictions are not based on racial or ethnic bias.

SHORTER PROBATION PERIODS

Another bill signed into law that stands to have a major impact on our clients, their families, and the state as a whole is **Assemblymember Sydney Kamlager's bill AB 1950**. This bill will reduce the length of probation periods for misdemeanors. This bill will allow people to more quickly move forward with their lives and reduce the risk of added jail time for minor “technical violations.” This also means people with criminal records will be eligible to have their records cleared faster, which will help

open the door to jobs, housing and educational opportunities.

When people on probation are needlessly sent to jail for “technical violations” - like missing a meeting because they had to work or go to the hospital - it is a tremendous setback to their progress and comes at a high cost to our state. By shortening probation periods, AB 1950 gives justice-involved people a better chance of exiting the revolving door of the legal system permanently.

INCREASING JURY DIVERSITY

The Governor signed two bills that will have a positive impact on our ability to seat more diverse juries, which should lead to decisions that are more likely to be fair and trusted by our communities.

AB 3070, authored by Assemblymember Dr. Shirley Weber, will prohibit using a peremptory challenge to remove a prospective juror on the basis of the prospective juror’s race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation.

As public defenders, it is devastating to see clients take unwarranted plea deals simply because they don’t think they can get a fair trial when nobody on the jury looks like them. Prosecutors have used thinly veiled tactics to eliminate jurors of color for things such as having a justice-involved family member or living in a certain neighborhood. AB 3070 seeks to root out implicit and intentional bias that too often prevents us from seating a jury of one’s peers.

SB 592, authored by Senator Scott Wiener, will broaden the pool of eligible jurors by adding state tax filers to the list that jury commissioners use when assembling jury pools.

We need to do everything we can to ensure more racially- and economically-diverse juries to protect people’s rights and enhance the fairness of our legal system. By expanding jury pools to include anyone who files taxes in California, SB 592 will move us closer to seating juries who represent a true cross-section of society.

JUVENILE JUSTICE

The Governor signed **SB 823**, an historic budget trailer bill for youth justice that will close the Department of Juvenile Justice, California’s statewide youth prison system.

Our office has been a national leader in keeping youth out of prison and taking a holistic approach to working with youth and their families. When we offer solid alternatives that provide a strong path to rehabilitation, judges know that it’s the right thing to do. SB 823 responsibly dismantles the DJJ and shifts funding to counties to develop better ways to support families and youth development rather than perpetuate ineffective punishment.

Additionally, the Governor signed **SB 1290, co-authored by Senators Durazo and Mitchell**, to vacate debts incurred by having contact with the juvenile justice system before January 2018, when many of

the associated costs became illegal.

Having a child become justice-involved can be one of the scariest and most stressful things a family can face, and the debt that often results from such contact can harm families long after a case is resolved. SB 1290 gives young people and their families the debt forgiveness they deserve.

IMMIGRANT RIGHTS

Governor Newsom also signed **Assemblymember Rob Bonta's bill, AB 3228**, which empowers people to hold private prison operators accountable for their rampant abuse. During the pandemic, our Immigration Defense Unit discovered that GEO Group - a multi-billion dollar corporation that contracts with ICE to run immigrant detention facilities - boldly lied about their willingness and ability to protect people's lives.

We desperately need to end the use of private detention, which elevates profits above the safety and humanity of the people in their custody. AB 3228 gives those who have been harmed by for-profit civil detention and criminal facilities the ability to seek justice against these private corporations that violate their contracts.

DECARCERATION

AB 3234, authored by Assemblymember Phil Ting, will help reduce the incarcerated population in California. This bill enhances the authority of a superior court judge to offer diversion programs to people with pending criminal charges. It will also amend the Elderly Parole Program, lowering the eligibility age from 60 to 50 years old, and the minimum amount of continuous incarceration served on their sentence before they are eligible from 25 years to 20 years.

MISSED OPPORTUNITIES

I am disappointed that Governor Newsom vetoed our bill, **SB 555 by Senator Holly Mitchell**. This bill would have provided important financial relief to families of incarcerated loved ones by capping the cost of phone calls and video communications, and would have reduced mark-ups on commissary items in county jails across the state. Allowing telecom companies to price gouge incarcerated people and their families is simply wrong – especially when so many people in jails are already low-income. In San Francisco, we've been able to make jail calls free, and I am committed to getting this done on the state level. I appreciate the Governor's commitment to working on this with our office, and look forward to implementing this critical reform alongside him.”

###

To access this press release online, please visit sfpublicdefender.org/media.

Subject: Everyday Injustice - Podcast with Chesa Boudin; Governor Newsom Signs Slew of Reform Bills
Date: Thursday, October 1, 2020 at 7:01:38 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Governor Newsom: "we're just getting started."

Everyday Injustice Newsletter - October 1, 2020

On Chesa, Gascon and Reform... and Lack of Transparency

By David Greenwald

Today we have posted the [podcast](#) of our discussion with SF District Attorney Chesa Boudin. One of our conversations was over the lack of overall transparency in the courts in San Francisco. We have roughly 70 interns working on our court watch project, but while we have been able to consistently cover many counties in California - San Francisco is not one of them.

San Francisco has a single courtroom covered by a YouTube stream and it doesn't work most of the time. For his part, Boudin laments the lack of transparency and hopes to do better.

But what it has prevented us from doing - since March - is see what criminal justice reform looks like at the ground level.

This is important because what we saw in San Francisco in 2019 was the difference between George Gascon's stated views on criminal justice reform and what San Francisco looked like the courthouse.

George Gascon of course is now running for DA in Los Angeles. He is opposing Jackie Lacey. Lacey had run as a reformer originally but has been heavily criticized for opposing reform and especially being a barrier to police accountability.

The [LA Times this week endorsed](#) Gascon.

They wrote: "Gascón is the right candidate at the right time in the largest local criminal justice jurisdiction in the United States. He brings with him the frontline experiences of a cop who saw the tough-on-crime ethic wreak havoc in the communities he policed, and is one of the few police leaders to question the old-style approach."

But these things are tricky. While DA in San Francisco, Gascon struggled to hold police accountable and we saw inside the courtroom rampant police misconduct and prosecutorial misconduct.

The Times believes he is the candidate "most capable of bringing positive change" - and while Lacey has a poor record, Gascon's record in a place like San Francisco shows not poor intentions by him, but just

how ingrained and baked into the system these problems actually are.

When we spoke with Boudin - he was candid. He has implemented a host of changes designed to reduce San Francisco's horrific racial disparities where 55 percent of the jail population last year was Black in a population where only six percent of those living in San Francisco are Black.

I asked him if they have made progress toward reducing that number, and he acknowledged not enough. He also did not make the excuse that other DA's have made trying to argue that a significant portion of those in jail are from out of town, as though that somehow explains away racial disparities.

It is unfortunate that we have not been able to watch criminal justice reform at the court house level. That's what we do. We have eyes and ears all over the state, but San Francisco, the tech capital of the country, has not been able to provide us with a reliable feed.

Thanks for reading.

Can you help us out? If you like our work - we could use your support. Please become a sustaining member if you aren't already.

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Guest Commentary: Communities Need and Deserve a Reset of Policing and the Justice System

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Tense Family Relations: Woodland Man Breeches Restraining Order from Father and Sister – Four Times

A Woodland man now faces trial and seven charges against him in the Yolo County Superior Court, including vandalism, dissuading, and violation of a court order – four times.

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Sacramento Court Watch

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Defendant Facing Twin Counts of Meth Sales and 'Gang' Activity after Preliminary Hearing

Defendant William Thompson faced one count of possession of methamphetamine with intent to sell and one count of battery, as his preliminary hearing for these charges was held Tuesday in Department 42 of Sacramento

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Defendant Allegedly Bites Victim in Domestic Violence Case; Bail Doubles

After hearing defendant Arturo Ruiz bit an alleged victim three times in a domestic violence case, Fresno County Superior Court Judge Glenda Allen-Hill ordered the defendant to be remanded and set bail at \$115,000.

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Riverside Court Watch

When It Comes to COVID-19 Riverside Jurors Almost Always Get a Free Pass

Courthouses across the United States have heard a wide variety of reasons for potential jurors to request to be excused from jury service; however, COVID-19 could be this year's most common explanation.

[Read More](#)

Merced Court Watch

Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 77: Senator Bradford Pushes Police Decertification

In the wake of George Floyd's killing, California legislators put forward a number of police reforms – many of which died prior to getting to a vote. One of those was Senator Bradford's SB 731 which would allow for police officers who

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Everyday Injustice Podcast Episode 76: It Could Happen to You

Everyday Injustice podcast covers criminal justice reform, mass incarceration, wrongful convictions, and more. – Episode 76: It Could Happen to You Jeffrey Deskovic and Bill Bastuk. Deskovic was wrongly convicted at age 16 and

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Subject: Re: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on Prop 25
Date: Wednesday, September 30, 2020 at 10:26:36 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

Please disregard the original message. It was sent in error.

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Wednesday, September 30, 2020 11:08 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on Prop 25

FOR IMMEDIATE RELEASE: September 30, 2020
CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249.7946 - Valerie.Ibarra@sfgov.org

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"I am voting NO on Prop 25 because I don't believe it's the best path forward on bail reform and it's not in our clients' nor California's best interest.

Prop 25 would lock into place a system increasing judges' authority to detain people pretrial and requiring the use of risk assessment tools in making decisions to release or detain people in jail. Judges and risk assessment tools have been shown to discriminate against communities of color, immigrants and people from low-income neighborhoods. Prop 25 puts more power in the hands of judges, who have a track record of using their discretion to keep people in jail unnecessarily, and could result in even more people staying in jail while they await trial.

Fortunately, Prop 25 isn't the only pathway to protect fundamental rights by combatting unnecessary pretrial detention that devastates families.

My office has been working towards bail reform for the last several years and is devoted to ensuring pretrial justice. We have long fought for bail reform in the courts, which has resulted in the *Humphrey* case currently pending review by the California Supreme Court.

The *Humphrey* case was filed by the San Francisco Public Defender under my predecessor Jeff Adachi and the nonprofit Civil Rights Corps on behalf of our client, Kenneth Humphrey. The *Humphrey* decision - issued by the First District Court of Appeal - abolishes the practice of using high money bail to detain poor people. The ruling makes clear that judges must consider non-monetary alternatives to money bail when making pretrial release decisions. *Humphrey* means if the judge decides to set money bail, they must take the individual's ability

to pay into consideration when doing so.

I believe that the *Humphrey* decision offers the best way forward to ensure that people accused of crimes and presumed innocent are not kept in jail pretrial simply because they can't afford to pay money bail. *Humphrey* will also eliminate the commercial bail bonds industry in the state - another primary goal of bail reform. The bail bonds industry's long-standing harmful and predatory practices have for too long been allowed to strip wealth from low income communities and communities of color in California. Thankfully, we don't need Prop 25 to defeat the bail bonds industry.

A NO vote on Prop 25 does not mean I support the current money bail system in California - it is a vote for the promise of better, more just bail reform in the state. It is a vote for our reform efforts in the courts, and in support of the efforts for real justice by our community partners like Silicon Valley De-Bug, Essie Justice Group, JusticeLA and others. NO on 25 is a vote to end unnecessary and harmful pretrial detention. NO on 25 is a vote to create a system that ensures communities who are most impacted by criminalization, over-policing, and poverty have an equal opportunity to remain free and thrive.”

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Subject: Re: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on Prop 25
Date: Wednesday, September 30, 2020 at 10:16:19 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

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Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on Prop 25

Date: Wednesday, September 30, 2020 at 7:08:42 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 30, 2020

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Subject: Everyday Injustice - More Taylor Grand Jury Revelations; Communities Need and Deserve a Reset of Policing
Date: Wednesday, September 30, 2020 at 7:01:04 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Proud Boys, stand back and standby,” Trump said.

Everyday Injustice Newsletter - September 30, 2020

Senator Decries Lack of Value For Black Lives as Taylor Situation Continues to Evolve

By David Greenwald

There was a moment in my interview with California State Senator [Steven Bradford](#) where I asked him his thoughts on the Breonna Taylor shooting. One of the points he made that struck me was the fact that the officer got charged for the few bullets that went into the adjacent home of three white inhabitants rather than the 30 or so bullets that were fired at Breonna Taylor and her boyfriend.

“The wanton endangerment should be imposed simply because you fired into a white apartment,” he said, “despite the fact that you fired 32 bullets into the apartment of a sleeping woman of a forged warrant that gotten on false pretenses.”

“You see no value in her life,” he said. He said that is the issue “as it relates to the reverence of life when it comes to black or brown people.”

More revelations come forward. Yesterday Cameron said, he did not present homicide charges to the grand jury.

He said that he recommended that the grand jury indict the one officer but that the other two officers, whose bullets struck Taylor, were “justified in their acts.”

“Our judgment is that the charge that we could prove at trial beyond reasonable doubt was for wanton endangerment,” Cameron said in [an interview Tuesday with local television station WDRB](#).

The Washington Post reports, "The statement cast doubt on comments he had made [during a news conference last week](#), when Cameron said he walked jurors through "every homicide offense, and also presented all of the information that was available."

This revelation comes to light as a motion was filed on Monday by one of the grand jurors who criticized Cameron for "using grand jurors as a shield to deflect accountability and responsibility" for the charging decisions.

Kevin Glogower, representing that juror, said Tuesday that the jury now believes Cameron "may not have presented" all of the evidence to the grand jury.

"The primary concern that our client has is, if you watched [the news conference after the reading of the indictment](#), the attorney general laid a lot of responsibility at the grand jurors' feet," Glogower said, adding that Cameron's office has since "attempted to walk that back."

This is becoming reminiscent of the Michael Brown Grand Jury. We were critical at that time that the DA there did not believe there was sufficient evidence to charge the officer in Brown's death.

There is a way around such problems - stop using secret grand jury indictment processes to make charging decision for these kinds of cases. Either make the decision yourself or go the preliminary hearing route which is public.

Thanks for reading.

Can you help us out? If you like our work - we could use your support. Please become a sustaining member if you aren't already.

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Yolo County Court Watch

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Tense Family Relations: Woodland Man Breeches Restraining Order from Father and Sister – Four Times

A Woodland man now faces trial and seven charges against him in the Yolo County Superior Court, including vandalism, dissuading, and violation of a court order – four times.

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Sacramento Court Watch

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Defendant Facing Twin Counts of Meth Sales and 'Gang' Activity after Preliminary Hearing

Defendant William Thompson faced one count of possession of methamphetamine with intent to sell and one count of battery, as his preliminary hearing for these charges was held Tuesday in Department 42 of Sacramento

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Defendant Allegedly Bites Victim in Domestic Violence Case; Bail Doubles

After hearing defendant Arturo Ruiz bit an alleged victim three times in a domestic violence case, Fresno County Superior Court Judge Glenda Allen-Hill ordered the defendant to be remanded and set bail at \$115,000.

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Riverside Court Watch

When It Comes to COVID-19 Riverside Jurors Almost Always Get a Free Pass

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Subject: Everyday Injustice - Crime is Not a Partisan Issue; Senator Bradford Talks Police Decertification
Date: Tuesday, September 29, 2020 at 7:00:12 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“More cities are run by Democratic mayors than by Republican ones, but murder is rising pretty much everywhere, regardless of a mayor’s political party.”

Everyday Injustice Newsletter - September 29, 2020

Murders are on the Rise - But, Be Careful Politicizing It

By David Greenwald

Murders are being politicized. I have own opinions on the reason why the murder rate is up. Keep in mind that the same people are basically in control this year as the last decade when murders dropped to 40 year lows. That should give people pause about blaming the spike this summer - which has still kept them near their 10 year average - on “Democrat cities.”

The New York Times yesterday did a pretty thorough analysis of the murders and writes, “A deeper dive into publicly available 2020 crime data paints a more complicated picture than the party-driven explanation President Trump and the Department of Justice have offered.”

For one thing: “More cities are run by Democratic mayors than by Republican ones, but murder is rising pretty much everywhere, regardless of a mayor’s political party.”

They also point out, “the Department of Justice refers to “destruction of property” as a reason the three cities are permitting “anarchy,” but the F.B.I. does not classify vandalism as a major crime.”

The irony of course, “In recent years, New York, Seattle and Portland have had fewer murders per 100,000 people than most other big cities in America. They are still on pace for that to be true at the end of the year. “

That of course suggests this is not necessarily a data driven attack by the administration or DOJ.

The FBI report does find, “a nearly 15 percent increase in murder nationally” BUT, at the same time, “almost an 8 percent drop in property crime.”

Also, we really are talking only about murders. The Times reports, “The overall violent crime trend appears to be roughly even relative to last year.”

St. Louis for the six straight year (much to my chagrin) has the highest murder rate in the country. Note that six straight years, takes it pre-Kim Gardner days.

The three “anarchist jurisdictions” are actually way down on the list of murder. Chicago and Philadelphia are not in the top 10 either.

The Times reports this: “Murder is up 29 percent in Democrat-led cities in the sample and up 26 percent in cities with a Republican mayor relative to the same time frame in 2019, and five of the 13 cities on pace for record-high murder counts have Republican mayors.”

What does that prove? It probably proves that the murder rates are not statistically differentiated by mayor and that local policies are not driving the boat here.

But the Times goes a bit deeper.

“Murder has increased in the three “anarchist jurisdiction” cities singled out by the D.O.J., but both violent and property crime are down relative to 2019 in all three. New York City, Portland and Seattle are on pace to have murder rates roughly at or below the national average in 2020, despite the rises in each city. “

One more slice: “There has been a sizable increase in gun violence in New York since the start of this summer, but for some wider context, this year’s level of murder and shootings is roughly where it was in 2012. The city is still on pace to have 80 percent fewer murders this year than it did in 1990, when it had over 2,000.”

Bottom line: I’m not saying any of this is good. But a full look at the data, does not bear out the political rhetoric.

Back in February, Fordham Law Professor John Pfaff warned reformers not to fight the battle on tough on crime terms.

He warned that progressives are framing things badly, because “in general, we have tried to justify this progressive effort by saying, look, prison is down, crime is down.”

The problem is “this is fighting progressive’s battle on tough on crime’s ground.” He said, “We are saying that reform is a luxury. As long as crime is going down, let’s stop locking people up.”

However, “implicit, lurking in that message is when crime goes up, we really can’t do this anymore. We’re fighting their fight, on their ground.”

The data do not bear this out, but there are important reasons not to fight this battle on that data to begin with.

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LA Times Apologizes for Past Racism

Throughout the history of the Los Angeles Times, the paper has investigated, documented, and highlighted the economic and social issues facing communities of color; however, its newsroom fails to be representative of the

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Alameda County Judges Attempt to Change Local Court Rules – Public Defender Opposes Move

Judges are once again attempting to change local court rules to make it so jurors from anywhere in the county can be called to serve on misdemeanor criminal trials—a move opposed by public defenders.

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Attorney Argues Latest Trump Administration Execution Is an Injustice – 7th in 3 Months

On September 24 at 6:42 p.m. ET, Christopher André Vialva's execution was carried out by the federal government by way of lethal injection. Time of death was later changed to 6:46 p.m. with no explanation given.

[Read More](#)

First Amendment Coalition Fights Secret Hearings in Death Penalty Case

The First Amendment Coalition (FAC) has been taking the steps needed in order to ensure public access continues to be available in a Kern County death penalty case.

"There is an extremely high bar for closing courtrooms in

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Outsourcing of DUI and Other Monitoring

Costs Offenders, Creating Private Probation Debt Trap

Michael Reynolds showed up to his hearing at Sacramento County Superior Court last week to present proof of his enrollment in a court-ordered rehabilitation program, when the issue of his home detention options came up.

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EXONERATIONS: Part IX – Federal White Collar Crimes and Prosecution Lies

Federal cases represent a minority of criminal prosecutions in the United States – research done on federal cases indicate systemic differences between federal and state court systems according to a report written by Samuel R.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reports 16 Active Cases, Population Spike & Minimal Testing Raise Concerns

As testing rates slowly increase, more housing units are undergoing quarantine, with HU 3D, 3C and 3E quarantined indefinitely. ASCO stated, “Quarantine date will be determined by serial testing results.”

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Outbreaks Persist in Folsom State Prison & Avenal State Prison, CDCR Population Remains Steady at 100,000

As of September 28, there have been 14,086 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 11,449 have been resolved while 2,143 remain active in custody. There have been 64 deaths across the CDCR

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San Francisco Court Watch

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Defendant Khaled Abdullah, driving in Sacramento, allegedly stabbed another driver outside a downtown nightclub after the victim reportedly parked in an open parking spot, upsetting the defendant.

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Subject: Everyday Injustice - Mental Health Crisis or Suicide by Cop? New Revelations in Breonna Taylor Case
Date: Monday, September 28, 2020 at 7:00:38 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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LA Public Defenders Union: “[George Gascón] has shown a commitment to ending the death penalty, eliminating racist and discriminatory gang sentencing enhancements, prohibiting retaliatory prosecution of those who speak out against the police, and keeping children out of the criminal legal system...(he) supports alternatives to incarceration. We know that the changes Gascón has pledged to enact are vital to the health and safety of ALL people of LA County.”

Everyday Injustice Newsletter - September 28, 2020

New Revelations in the Breonna Taylor Case

By David Greenwald

It turns out that Attorney General Daniel Cameron may not have been truthful last week when he gave a press conference highlighting the decision by a Kentucky Grand Jury not to indict any of the three officers for killing Breonna Taylor.

Cameron went to great lengths to explain that the officer was shot with a 9mm weapon and only Breonna Taylor's boyfriend was armed with such a weapon. The officers all had 40 caliber rounds.

But [ABC News](#) got a hold of the ballistics report, which appears to contradict statements made by the state attorney general.

Instead, “The ballistics report from the Kentucky State Police on the [Breonna Taylor](#) shooting could not determine that Taylor's boyfriend shot one of the officers who unleashed a barrage of 32 bullets into her apartment.”

Instead, ABC learned that one of the attorney's for Kenny Walker that the “Kentucky State Police's own ballistics report could not determine that Kenny's shot is who hit Officer [Jonathan] Mattingly.”

Walker claimed that he never heard the police knock, heard them break in the door, grabbed his legally

licensed weapon and fired a warning shot into the ground. But that account was disputed by police who argued that the single shot fired by Walker injured one of the officers.

Walker was initially charged with attempted murder and assault - but those charges were dropped. He has now filed a lawsuit against the Louisville police department, claiming they never knocked or announced themselves before they forced open Taylor's door.

Instead he said he fired the warning shot because he thought they were intruders.

In the press conference, Cameron argued that the bullet that struck the officer was fired by Walker.

"Kenneth Walker fired the shot that hit Sgt. Mattingly and there's no evidence to support that Sgt. Mattingly was hit by friendly fire from other officers," Cameron said. "Mr. Walker admitted that he fired one shot and was the first to shoot."

However, that's not what Kentucky State Police ballistic report said.

They said, that the one shot fired by Walker "was neither identified nor eliminated as having been fired" from his weapon "due to the limited markings of comparative value."

Cameron, argued last week that because Walker fired the first shot, Cosgrove and Mattingly were justified in returning fire to protect themselves.

"This justification bars us from pursuing charges in Ms. Breonna Taylor's death," Cameron said.

The attorney general said an FBI ballistics analysis determined that the one fatal shot that hit Taylor came from Cosgrove's 40-caliber weapon. But Mattingly was hit by a 9 mm but in a key piece of evidence, while Walker's gun was a 9mm, LMPD records show Hankison had a 9mm and two 40-caliber service weapons.

Furthermore, the attorney for Walker told ABC that "it's been difficult to determine which weapons Hankison was armed with during the shooting because he disappeared and was unaccompanied for several hours after the incident."

Romines added, "At that point in time, they didn't even know, and still don't know to this day, that Kenny's shot hit Officer Mattingly."

There you have it. The plot thickens, and what bothers me is Cameron hiding that uncertainty from the public and media last week.

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Criminal Justice News/ Commentary

**Guest Commentary: Mental Health Crisis
Leads to Shooting Death of 88-Year-Old**

Robert Coleman by WS Police

The West Sacramento police have released a video compilation of body cameras worn by four police officers involved in the shooting death of 88-year-old Robert Coleman, which occurred Sept. 12 at around 3am at Merkley

[Read More](#)

EXONERATIONS: Part VIII – Trends Show Decrease of Official Misconduct in Some Cases, Increase in Others

Trends from the exoneration database indicates a decrease in official misconduct relating to improper questioning of children, misconduct in interrogations, and forensic fraud. There is also evidence suggesting a recent increase in

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Los Angeles Public Defenders Support Gascón for District Attorney

Commending his commitment to progressive justice reform, the Los Angeles County Public Defenders Union announced its support for George Gascón's campaign for district attorney of Los Angeles County.

[Read More](#)

Philly DA Krasner Calls on PA Lawmakers to Pass LGBTQ Hate Crime Protections Following Attack on Transgender Woman

Philadelphia District Attorney Larry Krasner announced Aggravated Assault and Ethnic Intimidation charges on Friday against Tymesha Wearing for her alleged role in the attack involving multiple individuals against a transgender

[Read More](#)

Sunday Commentary: We Need to Re-Imagine How We Interact with Mental Health Crises

We hear the term defund the police. It is easy to mistake it for another concept—abolish the police. But it's not, and that's part of the problem. Perhaps a better way to think about it is to re-imagine the police.

[Read More](#)

Guest Commentary: Kentucky's AG Refuses to Answer Key Questions About the Breonna Taylor Shooting

What was the demographic make-up of the grand jury that decided not to indict any police officers for killing Breonna Taylor? Did Kentucky prosecutors encourage the grand jurors

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SF Public Defender Criticizes Civil Injunctions Aimed at Drug Dealers – Argues They Don't Solve 'Actual' Problem

San Francisco Attorney Dennis Herrera recently took a big step in the city's ongoing battle with drug dealing in the neighborhood of Tenderloin by filing civil injunctions against 28 alleged dealers.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reports 17 Active Cases Just One Week After Reporting 0 Active Cases

There are now 17 confirmed active cases of COVID-19 among the incarcerated population. In total, there have been 261 cases thus far. Last Thursday, Sept. 17, ASCO reported three active cases after only three days of reporting zero

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Outbreaks Persist in Folsom State Prison & Avenal State Prison, CDCR Population Remains Steady at 100,000

As of September 24, there have been 13,332 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 11,079 have been resolved while 1,774 remain active in custody.

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Everyday Injustice Podcast Episode 75 – Yolo County Public Defender Tracie Olson

USC Professor Jody Armour wrote the provocative book, N*gga Theory, and on Everyday Injustice we talk about issues like racism, language and symbols such as the confederate flag, as well as mass incarceration and

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Subject: Follow up

Date: Friday, September 25, 2020 at 9:00:47 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Valerie -

This is the podcast I recently did with Brendon Woods for an idea of what to expect -

<https://soundcloud.com/davisvanguard/everyday-injustice-podcast-episode-72-alameda-public-defender-brendon-woods>

--

David M. Greenwald

Executive Director

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"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Podcast Request - Mano

Date: Friday, September 25, 2020 at 8:52:00 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Hi Valerie -

My training session ended earlier so I had time to whip this out.

I'm very flexible on when to do this. Suggest we block out an hour, but will likely only need 40 minutes.

I sketched out some questions...

Questions for Mano...

- What
have you learned in your first nearly 18 months as chief public defender in San Francisco?
- What
are your biggest challenges?
- How
has COVID changed things?
- How
do we reduce jail and prison populations further during times of COVID and elsewhere?
- What
are your priorities?
- What
do you see as the biggest problems in the criminal legal system?
- What
accomplishments are you most proud of?
- Discussion

about racial disparities in the criminal legal system

- Discussion
about policing and reform

Is there anything in particular he wants to talk about?

Also let him know we could do audio only or Zoom, his preference.

David

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Subject: Everyday Injustice - Civil Injunction Against Drugs in SF; Urge Governor Newsom to Pardon Immigrant Rights Leader Facing Deportation
Date: Friday, September 25, 2020 at 7:01:22 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Mano Raju, SF Public Defender: "I agree that drug use in the Tenderloin is a serious public health issue that negatively affects residents, many of whom are clients of my office, as well as their families. What the City Attorney and I disagree on is what will actually solve this crisis. "

Everyday Injustice Newsletter - September 25, 2020

SF Public Defender Pushes Back Against Civil Injunction

By David Greenwald

San Francisco City Attorney Dennis Herrera announced this week that he is attempting to clean up drug dealing in the Tenderloin by suing 28 individuals in a bid to impose civil fines - a form of a drug injunction in you will.

"Everyone can agree that what is going on in the Tenderloin is unacceptable, and we as a city need to work collectively to address what is an unfortunately terrible threat to the families and children living there," Herrera told media on Wednesday. "We all have a responsibility to step up and alleviate the crisis."

San Francisco's Public Defender Mano Raju pushed back.

"I agree that drug use in the Tenderloin is a serious public health issue that negatively affects residents, many of whom are clients of my office, as well as their families. What the City Attorney and I disagree on is what will actually solve this crisis," Raju said in a statement.

Mano Raju believes that this "another chapter in the war on drugs that has simply failed to impact drug use or sales, while harming low-income people and communities of color. "

He believes that additional enforcement “of low-level, subsistence street level sellers is not the solution to this ongoing public health crisis.”

Instead, he believes, “we should use our resources to provide meaningful alternatives to street level dealers – including housing, job training, and employment – and also focus on getting at the source of the drug trade, which will continue to produce drugs so long as the demand exists.”

Raju added, “As public defenders, we know that many low-level sellers are users themselves. Indeed, many of us have tried cases where clients are accused of intending to sell drugs and the jurors have returned verdicts of simple possession with no intent to sell. “

I couldn't agree more with Mano Raju here. The war on drugs has failed because we are going after the symptom rather than the cause of the problem. Addiction should be treated as a health issue rather than an enforcement and criminal justice issue. It reflects a failure of us to adequately fund mental health care, forcing many low income people to in effect self-medicate.

Years of enforcement have resulted in the spending of billions on interdiction efforts, mass incarceration with no clear benefit to the community.

I've been surprised in my time covering San Francisco, how non-progressive the community can be on issues of this sort.

Mano Raju concludes: “As we saw in the past with misguided gang injunctions, one-sided fact gathering leads to injustice, further traumatization of those who are human trafficking victims, further litigation, and wasted resources. And unfortunately, no one consulted our attorneys about these proposed injunctions, even though we represent many of the 28 people who have been named.”

He adds, “At a time when the courts face a seven-month backlog of cases due to COVID, these injunctions could further clog our courts with lawsuits against people who may already have stay-away orders or are participating in alternative court programs.”

Thanks for reading.

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Criminal Justice News/ Commentary

EXONERATIONS: Part V – Fabricated Evidence: Forensic Deception, Planted Evidence and Forged Confessions

Conducting a criminal trial depends heavily on law enforcement officers as primary sources, through written reports or verbal testimonies – but perjury often plays a large part in wrongful convictions of the innocent, according to

[Read More](#)

Trial Set for West Sac Man Who Allegedly Hurling Brick and Racial Slurs at Victim

Christopher Avelar allegedly hurled a brick—and racial slurs—at another man earlier in September when the victim said he couldn't share any marijuana because he didn't use it. Avelar will stand trial for assault after

[Read More](#)

SF Board of Supervisors Urge Governor Newsom to Pardon Immigrant Rights Leader Facing Deportation

The San Francisco Board of Supervisors has unanimously approved a resolution urging Governor Newsom to pardon prominent immigrant rights leader Charles Joseph, who is facing deportation because of a past conviction.

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Everyday Injustice Podcast Episode 76: It Could Happen to You

Everyday Injustice podcast covers criminal justice reform, mass incarceration, wrongful convictions, and more. – Episode 76: It Could Happen to You Jeffrey Deskovic and Bill Bastuk. Deskovic was wrongly convicted at age 16 and

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Santa Rita Jail Reports 17 Active Cases Just One Week After Reporting 0 Active Cases

There are now 17 confirmed active cases of COVID-19 among the incarcerated population. In total, there have been 261 cases thus far. Last Thursday, Sept. 17, ASCO reported three active cases after only three days of reporting zero

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As of September 24, there have been 13,332 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 11,079 have been resolved while 1,774 remain active in custody.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Arsonist Felon Remains in Custody in Order to Keep Him on Meds

A convicted arsonist in court for violating the terms of his probation—including trespassing on the property of a former victim—was provided an opportunity Wednesday by Judge Peter Williams in Yolo County Superior Court to

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Sacramento Court Watch

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Defendant Found Sleeping with Stolen Adidas Shoes in Local Church Next Door to Burgled Store

Shone Lacey, accused of stealing \$17 in cash, tennis shoes, and a Michael Kors watch from a local cross-fit center, had a pretrial hearing this week in Sacramento County Superior Court. He pleaded not guilty, and his

[Read More](#)

Accused Probation Violator Frustrated during Self-Representation in Court

While Riley Nguyen sat alone at the defense counsel table during witness testimonies, exercising his constitutional right to self-representation here Wednesday in Sacramento County Superior Court, Deputy District Attorney Jennifer

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Folsom Drug User, DUI Driver Settles Cases, Sentenced to 90 Days, Double Probation

Private defense attorney Michael Mullan, Deputy District Attorney Adrienne McMillan and Sacramento County Superior Court Judge Steve White huddled in the middle of a courtroom here Thursday, discussing

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno PD Argues CHP Officers Falsely Arrested DUI Drivers – Judge Disagrees

In two separate cases yesterday, Assistant Public Defender Tonya Lopez argued that California Highway Patrol (CHP) officers must monitor suspected DUI drivers for at least three-quarters of a mile before engaging with the driver.

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Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Subject: PRESS STATEMENT: Public Defender Mano Raju Responds to City Attorney Dennis Herrera's Decision to file Civil Injunctions Against 28 Individuals

Date: Thursday, September 24, 2020 at 9:44:57 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 24, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

Public Defender Mano Raju Responds to City Attorney Dennis Herrera's Decision to File Civil Injunctions Against 28 Individuals

"I agree that drug use in the Tenderloin is a serious public health issue that negatively affects residents, many of whom are clients of my office, as well as their families. What the City Attorney and I disagree on is what will actually solve this crisis.

The City Attorney's proposed injunction is another chapter in the war on drugs that has simply failed to impact drug use or sales, while harming low-income people and communities of color. More enforcement of low-level, subsistence street level sellers is not the solution to this ongoing public health crisis. Rather, we should use our resources to provide meaningful alternatives to street level dealers - including housing, job training, and employment - and also focus on getting at the source of the drug trade, which will continue to produce drugs so long as the demand exists.

As public defenders, we know that many low-level sellers are users themselves. Indeed, many

of us have tried cases where clients are accused of intending to sell drugs and the jurors have returned verdicts of simple possession with no intent to sell. Further, recent immigrant sellers are often victims of human trafficking, tricked and forced into the drug trade after escaping oppressive and violent regimes and non-existent opportunity. Like drivers or warehouse employees for billion-dollar corporations, they are subsistence workers, many of whom lack choices.

We know from decades of experience that these low-level sellers will quickly be replaced with other sellers, making the market more volatile and dangerous and potentially causing worse health outcomes - including more overdose deaths - as people who suffer from drug addiction buy from unknown sources. It also means that we will likely see no change on the streets.

For example, while the San Francisco Police Department and the U.S. Attorney's Office arrested and prosecuted street level sellers en masse in August 2019, this had no meaningful impact on the number of overdose deaths, and those deaths continue to climb.

As we saw in the past with misguided gang injunctions, one-sided fact gathering leads to injustice, further traumatization of those who are human trafficking victims, further litigation, and wasted resources. And unfortunately, no one consulted our attorneys about these proposed injunctions, even though we represent many of the 28 people who have been named. At a time when the courts face a seven-month backlog of cases due to COVID, these injunctions could further clog our courts with lawsuits against people who may already have stay-away orders or are participating in alternative court programs.”

###

Subject: FOR IMMEDIATE RELEASE: California Becomes the First State in the Nation to End Collection of Fees in the Criminal Legal System - SF Treasurer José Cisneros and Public Defender Mano Raju Applaud Governor Newsom's Signing of The Families Over Act

Date: Thursday, September 24, 2020 at 8:16:24 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 24, 2020

CONTACT:

Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

Anne Stuhldreher - SF Treasurer's Office/Financial Justice Project - (415) 596-6138 - Anne.Stuhldreher@sfgov.org

****PRESS RELEASE****

California Becomes the First State in the Nation to End Collection of Fees in the Criminal Legal System

San Francisco Treasurer José Cisneros and Public Defender Mano Raju applaud Governor Newsom's signing of The Families Over Fees Act AB 1869, a Law Modeled after San Francisco's Elimination of Criminal Legal Fees

SAN FRANCISCO - Treasurer José Cisneros and Public Defender Mano Raju applaud Governor Gavin Newsom's passage of The Families Over Fees Act through signing [Assembly Bill 1869](#), a first-in-the-nation bill to end the harmful and costly collection of 23 administrative

fees imposed against people in the criminal legal system. The bill takes statewide reforms first enacted in San Francisco to eliminate “high pain, low gain” fees that pile debt onto people who cannot pay it, drive people deeper into poverty, and create barriers to their successful reentry.

“Charging very poor people fees to cover our government’s administrative costs makes no fiscal sense. These Californians have already paid their debt to society, and by eliminating this debt burden, we are providing vulnerable communities with a real second chance,” said Treasurer José Cisneros, who founded [The Financial Justice Project](#) to assess and reform how fines and fees impact San Francisco’s low-income residents and communities of color.

San Francisco’s successful experience as the first city and county to end the burden of administrative fees in the criminal-legal system has galvanized a national movement for fine and fee justice. Last May, San Francisco helped launch [Cities and Counties for Fine and Fee Justice](#), made up of localities committed to enact bold reforms to ensure their fines, fees, and tickets do not place a disproportionate burden on low-income residents and people of color. And this week, former New York City Mayor Michael Bloomberg [recently raised more than \\$16 million](#) to pay the court fines and fees of 32,000 formerly incarcerated Floridians so that they can vote in the November 2020 election.

“Our office has been pushing for the elimination of fees locally and statewide for many years now, because for too long, we have watched our clients and their families struggle with debt that they are unable to pay,” said San Francisco Public Defender Mano Raju. “For justice-involved people who already have the cards stacked against them in so many ways, financial penalties create an even higher barrier to their future success. I am proud of our work that helped make San Francisco the first county in the state to eliminate fees and debts, and am very glad to see California now leading the country in this area. It’s now time for other states to follow suit. When we eliminate fees and debts, we are paving the way to more resilient communities.”

When individuals exit jail or the criminal justice system, they are often charged thousands of dollars in administrative fees that aim to recoup costs for the courts and government. The Policy Advocacy Clinic at Berkeley Law estimates that AB 1869 will relieve Californians of over \$16 billion in outstanding criminal fee debt, the vast majority of which is uncollectible since people exiting the criminal justice system cannot afford to pay. [Studies](#) have shown that some California counties spend more to collect these fees than they bring in.

In 2018, [San Francisco](#) became the first in the country to eliminate local criminal justice fees and lifted \$32 million in debt off of 21,000 residents. The ordinance to eliminate fees was authored by London Breed when she was president of the San Francisco Board of Supervisors. The San Francisco Public Defender and [The San Francisco Financial Justice Project](#) worked with a coalition of community groups, Mayor Breed, and other city leaders, including the District Attorney, Adult Probation Chief and the Sheriff, to propel the reforms.

Alameda, Contra Costa, and Los Angeles Counties followed in eliminating fees, lifting a formidable financial burden off of people and easing their re-entry.

“San Francisco has committed to get rid of these fees to give people a fighting chance to succeed,” said San Francisco Mayor London Breed. “We should actively help people get their lives back on track after they have paid their debt to society. San Francisco is about removing fees that act as barriers to opportunity, not imposing them. For too long, we have extracted these fees from Black and brown families who are struggling to get by. I strongly urge other states and localities to join our movement for fine and fee justice.”

In 2019, Mayor Breed, The Financial Justice Project, and the San Francisco Public Defender’s Office became co-sponsors of SB 144, California State Senator Holly Mitchell’s legislation, known as the Families Over Fees Act. The San Francisco leaders joined with the [Debt Free Justice California](#) coalition to advance the legislation which was ultimately added to the budget process and reintroduced as AB 1869.

AB 1869 will go into effect on July 1, 2021. The bill is expected to have both immediate and long-term positive effects on the well-being of vulnerable families throughout California. Families will be able to spend more on goods and services, which will stimulate the economy and help stabilize households who have been particularly hard hit by the economic downturn of the pandemic. It will also relieve them of the debts that have traditionally hurt their financial futures.

###

Subject: Everyday Injustice - The Fall Out of the Breonna Taylor Case; Plus Our Latest Podcast - It Could Happen To You
Date: Thursday, September 24, 2020 at 7:00:23 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Michael Aldridge, ACLU, Kentucky: "Breonna Taylor was killed when plainclothes officers used a no-knock warrant to enter her home in the middle of the night. "

Everyday Injustice Newsletter - September 24, 2020

Kentucky ACLU Response to Breonna Taylor

Attorney General Daniel Cameron announced Wednesday that LMPD Detective Brett Hankison has been charged with three counts of First-Degree Wanton Endangerment for shooting blindly into apartments neighboring Breonna Taylor's. No charges were filed against LMPD Officers Myles Cosgrove and

Jonathan Mattingly, nor were any of the charges against Detective Hankison directly related to Breonna Taylor's death.

The following is a reaction from Michael Aldridge, executive director of the ACLU of Kentucky:

"Today's announcement is the latest miscarriage of justice in our nation's long history of denying that Black lives matter. Once again, a prosecutor has refused to hold law enforcement accountable for killing a young Black woman. Breonna Taylor should still be alive today. We join the Taylor family and the community in protesting and mourning the Commonwealth's choice to deny justice for Breonna.

Breonna Taylor was killed when plainclothes officers used a no-knock warrant to enter her home in the middle of the night. They did not even perform life-saving measures as she took her last breaths after they shot her five times. Throughout this tragic series of events, including today, the police and prosecutors continuously have failed Breonna Taylor, her family, and Black Kentuckians.

This outcome shows us that true police accountability does not exist in Kentucky. Police accountability will not exist until every level of government works to prevent police violence and hold law enforcement responsible every single time they abuse their power, not just in high profile cases.

The results of this investigation reflect insufficient standards for police use of force, government-sanctioned violence and terror in communities of color, and a need to completely rebuild our justice system.

The ACLU of Kentucky will continue working with community leaders, activists, and elected officials to radically change policing so this never happens again."

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Criminal Justice News/ Commentary

Commentary: No Justice – No Peace

The Breonna Taylor case is not a clean case. Not like George Floyd where the police office, no matter what led up to the arrest, clearly mishandled the incident that led to George Floyd dying. But in many ways, the Breonna Taylor

[Read More](#)

Grand Jury Indicts One Officer – Not For Murder – in Breonna Taylor Killing (updated)

With protesters already gathered in downtown Louisville, Attorney General Daniel Cameron announced Wednesday the much anticipated findings of the Grand Jury investigation into the case of the death of Breonna Taylor,

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Everyday Injustice Podcast Episode 76: It Could Happen to You

Everyday Injustice podcast covers criminal justice reform, mass incarceration, wrongful convictions, and more. – Episode 76: It Could Happen to You Jeffrey Deskovic and Bill Bastuk. Deskovic was wrongly convicted at age 16 and

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EXONERATIONS: Part IV – Misconduct in Interrogations – A Legal Gray Area

While there are many interrogation tactics deemed “permissible” by the court, there have also been some specified forms of misconduct – misconduct in interrogations may play a role in the wrongful convictions,

[Read More](#)

Pandemic to Racial Injustices: Now U.S. Has ‘Anarchist’ Cities, Claims Trump Administration

In the year 2020, the U.S. has had to deal with the ongoing COVID-19 pandemic, come to terms with racial injustices, experienced record firestorms and hurricanes and is facing a tumultuous election.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reports 17 Active Cases Just One Week After Reporting 0 Active Cases

ASCO confirmed three new cases of COVID-19 at Santa Rita Jail. There are now 17 confirmed active cases of the virus among the incarcerated population. In total, there have been 261 cases. Last Wednesday, Sept. 22, ASCO

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Outbreaks Persist in Folsom State Prison & Avenal State Prison, CDCR Population Remains Steady at 100,000

As of September 23, there have been 13,182 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 11,017 have been resolved while 1,687 remain active in custody.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Yolo County Court Watch

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Expert Witnesses Testify in Jury Trial of Softball Coach Accused of Molesting Players

Deputy District Attorney Rachel Raymond called two expert witnesses to the stand in the “Buck” Maldonado Thomas sexual abuse case – after days of victim and family testimony, both witnesses Tuesday are

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Sacramento Court Watch

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Judge Releases Defendant Zero Bail After PD Argues Case May be Overcharged

Defendant Reggie Johnson was released from custody here in Sacramento County Superior Court Tuesday on zero bail after Assistant Public Defender Samantha Ting argued forcefully for his release – she also noted the prosecutor

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Defendant, Victim Tell Incomplete Stories About Alleged Car Theft – Up to Jury Now

Some incomplete stories were repeated here in Sacramento County Superior Court Tuesday – by both the defendant and the victim. In the end, a jury will decide who's telling the truth in October.

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After Cat Killed, Defendant Threatens to Cut Victim's Reproductive Parts Off

A Sacramento man is accused of making felony threats and assaulting his neighbors – also the victims – after he claimed their dog killed his cat, and he wanted revenge.

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Subject: Everyday Injustice - DA's Baffling Position on Bail, 1437 Hearing in Sacramento
Date: Wednesday, September 23, 2020 at 7:00:16 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Yolo County Public Defender Tracie Olson: "I am personally not aware of any that have had a request for zero bail, the request was denied, and then they went out and committed a new crime."

Everyday Injustice Newsletter - September 23, 2020

We are launching a new donation system... we could use your help

Readers - thanks for subscribing to our newsletter. For those of you have done so in the last few weeks or months - welcome. For those of you who have been around for some time, you will notice that we have grown pretty remarkably over the last year.

Most days we are running somewhere between 10 and 15 articles these days. Just last year, it was more like four or five. With the launch of our UC Davis news project, we have more than 100 people writing for our publication, located all of the state of California - and the slowdown of COVID has enabled us to have a more regional and even national bent.

So with that upgrade will come new costs.

One of the ways to meet that is we are transitioning from our PayPal donation service to Network For Good. This is a much more robust system that will allow us to continue to grow. That transition is a little slow at the moment, but as of today, we would like to request people to use the Network For Good donation forms.

You can make a one-time donation or you can become a monthly or annual subscriber.

What we really need is for people to make recurring donations - even \$5 or \$10 a month is great. That allows us to budget our programs and allows us to continue to grow.

To become a sustaining member - hit this link - <https://davisvanguard.networkforgood.com/>

As a 501c3 - your donation is tax deductible

Thanks for reading and thanks for your support

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Commentary: Yolo DA Position on Bail Even More Baffling

One of the more baffling things about the Yolo DA's position on zero bail – is that the office really seems to be talking out of both sides of its mouth at the same time. Is this due to an absence of leadership at this point? Multiple

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EXONERATIONS: Part III in the Series – Threats and Manipulation by Government Officials

Across the varying types of misconduct researched in a study by Samuel R. Gross, Maurice J. Possley, Kaitlyn J. Roll, and Klara H. Stephens, "Witness Tampering" played an official role in the convictions of 17 percent of the

[Read More](#)

SB 1437 Invoked in Petition to Vacate 2008 Sacramento Gang Murder Conviction

A petition to vacate the first-degree murder conviction of Jose Gonzales for the 2008 Memorial Day murder of Jose Guerrero was brought before Judge Kevin McCormick in Sacramento County Superior Court last week.

[Read More](#)

SF DA Chesa Boudin Names Guatemala-Born David Campos New DA Office Chief of Staff

Longtime San Francisco public servant David Campos was named Tuesday by San Francisco District Attorney Chesa Boudin as the new Chief of Staff for the District Attorney's Office.

[Read More](#)

COVID CDCR and Jail Dashboards

Santa Rita Jail Reports Only 4 Current Active Cases Despite Population Spike & Minimal Testing

Since Friday Sep. 18, one new confirmed case of COVID-19 emerged at Santa Rita Jail, raising the number of confirmed active cases among the incarcerated population to four. Last Monday, ASCO reported zero active cases,

[Read More](#)

Outbreaks Persist in Folsom State Prison & Avenal State Prison – 109 & 208 New Active Cases Over Weekend Respectively

As of September 21, there have been 13,101 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 10,794 have been resolved while 1,836 remain active in custody.

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San Francisco Court Watch

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Yolo County Court Watch

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Victim's Mother Delivers Emotional Testimony in Softball Coach's Sex Assault

Trial

The jury trial of youth softball coach “Buck” Maldonado Thomas—charged with five crimes against teen ballplayers, including sexual assault—resumed here Tuesday, and another victim’s mother shared how the alleged assault by

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Sacramento Court Watch

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SB 1437 Invoked in Petition to Vacate 2008 Sacramento Gang Murder Conviction

A petition to vacate the first-degree murder conviction of Jose Gonzales for the 2008 Memorial Day murder of Jose Guerrero was brought before Judge Kevin McCormick in Sacramento County Superior Court last week.

[Read More](#)

Speedy Trial? Frustrated In-Custody Defendant Waits for His ‘Day in Court’ – Locked Up

It’s a site often seen in court—in-custody defendants frustrated by how long it takes for them to get their proverbial “day in court.” But the wheels of the system can move slowly, especially for those locked up pretrial without being

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Defendant Pleads No Contest but Argues He Only ‘Pushed’ Victim to Ground

Thirty-nine-year-old Michael Richardson appeared in Sacramento County Superior Court Tuesday morning to accept the prosecution’s offer of a four-year sentence to a lower level state prison, but he wasn’t ready to admit to

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Alameda Court Watch

Judge Claims She’s Not ‘Evil,’ Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Victim Moves Judge to Add Second Strike after Husband Beats Spouse in Front of Children

A strong victim statement here this week carried the day with Fresno County Superior Court Judge Glenda Allen Hill. Not only did Assistant Public Defender Tina Wang's

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Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

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Subject: FOR IMMEDIATE RELEASE: SF Board of Supervisors Unanimously Passes Resolution Urging Governor Newsom to Pardon Immigrant Rights Leader Charles Joseph

Date: Wednesday, September 23, 2020 at 5:36:21 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 23, 2020

CONTACT:

Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

Gala King - Interfaith Movement for Human Integrity - (510)759-4196 - GKing@im4humanintegrity.org

****PRESS RELEASE****

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SAN FRANCISCO - Last night, the San Francisco Board of Supervisors unanimously passed [a resolution](#), authored by Supervisor Dean Preston and co-sponsored by every member of the Board of Supervisors, urging Governor Newsom to pardon Charles Joseph. Joseph, an immigrant rights leader, father and violence-prevention mentor who radically transformed his life while incarcerated, is facing deportation due to his past conviction. He is seeking a pardon to remain in the United States with his family in Sacramento, restore his status as a legal permanent resident, and continue contributing to his community.

“Charles Joseph’s story of transformation - both in his own life as well as his positive influence on the lives around him - is inspiring,” said Supervisor Dean Preston. “I am proud to stand with Mr. Joseph, along with my colleagues on the San Francisco Board of Supervisors, in urging the Governor to grant him an immediate and full pardon.”

“Charles Joseph has been a client of the Public Defender’s Office since May 2019, but he is much more than a client. Charles has become a leader and an ally in so many different ways - he has spoken out against unsafe conditions in immigration detention facilities, has been a featured speaker in nationwide panels about mass incarceration, and even conducted a training for my staff on the impact of ICE detention,” said San Francisco Public Defender Mano Raju, whose Immigration Defense Unit represents Mr. Joseph in his deportation case. “We are part of the campaign to support Charles and his family because we know that he will continue to make a positive contribution in the movement for criminal justice reform as well as immigration reform.”

Charles Joseph came to the United States when he was 14 years old from Fiji, where his

family faced persecution as ethnic and political minorities. His father was placed in deportation proceedings just one year later, leaving his mother to support the children. Although he always loved music, Mr. Joseph fell in with some bad influences and took part in a robbery when he was 22 years old, which sent him to prison for 12 years.

While in prison, Mr. Joseph became a leader and peacemaker, helping others to process their anger and express their creativity. He was able to have a music mentor, country music star Lacy Dalton, who has also offered her support for his pardon.

Upon completing his 12-year prison sentence in May 2019, rather than being released to his wife and children, he was immediately taken into custody by ICE. He spent nearly a year in the privately-run Mesa Verde immigration detention center in Bakersfield, California, until he was released in April 2020 as part of a lawsuit against ICE for its inability to protect medically-vulnerable detainees at high risk of contracting the coronavirus. Mr. Joseph suffers from asthma, and was granted release by a federal judge, but was ordered to wear an electronic ankle monitor while he awaits deportation.

Prior to his conviction, Mr. Joseph was a legal permanent resident, but immigration judges are prevented from granting him discretionary relief because of his past conviction even though he is completely rehabilitated. This is why a large community of supporters - including several faith groups and immigrant rights organizations - are asking Governor Newsom to pardon him. A pardon will allow him to remain in the U.S. with his wife and children - who are all U.S. citizens - and protect him from the political violence he could face if forced to return to Fiji.

"I have known Charles and his family for over a year, and have witnessed his leadership through his advocacy, musical talents, and spiritual gifts, which he shares abundantly with many others," said Reverend Deborah Lee, Executive Director of the Interfaith Movement for Human Integrity. "Charles has used his story to illuminate how the U.S. criminal justice and immigration systems have harmed immigrant communities, and that through the power of transformation and redemption we will all be restored."

"Judaism, like all faiths, believes in redemption," said Rabbi Mona Alfi of Congregation B'nai Israel, a Sanctuary Synagogue in Sacramento. "Charles has atoned for his wrongdoing. I believe that people are capable of learning from their past and becoming better human beings because of the struggles they have gone through. That's exactly what Charles has done. Now more than ever is the time for action. All of us have to raise our voices and call out to the Governor and demand a pardon for Charles Joseph."

"It was really hard when my dad was taken away from us. It caused a lot of stress for me, my mom, and younger sister. My dad is home with us now, and we need him with us," said Hope Joseph, the 13-year-old daughter of Charles Joseph.

“I’m overwhelmed and filled with deep appreciation for this support,” said Charles Joseph, upon learning of the vote. “I’m thankful for the leadership of the San Francisco Board of Supervisors and for their work to keep families together. I am looking forward to meeting with the Sacramento City Council members in my community, continuing to share my story, and gaining their support.”

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<https://www.im4humanintegrity.org/2020/07/individual-freedom-campaigns-charles-joseph/>

To view this press release online, visit sfpublicdefender.org/media.

Subject: FOR IMMEDIATE RELEASE: SF Board of Supervisors Unanimously Passes Resolution Urging Governor Newsom to Pardon Immigrant Rights Leader Charles Joseph

Date: Wednesday, September 23, 2020 at 3:46:38 AM British Summer Time

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 23, 2020

CONTACT:

Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

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To view this press release online, visit sfpublicdefender.org/media.

Subject: Everyday Injustice - \$4 Million Settlement in Death of Walnut Creek Man; Alameda Public Defender Pushes For Voting in Jail
Date: Tuesday, September 22, 2020 at 7:01:17 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“This was such a shocking blueprints for a person who is so well-known member of this community was shot down under the circumstances that we have alleged In the complaint – that it was an unnecessary use of death. It was a failure to deescalate and they really treated him more as a criminal rather than a mentally impaired person,” Burris explained.

Everyday Injustice Newsletter - September 22, 2020

Three Cities Designated Anarchist Jurisdictions

By Jose Medina

Throughout this year the US has been facing impactful events that could determine its fate. The country has had to deal with an ongoing pandemic, come to terms with its racial injustices, and is facing a tumultuous election. To make matters worse, the US Department of Justice under the direction of the Trump Administration, designated three US cities as “anarchist jurisdictions”.

The three US cities were New York City, Portland, and Seattle. The designation of these three cities would allow the restriction of federal funding on the grounds that they are “Jurisdictions Permitting Violence and Destruction of Property.”

Miriam Krinsky, the Executive Director of Fair and Just Prosecution, a national network of elected prosecutors working towards compassionate justice reforms, provided a statement challenging the US Department of Justice’s decision.

Krinsky mentioned the designation taking place, coincidentally, weeks before the election. Krinsky described the designation as “a chilling move and a dangerous pretext for continued attacks by the President on cities that are Democratic strongholds, coming weeks before the presidential election.”

This designation seeks to delegitimize the Democratic Party's ability to lead just before the country is getting ready to vote for their public officials. An attempt to restrict federal funding for Democrat-led cities is an effort to strong-arm constituents into voting for the Trump Administration in exchange for these federal funds to be given back.

As the US continues to persevere against an ongoing pandemic, cities are going to need all the funding they can get to combat the pandemic and keep their citizens safe and healthy. Krinsky adds that "any attempt to unilaterally cut off federal funds is unconscionable, illegal." The administration would be putting countless citizens in danger over politics.

Despite the administration's efforts to make this designation on the basis of these cities being violent and chaotic, these cities were experiencing low violent crime rates.

Krinsky reminds the administration that "prior to the COVID pandemic, cities across the United States were experiencing historic lows in violent crime" and that "violent crime still remains far below the highs of the 1980's and 1990's."

The designation for these three cities seems to also be in retaliation towards the many anti-racist movements across the country. Krinsky points out that the designation is an "unfounded attack on local leaders and communities challenging racial injustice and calling for a transformation of the criminal legal system."

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San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>
Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Family of Man Killed By Walnut Creek Police Discuss Settlement, Son's Mental Health Crisis

No amount of money will bring back Miles Hall, a young man shot and killed by Walnut Creek police in June 2019 said on Monday at a press conference in front of their home. Hall had a known mental health problem but the family

[Read More](#)

Everyday Injustice Podcast Episode 75 – Yolo County Public Defender Tracie Olson

Everyday Injustice talks with Yolo County Public Defender Tracie Olson, who discusses public defense work, defunding the police, officer-involved shootings, racial disparities, and zero bail.

[Read More](#)

Alameda County Public Defender Uses YouTube Videos to Tell Incarcerated How to Vote from Jail Cells

YouTube videos are encouraging inmates at Santa Rita County Jail how to vote from their jail cells in the upcoming Nov. 3 General Election—voting from jail is a right of most prisoners, despite what many in the public believe.

[Read More](#)

EXONERATIONS: Part II in the Series – Frequency of Official Misconduct/ Characteristics of Misconduct and Its Disparities

Following the introduction to their report on exonerations, Samuel R. Gross, Maurice J. Possley, Kaitlyn J. Roll, and Klara H. Stephens worked to expand on the frequency of official misconduct within the cases studied.

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Maricopa County Attorney Declines to Charge Officer Who Shot & Killed Dion Johnson

Maricopa County Attorney Allister Adel announced Monday that she will not pursue criminal charges against Department of Public Safety Trooper George Cervantes in connection with the fatal shooting of Dion Johnson, who was

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Prop 20 Would Undo CA Criminal Justice Reform Progress, Claim Racial Justice Advocates

California's Proposition 20, on the Nov. 3 ballot, campaigns on the slogan "Keep California Safe," though racial justice advocates warn of its adverse consequences on criminal justice reform progress.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reports Only 4 Current

Active Cases Despite Population Spike & Minimal Testing

Since Friday Sep. 18, one new confirmed case of COVID-19 emerged at Santa Rita Jail, raising the number of confirmed active cases among the incarcerated population to four. Last Monday, ASCO reported zero active cases,

[Read More](#)

Outbreaks Persist in Folsom State Prison & Avenal State Prison – 109 & 208 New Active Cases Over Weekend Respectively

As of September 21, there have been 13,101 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 10,794 have been resolved while 1,836 remain active in custody.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

[Read More](#)

Yolo County Court Watch

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Yolo Judge Notes Tougher Sacramento Court Probation Rules, Releases DUI Defendant

Deputy Public Defender Richard Van Zandt argued that Defendant Jose Morales Alvarez “should be treated like other Yolo County defendants,” after comparing apparently the much more burdensome Sacramento probationary

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Sacramento Court Watch

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Heavily Intoxicated Daughter Punches Mom, Kicks Her Down Driveway

An argument about drinking turned physical between a defendant and her mother here in Sacramento, with the defendant punching her mother about eight times in the head and pushing her down the driveway. The

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Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

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Everyday Injustice - Podcast

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Everyday Injustice Episode 74 – Michigan Sheriff Clayton Talks Policing, Race, and Mass Incarceration

Washtenaw County Sheriff Jerry Clayton is not like most sheriffs—his approach to law enforcement looks to reduce racial disparities and mass incarceration. He has a different take on defunding the police than many, but looks to

[Read More](#)

Podcast: Everyday Injustice Podcast 73 – Jody Armour Discusses Rap, the N-Word, Racism, Symbols, Crime, Mass Incarceration and More

USC Professor Jody Armour wrote the provocative book, N*gga Theory, and on Everyday Injustice we talk about issues like racism, language and symbols such as the confederate flag, as well as mass incarceration and

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Subject: Everyday Injustice - The Fight For Ginsburg's Replacement; LA Sheriff on the Hot Seat
Date: Monday, September 21, 2020 at 7:00:15 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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LA Supervisor Mark Ridley-Thomas: "I remain deeply troubled by the Sheriff's conduct and the way he has interfered with advancing reform and enhancing accountability."

Everyday Injustice Newsletter - September 21, 2020

Rising Crimes Rates Tied to Calls To Defund the Police?

by David Greenwald

The Minneapolis City Council didn't defund the police - so why is crime rising there?

Back in June, the city council said they were looking at ways to dismantle the existing police force and replace it with a new model. But they have backed off that approach for now and yet... crime is rising.

"Residents are asking, 'Where are the police?'" newly-elected council member Jamal Osman. The city has seen a rise in property crimes, robberies, homicides and arson over last year.

There are concerns that the police are not enforcing the laws in the wake of the movement to defund the police.

"I think it's possible they are essentially campaigning ... because they don't support the council member or, in some cases, the mayor, or perhaps they think that they are making the case for more resources for the department," Council President Lisa Bender said, according to the Star Tribune.

.But in a column in the [Washington Post](#), Richard Rosenfeld, a distinguished professor of criminology and criminal justice at the University of Missouri – St. Louis argued that the problem is not related to the call to defund the police.

He writes, "Trump is correct that violent crime has risen in many American cities. But calls to defund the police are not the reason."

Instead he argues, "The spike is related in complex ways to both the **coronavirus** pandemic and social unrest over police violence."

Part of the problem with the claim is that - just like in Minneapolis - very few actual cities have reduced the police budget. And while cuts are coming, "the looming reductions in policing and other city services are much more likely to result from **revenue shortfalls** caused by the coronavirus than from the demands of protesters."

Rosenberg also notes - as we have - "while violent crime has increased during the pandemic, property crime rates have been falling, which indicates that different factors are responsible for these contrasting crime changes."

Instead he profers: "During periods of widespread social unrest, especially over police brutality, violent crimes tend to increase."

He pointed to historical data from the 1960s, Ferguson in 2015, as well as Chicago, New York and other cities following the first wave of police protests five years ago.

He argues: "When tensions flare between the police and the communities they serve — especially disadvantaged communities of color — "police legitimacy" suffers. And if trust and confidence in the police fall far enough, street justice replaces law enforcement, and rates of violence increase."

That doesn't fit Trump's narrative. He wants to argue that "Democrats simply don't know how to control violent crime, or that police departments have been held back or frightened by the protests."

But there is a problem with that argue - crime for the last forty years has been declining to the point where we remain near a 40 year low. So all of a sudden local officials can't control their city? What has changed is not the local officials, but rather the climate in this country.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Really – What is the Yolo DA's Position on Zero Bail?

Another press release noted that a West Sacramento man was charged with attempted murder after being arrested on September 15 less than a month after being placed on felony probation. The DA argues, "Between the time he was

[Read More](#)

Guest Commentary: Abolish the Filibuster and Pack the Court

I should start by saying that I assume, for now, that Republicans in the Senate will rush to confirm a successor to Supreme Court Justice Ruth Bader Ginsburg, the liberal stalwart and pioneer of gender equality who passed away

[Read More](#)

LA Sheriff's Dept Roughly Arrests Reporter Covering Protest – Passage of 'Press Freedom Act' Urged

Amid the rising number of protests against police brutality and racial inequality, there is also a rise in the suppression of journalists reporting on these demonstrations—including in Los Angeles, where deputies recently unlawfully and

[Read More](#)

Philly Top Prosecutor, Councilmembers Condemn Trump Talk of Charging Protestors with 'Sedition'

District Attorney Larry Krasner and City Councilmembers Kendra Brooks, Jamie Gauthier, Helen Gym, and Isaiah Thomas expressed their disdain for the Trump Administration's explicit DOJ threats against Black Lives

[Read More](#)

Reports Show COVID-19 has Led to Increased Anti-Asian American Racism

Reports provided by Stop AAPI Hate and the Stop AAPI Hate Youth Campaign have demonstrated a statistical increase in racist discriminatory actions against Asian Americans. The Youth Campaign, a group consisting of 87 high school

[Read More](#)

Public Safety Includes Incarcerated – Conversations on Bail, Parole, and Prosecutor Power

The criminal justice system's many inequities and strategies to turn it instead into a system that involves accountability, decarceration, and the humanization of those in/released from the system was the focus of Loyola Law

[Read More](#)

Comprehensive Study Shows Official Misconduct Major Cause of Wrongful Convictions

Research indicates that among all cases where defendants were convicted of crimes in the United States and later exonerated by new evidence of innocence, over half of these wrongful convictions are due to misconduct by

[Read More](#)

LA Civilian Oversight Commission Members Denounce County Sheriff, Demand Resignation

Los Angeles County Sheriff Alex Villanueva came under fire at the latest LA County Citizens Oversight Commission (COC) meeting—he was accused of making no effort to form a relationship with the Board of

[Read More](#)

UC Davis Law's Racial Justice Speaker Series Commences, Inspirational Talk Given by Chief Public Defender Brendon Woods

To kick off UC Davis School of Law's Racial Justice Speaker Series, Alameda Public Defender Brendon Woods spoke on Wednesday afternoon, recounting slavery's dark truths and its lasting effects on American society today.

[Read More](#)

Vermont County Eliminates Cash Bail 'Caging Black, Brown and Poor People'

Cash bail has been eliminated in Chittenden County, Vermont, following nearly a year of deliberation on the practice by State Attorney Sarah F. George's office. In a press release sent out late Wednesday,

[Read More](#)

COVID CDCR and Jail Dashboards

A Visual Storyline Of COVID-19 Across CDCR Facilities – Trends In Cases &

Testing

Graphical story of what's going on at CDCR

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Families Of Those Who Died From COVID-19 In San Quentin File Wrongful Death Lawsuits

In an excerpt shared with The Marshall Project, incarcerated writer Michele Scott testifies to the conditions within the world's largest women's prison and recalls events surrounding the death of a close friend.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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In Coach's Sexual Assault Trial, Jury Hears Similar Testimonies by Teen Athletes

The jury trial of Yolo youth softball coach "Buck" Maldonado Thomas, which began September 8, resumed here this week, with several teen witnesses recollecting in front of Judge Paul K. Richardson how their professional

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Accused Rapist Claims He Thought Victim Was Someone Else. Maybe

"Mistaken identity" could have been the cause of an alleged rape—or not. The defendant's story changed from sexual assault to consensual sex as he told it here in Yolo County Superior Court this week.

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Sacramento Court Watch

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Defendant Not Happy with Attorney, Wants to Represent Self in Murder Trial

A murder defendant's surprising request for self-representation Friday here in Sacramento County Superior Court prompted a stern warning from Judge Patrick Marlette and raised questions about the defendant's mental health.

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Judge Releases Defendant Who Allegedly Struck Victim in Front of Daughter

Judge Scott L. Tedmon released defendant Derek L. Smith from custody in Sacramento County Superior Court here Friday, despite the accusation that Smith was involved in domestic violence in front of his eight-year-old daughter.

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Victim Moves Judge to Add Second Strike after Husband Beats Spouse in Front of Children

A strong victim statement here this week carried the day with Fresno County Superior Court Judge Glenda Allen Hill. Not only did Assistant Public Defender Tina Wang's

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Riverside Court Watch

Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

After several days of deliberation, a jury here late last week in Riverside County Superior Court found Timothy Condoluci—accused of fatally stabbing his brother in July of 2019—not guilty of first degree murder, but guilty of second

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Date: Friday, September 18, 2020 at 7:00:15 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
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"Wrongful convictions cause concentric circles of harm: to the wrongfully convicted, to the crime victims who were told a false story and re-traumatized, to the jurors who unwittingly participated in the injustice, and to the integrity of the system as a whole," said Boudin

Everyday Injustice Newsletter - September 18, 2020

A Tale of Two County DA's on Wrongful Convictions...

by David Greenwald

Yesterday, Chesa Boudin, the San Francisco DA unveiled his plans for a Post Conviction Unit. At least in structure, it may well be the most groundbreaking in the country - of course, proof will be in the actual pudding, and the structure by Larry Krasner has the benefit of several years of strong results, and the results of Houston and Brooklyn speak for themselves.

But on paper, the six member Innocence Commission looks as formidable as any I have seen. Members include: Professor Lara Bazelon, Director of the Criminal & Juvenile Justice and Racial Justice Clinics at University of San Francisco Law School; the Honorable Judge LaDoris Cordell (Ret.); medical expert Dr. George Wood; Executive Director of the Northern California Innocence Project Linda Starr; San Francisco Managing District Attorney Arcelia Hurtado; and SF Deputy Public Defender Jacque Wilson.

Someone on Twitter following our posting of this announcement asked why we weren't more critical of Boudin. The reality is that San Francisco is not the only jurisdiction we cover. What Boudin has done in creating this body is create as formidable a unit as any we have seen. And in fact, San Francisco along with Philadelphia should be the standard other counties should have to measure up to.

This gets back to our August 13 discussion with Ohio Innocence Project Director Mark Godsey. He pointed out that to really have independence, you need to bring in people outside of the chain of command, who have no stake in the conviction and often you want to have former defense attorneys or public defenders.

Larry Krasner for example brought in Patricia Cumming, who had successfully run a review unit in Dallas, but also brought in people like Carrie Wood from the Ohio Innocence Project to help out.

Godsey himself understands that a Conviction Review Unit can be a mixed bag. There are success stories, like Brooklyn from which we recently ran our series on their 25 exonerations.

In Houston, Texas, "Prosecutors there freed forty-two inmates on grounds of innocence in 2015 alone. No law school innocence organization, including my own, can come close to matching those numbers."

Mr. Godsey writes, "The CIUs in Brooklyn and Houston are, of course, a welcome and much-needed addition to the innocence movement. Combined with independent innocence organizations like my Ohio Innocence Project, they provide a blueprint for how we can eventually conquer the problem of wrongful convictions.

"But the failings of CIUs in other jurisdictions show that success in this area is hard to attain. Many of the other CIUs thus far appear to pay little more than lip service to the problem of wrongful convictions, because the prosecutors in charge seem understandably unable to move past their own psychological barriers to adequately reexamine old cases with a fresh eye."

That brings us to Yolo County where you can see both in structure and result - failure. The people heading up Yolo County's Conviction Integrity Unit have failed to clear anyone. And you can see why. The people heading that unit are: Jonathan Raven, Ryan Couzens, and Melinda Aiello - the two, three, and four people in the DA's office.

You have therefore absolutely no independence or separation from the chain of command. San Francisco is clearly committed to the concept of post-conviction review. Yolo County is clearly committed to preserving their convictions, even though we have identified potentially 14 wrongful convictions over the last 15 years in the county.

And so that's why we take a hard look at Yolo County's policies and will be running records requests on other counties to see their progress and given Chesa Boudin high marks at least on paper for his.

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Criminal Justice News/ Commentary

San Francisco D.A. Announces Post Conviction Unit, Innocence Commission to Investigate Wrong Convictions, Sentences

The San Francisco District Attorney's Office said Thursday the formation of an "Innocence Commission" and "Post-Conviction Unit" to investigate wrongful convictions and sentences – members of the commission include

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Harvard Report Confirms Significant Racial Bias Against Black/Latinx in Criminal Justice System

The Criminal Justice Policy Program at Harvard Law School recently published a report on racial disparities in Massachusetts' criminal system, confirming long-standing criticisms and a multitude of research which found that

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Judge Rejects Defense Motion to Disqualify Santa Clara DA Office from Prosecuting Gun Permit Corruption Case

Two weeks after defendant Christopher Schumb filed a motion to disqualify the entire Santa Clara County District Attorney's Office from prosecuting his case, the judge rejected the motion Thursday.

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Omaha Grand Jury Indicts Bar Owner for Manslaughter of George Floyd Protestor

A grand jury this week charged 38-year-old white bar owner Jake Gardner for the manslaughter of a 22-year-old Black man, James Scurlock, during the George Floyd protests in downtown Omaha on May 30, 2020.

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COVID CDCR and Jail Dashboards

Outbreaks Persist in Folsom State Prison – 123 New Active Cases Since Yesterday – Breaking Down COVID-19 in CDCR

As of September 17, there have been 12,444 confirmed cases of COVID-19 throughout the CDCR system, an increase of 1,049 since yesterday. Of those cases, 10,380 have been resolved while 1,607 remain active in custody.

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Santa Rita Jail Reports 0 Active Cases, Sacramento County Jails Report 13 Active Cases – 13% Decrease Since Last Week – Breaking Down COVID-19 in CA Jails

Santa Rita Jail's population has decreased by 42 over the last two days. This was just 3 days after they reported the highest population count since early April. The current jail population is 1949 incarcerated people. On Sep. 14, the

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Yolo County Court Watch

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Defendant Learns Cop's Word Worth More than His If There's No Video – Judge Said He's 'Lucky'

Defendant Herardo Martinez learned the hard way that – absent other evidence, like Dashcam video – the word of law enforcement carries more weight than his in a courtroom. Martinez asked Yolo County Superior Court

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Sacramento Court Watch

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Accused Uber Driver-Rapist Bail Set at \$1 million

With a double charge of kidnap and rape, Sacramento Superior Court Judge Patrick Marlette Wednesday ruled that the bail of a former Uber driver should be set at \$1 million, despite strong protestations of the defendant's

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Public Defender Convinces Judge To Release Burglary Defendant Pretrial

Justin ONeil appeared to be on the proverbial "straight and narrow" path to recovery – and then an old warrant showed up and he found himself in Sacramento County Superior Court Wednesday on two burglary charges.

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Three Set for Trial After 'Groundhog Day' Early Morning Capers Lead to Assault and Robbery

Sacramento Sheriff's Deputy Cody Cotten had a busy night June 22, starting at 12:35 a.m. In fact, it may have felt like "Groundhog Day" as the officer testified at a preliminary hearing here in Sacramento County Superior Court.

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

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Washtenaw County Sheriff Jerry Clayton is not like most sheriffs—his approach to law enforcement looks to reduce racial disparities and mass incarceration. He has a different take on defunding the police than many, but looks to

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Date: Thursday, September 17, 2020 at 7:00:21 PM British Summer Time
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Joel Feinman, the chief public defender in Pima County in Arizona, who said that the report is “one of the least surprising things I read this morning.”

Everyday Injustice Newsletter - September 17, 2020

Official Misconduct At the Source of Wrongful Convictions

by David Greenwald

Official misconduct plays a huge role in wrongful convictions, with a report released from the National Registry of Exonerations finding that misconduct led to the false convictions of 54% of defendants who

were later exonerated.

The most frequent misconduct was a Brady Violation - the withholding of exculpatory evidence which occurred in 44 percent of exonerations. But police misconduct also played a role in another 35 percent of cases.

"They were responsible for most of the witness tampering, misconduct in interrogation, and fabricating evidence—and a great deal of concealing exculpatory evidence and perjury at trial," the report says.

In addition, prosecutorial misconduct accounts for another 30 percent of all cases.

"Prosecutors were responsible for most of the concealing of exculpatory evidence and misconduct at trial, and a substantial amount of witness tampering," the report said.

There is a racial component here, with Black exonerees were slightly more likely than whites to have been victims of misconduct (57% to 52%), but this gap is much larger among exonerations for murder (78% to 64%)—especially those with death sentences (87% to 68%)—and for drug crimes (47% to 22%).

"Official misconduct damages truth-seeking by our criminal justice system and undermines public confidence," Samuel Gross, a professor emeritus of law at the University of Michigan and the report's lead author, said in a statement on Tuesday.

"It steals years — sometimes decades — from the lives of innocent people," said Professor Gross, senior editor of the registry. "The great majority of wrongful convictions are never discovered, so the scope of the problem is much greater than these numbers show."

The study is based on 2400 exonerations recorded from 1989 to 2019.

The New York Times quoted Joel Feinman, the chief public defender in Pima County in Arizona, who said that the report is "one of the least surprising things I read this morning."

I agree with this. The report simply reinforces what we already know. Take the three key findings here in order.

Police and prosecutorial misconduct have huge consequences. We tend to view police misconduct through the lens of officer involved shootings. And that's certainly true and concerning. But those shootings are relatively infrequent in terms of encounters - although we have over 1000 people each year that die as the result of such shootings.

One problem that we have is we lack good data on wrongful convictions. How many are there? Some estimate as high as 10 percent. If there are 2 million people incarcerated, that could mean up to 200,000 are innocent. We also have some data that perhaps as much as 18 percent of the people who are wrongly convicted are they by plea agreement - meaning they are pleading to a crime they did not commit in order to avoid more serious exposure.

Another concern is that we largely know about wrongful convictions from rape and murder cases which have long sentences - but how many are happening in more run of the mill criminal proceedings? These simply lack enough time to go through an exoneration process which could take decades.

Finally there is racial disparity. I thought the Comments from Dr. Ture, were spot on. He is the senior fellow of the Urban Ethnography Project at Yale, and said, "the report was a tough condemnation of the criminal justice system."

"In fairness, this report doesn't make the case that both prosecutors and all police are somehow racist," he said. "But it certainly demonstrates that there's a disparity, and there's a consistent disparity in the sort of wrongful convictions."

Dr. Turè said he wasn't shocked by the report, calling it "damning."

"It's consistent with what I know professionally," he said. "But it's also part of this sort of consistent outcry by members of the Black community and members of the Latinx community that corruption is in fact part of their experience."

That's the problem - it is not shocking, it's confirming.

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Judge Halts Death Penalty Proceedings, Orders DNA Evidence Granted to Pervis Payne

This morning, September 16th, 2020, Tennessee death row inmate Pervis Payne was told he has a second chance at life. Currently spending his 33rd year on death row in Riverbend Maximum Security institution, Payne continues

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Former Illinois Governor Slams Death

Penalty in 'Death Penalty Focus' Series

Former Governor of Illinois and author, George Ryan, denounces the death penalty in an interview with Death Penalty Focus's Nancy Haydt, Ryan stating, "The death penalty is going to be abolished."

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Outbreaks Persist in Chuckawalla Valley State Prison, Avenal State Prison & Folsom State Prison – Breaking Down COVID-19 in CDCR

As of September 16, there have been 11,395 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 9,631 have been resolved while 1352 remain active in custody

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Santa Rita Jail Reports 0 Active Cases, Jail Population Rises To Pre-Pandemic Count Despite Continued Threat of COVID-19 – Breaking Down COVID-19 in CA Jails

There are no confirmed active COVID-19 cases in Santa Rita Jail among the incarcerated population, however, minimal testing suggests the virus may lurk in untested groups.

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Judge Wolk Puts an End to Game of ‘Cat and Mouse’ in Unlawful Detainer Case

After a lengthy game of “cat and mouse,” as plaintiff Nazia Iqbal describes it, Yolo County Superior Court Judge Dan Wolk ruled in favor of the plaintiff, allowing her to serve summons by posting them at the residences

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Half of the Defendants No Shows For Tuesday’s Yolo Hearings

Half of the morning hearings here in Yolo County Superior Court Tuesday were cancelled when defendants didn’t show, leading to 15 bench warrants issued for a grand total of \$56,000.

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Sacramento Court Watch

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Student on Visa Risks Full Ride Scholarship with Possible Felony

Moheb Akbar, who is studying here on a student visa, originally had his bail scheduled at \$25,000 for being charged with criminal threats and assault with force, but was instead released from custody after the judge’s

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Defense Attorney ‘Admonished,’ but Wins More Time to Investigate Claims against Defendant

Private defense attorney Todd Leras knows his way around a courtroom—he may have been admonished by a judge here Wednesday in Sacramento County Superior Court, but he won more time to prepare a strong defense

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Palmer said, "it's only the beginning of getting full justice for Breonna, we must not lose focus on what the real drive is. It is time to move forward with criminal charges. please continue to say her name: Breonna Taylor."

Everyday Injustice Newsletter - September 16, 2020

**Breonna Taylor
Agreement is Substantial...**

By David Greenwald

I have read a lot of reaction on social media and elsewhere on the Breonna Taylor agreement. There are those who have basically stated that while a good start, they want criminal charges. Everyone naturally has a different perspective on such things, but my concern is that we have focused too much on the criminal process that is flawed and problematic itself.

As I have written elsewhere, we know that charging police officers with crimes is difficult. State laws on officer involved shootings and use of force allow for broad discretion. While states like California have finally moved in the other direction, many haven't. The result is lack of criminal charges, lack of convictions when they are charged, and when they are convicted, relatively lenient sentences.

So while I believe in accountability to the government for unconstitutional policing, I increasingly believe that reform and monetary sanctions speak loudly.

\$12 million is among the largest payouts for a police killing in our history. In fact, I can't recall a larger one.

The killing of Breonna Taylor, 26, while executing a no-knock warrant during a drug raid that uncovered no illegal substances has become one of the signal events of the latest movement.

In the agreement, all future warrants will have to be approved by police commanders prior to submittal to a judge and Louisville police will also have to conduct extensive risk assessments before applying for a warrant.

I firmly recall listening to a judge during more candid times discuss how police send warrant requests at four in the morning to judges who often do not carefully read the probable cause declarations. In short, judges are failing to provide sufficient oversight over warrant. Leaving the matter to police seems unlikely to improve things, but it is a step in the right direction.

The city also has agreed to hire more mental health experts and pair them up with officers who respond to calls. Two officers will be required to have their body cameras turned on when money seized during an investigation is impounded, being counted or processed.

But as the New York Times points out: "On paper, the numerous changes promised by the city appear ambitious. But one of the enduring problems of police reform is that — to date — departments around the country have not been able to create a mechanism for enforcing changes."

That is the huge problem we see. We hear talk about a few bad apples, but the few bad apple theory misses the problem of lack of enforcement and lack of accountability. And that is going to require much deeper cultural changes than most departments have been willing to undertake.

Thanks for reading.

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Criminal Justice News/ Commentary

Reformer DA's Form Prosecutor's Alliance as Alternative to California DA's Association

Earlier this year, San Joaquin County DA Tori Verber Salarzer made national news by announcing her resignation from the California's DA's Association (CDAA). On Tuesday, she was joined by DA's Chesa Boudin (San

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Louisville pays \$12 Million to Breonna Taylor's Family and Enacts Police Reform

Louisville mayor Greg Fischer, Breonna Taylor's family, and their attorneys announced Tuesday that the city of Louisville agreed to settle the family's wrongful death lawsuit in a payout of \$12 million to Taylor's estate

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ACLU Sues Palo Alto over Discriminatory Policy that Denies Non-Residents Access to Public Park

But this beautiful park is now the center of a civil rights controversy because of a discriminatory policy that bars non-residents from entering without being faced with high fines or potential jail time.

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Podcast: Everyday Injustice Podcast 73 – Jody Armour Discusses Rap, the N-Word, Racism, Symbols, Crime, Mass Incarceration and More

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As of September 15, there have been 12,124 confirmed cases of COVID-19 throughout the CDCR system. 1,624 cases remain active in custody and 10,051 have been resolved. There have been 59 deaths.

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Santa Rita Jail Population Is 75% Of Pre-Pandemic Population Count Despite Continued Threat of COVID-19 – Breaking Down COVID-19 in CA Jails

There are now zero active cases of COVID-19 in Santa Rita Jail, though minimal testing rates may suggest the virus lurks among the untested incarcerated population.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Sacramento Court Watch

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Judge Sets Trial for Defendant Charged with Pushing Wife Out of Car, Beating Her and Breaking into Home

Tommie Kindall—accused of pushing his wife out of a car and beating her in her home—was in Sacramento County Superior Court Tuesday for his preliminary hearing to determine if the charges of felony spousal abuse would

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Rock Thrower and Genital Flasher Will Return to Court to Face Trial

Earlier this summer, a shirtless man allegedly flashed his genitals in public and threw a rock at onlookers, shattering a car window, all allegedly because he was denied one cigarette.

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Admitted Car Thief Asks to be Released Before Prison to Meet with Family

Deputy District Attorney Jonathan Ma had a serious conversation with Sacramento County Superior Court Judge Jaime R. Roman in the middle of a courtroom Tuesday about whether suspect Vorobets Vadim should

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Subject: Everyday Injustice - Podcast with Armour on Race, the N-Word, Mass Incarceration; Much More

Date: Tuesday, September 15, 2020 at 7:00:10 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Jody Armour: "One powerful implication of Wilson's analysis is that landmark civil rights movement legal victories like Shelley mainly helped middle-class Blacks, not the truly disadvantaged or "black underclass."

Everyday Injustice Newsletter - September 15, 2020

**My Conversation with
USC Law Professor Jody Armour**

by David Greenwald

I have had the privilege of being able to interview some pretty remarkable people over the years, and in the past year-plus with our podcast. Of all those conversations, today's podcast with Jody Armour maybe the most impactful.

I first came to know about Armour back in late February when he was part of the Justice Collaborative's day long seminar on justice and racial issues in San Francisco. He had a long conversation with DA Chesa Boudin the day that Boudin made his big announcement on ending pretext stops and status enhancements.

From there I followed him on Twitter and read his recent book - N*gga Theory. A very provocative book as the title attests that ranges from language and symbols to a deep discussion of concentrated poverty and mass incarceration.

One of the most interesting discussions both from the book and our conversation was that what seemed to be a huge victory for blacks in 1948, with the Supreme Court decision - Shelley v. Kraemer - which struck down racially restrictive housing covenants.

One of the points that Armour made to me is that we need to really understand the intersection between and economic status and not attempt to look at them in isolation. He makes the seldom seen point that there is actually deep divisions in the Black community on economic grounds and that victories for Blacks on civil rights grounds have actually made the plight worse for those who are at the bottom.

"For instance, before civil rights "victories" like Shelley, restrictive covenants created high density black communities with high levels of economic integration, that is, high levels of spatial overlap between black professionals and poor Blacks," Armour writes.

His point is that while the covenants trapped middle class Blacks in the cities, segregated from other populations, that actually served to help the truly disadvantaged.

"Confined by restrictive covenants to communities also inhabited by the urban black lower classes, the black working and middle classes in earlier years provided stability to inner-city neighborhoods and perpetuated and reinforced societal norms and value," he argued.

He continues: "One powerful implication of Wilson's analysis is that landmark civil rights movement legal victories like Shelley mainly helped middle-class Blacks, not the truly disadvantaged or "black underclass.""

As Armour concludes, "these civil rights victories in some cases actually deepened the plight of the truly disadvantaged."

No one really thinks about this point, but it is understanding these deep concentrations of poverty that helps us understand the problems of race and mass incarceration.

Our conversation ranged from the topic of racism to rap lyrics and his remarkable ability to cite whole versus from 25 year old rap songs from Tupac and Nas to a dark discussion on the legacy of slavery.

It's a 45 minute discussion - but well worth a listen. [Listen here.](#)

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On Wednesday, a Tennessee Court Decides on Allowing DNA Testing – Pervis Payne’s Life Depends on It.

On September 16 of this year, the Shelby County Criminal Court will issue a decision on Payne’s request for DNA from any and all crime scene evidence. Pervis Payne maintains his innocence and his lawyers continue to pursue

[Read More](#)

‘Innocent and Released: Now What?’ CA Innocence Project Webinar & Kiera Newsome

Kiera Newsome was only 17 years old when she was wrongfully convicted of first-degree murder. Now, 19 years later, she was a featured speaker Monday for the California Innocence Project Justice Society’s webinar about adjusting

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Philly DA Asks Pennsylvania Supreme Court to Halt Livestreaming Trials

To protect witnesses, victims and jurors, District Attorney Larry Krasner filed a petition Monday for the exercise of King’s Bench or other extraordinary jurisdiction by the Pennsylvania Supreme Court to cease the livestreaming of

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Santa Rita Jail Population Is 75% Of Pre-Pandemic Population Count Despite Continued Threat of COVID-19 – Breaking Down COVID-19 in CA Jails

This weekend saw another population spike, raising the jail population to even a higher count than what we observed over Labor Day Weekend. The current population is 1981 people.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Sacramento Court Watch

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Sacramento Judge Lowers Total Bail for Man Suspected of Selling, Making AK-15 Weapons

A man suspected of selling, obtaining and making AK-15 style weapons actually saw his total bail reduced from nearly \$350,000 to "just" \$135,000 here in Sacramento County Superior Court Monday.

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Defendant Accused of Giving Her Daughter GHB Homeless Woman Sets Fire; Judge Condemns Arson in Light of Vicious Wildfires Across California

A court here scolded a defendant who admitted setting a fire—even one that didn't cause any real damage—in light of the massive and vicious wildfires raging across California.

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

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Subject: Everyday Injustice - Opposition Builds to Prop 20; The Plight of the Innocent in Prison - Some Continue to Be Held
Date: Monday, September 14, 2020 at 7:00:12 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Ronnie Long after being freed after 44 years: "It should have happened before then."

Everyday Injustice Newsletter - September 14, 2020

Keeping the Innocent in Prison...

by David Greenwald

Over the weekend, I [published an interview I had with Ronnie Long](#). Long's was a case that we had covered extensively previously - two podcasts one with his wife and the other his attorney - and we

covered the hearing in front of the fourth.

Two weeks ago, he won a favorable ruling by the Fourth Circuit Court of Appeals and two days later he was home.

His response, "It should have happened sooner."

Judge Wynn in the concurring opinion wrote, "justice demands that we immediately grant Mr. Long the relief he has pursued for forty-four years."

The AG's office did the right thing after the unfavorable ruling - but the fought it for a long time despite OVERWHELMING evidence of misconduct by prosecutors and the police.

Today [we have an article](#) on Crosley Green, convicted in 1989 of murder and despite strong evidence of innocence, he remains in custody.

On Friday, the Appeal, noted the Missouri Attorney General's office is pushing to keep innocent people in prison.

The Appeal reports, "Its decades-long commitment to upholding convictions—even those marred by police or prosecutorial misconduct—has left Missourians languishing in prison for years."

Here's a shocking exchange from 2001, prosecutors under then Attorney General Jay Nixon (a Democrat), argued in front of Justice Laura Denvir Stith. She asked Assistant Attorney General Frank Jung, "Are you suggesting ... even if we find that Mr. Amrine is actually innocent, he should be executed?"

"That is correct, your honor," Jung said.

The court disagreed, and [Amrine was exonerated](#).

Reports the Appeal and Injustice Watch: "The attorney general's office has opposed calls for relief in nearly every wrongful conviction case that came before it and has been vacated since 2000." Stunningly, that includes, "27 cases in which the office fought to uphold convictions for prisoners who were eventually exonerated. In roughly half of those cases, the office continued arguing that the original guilty verdict should stand even after a judge vacated the conviction."

When we did a podcast with St. Louis Circuit Attorney Kim Gardner, one of the cases we talked about was Lamar Johnson.

As the Appeal reports, "Kim Gardner's review of the case uncovered evidence that prosecutors withheld information about payments made to the sole eyewitness who has since recanted his testimony. Police fabrications by the lead detective about a motive for the killing, false testimony by the same detective, and a failure to disclose information about a jailhouse informant led to Johnson's wrongful conviction, Gardner found."

Despite this, AG Schmitt [argued](#) that "local prosecutors lack the authority to vacate convictions. The chief of the attorney general's criminal division [said](#) that giving local prosecutors the power "has the potential to undermine public confidence" in the criminal legal system."

Unfortunately these are not isolated incidents. Even in San Francisco we are seeing some of it. In 2011, Maurice Caldwell was exonerated. He was our keynote speaker in November 2011 a few months after his release. But he has been unable to be compensated.

Last month, [Mission Local](#) reported, “In defending the SFPD, the San Francisco City Attorney is actively fighting in court to maintain that Caldwell remains guilty of murdering a man named Judy Acosta in 1990 in the Alemany Projects and wounding a second man, Domingo Bobila.

“No matter that a judge overturned Caldwell’s conviction 10 years ago and the charges against him were dropped. No matter that there is no new evidence. No matter that another man, Marritte Funches, confessed to the murder in detail and identified his accessory as a man other than Caldwell. In its defense of the city and the SFPD, the City Attorney presses its accusation: Caldwell murdered Acosta and wounded Bobila.”

If we can’t get justice in San Francisco for the innocent... where are we going to go for justice?

Thanks for reading.

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Criminal Justice News/ Commentary

Opposition To Prop 20 Increases; Opponents Charge It’s a Step Backwards for CA

Opposition to Proposition 20 is receiving quite a bit of attention after several of the largest crime victims’ organizations in California banded together to send out a letter Friday to mayors across the state asking for their

[Read More](#)

Police Brutality Against Black People Continues – Georgia Deputy Fired for Friday Attack

The Black Lives Matter movement continues to take shape across the country, but that does not mean that police brutality against Black people doesn’t continue, as evidenced by an incident Friday. But the movement may be influencing society at least a little.

[Read More](#)

CA Governor Signs Bill Ending

Discrimination Against Young LGBTQ on Sex Offender Registry

Despite public opposition and misinformation, Governor Newsom has signed into law Senate Bill 145 – incorrectly confused with legalizing pedophilia by QAnon and others– which amends a sex crimes law that

[Read More](#)

For More Than 30 Years, Florida Man Fights to Prove Innocence

It has been 30 years since Crosley Green was convicted of murdering Charles “Chip” Flynn Jr in 1989, and for 19 years he has been on Florida’s death row. And yet, to this day, Green maintains his innocence.

[Read More](#)

Prosecutor Resigns from President’s Law Enforcement Commission in Protest

A year ago, President Trump created the Presidential Commission on Law Enforcement and the Administration of Justice, asking for a report within a year. Now John Choi, the elected prosecutor in Ramsey County, Minnesota,

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Everyday Injustice Podcast Episode 72 – Alameda Public Defender Brendon Woods

In 2018, the people of Florida authorized an amendment to the State Constitution, restoring the voting rights of many ex-felons. Now, in 2020, a federal court nullified the intent of the change.

[Read More](#)

Sudden Turnaround as Man Is Released from Wrongful Conviction after 44 Years

Last Monday, the Fourth Circuit Court of Appeals in a 9-6 en banc decision written by Judge Stephanie Thacker, nearly three months after a May hearing, ruled that there were serious constitutional errors and remanded the case

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SF Medical Examiner Lab Analyst Arrested with Evidence Bag of Meth

A forensic laboratory analyst for the San Francisco Medical Examiner Office has been arrested and charged after he was allegedly caught driving in Utah with methamphetamine pipes and an evidence bag containing

[Read More](#)

COVID CDCR and Jail Dashboards

Incarcerated Narratives Detail Harrowing Experiences during COVID-19, Gavin Newsom Signs Legislation Allowing Incarcerated Firefighters to Pursue Careers in Fire after Prison, COVID-19 Cases Continue to Rise – Weekly Highlights – Breaking Down COVID-19 in CDCR

For the past three days, Thanh Tran laid in a fetal position fighting off COVID-19. In Tran's building alone, over 30 incarcerated individuals have been hospitalized. Each day, cries of "man down"

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement Regarding the Arrest of SF Medical Examiner Lab Analyst

Date: Saturday, September 12, 2020 at 12:40:16 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: September 11, 2020

CONTACT: Valerie Ibarra (628)249-7946 / Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

**San Francisco Public Defender Mano Raju's Statement
Regarding the Arrest of SF Medical Examiner Lab Analyst**

“The arrest of Mr. Volk casts another dark shadow on the credibility of the Medical Examiner’s Office, and I urge the District Attorney to immediately review the thousands of cases and convictions that relied on his work to determine whether dismissal is required. It is questionable whether the Medical

Examiner's toxicology lab can continue to function when its director cannot pass certification exams nor properly supervise its employees.

My office will be seeking records on Mr. Volk from the Medical Examiner's Office and demanding an independent audit of the Medical Examiner's office. This is just the latest in a seemingly endless series of events plaguing the Medical Examiner's office. Having recently spent over \$65 million dollars on a state-of-the-art facility, it is high time San Franciscans had the professional, exemplary Medical Examiner's Office it deserves.

It's disturbing that we're still relying on the San Francisco Medical Examiner's Office to inform criminal cases after years -- if not decades -- of poor protocols that have led to a loss of national accreditation, substandard work product, and a lack of transparency.

Justice simply cannot happen when the Medical Examiner's employees -- tasked with providing objective and unbiased scientific evidence and opinion -- lack integrity."

###

Subject: Everyday Injustice - Decisions Coming Down on Police Killings; National Lawyers Guild Hosts Webinar on Anti-Racist Movement and White Nationalism

Date: Friday, September 11, 2020 at 7:01:13 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Houston Police Chief Art Acevedo: "You don't get to shoot somebody 21 times because at that time, when we discharged those 21 rounds, Mr. Chavez was at his greatest level of incapacitation."

Everyday Injustice Newsletter - September 11, 2020

**Will Police Incidents
Generate Consequences For the Officers Involved?**

By David Greenwald

By David Greenwald

The history of police accountability has demonstrated that even in the rare instances that police are charged with crimes - usually they are either acquitted by a jury or slapped on the wrist. That is if it even gets that far. The history shows - police are often not disinclined at all, they are rarely charged with crimes, if charged they are rarely convicted, and if convicted it is often for lesser charges.

Even in the cases of Oscar Grant and Laquan McDonald - where the officers were convicted - they were convicted of lesser included crimes and sentenced to relatively short sentences. More often as was the case in Michael Brown's death, Eric Garner's death, and Tamir Rice's death - there are no charges.

This morning, **CNN reported** that four Houston police officers involved in a fatal shooting there were fired.

Police Chief Art Acevedo called the barrage of gunfire at the end of the event which saw an emotionally disturbed man who was on the ground, wounded, incapacitated, and that was before the volley of 21 shots, "unreasonable."

"The discharge of those 21 shots by those four members are not objectively reasonable," Acevedo said. "I don't consider them objectively reasonable; the chain of command does not consider them objectively reasonable and I believe anyone that watches this ... would see they had a lot of opportunities and a lot of other options readily available to them."

He added, "You don't get to shoot somebody 21 times because at that time, when we discharged those 21 rounds, Mr. Chavez was at his greatest level of incapacitation."

In Kentucky, a grand jury was empaneled to investigate on of the chief cases facing the nation - the Breonna Taylor case. Louisville Police fatally shot the 26 year old Taylor on March 13 as they were executing a late-night, no-knock warrant in a drug raid.

So far, none of the officers involved in the raid has been charged with a crime, but one, was fired in late June for "wantonly and blindly" firing 10 rounds into her apartment.

In New York following the March death of Daniel Prude, which has returned to the headlines, the 41 year old Black man "was **handcuffed by police while naked** and in the midst of a mental health emergency. Video provided by Prude's family attorneys shows the officers **placed a covering over his head to keep him from spitting** and then pinned him to the ground in a prone position."

New York's attorney General Letitia James announced that she has formed a grand jury to investigate this death.

"The Prude family and the Rochester community have been through great pain and anguish. My office will immediately move to empanel a grand jury as part of our exhaustive investigation into this matter," James said in a statement.

Finally in Kenosha, the scene of the most recent protests, riots, and violence, the DOJ is conducting a federal civil rights investigation into that shooting.

Wisconsin Department of Justice Division of Criminal Investigation (DCI) is leading the investigation. He has admitted to having a knife, investigators "recovered a knife from the driver's side floorboard" of Blake's vehicle but have not said whether he brandished or threatened officers with that knife.

The DCI said it aims to provide that report within 30 days, which would be September 22.

Wisconsin Attorney General Josh Kaulo offered no timeline on Friday.

"We're going to continue moving quickly with this investigation," he said. "But we're only going to do so to the extent that that's consistent with making sure that we have a full accounting of the facts through our investigation."

In the next few weeks, we could learn a lot more about these three high profile cases.

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Criminal Justice News/ Commentary

National Lawyers Guild Hosts Webinar on Anti-Racist Movement and White Nationalism

With the 2020 elections being just a few weeks away, racial justice protests continue to be resolute in the face of adversity from both state and non-state actors. And the anti-racist movement must be aware that Trump may not

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UC Irvine Announces Launch of In-Prison Bachelor's Completion Program

Founded on the principle that higher education deters recidivism, University of California, Irvine, launched "Leveraging Inspiring Futures Through Educational Degrees" (LIFTED), the first in-prison B.A. completion

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Plea Bargains Keep Court Systems Afloat – 97% of CA Cases Never Go to Trial

Fresno County Superior Court has proven it is no different from other state courts when handing out plea bargains in large quantities—about 97 percent of criminal cases in California never go to trial.

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Sacramento Judge Phillip Stanger Serves Justice Like Bill Belichick Coaches Football.

Thursday, in virtual courtroom 84, Sacramento County Superior Court Judge Phillip Stanger faced the tricky task of hearing 48 cases in four hours—recent court closures and hybrid reopenings, with stockpiles of unheard cases,

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COVID CDCR and Jail Dashboards

Avenal State Prison Reports 330 New Cases Over Last 2 Weeks, 1291 Active Cases Across CDCR – Breaking Down COVID-19 in CDCR

As of September 10, there have been 11,535 confirmed COVID-19 cases in the CDCR system. 11% of the cases are active and in custody. There have been 59 deaths across the CDCR system thus far.

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COVID-19 Active Cases In Sacramento Main Jail Decrease From 28 To 15 In 3-Week Period – Breaking Down COVID-19 in CA Jails

No tests are pending results, despite the fact that only 19 of the 48 tests pending results on Sep 8 were completed on Sep 9. In total, 3465 tests have been completed thus far. When asked about the fluctuations in

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Yolo County Court Watch

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New Allegations Arise against Yolo DDA Wilson, Demonstrating False Statements in Recent Yolo Court Filing

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Sacramento Court Watch

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Mountain of Alleged Evidence Doesn't Deter Murder Defendant – Pleads Not Guilty

Faron Mello is being charged with two felonies—murder and possession of a firearm by a felon—and despite what appeared to be a mountain of evidence against him in a preliminary hearing here in Sacramento County Superior

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No Contest Plea after Found Asleep in Middle of Road in Car – DUI of 0.19

Hmong Lee fell asleep—in the middle of the road. In his car. Drunk. Lee pleaded no contest this week to DUI (driving under the influence) when officers found him sleeping Feb. 16 in the middle of the road while he was in his vehicle, with

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Riverside Court Watch

Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

After several days of deliberation, a jury here late last week in Riverside County Superior Court found Timothy Condoluci—accused of fatally stabbing his brother in July of 2019—not guilty of first degree murder, but guilty of second

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Van Zandt writes, "The District Attorney twisted around another portion of the police report. In his brief, opposing counsel alleged, "Deputies on the prior occasion had been warned about the possibility of booby traps inside the residence... In a case where the issue is the validity of a protective sweep, that's quite a fact to get wrong."

Everyday Injustice Newsletter - September 10, 2020

**Yolo DA Tries to Present
Image of Reform - But He Needs to Clean His Own Office**

by David Greenwald

In 2018, faced with reelection, Jeff Reisig, the long-time DA in Yolo County attempted to portray himself as progressive enough. Faced with Dean Johansson, he clearly wasn't going to out-reform the challenger and he got help from local and regional media to make the case.

However, since then, the movement has pushed Jeff Reisig further away from reform-minded DA's. And so he has attempted to re-work his image - instead of being progressive, he is mainstream with some innovative reforms.

But over the years, we can look at who he has hired, who he has promoted, and what he's done. The DA's he has hired have often been hardliners from other departments in addition to young local line attorneys. In recent years, we have seen Ryan Couzens and Melinda Aiello emerge as part of the new leadership - Couzens, has been outspoken for years as a law and order DA. Aiello has recently taken to Fox News to push back against Zero bail and parole.

Perhaps more concerning in 2017, they hired Frits van der Hoek from San Jose who as a cop prior to becoming an attorney, was involved in a questionable shooting and in fact still still under investigation when hired.

Then there's the case of David Wilson. Yesterday, as we reported, he had a case overturned due to him misstating the law. While we found it interesting that they would hire him in 2019, after concerns have been raised statewide and nationally about prosecutorial misconduct, the recent allegations we report today are frankly far more concerning.

The underlying case is interesting enough - and when you have someone involved like Yolo County Sheriff Gary Richter - himself with a rather checkered record - we perhaps should be paying attention to this case overall.

But add on top of that - what appears to be small misstatements attempts to recast the evidence in a light more favorable to supporting the decision to do a warrantless search in the first place.

Here Wilson attempts to justify the search by suggested that the defendant in the case had "the family members about taking the Victim hostage." Except that's not true. Instead it was Richter and the Sheriff's who were speculating that the defendant might refuse to allow access to the cops or take the the victim hostage.

That's not the same thing and it's not a harmless error.

The second mistake - more subtle but also vitally important.

"The District Attorney twisted around another portion of the police report. In his brief, opposing counsel alleged, "Deputies on the prior occasion had been warned about the possibility of booby traps inside the residence."

It turns out the police reported on the possibility that the outside was booby trapped.

At first you may think - he miswrote it. Big deal. Inside versus outside. But it is. Because they were attempting to justify the sweep and a booby trap outside is not going to justify the sweep. A booby trap inside would have.

As the Deputy Public Defender put it, "In a case where the issue is the validity of a protective sweep,

that's quite a fact to get wrong.”

The problem that we have is that there is little in the way of oversight here. You have the DA's office and the ineffectual bar. We have no way to hold a Deputy DA accountable. And we have a Deputy DA with a history of cutting corners - who knows how many times he has done this without being caught.

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California's 2019 Crime Rate Lowest in Recorded State History

California's crime rate, as measured by violent and property offenses reported to law enforcement agencies, fell to its lowest level in 2019 of any year since comparable statewide crime statistics were first compiled in 1969,

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Sacramento Court Watch

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Motion to Suppress Questionable Search of Vehicle Fails; Narcotics Trial Set

A motion to suppress a questionable search of a vehicle—a defendant refused a warrantless search numerous times—wasn't enough to convince Judge Tami Bogert here in Sacramento County Superior Court Tuesday to toss out the

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'Weapon of Mass Destruction' or Common Household Items? Trial Set to Decide

Defendant David Wolpert—arrested for felony possession or manufacture of a weapon of mass destruction in his Sacramento apartment in April of 2019—was in Sacramento County Superior Court for his preliminary

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Hit/Run Ends in Amputation – Judge Won't Release 70-Year-Old Woman

Assistant Public Defender Teresa Huang Wednesday appeared in Sacramento County Superior Court, Department 62, prepared to save a sweet older woman from doing pretrial time for her crime...or so she thought.

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Emotional Outburst at Plea Hearing Leads to Drug Rehab Sentence

In an emotional outburst at his plea hearing here in Sacramento County Superior Court Wednesday, defendant Andrew Nicora loudly complained about the facts of his case involving an alleged carjacking as detailed by Deputy District

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies

Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Mom Accused of Doing Donuts in Car with Child Rejects Deal, Pleads Not Guilty

When Fresno County Superior Court Judge William Terrance asked defendant Samantha Hill Wednesday if she was fully aware of the terms regarding her plea offer, she briskly responded that she was not.

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Riverside Court Watch

Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

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"The unmistakable implication of the prosecutor's comments was that the distinction was legally significant, when, in fact, it was not," the appellate court said in its ruling.

Everyday Injustice Newsletter - September 9, 2020

California Democrats Caved Like a House of Cards on Police Reform

By David Greenwald

While the nation has been focused on George Floyd, Rayshard Brooks, Breonna Taylor and most

recently Jacob Blake and Daniel Prude - California has had its share of killings as well - Sean Monterrosa, Jeremy Southern, Dljon Kizzee and more.

You figure if any state is going to solve police shootings it should be California. Afterall, Democrats hold supermajorities in both houses of the legislature. It has a Democratic Governor - Gavin Newsom. Mayor newspapers editorializing for police reform bills. Public backing the measures.

No dice.

As Miriam Pawel, wrote in the NY Times: "The most significant police reform measure, heralded in the days of the Black Lives Matter marches that filled the streets, did not even come up for a vote."

Pawel explained: "A centerpiece of the agenda would have set up a process for yanking the badge of any officer found to have committed serious misconduct. California is one of only five states that has no process for certifying police officers, which among other things enables bad cops to move from department to department with impunity."

The ACLU pointed out, "Without a strong decertification process, we have allowed cops who have been fired, or resign while under investigation, to bounce from community to community while still being able to wield their power over others."

They noted that in 2012, the City of Vallejo paid \$4.2 million to settle a case of police brutality by two officers, those two cops are now employed in Richmond.

In 2012 LA Sheriff's Department carried out some dubious hires, hiring several sheriff's deputies from the recently disbanded Maywood Police Department, closed because it was notorious for being so "heavy-handed (with) under-qualified officers," causing the city to face so many lawsuits that insurance prices became prohibitively high.

Maywood had a reputation for taking in officers who were unemployable elsewhere or discharged dubiously—the LA Times found that "at least a third of the force had left other police jobs under a cloud" of suspicion or had violated laws while employed in Maywood.

Shouldn't the option of decertification been a no-brainer especially in California?

Pawel pointed out, "in the end, even here, it was essentially business as usual in a State Capitol where police unions have long wielded enormous power. The measures that passed this year were either noncontroversial or so diluted as to have little if any immediate impact."

"The culture has not even begun to change," said John Crew, a retired attorney who spent decades working on police accountability issues in California for the ACLU. "Their political analysis seems to be that the world has not changed as much as a lot of us think it has. I hope it has."

And if California can't pass this kind of reform - what hope is there for the rest of the country?

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Criminal Justice News/ Commentary

Yolo DA's Office Hires Deputy Found to Have Committed Prosecutorial Misconduct in Another County

Once again, Yolo County has hired a prosecutor from another county who was found to have committed prosecutorial misconduct. Last fall, they hired David Wilson, who had been a Kern County Deputy DA

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Rochester Police Chief Resigns Amid Outrage Surrounding Daniel Prude's Death

Rochester Police of Chief La'Ron Singletary announced his resignation today—conflicting with his initial statement, made just days earlier, that he would stay. The news comes after the details of Daniel Prude's death while under

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DA Jackie Lacey Announces Opposition to Proposition 20; Opponent Incredulous

With election day looming, longtime, "tough-on-crime" District Attorney Jackie Lacey announced her sudden opposition to Proposition 20, a measure that would roll back portions of realignment and landmark reform measures,

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Yolo County Court Watch

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Defense Attorney Complains about Other Defense Attorney

When the case of the People v. Francisco Ponce and Sergio Gamino was called in Yolo County Superior Court late last week, Ponce's attorney, Deputy Public Defender Jose Gonzalez-Vazquez, didn't hesitate to tell Judge David

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Sacramento Court Watch

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Charges Dismissed After Man Spends 5 Months in Jail – Witness for D.A. Contradicts Police Claims

Judge Timothy M. Frawley dismissed all charges against a defendant here today who – court records reveal – has spent more than a year in jail over the past 30 years although in five cases he's only been convicted once, for

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Singing Defendant Tames the 'Savage' in Judge Savage – Gets Deal

Defendant Cedric Burks came into court singing “You’re my Latest, You’re my Greatest Inspiration” by Teddy Pendergrass Tuesday morning here in Sacramento County Superior Court – impressing Judge Michael A. Savage and

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Fresno Court Watch

Defendant Violates Probation by Driving a Vehicle that isn’t Registered Under his Name.

Alejandro Garcia Lopez made a mistake when he drove while under the influence of alcohol. His second mistake was driving a family member’s car without the proper device installed as per his DUI probation requirements.

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Assistant Attorney General Mary Helen Wall: "The only witness who offered direct evidence of guilt recanted his prior testimony, admitting he was lying when he said Mr. Flowers made a jailhouse confession to the murders."

Everyday Injustice Newsletter - September 8, 2020

Looking at Civil Rights Records...

By David Greenwald

Let's face it, none of the folks at the top of either ticket have a good record on Criminal Justice Reforms. Donald Trump famously in 1989 took out a full page ad in New York asking for the death penalty for the Central Park 5 - they would later be exonerated by DNA evidence. Joe Biden supported the 1994 Crime Bill which helped to ramp up mass incarceration.

You can argue that Biden in particular was a product of his times - and indeed he has signed onto a fairly progressive plank on Jacob criminal justice reform.

Looking at the last month is probably better than looking at actions from 25 to 30 years ago anyway.

Last week, Ronnie Long was released from prison in a case we have been following (we had several interviews and two podcasts on it). The key was an en banc decision by the Fourth District Court of Appeals. The decision was 9-6 - leading the way for Ronnie's freedom were a few Obama appointees and leading the way in opposition were two Trump appointees.

On the issue of police shootings, it was telling that President Trump refused to meet with the family of Jacob Blake. Meanwhile yesterday, Kamala Harris, the Democratic Vice Presidential nominee and California Senator met with Jacob Balke (via phone) and his family.

Civil Rights Attorney Ben Crump released a statement:

"Senator Harris had an inspirational and uplifting one-hour visit with Jacob Blake, Jr. and his family today. She spoke individually with each family member about how they were handling the trauma and urged them to take care of their physical and mental health.

"In a moving moment, Jacob Jr. told Senator Harris that he was proud of her, and the senator told Jacob that she was also proud of him and how is working through his pain.

"Jacob Jr. assured her that he was not going to give up on life for the sake of his children. Senator Harris also discussed the policy changes that she and Vice President Biden will seek, including the Justice in Policing Act and implicit bias training, to make things better for all Americans.

"She encouraged them to continue to use their voices even through their pain to help America make progress to end systemic racism."

Compare that to what Attorney General Bill Barr said in June.

"I don't think that the law enforcement system is systemically racist," Mr. Barr said in an interview with the CBS program "Face the Nation." "I think we have to recognize that for most of our history, our institutions were explicitly racist."

And then this past week.

"I do think that there appears to be a phenomenon in the country where African Americans feel that they're treated, when they're stopped by police, frequently as suspects before they are treated as citizens," Barr said in an interview with CNN. "I don't think that that necessarily reflects some deep-seated racism in police departments or in most police officers. ...

"I think people operate very frequently according to stereotypes, and I think it takes extra precaution on the part of law enforcement to make sure we don't reduce people to stereotypes, we treat them as individuals," he said.

Barr also said he doesn't believe there are "two justice systems."

"I think the narrative that the police are on some, you know, epidemic of shooting unarmed Black men is

simply a false narrative and also the narrative that that's based on race," Barr said. "The fact of the matter is very rare for an unarmed African American to be shot by a white police officer."

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Criminal Justice News/ Commentary

Guest Commentary: Our president is Threatening the Right to Vote, as Well as Public Safety

As we approach November, our nation's access to a free and fair election — the very basis of our democracy — is being tested. Over the past month, the Trump administration has launched deeply

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Guest Commentary: Daniel Prude Was Experiencing a Mental Health Crisis, His Brother Called the Police, Now He's Dead

Daniel Prude's family needed help. Prude was experiencing a mental health crisis, so his brother called the police. A week later, due to injuries sustained during that police interaction, Prude was dead. This is a nightmare scenario

[Read More](#)

Bad Cop Decertification Shelved for 2020 – Proponents Promise to Bring Back Next Year

The California Legislative Black Caucus hasn't given up on a measure to decertify bad cops. After the bill to decertify peace officers who engage in serious misconduct ran up against the legislative deadlines last week, the caucus pledged to pursue the measure in the new year.

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Defense Seeks to Disqualify Entire Santa Clara County D.A. from Prosecuting Gun Permit Corruption Case

Defendant Christopher Schumb finds that his friendship with Santa Clara County District Attorney Jeff Rosen and the power struggle between the county's District Attorney's Office and Sheriff's Office would infringe his right to a fair trial

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Charges Against Curtis Flowers are Finally Dropped; After 23 Years on Death Row, He Goes Free

Curtis Flowers was subject to 23 years behind bars and, six trials, and four death sentences. Recently he was under months of house arrest for murders he always insisted that he did not commit. Mr. Flowers is now fifty years old, and in

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CA Supreme Court Won't Hear Black Jury Selection Bias Case

Social justice advocates maintain the George Floyd protests have magnified the deep systemic racism that has existed in the United States since its inception, and that racism has permeated every sector within American society

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COVID CDCR and Jail Dashboards

Folsom State Prison COVID-19 Active Cases Increase By 100 Over 2 Days – Breaking Down COVID-19 in CDCR

As of September 7, there have been 11,328 confirmed cases of COVID-19 throughout the CDCR system with 1,359 active in custody. There have been 59 deaths across the CDCR system thus far.

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Santa Rita Jail's COVID-19 Active Cases At Standstill, Jail Population Increased By

11% Since April – Weekly Highlights – Breaking Down COVID-19 In CA Jails

Last week at Santa Rita Jail, two housing units under quarantine were released days after they began quarantine, citing negative test results for the index case. No new positive COVID-19 cases among the incarcerated

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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COVID-19 Fears Disrupt Key Witness Appearances in Yolo Court

The Coronavirus pandemic continues to disrupt the process in California courthouses and frustrate courtroom officials, in part because many witnesses are fearful of physically being present in the courthouse due to the possible

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Sacramento Court Watch

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Sacramento Courtroom Issues \$300,000 in Warrants for Holiday

It may have been the day before a holiday, but when more than a dozen defendants didn't show for scheduled court dates Friday, Sacramento County Superior Court Judge Scott Tedmon issued more than \$300,00 worth of bench

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'Justice Delayed, Justice Denied'? – Pre- Holiday Court Postpones Cases

Last Friday, the day before a three-day court holiday, Sacramento County Superior Court, Dept. 62 had more than 53 arraignments to get through. It was the Friday before Labor Day and it was apparent

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Alameda Court Watch

Judge Claims She's Not 'Evil,' Denies Defendant Request to Attend Family Funeral

A defendant – charged with 15 felony counts – Friday pleaded in Alameda County Superior Court for temporary release in order to attend the funeral of his recently, deceased aunt. Judge Delia Trevino offered her deepest

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Fresno Court Watch

Fresno Man Waits 3 Years – Judge Tosses DUI Case

Daniel Ray Garza Jr. has been awaiting a settlement in his DUI case for the past three years. It was a wait worth having after a judge here in Fresno County Superior Court last week agreed with a “Serna” motion—which tossed out

[Read More](#)

Medical Issues Prevent Woman from Appearing in Fresno Court – Judge Issues Warrant

It's been about three years since defendant Jessica Ranken—allegedly beset by a series of serious health problems—has been to court here at Fresno County Superior Courthouse.

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Riverside Court Watch

Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

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Subject: Everyday Injustice - Missouri Senate Passes Bill Limiting Prosecutor; Seven Police Officers Suspended As New Evidence Comes To Light in Daniel Prude Death
Date: Friday, September 4, 2020 at 7:01:29 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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DA O'Malley: "I believe Officer Fletcher's actions, coupled with his failure to attempt other de-escalation options rendered his use of deadly force unreasonable and a violation of Penal Code Section 192(a), Voluntary Manslaughter."

Everyday Injustice Newsletter - September 4, 2020

Missouri Senate Passes Bill Aimed at Prosecuting Attorney

by David Greenwald

The Missouri State Senate passed the controversial measure by a 22-8 that would strip powers from the St. Louis prosecutor Kim Gardner. On top of a whole host of other concerns, opponents raised the possibility that the committee violated the state's Sunshine Law by not giving 24 hours' notice before debating the bill - a matter that could be part of an eventual lawsuit should the measure get passed by the house.

"This is an insult to justice," said Sen. Karla May, D-St. Louis, adding officials had "turned over responsibility" for the COVID-19 response to counties, but moved to take away local control in this instance. "It's sad, and it's hypocritical to me."

It remains to be seen what happens in the House who initially refused to take up the bill.

Some of the anti-crime provisions from the Governor who called a special session on violent crime gained bipartisan support, the concurrent jurisdiction issue is viewed by many both Democrats and Republicans as an attack on Gardner.

The prosecution association issued a statement calling the action "awful," "absurd" and "unrealistic."

"As elected local prosecutors who have tried countless homicide cases to Missouri juries, we are gravely concerned regarding the miscarriage of justice from the unprecedented usurpation of the authority of a locally elected prosecutor being attempted by Missouri's Attorney General," the statement said.

The move was condemned as well by Luz Maria Henriquez who is the executive director of the Missouri ACLU.

"This has absolutely nothing to do with public safety but everything to do with politics and attacking the first Black woman circuit attorney in the city's history," she said. "We hope to see the Missouri House reject this unprecedented, undemocratic, and unconstitutional overreach in short order."

In an interview with the Vanguard, Kim Gardner last month said, "it is clear that this legislation is not actually about addressing crime—instead, it serves as a vehicle to interfere with the clear discretion of a democratically elected local prosecutor."

"I don't think (it's legal)," said Gardner. "But you have to really think about what—the governor and the issues of separation of powers, injecting the executive branch into the judicial branch.

"This is not constitutional," she stated. But beyond that, she said, "This is really about accepting the will of the people and who they elect to hold the prosecutor's position in the city of St. Louis.

"Somehow the governor for whatever reason doesn't believe in what that elected official is doing—they choose political pandering and an attack to usurp the will of the people. So it's really voter suppression. That's the biggest issue."

Even if the house does pass it and it is signed by the governor, there will likely be a lengthy legal battle. But with the situation in Missouri and what has happened in Virginia, there is clearly another front in the fight to reform the criminal legal system.

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SLO District Attorney Files Charges Against Two Black Lives Matter Protestors

After reviewing investigative reports and evidence submitted by the San Luis Obispo Police Department, District Attorney Dan Dow announced that he has filed 13 misdemeanor charges against Black Lives Matter protest organizer

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CA Legislature OK's Bill to Eliminate 'Jailhouse Snitch' Testimony in Parole Hearings

The California Legislature approved bill that would eliminate the problematic practice of using testimony from "jailhouse snitches" as a reason for denying parole to someone in state prison.

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COVID CDCR and Jail Dashboards

Folsom State Prison Recovers from Outbreak – Cases Reduce from 275 to 140 in 14-Day Period – Breaking Down COVID-19 in CDCR

Yesterday, one person died due to COVID-19 at CA Mens Colony (CMC), San Luis Obispo. This is the first death reported from CMC.

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Santa Rita Jail Reports Only 3 COVID-19 Active Cases, Quarantine Units Released 13 Days Ahead Of Schedule – Breaking Down COVID-19 in CA Jails

Testing has not revealed new COVID-19 cases in the incarcerated population at SRJ over the past 3 days. It appears ACSO has contained the virus, however, testing and housing quarantines remain opaque making it challenging

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Despite Emotional Plea, Yolo Judge Informs Sexual Abuse Victim Law Won't Let Him Help

The victim of a sexual assault case offered a powerful and emotional statement to Judge David Rosenberg here in Yolo County Superior Court Wednesday after the judge ruled he had no jurisdiction to make changes to the case.

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Sacramento Court Watch

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District Attorney Office Goofs, Public Defender Gets Court to Kick 2 Felony Counts

Charged with five felonies, including assault with a deadly weapon and possession of an assault weapon, defendant John Tu almost immediately saw two of those felonies dismissed at arraignment here Wednesday in Sacramento

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Victim's Mother Calls Daughter's High School Friend a 'Sociopath'

Defendant Breanna Smith – called a “sociopath” by the victim's mother – will spend 402 days in jail for assaulting a former friend with rocks after Smith pleaded guilty here in Sacramento County Superior Court Wednesday.

[Read More](#)

Court – Finally – Gets Mental Health Diversion for Defendant; It Just Took a While

It may have taken a month, but in the end Nicholas Shadrick received the mental health help he needed. It was a somewhat long and winding road. Charged with battery in an incident around April 1,

[Read More](#)

Husband to Stand Trial for Cutting Wife in Front of Screaming Children

A husband who allegedly cut his wife with a knife in front of their children because he believed she was unfaithful is now set for trial after his preliminary hearing in Sacramento County Superior Court Tuesday.

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Alameda Court Watch

Public Defender Grills D.A. Expert on Cell Phone Mapping in Murder Trial

Assistant Public Defender Lindsay Horstman grilled District Attorney Inspector Jason Hawks about his neutrality, and the relevance of his information about cell phone mapping here in the Alameda County Superior Court trial

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Fresno Court Watch

Fresno teenager receives jail time for reckless driving incident that nearly killed a one year-old child

A Fresno teen was sentenced here in Fresno County Superior Court Wednesday to about a year in jail for reckless driving following a 2019 incident that left five people with serious injuries, including a mother and her one year-old

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Couple Reconciles After Domestic Violence; Judges Softens Order

While Fernanda Munos attended her hearing here at the Fresno County Superior Court for a domestic violence charge, the victim of her attack asked Judge Glenda Allen-Hill to not place a criminal protective order (CPO) as

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Riverside Court Watch

Jury Finds Hemet Man Not Guilty of 1st Degree Murder of Brother – Guilty of 2nd Degree

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Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Charges Filed Against BLM Protester in SLO, Cop in Alameda

Date: Thursday, September 3, 2020 at 7:00:14 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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DA O'Malley: "I believe Officer Fletcher's actions, coupled with his failure to attempt other de-escalation options rendered his use of deadly force unreasonable and a violation of Penal Code Section 192(a), Voluntary Manslaughter."

Everyday Injustice Newsletter - September 3, 2020

**California's Prop 20
Seeks to Roll Back Prop 47**

by David Greenwald

Some interesting names on the list of supporters for Prop 20 which seeks to roll back reforms passed by the voters in 2014 under Prop 47 which reduced simple drug possession and petty theft charges to misdemeanors.

Appearing on the list of supporters, Democratic Assemblymember Jim Cooper as well as Senator Melissa Hurtado. Many of the DA's in the Valley including Sacramento's Anne Marie Schubert as well as DA's from Colusa, Fresno, Kern, Napa, Placer and Tulare County. Also SLO County's Dan Dow and Orange County's Todd Spitzer.

Notably missing: Yolo County's Jeff Reisig, despite his efforts to attack and undermine Prop 47 at every turn. It was only a few years ago, that DA Jeff Reisig stood before the Board of Supervisors and said Proposition 47 had produced "a revolving door of low-level arrests" in Yolo County.

The Appeal in June 2018 reported, "By charging shoplifters with felonies, Jeff Reisig is circumventing Prop 47, intended to reduce CA prison populations."

Has he simply not signed up yet or have we attacked him for opposing reforms for so long that he is now attempting to toe a more moderate position?

We also see Orange County Sheriff Don Barnes on the list, former Sac Sheriff John McGinnis but not outspoken Sheriff Scott Jones. A lot of POAs on the list including San Francisco, Sacramento, and Los Angeles.

San Jose Mercury News has come out against it.

They argue: "The last thing California needs is a return to the tough-on-crime days of the 1990s that largely failed to lower crime rates and resulted in massive prison overcrowding and skyrocketing costs to taxpayers."

They note, "the ballot measure (is) the latest effort by police and prison guard unions to roll back the success of Assembly Bill 109 (2011) and propositions 47 (2014) and 57 (2016), which ensured that the criminal justice system's resources were more wisely used."

In 2009 California spent 11 percent of the state budget on incarceration. Now it's 7.4 percent. And the number has been decreased from 160,000 to 105,000 with perhaps some more prison releases ordered.

The Mercury News notes: "Prop. 20's attack on Prop. 47 begins with its effort to turn repeated misdemeanor theft crimes into felonies, echoing the failed "three strikes and you're out" approach utilized in the 1990s."

Prop 20 would actually rollback the threshold for a felony theft to \$250 - it is \$950 and it was \$450 prior to Prop 47.

The editorial board notes: "Proponents argue that store owners are experiencing an onslaught of petty theft crimes in which teams of shoplifters are raiding stores of items amounting to just under \$950. Crime statistics do not show the kind of increase that would warrant the change, and California district attorneys already have adequate tools to deal with repeat petty theft offenders and can charge those working as teams with conspiracy to commit a felony."

It would also add crimes to the list of violent felonies that would be restricted for early parole.

The paper calls this: "a return to the "lock 'em up and throw away the key" approach that made California

the national leader in recidivism rates. “

This would be a return to the bad old days of mass incarceration - the state has moved past those days, law enforcement apparently has not. We'll see what the voters think.

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COVID CDCR and Jail Dashboards

Sacramento County Sheriff's Office Vows To Provide Weekly COVID-19 Updates – Breaking Down COVID-19 in CA Jails

As of August 26, there are 76 confirmed cases in the Sacramento County Jail system. This is a 288% increase in positive cases since the previous week and a 322% increase over the last month.

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San Francisco Court Watch

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Yolo County Court Watch

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Wild Ride DUI Case Set for Trial; Features Physical Fight in Car Going 100 MPH

A judge here in Yolo County Superior Court Tuesday ruled that a defendant should stand trial for two felony counts related to driving under the influence after hearing a tale of a wild car ride – sometimes driving at speeds of up to 100

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Yolo Jury Finds 'Father Figure' Uncle Not Guilty of Molesting Nieces in Woodland Motel a Decade Ago

A jury kept intact for five months – separated for most of that because of the coronavirus pandemic – Tuesday found Jose Luis Garcia not guilty of the most serious charges of sexually molesting his nieces in Woodland more than a

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Sacramento Court Watch

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Defense, Prosecution, Judge Agree Plea Deal a Good One – Defendant Doesn't

A stubborn defendant appears to be headed to a Halloween month trial after he rejected what his attorney, the prosecutor and judge said was a generous offer Tuesday here in Sacramento County Superior Court.

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Police Stymied at Student Complex by Man Found Incompetent to Stand Trial

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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Fresno Court Watch

Defense Attorney Risks The Spread of COVID-19 Inside Fresno Courthouse

Courtroom officials from the Fresno Superior Courthouse faced the dangers of COVID-19 when defense attorney Leslie Westmoreland informed the court he was experiencing symptoms of COVID-19 Monday – while

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Riverside Court Watch

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Subject: Everyday Injustice - Lawsuit Filed in July Sacramento Shooting Death of Jeremy Southern by Sac PD;
Justice Denied in Yolo
Date: Wednesday, September 2, 2020 at 7:01:00 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Adante Pointer: "We are all outraged and demand accountability for the death of Jeremy Southern. He had his life taken from him the most unnecessary, needless unlawful and tragic way. It was wholly preventable what took place."

Everyday Injustice Newsletter - September 2, 2020

Injustice Continues to Rule in Yolo County After Judge Denies Petition For Re-Sentencing

by David Greenwald

Martin Luther King once said, "The arc of the moral universe is long, but it bends towards justice." The road for James Olague, Ernesto Arellano and a third co-defendant, Oscar Cervantes has been long - they have been in custody for over 15 years. And the ruling by Judge Richardson on Tuesday will make that road longer still for Olague and Arellano.

In 2005, they were convicted of first degree murder and special circumstances and sentenced to life without parole.

Ron Johnson ten days ago noted, "the lack of evidence against" Olague and that the theory of guilt was that "Arellano, a northerner shot caller, was upset with one of his underlings, Mr. Stepper, over a drug debt. Rather than deal with an internal gang problem internally, as would be the norm within a gang, the People theorized that Arellano concocted a plan to assault or kill Mr. Stepper by joining forces with a hodgepodge of characters including a rival gang members and an individual who was not a member of any gang to either kill or assault Mr. Stepper."

It is a case I am very familiar with - having investigated it since 2009. I believe that all three - Olague, Arellano and Cervantes were the wrong people at the wrong time. Some of whom just happened to be there. Cervantes is alleged to be the shooter - but the evidence points to another man, who is now deceased or his son, as the actual killer and the three men were convicted of a crime they did not commit.

However, that was not what they were in court for on Tuesday. Instead, because neither Olague nor Arellano were charged with being the actual killer, the question is whether they could be resentenced under 1170.95, which was part of the new SB 1437 felony murder reform law.

Those requirements are that they cannot be the actual killer and did not act with reckless indifference to human life.

The problem is that a special circumstance was found to be true by the jury.

Judge Richardson said, "The court's finding that the special circumstances were true in this case, required a finding of actual intent to kill thus making the petitioners eligible for relief under the sentencing statute." At their arguments on August 23, Public Defender Ron Johnson, representing James Olague, took on the issue of the special circumstances.

But he relied heavily on Brown for his arguments and Judge Richardson rejected the argument arguing that Brown was too specific to the case and "distinguishable from the instant petitions based on the particular facts we find in Brown."

Is the judge correct? This is a new law and the courts are still figuring out the nuances of the law. An appellate court will have to decide if Judge Richardson's reasoning is correct.

But the problem here is more fundamental. In his ruling, the Judge has to assume that the jury was correct in their verdicts and findings. And that's the problem. The jury misled by the prosecution and others was mistaken in their finding of the special circumstances.

Likely it seems the 1437 route is not going to be the path for relief for these men and they will have to go the more traditional post-conviction route. That is unfortunate because it means that justice will not be done here.

Perhaps rather than MLK, we ought to look at William Gladstone, "Justice delayed is justice denied."

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Criminal Justice News/ Commentary

Lawsuit Filed in July Sacramento Shooting Death of Jeremy Southern by Sac PD

On Tuesday morning outside of the Sacramento Police Department on Freeport, Attorneys, friends, family and supports of Jeremy Southern gathered as attorneys Adante Pointer and Patrick Buelna announced they were filing a

[Read More](#)

Men Convicted in 2002 Halloween Homicide Denied Petition for Resentencing

Two men convicted in the 2002 murders of Eric Folsom and Robert Stepper appeared in Yolo County Court in an effort to be resentenced under SB 1437 and PC 1170.95 were denied an evidentiary hearing by Judge Paul Richardson.

[Read More](#)

Analysis: DA Reisig Attacks Zero Bail Even Though He Authorized It

Yolo County DA Jeff Reisig put out another press release attacking zero bail on Tuesday. The press release notes, “the ongoing impacts related to California Judicial Council’s Statewide Emergency “0” Bail Schedule.”

[Read More](#)

Guest Commentary: The Law Enforcement Violence Trump Won’t Talk About

Day after day, night after night, protesters have been taking to the streets since the police killing of George Floyd. Led by local Black activists and grassroots groups, they’re chanting, singing, shouting, kneeling, marching, and even laying

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Yolo Supes Sail Along on Budget Talks Until DA Budget Comes Up

Everything – surprisingly – was coming up roses Tuesday when the Yolo County Board of Supervisors took up the 2020-21 budget, with Chief Budget Official Mubeen Qader noting that while many jurisdictions face challenges in

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Muslim ICE Detainees Reportedly Forced to Choose Between Eating Pork or Rotten Halal Food

After the group Muslim Advocates alleged that ICE is making Muslim detainees choose between eating pork or spoiled halal food in the Krome Service Processing Center detention facility in Miami, Florida, Congress is calling on

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COVID CDCR and Jail Dashboards

Santa Clara Jail System Reduces COVID-19 Active Cases From 91 To 6 In 14 Day Period – Weekly Highlights – Breaking Down COVID-19 In CA Jails

Over the last two weeks, the Santa Clara County jail system managed to reduce their number of active cases from 91 to as low as 6 cases.

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Another COVID-19 Death in Correctional Training Facility, Soledad – CDCR Death Toll Reaches 58 – Breaking Down COVID-19 in CDCR

As of September 1, there have been 10,658 confirmed cases of COVID-19 in the CDCR system, with 1,251 active and in custody. There have been 58 deaths across the system thus far.

[Read More](#)

Jail Populations Increase In Santa Rita Jail & LA Jails Despite COVID-19 Risks – Breaking Down COVID-19 in CA Jails

Five incarcerated people in Santa Rita Jail recovered from COVID-19 on Aug. 31, dropping the number of active positive cases to three.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Remote Witness Testimony Denied in Woodland Underage Sexual Assault Case

A motion to allow remote witness testimony was denied in a Yolo County Superior Courtroom Tuesday regarding the ongoing case of Buck Thomas, an ex-baseball and softball coach charged with sexually assaulting two

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Sacramento Court Watch

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COVID-19 Hurts Non-English Speaking Defendants the Most – Here's Why

In courtrooms, COVID-19 restrictions are still in effect. Everyone is required to wear a mask and social distance, and many are choosing the option to come to court via Zoom.

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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Fresno Court Watch

Defense Attorney Risks The Spread of COVID-19 Inside Fresno Courthouse

Courtroom officials from the Fresno Superior Courthouse faced the dangers of COVID-19 when defense attorney Leslie Westmoreland informed the court he was experiencing symptoms of COVID-19 Monday – while

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Judge Mulls Jurisdiction in Human Trafficking Case

Two issues emerged in a human trafficking preliminary hearing here Tuesday in Merced County Superior Court – one of substance and the other of legal theory. The defense for co-defendant Dominique Macklevane

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Sacramento Police Used Excessive Force at Police Brutality Protests; Yolo DA Pushes Back

Date: Tuesday, September 1, 2020 at 7:00:42 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

California Supreme Court Justice Goodwin Liu , "To many people, excluding qualified Black jurors based on their negative experiences with law enforcement or the justice system must seem like adding insult to injury."

Everyday Injustice Newsletter - September 1, 2020

Recent Ruling Illustrates Why Judges Matter in Criminal Justice Reform

by David Greenwald

There were some interesting developments on Monday. Earlier in the day, the Supreme Court of California refused to hear a case where a black juror who had been harassed by the Los Angeles police department was struck from the jury.

In dissent from the court's denial, Justice Liu who along with Justice Cuellar dissented, writes, "It is time to reassess whether the law should permit the real-life experiences of our Black citizens to be devalued in this way." Justice Liu add, "To many people, excluding qualified Black jurors based on their negative experiences with law enforcement or the justice system must seem like adding insult to injury."

Later in the day the Senate and Assembly passed Shirley Weber's AB 3070 to end racial discrimination on jurors. It awaits the governors signature.

One thing that is telling is that the court, now which should be majority liberal filled with Brown and Newsom appointees, refused to hear this case.

Governor Newsom on Friday appointed 15 new judges mostly to the superior courts across the state. In the past he has gotten praise for high numbers of women and people of color.

But not this time. Of the 15 new judges, 11 were clearly white. There were two Asians. One Hispanic. Maybe one other.

But it is actually a good deal worse than the racial make up. Give Newsom some credit, he named two public defenders to the bench. But he also named two members of the US Attorney's office and four people who worked for DA's to the bench.

As we have increasingly seen, Judges are an underappreciated part of criminal justice reform. One attorney told me last year that while he frequently wins when he gets in front of a jury, he loses 80 percent of his motions as the judges tend to skew towards the District Attorney's office.

Last fall in San Francisco, we saw three women of color, two of them Public Defenders get elected to open seats for the bench.

On the other hand, a few months ago, we saw Gavin Newsom appoint another white male to the bench in Yolo County, next to Sacramento, where the bench had just two women and one person of color.

As the Supreme Court ruling yesterday shows, you need people of color on the bench to appreciate systemic racism.

As Justice Liu, who got clearly unders, "Batson's guarantee rings hollow when it is understood to allow prosecutors to strike Black jurors for reasons that systematically function as proxies for the jurors' race."

And yet that's where we are, hoping that Governor Newsom will at least strength state law even as he has perhaps missed an opportunity to remake the bench in this regard.

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Criminal Justice News/ Commentary

Sacramento Police Used Excessive Force at Police Brutality Protests, Charges National Lawyers Guild

The Sacramento Chapter of the National Lawyers Guild announced Tuesday morning that it is filing a citizen complaint on "behalf of the citizens of Sacramento" over the violent "battering" of a protestor in downtown

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Analysis: DA Responds to Supervisor Saylor's Questions

In early July, Supervisor Don Saylor submitted a number of questions to DA Jeff Reisig about their funding requests. The night before the Board of Supervisors Budget Workshop, the DA finally posted the response on his website.

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Governor Shocks Immigrant Community, Lawmakers by Handing Over Two Immigrants to ICE

Despite pleas from his own Democratic Party, and dire threats that the move could help spread COVID-19 in Immigrant and Customs Enforcement (ICE) facilities, Gov. Gavin Newsom Monday allowed his Dept of Corrections to

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Coalition Groups Urge District Attorney to Support DNA Testing for Man on Death Row

For more than three decades after being sentenced to death, Pervis Payne has maintained his innocence. With his execution date on Dec. 3, 2020 looming, DNA testing could still prove his innocence.

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COVID CDCR and Jail Dashboards

Outbreak Re-emerges At Avenal State Prison – 273 New Cases In Two Weeks – Breaking Down COVID-19 in CDCR

As of August 31, there have been 10,574 confirmed cases of COVID-19 in the CDCR system, with 1,252 active and in custody. There have been 57 deaths across the system thus far.

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Santa Rita Jail Reports 8 Active Cases In Custody, Jail Population Rises As CDCR Rejects Intake – Breaking Down COVID-19 in CA Jails

Two more incarcerated people tested positive for COVID-19 over the weekend. Santa Rita Jail lifts a housing unit from quarantine and places another one under quarantine.

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Alameda County Sheriff's Office Claims Jail Population Increasing As CDCR

Refuses Transfers – Weekly Highlights – Breaking Down COVID-19 in CA Jails

At the beginning of the week, the SCU Lightning Complex Fire, burning about 20 miles from Santa Rita Jail, threatened the safety of the population with smoke that made breathing difficult and posed the risk of evacuation. This was

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San Francisco Court Watch

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Yolo County Court Watch

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Yolo Judge Shoots Down Search Warrant for Being Too General in Child Abuse Case

Judge David Rosenberg shot down Deputy District Attorney Frits van der Hoek's request for a general search Monday, in effect calling it too general, and noting the warrant for defendant Amanda Caldera "doesn't specify what is to be

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Sacramento Court Watch

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Defendant Threw Frozen Meat at Seizure- Prone Victim, PD Requests His Release

Defendant Erik Aromin was released without paying bail here Monday in Sacramento County Superior Court, even though he is accused of throwing frozen meat at his victim.

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

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Subject: Everyday Injustice - Tafti Fights Back in Virginia; Hundreds of Police Violence Protestors and Counter Protestors Swarm Sacramento
Date: Monday, August 31, 2020 at 7:01:26 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Washington Post: What is unusual — indeed extraordinary — is the commonwealth's attorney for Arlington County and Falls Church suing the very judges who preside over the cases she normally prosecutes. Extraordinary, but unavoidable: Parisa Dehghani-Tafti had to take this action to have any hope of doing her job and honoring her commitments to the people who elected her.

Everyday Injustice Newsletter - August 31, 2020

Judge Curtailing Progressive Prosecutor's Powers - But She's Fighting Back

by David Greenwald

Back in the early part of the year when we interviewed Parisa Dehghani-Tafti for our podcast, we never imagined she would be at the center of such a firestorm. She was a reformer for sure - but like Larry Krasner, Aramis Aayala, Rachael Rollins and Kim Gardner, she is now subject to attempts to take back her power.

Like them - she is fighting back.

The Washington Post notes that what is "unusual" and "indeed extraordinary" is that she is "[suing the very judges who preside over](#) the cases she normally prosecutes."

Extraordinary, they write, "but unavoidable." The editorial board acknowledges: "Parisa Dehghani-Tafti had to take this action to have any hope of doing her job and honoring her commitments to the people who elected her."

Like we have seen over and over again, last fall she defeated a long time incumbent with a promise to reform the criminal justice system.

What we have fortunately not see as often has been the efforts to block her. We mentioned the four names above, but perhaps Tafti is the least known. Well no more.

The Post writes, "Since her election, judges have overstepped their role to block her. Now she has filed a petition with the Virginia Supreme Court seeking relief from **a sweeping and unprecedented order** that undermines the discretion prosecutors normally have in making decisions about criminal cases."

Two months after she took office, four judge who sit on the Circuit Court for Arlington County — Chief Judge William T. Newman Jr. and Judges Daniel S. Fiore II, Louise M. DiMatteo and Judith L. Wheat — issued an order that retired "detailed, written justification for all decisions to dismiss, charge and settle cases."

They point out: "The judges framed the order as needed for efficient administration of justice and the court's ability to consider issues, but there were no such requirements previously, and the standing order appears to be unique in Virginia as well as the rest of the country."

Indeed, her own op-ed, Ms. Dehghani-Tafti detailed the hoops — "written briefs, oral arguments, months of delay, a 10-page opinion from the court — she had to jump through to dismiss a simple possession-of-marijuana charge against a defendant found with less than an eighth of an ounce of suspected marijuana, for which he had a medical prescription."

Asks the Washington Post: "Was this really the best use of resources? How was justice served? And why did the court not second-guess routine decisions of previous prosecutors that helped fuel **"tough on crime"** policies that contributed to mass incarceration and racial disparities?"

And so here we are - prosecutorial discretion evidently swings both ways. We have been fighting to hold traditional prosecutors accountable when they cross the line. But now we see the importance of discretion when it comes to reforming the criminal legal system.

As Mriam Krinsky, whose group Fair and Just Prosecution has pointed out, this is "part of a nationwide pattern in which judges and police are pushing back on reforms that newly elected prosecutors are seeking to advance and that their communities elected them to implement."

And Amicus signed by 63 current and former prosecutors pushes back on the need for discretion.

"As elected prosecutors," **they wrote**, "amici have a deep understanding of the important role that prosecutorial discretion and independent decision-making play in the criminal justice system and the strong need to insulate that discretion from outside interference, including interference from the judiciary."

Here we are, as we advance each election in terms of the reform agenda, now the battle turns to the overall system fighting back and we see now the importance of state legislators and judges appointed by governors in this fight.

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Criminal Justice News/ Commentary

Hundreds of Police Violence Protestors and Counter Protestors Swarm Region; 7 Arrested

Hundreds of demonstrators opposed to police violence and the back-shooting of Jacob Blake, a Black man in Kenosha, WI a week ago, participated in a series of protests Thursday through the weekend in Sacramento, Placerville

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Monday Morning Thoughts: Why Are We Massively Increasing Spending on the DA's Office?

Last week, Supervisor Don Saylor sounded the alarm that the County is proposing inexplicably increasing expenditures on the District Attorney's office. Here's the thing – there is a lot of misdirection here

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Historic Bill Decreases Juvenile Legal Fees that Target Low Income Families of Color

The California Legislature has passed Senate Bill 1290, a historic bill that will ban imposing county-assessed or court-ordered costs on the parents and guardians of a minor in juvenile court and adults who were 21 years of age and

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Looking Back: Bullet Lead Analysis: A Junk Science That Has Helped to Convict Thousands

Bullet Lead Analysis is a junk science that has been used to convict thousands of people. It has been defined by expert William Tobin as "a nuclear technology that measures the composition of bullet lead by quantifying the

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Letter: Portland Mayor's Response to President Trump – 'Stay Away, Please'

Portland has experienced ongoing struggles with protesters. Last night it was reported that someone was shot and killed and pro-Trump and anti-Trump protesters clashed. The pro-Trump rally drew hundreds of trucks, with clashed between them and

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Racial Discrimination Plagues Jury Selection – Blacks ‘Struck’ Much, Much More than Whites

Decades of studies show that racial discrimination during jury selection is very much present on both the prosecution and defense sides, which can harm the defendant and the excluded juror, and undermines the integrity of the criminal

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COVID CDCR and Jail Dashboards

San Quentin News Relunched, Victims Raise Concerns As CDCR Continues To Reduce Prison Population During Pandemic – Weekly Highlights – Breaking Down COVID-19 in CDCR

As of Aug. 28, there are a total of 10,377 confirmed COVID-19 cases in the CDCR system – 859 of them emerged in the last two weeks. 10.6% of the cases are active in custody while 3.2% have been released while active. Roughly

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Incarcerated Artist Chronicles Life in San Quentin Prison During Pandemic

For the past 21 years, Orlando Smith has sat in his prison cell, filling his 250-year-long sentence with art as an illustrative journalist and comic book artist. This year, he got to illustrate the prison’s deadliest villain yet — San

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San Francisco Court Watch

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Yolo County Court Watch

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Suspected COVID-19 Outbreak at Placer Jail May Be Reason Inmate Not Delivered to Yolo Court

The judge and deputy district attorney were puzzled here in Yolo County Superior Court Friday, and did not know why the defendant was not transported for his preliminary hearing from Placer County Jail, where a big COVID-19

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Sacramento Court Watch

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Man Off to Jail for 1 Year for Carjacking – It Could Have Been Much Worse

Viktor Perepelitsyn violated his probation again, a Sacramento County Superior Court was told Friday – and he'll be going to jail for year. The alternative was six years in prison. Perepelitsyn violated his

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A Mother Will Face Trial After Stabbing 15 Year Old Son

The alleged victim was taking a nap when his mother ripped the blankets off him and woke him by showing him a knife, and then threw it at him – later, she stabbed him, too.

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Lawyer, Client Argue About Money In Front of Judge

An attorney-client spat highlighted action in Sacramento County Superior Court here Friday when private criminal defense attorney Scott Waterman had a billing “discussion” with his client in the middle of a courtroom session.

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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Fresno Court Watch

Accused Killer Pleads Not Guilty, Claiming Self-Defense Against Girlfriend's Son

An accused killer here in Fresno County Superior Court pleaded not guilty to killing one son of his ex-girlfriend and injuring another – he faces 75 years to life in prison.

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Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Subject: Everyday Injustice - DA Budget Goes Up with Out Explanation; Arizona Supreme Court Continues To Deny Bail in 17 Year Old Marijuana Case

Date: Friday, August 28, 2020 at 7:00:32 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"This truly feels like vindictive prosecution and delay. Neko and my family are absolutely devastated," said San Francisco Public Defender Jacque Wilson

Everyday Injustice Newsletter - August 28, 2020

Some Are Claiming Self-Defense For Rittenhouse, But I Don't Think So

by David Greenwald

I know I have a lot of lawyers on here – I would be interested in your take on this. The backstory is that during the unrest in Kenosha, Wisconsin, 17 year old Kyle Rittenhouse from Antioch, Illinois, was in Kenosha with a group of armed protesters.

Some of my commenters and a bunch of people on social media have argued that his shooting was self-defense but there are all sorts of problems with that claim in light of the facts.

One problem is that he is carrying his weapon – an AR-15 style rifle in the open and while Wisconsin is an open-carry state, not for minors. So he doesn't have a legal right to his weapon in the first place. Nor

does he have the right to be on the street at 11:45 pm, nearly four hours after the 8 pm curfew. The New York Times did a **visual analysis** of the video and then filled it in with **eyewitness testimony**. According to the official account, Rittenhouse was approached by Joseph Rosenbaum, who threw a plastic bag in his direction, it missed him, and he ran.

An unknown gunman shot into the air in the nearby vicinity, and Rosenbaum reached for the barrel of Rittenhouse's rifle. Rittenhouse then fired four rounds, one of which struck Rosenbaum in the head. Rittenhouse then fled the scene. Several people chased him, some shouting to identify him as the shooter.

At some point he had the time to use his cell, call a friend and said that he killed someone. He then flees the scene.

According to the Times, "As Mr. Rittenhouse is running, he trips and falls to the ground. He fires four shots as three people rush toward him. One person appears to be hit in the chest and falls to the ground. Another, who is carrying a handgun, is hit in the arm and runs away."

There are questions as to why the police fail to apprehend him on the spot. The Times notes, "Although bystanders identify him as the shooter, police pass him by. Rittenhouse is arrested the next day, in Illinois. Authorities charged him with first-degree murder."

Wisconsin may be an open-carry state, but it isn't a "Stand Your Ground" state.

As noted, Rittenhouse was in illegal possession of the weapon, **under Wisconsin law**, it is a Class A misdemeanor for a minor to carry a deadly weapon in the open.

Moreover, under state law, there is no legal right to use deadly force for the protection of property you do not own.

"Castle Doctrine" only applies to the use of deadly force in one's home, vehicle or business.

I know in California you can't escalate a situation and then claim self-defense when you have to shoot someone. At the point of the second and third shootings, it seems clear that the reason people are pursuing him is that they had identified him as the shooter and were probably either trying to apprehend him or stop him from shooting other people.

This 17 year old has been lionized by the right, but the lack of good judgment here is appalling and probably why you don't want armed civilians and especially armed minors taking the law into their own hands.

From my view, bringing a weapon to this scene was the first bad mistake. The second was getting into confrontations with people. The third was firing the weapon at people and taking people's lives. I don't know how you walk that part back. At the very least, this is why you don't armed 17 year olds making these decisions.

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Criminal Justice News/ Commentary

Guest Commentary: Yolo County District Attorney Budget Increases Dramatically with Little Explanation

Budgets are tangible expressions of our values. I believe we need to invest in youth development, housing affordability, climate resilience, and strengthening local businesses and our communities. On September 1, 2020, the

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Arizona Supreme Court Continues To Deny Bail in 17 Year Old Marijuana Case

A man who has been held in violation of probation from 17 year old marijuana possession conviction will be forced to remain in custody after the Arizona Supreme Court granted the state's appeal of a ruling that had ordered Navajo County

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Historic Bill Decreases Juvenile Legal Fees that Target Low Income Families of Color

The California Legislature has passed Senate Bill 1290, a historic bill that will ban imposing county-assessed or court-ordered costs on the parents and guardians of a minor in juvenile court and adults who were 21 years of age and

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CA Supreme Court Order Ushers in New Era of Bail in State?

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COVID CDCR and Jail Dashboards

Sacramento Jail Releases COVID-19 Data – 228% Increase In Cases Over 4 Weeks – Breaking Down COVID-19 in CA Jails

As of Aug. 26, SRJ confirmed another positive case, raising the total number of confirmed cases to 241. There are only 10 active cases in custody, compared to 25 active cases on Aug. 25.

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1,110 Active COVID-19 Cases & 57 Deaths

In CDCR – Breaking Down COVID-19 in CDCR

As of August 27, there are 10,220 confirmed cases of COVID-19 in the CDCR system, with 1,110 active and in custody. There have been 57 deaths across the system thus far.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Sacramento Public Defender Butts Heads with Judge to Protect Client

Sacramento Superior Court Judge Ernest Sawtelle, in a speedy pre-trial hearing, butted heads with a public defender who disagreed with a plea offer her client accepted and who fought with the judge to delay sentencing for him.

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Triple Burglar's Sentence Shortened by 15 Years

Repeat burglar Brian Eugene Kakowski received 15 years off his sentence after Judge Helena Gweon here in Sacramento County Superior Court Wednesday ruled to strike three of his five-year enhancements—and he was not

[Read More](#)

Bad Wi-Fi Disrupts Officer's Testimony in Multiple Defendant Burglary Case

Halfway through her testimony, Sacramento police officer Michelle Powell's Wi-Fi cut off, in the Zoom livestream, leaving the public defender's last question hanging in the air.

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Ugly Testimony at Preliminary for Sacramento Man Facing 20 Counts of Sexual Assault Against Daughter

Testimony in courtrooms sometimes isn't pretty – the testimony was just ugly when a Sacramento man faced 20 counts of sexual assault against his 15-year-old daughter in a preliminary hearing in Sacramento County Superior

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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Accused Killer Pleads Not Guilty, Claiming Self-Defense Against Girlfriend's Son

An accused killer here in Fresno County Superior Court pleaded not guilty to killing one son of his ex-girlfriend and injuring another – he faces 75 years to life in prison.

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Defense Attorney Risks The Spread of COVID-19 Inside Fresno Courthouse

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Subject: [StopSQOutbreakOrganizing] Media Contact: Davis Vanguard
Date: Thursday, August 27, 2020 at 10:16:05 PM British Summer Time
From: on behalf of Rodarmel, Danica (PDR)
To: #StopSanQuentinOutbreak Organizing Group

See below. She's looking to connect with directly impacted folks.

Danica Rodarmel (She/Her)
State Policy Director
San Francisco Public Defender
Danica.rodarmel@sfgov.org

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From: Julietta Bisharyan <jsbisharyan@ucdavis.edu>
Sent: Friday, August 21, 2020 8:00 AM
To: Rodarmel, Danica (PDR) <danica.rodarmel@sfgov.org>
Subject: Interview for article

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Hello Danica Rodarmel,

My name is Julietta Bisharyan, and I am with the Davis Vanguard, an online newspaper based in Yolo County. I'm writing an article on how COVID-19 is affecting CDCR facilities, specifically for those incarcerated at San Quentin, and would love to interview you and hear your thoughts as a public defender for San Francisco.

Please let me know if this is possible so that

I can make arrangements.

Thank you for considering my request, and I look forward to hearing from you.

Sincerely,
Julietta Bisharyan

--

Julietta Bisharyan

B.A. English

University of California, Davis

jsbisharyan@ucdavis.edu | (650) 201-4501

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Subject: Everyday Injustice - NBA Players Take a Stand For Justice; Police Reform in Senate Bill 731 Would License Cops Like Lawyers and Doctors
Date: Thursday, August 27, 2020 at 7:00:08 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“The past four months have shed a light on the ongoing racial injustices facing our African American communities,” PG George Hill said.

Everyday Injustice Newsletter - August 27, 2020

Somethings Are Bigger Than Basketball...

by David Greenwald

My wife and I joke that the moment I recognized how big COVID was was when they announced they were suspending the NBA season. I'm a big sports fan and I like basketball and used to watch the Kings pretty religiously when they were actually good. But I don't live and die by the NBA season. What the shutdown was to me was a signalling event that hey, we are shutdown a multibillion industry because of

how serious the threat the virus was to everyone.

Basically: if it was big enough to shutdown sports right before their playoffs, it was time to take it a lot more seriously than I had before. Truth be told losing my brother-in-law a few weeks later was a defining moment for me as well.

I make these points as a backdrop for how big I think what just happened yesterday actually was.

For those of you who are sports fans, let me try to put this into proper perspective - the first team to boycott was the Milwaukee Bucks. Yes, they are only about 40 miles from Kenosha. But they have a time that is probably the favorite to go to the finals this year and maybe win it all.

That was quickly followed by the news that the entire slate of playoff games had been postponed and the even bigger news that the Lakers and Clippers - the two teams out of Los Angeles - may not play again at all.

Once again, these are two teams that are among the favorites to win an NBA championship. This is a big deal. The Bucks have not been to the NBA Finals in decades and the Clippers never have been. This is what players spend countless hours shooting baskets in their back yard and the park dream about.

But this moment is bigger to them than even that dream.

"The baseless shootings of Jacob Blake and other black men and women by law enforcement underscores the need for action," the NBA Coaches Association said in a statement. "Not after the playoffs, not in the future, but now."

"Players have, once again, made it clear — they will not be silent on this issue," National Basketball Players Association Executive Director Michele Roberts said.

"We're the ones getting killed," Los Angeles Clippers coach Doc Rivers, who is Black, said in an emotional speech Tuesday night. "We're the ones getting shot. We're the ones that we're denied to live in certain communities. We've been hung. We've been shot. And all you do is keep hearing about fear. It's amazing why we keep loving this country and this country does not love us back. And it's just, it's really so sad."

Some things are bigger than basketball.

On social media the impact was electric but polarized.

The New Republic had an interesting article yesterday that the NBA is now the bullseye for the right. Trump has complained of "a nastiness about the NBA," warning that the league is in "bigger trouble than they understand."

Nevertheless, I found myself moved by the fact that players on teams with something to play for, many of whom have never won a championship, are willing to forgo that opportunity to take a stand against injustice.

If you can't at least appreciate that - I don't know what to say.

Thanks for reading.

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Criminal Justice News/ Commentary

Commentary: Not Business As Usual As NBA Players Potentially Stop Their Season in the Wake of the Blake Shooting

It was a moment that had seemed to pass. In the wake of the death of George Floyd, the nation seemed ready to address racial inequity. But as time wore on, life slowly returned to normal, the moment seemed to pass, polling

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Portland Police Continue to Tangle with Protesters and Media (Video)

August 25th was the 90th consecutive day of protests in Portland. This group marched from Shemanski Park to Portland City Hall. Within 10 minutes of reaching city hall Portland Police Bureau declared a riot, despite any visible

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Guest Commentary: Bad law and failed order

As the Republican National Convention plays out this week, a public service warning to all Americans: Don't buy the hype you are hearing when it comes to crime in America.

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Police Reform in Senate Bill 731 Would License Cops Like Lawyers and Doctors

California Senate Bill 731 has been introduced here, and it promises to address bad cops who manage to dodge discipline and get hired by another law enforcement agency that knows little or nothing about officers' checkered pasts.

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Trump Administration Ignores Plea by Navajo Nation, Executes 1st Native American in Modern History

The first federal execution of a Native American in modern history took place Wednesday – condemned by the Navajo Nation as an infringement of tribal sovereignty because the death penalty goes against the vocalized values and

[Read More](#)

California Governor Gavin Newsom Endorses George Gascón for LA D.A.

The governor of California, Gavin Newsom, Tuesday endorsed longtime friend George Gascón to be the next District Attorney of Los Angeles. In his statement, Newsom noted “In 2009 I first turned to George

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COVID CDCR and Jail Dashboards

Sacramento Jail Releases COVID-19 Data – 228% Increase In Cases Over 4 Weeks – Breaking Down COVID-19 in CA Jails

On Tuesday August 25, SRJ discovered another positive case, raising the number of current identified cases in custody to 25 and the total number of confirmed cases to 240.

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COVID-19 Outbreak Re-emerges In Avenal State Prison And Continues In Folsom State Prison – Breaking Down COVID-19 in CDCR

As of August 26, there have been 10,190 confirmed cases of COVID-19 throughout the CDCR system. Of those cases, 1,270 remain active in custody. 8,524 cases have been resolved, increasing the percentage of resolved cases

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

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Sacramento Court Watch

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Judge Refuses to Acknowledge COVID in Jails – Orders Jail for Minor Offenses, Doesn't Want to 'Interfere'

Sacramento County Superior Court Judge Steven White – a former district attorney – appeared oblivious to the very real threat of COVID-19 in the state's jails and prison when he refused to release several defendants for

[Read More](#)

Defendant Asks Victim to Lie After He Shoots Her in Leg

Defendant Julian Gill faced three felonies after being accused of shooting his girlfriend, according to testimony here at a preliminary hearing in front of Sacramento County Superior Court Judge Ernest Sawtelle here Tuesday.

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Assault Linked to Methamphetamine Sends One to Jail on Felony Charge

Two individuals, both said to be under the influence of methamphetamine, had a fight in May over what time to go to sleep, and now one of them is facing assault charges. The victim stated

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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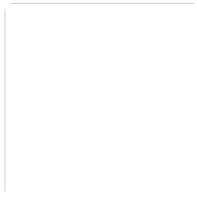
Subject: David Greenwald (@DavisVanguard) has sent you a Direct Message on Twitter!

Date: Wednesday, August 26, 2020 at 8:45:05 PM British Summer Time

From: David Greenwald (via Twitter)

To: SF Public Defender

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Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103

Subject: Everyday Injustice - A Win in NC For Ronnie Long, Now Can He Gain Release; Violence Explodes in Kenosha Following Police Shooting
Date: Wednesday, August 26, 2020 at 7:00:48 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Kenosha Sheriff: "This is why you don't deputize citizens with guns to protect Kenosha."

Everyday Injustice Newsletter - August 26, 2020

Two Dead in Kenosha

By David Greenwald

This is why you don't want armed civilians taking the law into their own hands. The situation in Kenosha is spiraling out of control. Police in riot gear are clashing with protesters outside of the Kenosha County Courthouse late Tuesday.

The situation has been escalating since the shooting of a man by police on Monday.

The situation got ugly on Tuesday as video shows a white man carrying a rifle running away from a crowd of protesters. The video shows the armed man fall to the ground, fire multiple rounds at the crowd. Another video shows a man, blood running down his neck, with bystanders yelling that he had been shot in the head.

News reports indicate that investigators are now investigating armed men in front of a gas station arguing with protesters prior to the shooting.

One man said, "If the cops aren't going to stop them from throwing pipe bombs on innocent civilians, somebody has to." Police say there is no evidence that there were any pipe bombs.

The growing presence of militia are turning this into a more serious confrontation. Armed civilians wearing military flak jackets and bearing AR 15 rifles showed up in the crowd - some to confront the crowd, others to defend themselves and other protesters.

"A lot of fear in the air because of the threats to protesters," said Nathan, 28, a Kenosha resident was quoted in the Washington Post.

"It's hard to see now, but it will be a positive thing," he said of the protests. "It'll bring Kenosha back together. Kenosha has always been a resilient place. It'll continue to happen."

The confrontation built as police pushed protesters away from the courthouse and towards the road where law enforcement with armored vehicles blocked the street. The confrontation built at the gas station however, and the street exploded into chaos and bloodshed as gunshots rang out.

The sheriff told local media that armed militia members have been on the streets in recent nights, calling them a "vigilante group." Following the shooting, he told the NY Times, that the "the bloodshed validated his concerns about armed civilians."

"I've had people saying, 'Why don't you deputize citizens?'" he said. "This is why you don't deputize citizens with guns to protect Kenosha."

This is the exact problem that you would expect. Trained law enforcement officers in the heat of the moment make fatal or near-fatal mistakes all the time. That is why the pushback against policing. Now you want untrained, ideologically extreme militia members who are less likely to follow reasonable protocols? It's a recipe for disaster.

Two people died last night to protect property and now it seems likely the killers of those people will be arrested and charged with murder. The situation is spiraling out of control.

Thanks for reading.

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Appellate Court Orders New Hearing For Ronnie Long

Ronnie Long has been imprisoned for 44 years for a rape that occurred in North Carolina in 1976. But the evidence that he was convicted of is unreliable, the prosecution withheld exculpatory evidence and now the Fourth Circuit Court

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Game of Dice Triggers Homicide As Children Witness

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Accused Killer Pleads Not Guilty, Claiming Self-Defense Against Girlfriend’s Son

An accused killer here in Fresno County Superior Court pleaded not guilty to killing one son of his ex-girlfriend and injuring another – he faces 75 years to life in prison.

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Sacramento Jail Releases COVID-19 Data – 228% Increase In Cases Over 4 Weeks – Breaking Down COVID-19 in CA Jails

No new cases have emerged although two incarcerated people were released while active. There remain 24 identified active cases in custody and 239 total cases.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Defendant Sentenced to 10 Years for DUI Killing Admits ‘Traumatic Consequence of Ignorance’

Adrian Almaraz apologized, but he still was sentenced to 10 years in state prison after killing a man in a wheelchair after crashing into four vehicles in a drunken rage Nov. 28, 2018.

[Read More](#)

Man Throws Gasoline on Neighbor, Threatens to ‘Burn Him Up’

An argument between two neighbors in June took a violent turn after one of them threw a jar of gasoline on the other, produced a lighter and threatened to “burn him up,” according to information presented at a Sacramento

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Alameda Court Watch

Non-Resident Asks Court for Help to Avoid Deportation in 7-Year-Old Case

A non-citizen – who claims he was unaware of the immigration consequences of entering a guilty felony plea seven years ago – is now asking a Riverside County Superior Court judge for help to avoid deportation.

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An accused killer here in Fresno County Superior Court pleaded not guilty to killing one son of his ex-girlfriend and injuring another – he faces 75 years to life in prison.

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Defense Attorney Risks The Spread of COVID-19 Inside Fresno Courthouse

Courtroom officials from the Fresno Superior Courthouse faced the dangers of COVID-19 when defense attorney Leslie Westmoreland informed the court he was experiencing symptoms of COVID-19 Monday – while

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Riverside Court Watch

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Defendant Spills His Life Story to Judge, Disagrees with Charges – Goes to Prison for 2+ Years

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Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Death Penalty Reversed in Peterson Case; Police Shooting in Wisconsin Explodes Volatile Situation

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California Supreme Court: “erroneously dismissed many prospective jurors because of written questionnaire responses expressing opposition to the death penalty, even though the jurors gave no indication that their views would prevent them from following the law — and, indeed, specifically attested in their questionnaire responses that they would have no such difficulty.”

Everyday Injustice Newsletter - August 25, 2020

Is Scott Peterson Innocent?

by David Greenwald

A California Supreme Court as expected threw out Scott Peterson’s death sentence, but left intact the guilt finding. In ruling that anti-death penalty jurors were improperly dismissed, the court ruled that this impacted the penalty phase but not the guilt phase. This despite evidence that so-called death qualifications taint not only the penalty phase but the willingness of an individual to find someone

innocent or guilty.

Caselaw hearing following the Weatherspoon ruling by the US Supreme Court would seem at best dated in terms of understanding the impact of death qualifications. But here we have bigger things to fry.

A few years ago I would have scoffed at the idea that Scott Peterson might be wrongly convicted. After all, Scott Peterson was indifferent to the disappearance of Laci and her body was found near where he fishes.

But Mark Godsey of the Ohio Innocence project, who spoke at our fundraiser two weeks ago, a few years ago had a three part series in Psychology Today where he called the verdict into question. You can read the first part – [here](#).

Mark Godsey notes, "Scott Peterson was convicted primarily because of what we call "demeanor evidence." Peterson undeniably appeared "aloof" and "unemotional" if not cocky when caught on camera by the paparazzi during the investigation and then at his trial.

This caused America's most famous prosecutor-journalist, Nancy Grace, to preach on an almost nightly basis that Peterson was "lying" and "hiding something" and therefore guilty."

We think we know how people will act after a tragedy - but time and time again, we fail to anticipate that some people handle tragedy differently, some people are damaged and detached, and some people are bizarre and even creepy - but none of that necessarily means that they are guilty of murder.

What we need investigators to do is weigh the physical evidence in a blind and objective manner first before weighing secondary and indirect evidence.

The jurors said this and his "remorseless demeanor" were perhaps "the most critical factor" that caused them to convict him.

But as we now know - demeanor is not evidence. People were convinced after seeing Cameron Todd Willingham partying it up after his kids died in a fire that he was guilty. We now know beyond much doubt that he wasn't. People simply respond to tragedy in ways that we might not expect.

Moreover, as Mr. Godsey points out, "humans are really bad—really, really bad—at determining when someone else is telling the truth or lying. Despite what our intuition tells us, demeanor evidence just doesn't mean that much and can't be taken to the bank. And that's been proven not just by the thousands of innocents who were wrongfully convicted after the police or jury disbelieved them and thought their demeanor indicated guilt, but by clinical studies as well."

There is also evidence that suggests that Laci, after she returned from this walk, then "confronted shady characters burglarizing the house across the street from the Peterson's home and that this incident started a chain of events that most likely led to her murder."

There are also questions about the fetal development and not being consistent with the timeline that the police and prosecution put forward. Finally, the most damning evidence is probably the location in which her body was located.

But it doesn't take a huge conspiracy that if the burglars are the culprits here, they see the focus on Scott Peterson, it would be easy enough to bury the body in a location that throws guilt toward Scott Peterson.

As I told someone yesterday, I am not yet convinced that Scott Peterson is innocent, but I am definitely no longer convinced that he committed this crime.

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Criminal Justice News/ Commentary

Death Penalty Reversed in Scott Peterson Case, But Guilt Remains

The California Supreme Court on Monday threw out the death penalty in the case of Scott Peterson but left intact the murder conviction. The state has the option to retry to the penalty phase, but given the state of the death penalty in

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Sacramento Jail Releases COVID-19 Data – 228% Increase In Cases Over 4 Weeks – Breaking Down COVID-19 in CA Jails

As pending tests from last week were completed, they revealed five new positive cases on Sunday, August 23. Still, no new housing units have been designated for quarantine use. Testing continues at minimal rates despite the recent

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Santa Rita Jail Population Soars & Testing Remains Minimal – Weekly Highlights – Breaking Down COVID-19 in CA Jails

Eight new cases have appeared in Santa Rita Jail (SRJ) since last Sunday, although there have been no new cases since Wednesday. Testing has increased slightly from the beginning of August, but remains insufficient to determine

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How Tinted Windows and Red Blanket Led to 4-Defendant Gun and Drug Bust

It's been more than three long years since their big bust, but City of Sacramento police officers Jonathan Magner, Jabier Gutierrez and Nathanael Reason last Friday told a Sacramento County Superior Court judge at a preliminary

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Judge Refuses to Strike 5-Year Sentencing Enhancement for Man Appealing Sexual Assault Conviction

A Sacramento man convicted and sentenced to 25 years to life plus a five-year enhancement in state prison for an attempted kidnapping to commit rape in 2015 came before Judge Laurel White at a sentencing reduction hearing in

[Read More](#)

Woman Asks Judge to Expunge Record After Paying \$6,100 in Restitution

Appearing without an attorney – not necessarily a good idea – Sherry Stephans argued to presiding Judge Steve White in Sacramento County Superior Court last week that her criminal record regarding four crimes be expunged,

[Read More](#)

Man Charged with Hitting 2 Bicyclists with SUV Claims 'Someone, Maybe God' Made Him Do It

Rick Alarcon – a man with no criminal record – hit two bicyclists July 16 with his SUV in downtown Sacramento, causing major injuries. A confused Alarcon said later "someone, maybe God" made him do it.

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Alameda Court Watch

Burglary Bail Reduced, but So Little It Doesn't Matter to Defendant

Being held in custody under multiple counts of burglary and possession of firearms, Jazzmin Barboza awaited her bail hearing at Alameda County Superior Court this week—her bail was \$320,000.

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Ron Johnson: "It's astonishing how weak the evidence was against Olague."

Everyday Injustice Newsletter - August 24, 2020

Ending Racial Discrimination in Jury Selection in California

By David Greenwald

Assemblymember Shirley Weber this weekend wrote [an op-ed](#) arguing the need for the end of jury discrimination in California based on race. This is an issue that does not get near enough attention despite the huge racial inequities in our court system.

As detailed in “[Whitewashing the Jury Box](#),” she writes, “a recent study by the Berkeley Law Death Penalty Clinic, African Americans are eliminated from juries at almost two-and-one-half times the rate as others.”

And yet, as she points out, it has been over 30 years since the state Supreme Court found that discrimination against Black jurors has occurred.

Justice Goodwin Liu last year was able to outline the failures of the current system and pushed for a new one to address racism in jury selection.

On this basis, she introduced, AB 3070.

She writes, “The bill will directly address the worst flaws in the current system. The procedure now in effect only provides a remedy for intentional discrimination.”

“Everyone, however, including lawyers and judges, is affected by biases of which we are often unconscious but that lead us to make decisions based on racial and ethnic stereotypes. AB 3070 replaces that “intentionality” requirement with an objective standard that tests instead for the existence of implicit or unconscious bias in the elimination of the juror,” the Assemblymember continues.

One of the problem with the current system, is that under the US standard of Batson, the ability to offer “race-neutral” reasons has enabled the system to nullify claims of racial discrimination.

She argues, “In the overwhelming majority of cases, trial courts reject claims of discrimination without even asking the lawyer who struck the juror to explain why. But even when the court asks for an explanation, the result is almost always the same. Our courts have defined this term so broadly that almost any explanation short of an admission of discrimination will suffice.”

Weber cites research from the Berkeley Law report that “identified one prosecutor training manual that lists 77 race-neutral reasons for removing a juror, including the juror’s demeanor, negative experiences with law enforcement or relationship with someone who has been arrested or is incarcerated.”

Their survey found that prosecutors rely heavily on these three explanations to strike people of color from the jury box.

She notes: “Even though these reasons have historically been associated with discrimination in jury selection, the new procedure does not prohibit a lawyer from relying on them — but it does require the lawyer to explain convincingly why the justification is appropriate in that specific case.”

This is a big problem. Studies have shown that people of color are disproportionately arrested, prosecuted and convicted for crimes than their white counterparts and then given disproportionate sentences. A big part of the conviction equation is not only lack of access to effective assistance of counsel, but also lack of representative juries that can truly be a jury of one’s peers.

AB 3070 would greatly strengthen the protections currently in place against racial discrimination.

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Criminal Justice News/ Commentary

Will Court Grant Evidentiary Hearing in 2002 Halloween Homicide Case?

Many believe that three men who were ultimately convicted in the 2002 Halloween murders of Robert Stepper and Eric were in the wrong place, at the wrong time and had nothing to do with those murders. Two of them – Ernesto

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Guest Commentary: Defunding the Police Will Actually Make Us Safer

Almost exactly six years after NYPD officers murdered Eric Garner in New York City, Minneapolis police officers murdered George Floyd. Activists, advocates, and protestors are still screaming “I can’t breathe” and begging

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Zoom Forum Debates ‘Crime, Race, Politics in Era of COVID-19’

Sitting in front of a poster of his book released last week, entitled N*gga Theory: Race, Language, Unequal Justice, and the Law, Jody David Armour said, “Whoever puts on that blue uniform is an adversary of Black interests.”

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Looking Back: The Practice of Using Technicalities to Fight against Innocence Claims Must Cease

As an anti-wrongful conviction advocate, it is necessary for me to stay current in the field in order to be as effective as possible. recently, a news item came to my attention that made me think of the larger issue than the particular story,

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Golden State Killer Rape Victims Confront DeAngelo in Court for Nearly a Week before Judge Gives Him Multiple Life Sentences

It's been a long week for victims of the "monstrous" mass killer and mass rapist Joseph James DeAngelo, who had the chance to talk about how the serial killer and rapist, and former cop, terrorized them and their families.

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SF DA Calls Measure to Pay Health Costs for Victims of Police Brutality 'Urgent'

San Francisco District Attorney Chelsea Boudin has been actively promoting Assembly Bill 767, a measure sponsored by Assemblymember Tim Grayson (D-North Bay), which would allow for victims of police brutality and their families

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COVID CDCR and Jail Dashboards

"I'm seeing COVID-19 knock us all down in a line, just like dominoes." – Narratives From San Quentin – Weekly Highlights – Breaking Down COVID-19 in CDCR

Incarcerated writer Rashaan Thomas recently shared an excerpt with Business Insider discussing the state of COVID-19 inside San Quentin State Prison. Thomas, a 2020 Pulitzer Prize finalist for his podcast "Ear Hustle", is

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Santa Rita Jail Reports Significant Changes To Housing Unit Quarantines – Breaking Down COVID-19 in CA Jails

As of Wednesday, August 19, the new outbreak continues in Santa Rita Jail and housing unit quarantines are becoming increasingly opaque.

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Judge Dismisses Overcharged Case after Aggressive Defense Work

Long Vu will walk away from a fight with the boyfriend of his wife and a court battle, free of charges but with eight staples in his head. On October 5, 2019, Vu confronted his wife and her new boyfriend

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Emotional Victim Impact Statement By Wife Moves Sacramento Judge

During a sentencing on a domestic violence case at the Sacramento Superior Court, the alleged victim's impact statement was read aloud, leaving a lasting impression on the judge.

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Stolen Vehicle Scheme, Swapped Plates and VINS – Judge Finds Sufficient Evidence For Trial

Seemingly overwhelming evidence provided at a preliminary hearing that a defendant was involved in a stolen vehicle scheme – stolen vehicles were found where he lived – was enough here last week to convince Sacramento

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Court Holds Defendant with Long Record on Felony Criminal Threats Charge

Details were scarce on this Zoom live-streamed hearing late Friday, but it was clear in-custody defendant Cory Satnowski was going nowhere but back to jail. Satnowski is charged with felony criminal

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Judge Has Own Ideas of Resolution of Case – But Defendant Quarantined in Australia

With the assistance of a sign language interpreter, defendant Thao Vue begged Fresno County Superior Court Judge Francine Zepeda to release her after Vue was charged with assault. “Your honor, am I able to be released?”

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The ACLU writes, "These sobering findings suggest that not even a deadly virus – one that had driven people indoors and required social distancing – can curb the American epidemic of fatal police shootings or the disproportionate rate of police killings of Black, Brown, and Native American/Indigenous people."

Everyday Injustice Newsletter - August 21, 2020

**Boudin Continues to
Push For Protection for Victims of Police Violence**

By David Greenwald

AB 767 is a bill that is sponsored by Assemblymember Grayson, which would expand California's Victim Compensation Board benefits to include victims of police violence.

The bill would reduce obstacles for survivors of police violence and would provide compensation to victims and their families for expenses like medical bills and funeral costs that cannot be covered by medical plans, workers' compensation, or other forms of insurance.

According to supporters, the law would ensure that victims of police violence—disproportionately people of color— would be eligible to receive victims' compensation claims just like any other crime victims, without needing a law enforcement officer's corroboration to qualify. In cases where law enforcement officers are themselves the perpetrators of illegal violence, those officers are unlikely to admit to their excessive force in a police report.

Currently, "This leads to victims and families of those killed or hurt by police being prevented from receiving victims' compensation."

According to Chesa Boudin's office, who is one of the chief proponents of the bill, there is considerable resistance to the bill from law enforcement unions.

They believe the Senate Appropriations Committee report on the bill's cost grossly overestimated its fiscal impact, claiming the bill would increase victims' compensation claim costs by over 200%.

Instead they argue, other estimates, such as one conducted by Crime Survivors for Safety and Justice, suggest the bill would actually increase the costs for victims' compensation claims by only 5%.

"My office recently implemented an internal policy to ensure that some of our most vulnerable victims—victims of law enforcement officers, the people entrusted to keep us safe—are compensated for medical fees, funeral expenses, and burial costs that result from police abuse," said Chesa Boudin whose office has spearheaded support of this bill. "This need is so urgent that four current and former elected prosecutors have rallied together, calling on the California Victim Compensation Board to provide that same coverage to victims of police violence statewide."

Boudin continued: "These victims are disproportionately people of color and have been harmed by the government; they deserve the government's support to recover from the harm."

He added: "It is therefore tremendously disappointing to see the police unions lining up in opposition to this legislation. Relying on misinformation from the law enforcement unions— who protect those same officers who use excessive force—is connected to the very problem this legislation seeks to address. We can and we must compensate those who are hurt by police."

Thanks for reading.

Two things to mention in brief.

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ACLU REPORT: Police Fatally Shoot/Kill People of Color at Same Rate During Pandemic

The ACLU's recent research report, "The Other Epidemic: Fatal Police Shootings in the Time of COVID-19," offers a systematic review of the persistence of police brutality – specifically fatal shootings – not only in the past five years,

[Read More](#)

Attorney General Xavier Becerra Argues CA Supreme Court End Unaffordable Bail in California

Attorney General Xavier Becerra Wednesday made the California First District Court of Appeal's ruling in *In re Humphrey* binding on trial courts while its review of the case is pending in the California Supreme Court.

[Read More](#)

Portland City Commissioner Vies for Control of Police Bureau As New Abuse Video Emerges

A video surfaced just yesterday where ICE and Department of Homeland Security officers are seen using excessive force against a throng of media representatives who were recording as the police made a violent arrest on one

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Confusion Over Man in Custody – Misdemeanor or Violation of Probation?

Earlier this week, in Yolo County Superior Court, a review of the felony charge and allegation of violation of probation began in the case of Moses Santos – but as soon as it began it came to a quick halt as

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20 Year Old Child Predator Pleads No Contest to Sex Acts with Minor, Gets 6 Years

Defendant Alfredo Ochoa-Velazco was convicted of the molestation and sexual exploitation of a minor and will serve a minimum of five years in state prison as decided by the Sacramento County Superior Court Department

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His Car Air was Fresh, But That Tiny Slip Leads to Court Troubles for Ex-Felon

A can of air freshener on a car dash may make the air smell nice, but for Demetrius Hill the freshener and a sticker caused a window obstruction that led to a stop by police officers – now he's facing years in jail for an arrest for being

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Judge Grants Bail, But Increases It 10 times to \$250,000

A defendant was granted bail here in Sacramento County Superior Court this week, despite three felony charges, including death threats to his victim and victim's mother just 17 days after he was released from prison.

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COVID CDCR and Jail Dashboards

Santa Rita Jail Reports Significant Changes To Housing Unit Quarantines – Breaking Down COVID-19 in CA Jails

As of Wednesday, August 19, the new outbreak continues in Santa Rita Jail and housing unit quarantines are becoming increasingly opaque.

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1,050 New COVID-19 Cases Over 14 Days- Breaking Down COVID-19 in CDCR

As of August 20, there are 9,736 cumulative confirmed cases of COVID-19 in the CDCR system, an increase of 23 cases from yesterday. There have been 55 deaths across the system thus far.

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To: valerie.ibarra@sfgov.org

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"In this moment of national reckoning over our history of racially-biased policing, millions of Americans from every corner of the country are demanding policy changes to protect Black lives and promote racial justice," said Baltimore City State's Attorney Marilyn Mosby.

Everyday Injustice Newsletter - August 20, 2020

ACLU Report Shows Fatal Shootings Continue Even During COVID

An ACLU report, "The Other Epidemic" shows that "that the police have continued to fatally shoot people at the same rate during the first six months of 2020 as they did over the same period from 2015 to 2019. "

They further found: “Black, Native American/Indigenous, and Latinx people are still more likely than white people to be shot and killed by police.”

Here’s the introduction to their report:

The killing of George Floyd by Minneapolis police officers on May 25, 2020 was horrific, but it was not unusual. People rose up in protest in streets across America not because such brutality was unprecedented, but because police violence — inflicted disproportionately on people of color — is and always has been woven into the daily fabric of American life. Police in the United States kill an obscene number of people every year. The actual number is not known because the data is not tracked, reported, collected, or analyzed in a systematic fashion.

At minimum, we know that police kill more than 1,000 people annually. Even this conservative figure far exceeds the number of people killed by police in other wealthy Countries. For perspective, police in America kill people at least three times the rate of their law enforcement counterparts in Canada, a wealthy country with the next highest rate of killing, and at least 16 times the rates of Germany and England

The epidemic of police violence has been directly and disproportionately targeted at Black people. Indeed, police have played a primary role in anti-Black violence since their inception as an institution. For example, a sociological study in 1933 of 100 lynchings found that white police officers had participated in at least half of all lynchings, and that in 90 percent of others, law enforcement stood by, complicit in their inaction, as mobs murdered Black people.

Just as police are more likely to stop, frisk, arrest, and jail Black people than white people, they are more likely to shoot and kill Black people. One study found that young unarmed male victims of deadly force by police are 13 times more likely to be Black than white.

At current levels of risk, Black men face about a one in 1,000 chance of being killed by police over the course of their lives. Stuningly, for young men of color, police use of force is now among the leading causes of death.

Mirroring the lack of media attention often given to women and non-binary people of color killed by the police, there is a dearth of research examining racial disparities in police killings among non-male populations. However, some data indicates that although women are less likely than men to be killed by police overall, Black women and Native American/ Indigenous women are more likely to be killed by police than white women.

Furthermore, while police killings are higher in high-poverty areas than low-poverty areas for all racial groups, Black people who live in more affluent areas are almost as likely to be killed by police as white people who live in the poorest areas.

The onset of the coronavirus pandemic, during which state governments have issued stay-at-home orders and imposed social distancing requirements, and many police departments have sought to minimize police-initiated contact with the public (by, among other measures, reducing the number of traffic and pedestrian stops), would suggest a reduction in police killings.

This report examines whether unprecedented societal isolation combined with police departments relaxing routine enforcement corresponds to a decrease in the frequency with which the police fatally shoot people, and whether such force continues to be used disproportionately against Black, Brown, and Native American/ Indigenous people. As detailed in the following results section, we found that despite COVID-19, the rate of fatal police shootings has remained the same nationally. In some states, the rate

has even increased.

Our country has to reckon with the scope and impact of centuries of systemic police violence and racism. We issue this report to highlight the current state of fatal police shootings during what are unprecedented times for this generation, and to show a way forward that would, ultimately, shift power away from police officers, police unions, and their lobbying associations, and to the communities that have suffered the most police violence. Communities that are closest to the problem are closest to the solution, and yet often are furthest from the resources necessary for transformational change.

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Criminal Justice News/ Commentary

Law Enforcement And Prosecution Leaders Join Policymakers In Calling On Congress To Support The More Act

A number of states have now moved to legalize recreational marijuana. California has not only legalized it – but has moved to expunge convictions, convictions that tilted heavily toward people of color.

[Read More](#)

Only Native American on U.S. Death Row Set for Execution Next Week – Despite Navajo Opposition, Calls of Racial Bias and Violation of Tribal Sovereignty

As his scheduled execution day looms, now set for Aug. 26, Lezmond Mitchell—the only Native American on U.S. death row—has appealed to the U.S. Supreme Court to ask for clemency.

[Read More](#)

Health Officer Analyzes San Quentin COVID-19 Outbreak in Letter to Judge

In the tight and compressed environment of prison, a powerful virus like COVID-19 has an enhanced chance of spreading, it didn't help San Quentin State Prison on June 1 when 122 new inmates from the Chino Institute of Men

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1st Victims Confront The East Area Rapist – He Escaped Death But Not Accusers

The victims and the victim's families received their first day in court Tuesday before Judge Michael Bowman in Sacramento County Superior Court to address the damage that the Golden State Killer caused to their lives.

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Judges Denies Lower Bail Request for Man Accused of Beating Girlfriend

Defendant Dion Dates asked to have his bail lowered here in Sacramento County Superior Court even though he's facing serious felony charges related to a series of beatings and violent threats against his girlfriend about a year ago

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Public Defender Convinces Defendant to Agree to Appear by Zoom at Arraignment

Defendant Benjamin Warren was quick to say no when the judge asked if it was okay for them to do his arraignment via Zoom in Sacramento County Superior Court this week.

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Murder Trial Continues for Man Accused of Stabbing Brother

A murder trial continued here in Riverside County Superior Court Wednesday, where a jury heard that on July 10, 2019, Timothy Condoluci allegedly murdered his brother, 41-year-old Michael Condoluci, by stabbing him behind their

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From: Ibarra, Valerie (PDR)

To: Rodarmel, Danica (PDR), PUBDEF-Integrity

<https://www.davisvanguard.org/2020/08/ca-public-safety-committee-oks-host-of-bills-aimed-at-police-brutality/>

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Subject: Everyday Injustice - Gunnigle Tries to Reform Maricopa County; CA Public Safety Committee OK's Host of Bills Aimed at Police Brutality

Date: Wednesday, August 19, 2020 at 7:00:39 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

Marin Public Health Officer: "On-site mitigation efforts to prevent transmission remain a challenge. Those 1200 inmates who have not yet been infected are at significant risk of becoming infected."

Everyday Injustice Newsletter - August 19, 2020

Letter from Marin Public Health Officer Lays Out San Quentin Concerns

A letter from Matthew Willis, the Public Health Officer from the County of Marin lays out concerns about the facility.

"This letter is to describe ongoing health concerns for inmates related to the ongoing COVID-19 outbreak at San Quentin State Prison," Willis writes.

On June 1, CDCR transferred 122 inmates from Chino to San Quentin.

"Transferred inmates had not been tested for COVID-19 within 14 days prior to arrival at San Quentin. Recognizing that some would be infected through exposure at CIM, MCPH recommended testing all transferred inmates, and sequestering them completely from the native San Quentin population. Instead, transferred inmates were tested on June 1 and 2 and placed in a large shared unit with existing San Quentin inmates prior to the return of testing results."

"This placed all inmates and staff working in that unit at risk, and MCPH recommended mandatory mask wearing and preventing staff who had been exposed from working in other units. MCPH was informed by CDCR that local health officers lack the authority to mandate measures in state-run prisons. Lacking the authority to ensure standard outbreak management, and seeing the consequences of decisions made thus far, on June 3, MCPH recommended San Quentin leadership establish an incident commander with expertise in outbreak management at the facility."

Willis notes that as a result of interventions, "the outbreak is now slowly resolving. Each week there are fewer new cases and hospitalizations. Currently approximately 2200 inmates have been infected, of the current total population of approximately 3400."

"The ongoing risk of inmates at the facility is based primarily on three things-- the effectiveness of efforts to protect them from infection; their baseline health status; and access to healthcare."

Despite this, "On-site mitigation efforts to prevent transmission remain a challenge. Those 1200 inmates who have not yet been infected are at significant risk of becoming infected."

“In addition, the conditions and culture of infection prevention standards within CDCR, while there has been an admirable improvement, does not change overnight. Breaches in mask wearing, physical distancing and other fundamentals of infection control among staff still remains a concern. Approximately 300 correctional officers and other prison staff have been infected during this outbreak, indicating the institutional challenges of strict adherence to personal protective equipment and physical distancing standards in routine operations.”

“The second factor that defines risk is the baseline health status of inmates. Older individuals or those with underlying medical conditions are at higher risk for severe disease or death if they become infected. The San Quentin population has a high proportion of older inmates compared to other correctional facilities, especially men in the condemned unit. Further, due to the demographic makeup of the prison population, in income, race and education, there is high rate of underlying chronic diseases than place inmates at higher risk for mortality if infected.

“Lastly, the risk for poor COVID-19 health outcomes is affected by the quality and timeliness of healthcare services.”

“Taken together these factors sum to a picture of significant ongoing risk related to COVID-19 for inmates at San Quentin State Prison, despite progress over the past month to shift from a wholly under-prepared and under-resourced system. Most of the ongoing risk is attributable to factors that can, with concerted effort and resources, be addressed over time, but cannot be corrected in the short term.”

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Criminal Justice News/ Commentary

Gunnigle Primary Wins Sets Up November Battle For Maricopa County Prosecutor

Like many progressive prosecutors we have covered, Julie Gunnigle won easily in August in the Democratic Primary, beating out here nearest competitor by nearly a 3 to 1 margin. But unlike several others, she will face a tough general against the Republican nominee in a county that

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CA Public Safety Committee OK's Host of

Bills Aimed at Police Brutality

The California State Assembly Committee on Public Safety here has been approving legislation designed to reduce police abuse. These are just some of the measures that passed through the committee in July and early August:

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Woman Accused of Trying to Kill Sister with Mallet, Lighting Carport and Cat on Fire

A Riverside County woman is facing multiple charges in separate cases involving a string of unhinged violent crimes back in December 2018 – the most serious of these include the attempted murder of her sister, arson, and animal

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Pro Per Defendant Irritating, But Judges Rules in His Favor Over DDA Objections

A defendant – representing himself propria persona (pro per) – maybe irritated Sacramento County Superior Court Judge Scott Tedman more than a little here late last week, but in the end stood up against Deputy District Attorney

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Judge Michael W. Sweet released William Brodsky on his own recognizance despite alleged assault charges because, the judge said, the Department of Veterans Affairs cut off the defendant's access to mental healthcare

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Fresno Judge Gives Benefit of Doubt to Defendant, Grants Pretrial Release

When Anthony Soto was hauled into Fresno County Superior Court last week in-custody, it was because he was arrested for corporal injury to his wife/partner – but it became a bail hearing.

[Read More](#)

COVID-19 Presents Troubles in the Make Up of Juries

On top of everything blamed on the Coronavirus, it now appears COVID-19 has caused many defendants to postpone their trial dates because of fear of not receiving an impartial jury because recent health information

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Subject: Everyday Injustice - Bad Shooting and Cover up in Oakland; Poor Handling and Cover Up of COVID in SQ and Sac

Date: Tuesday, August 18, 2020 at 7:02:14 PM British Summer Time

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To: valerie.ibarra@sfgov.org

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Danica Rodarmel, an attorney at the San Francisco Public Defender's Office said "It is unacceptable to allow the state to avoid responsibility for their actions, when they have led to more collective harm, human suffering and devastation than any single incarcerated person in the state of California has caused."

Everyday Injustice Newsletter - August 18, 2020

Two Stories Yesterday Illustrate How Bad the COVID Situation is in Jails and Prisons

By David Greenwald

Want to highlight a few articles that got posted during the day yesterday and are extremely important.

Jaden Jarmel-Schneider is part of the team of interns that Aparna Komarla put together to track COVID in jails and prisons in California.

His report should be statewide news.

He writes:

Sacramento County acted on a policy of obfuscation and opacity when it came to releasing information about COVID-19 in the county's two jails, defying a basic tenet of the democratic social contract and a guiding principle of California's Public Records Act.

While California's prisons, which incarcerate inmates who have been convicted of crimes, released daily reports of COVID-19 cases and testing, many of California's county jails, which hold defendants awaiting trial, have not.

After a wave of protests demanding Sacramento release information about cases in the county jails, the

Vanguard began an investigation into COVID-19 data and testing protocols across county jails in California.

While data trickled in from San Francisco, then Yolo, Solano, and Alameda, which published their data on their public health department website, Sacramento was adamant: It would remain a black box of sorts, fighting to keep data disclosed with the same vigor that one might expect a county to combat a pandemic.

Meanwhile our partners at the San Francisco Public Defenders Office also put out an important report midday on Monday.

A more than 400-page pleading here charges today that the California Dept. Corrections and Rehabilitation (CDCR) ignored the Marin County Health Official warnings about a COVID-19 public health disaster at San Quentin Prison, and that led to the largest virus outbreak in the U.S.

More than 2,000 people living and working at San Quentin (SQ) have now tested positive for COVID-19, and 26 have died. So far. The virus infection rates is 68.5 percent at SQ – California's infection rate is just one percent.

In late May, the CDCR transferred 121 people from California Institution for Men (CIM) – then the state prison with the highest COVID-19 rate in California – to San Quentin. There were no confirmed cases of COVID-19 at San Quentin before the transfer.

The recent Marin filing revealed that **San Quentin ignored the advice of Marin County Public Health Officer Matthew Willis and that CDCR issued letters to local health officials claiming that state prisons are exempt from local health orders**

Willis said the prisoners bussed to SQ had not been tested before being transferred to SQ and warned of a massive outbreak unless they were isolated.

Last week, in the case against SQ and CDCR, lawyers for 42 people incarcerated in San Quentin filed over 400 pages detailing failures by CDCR and SQ that have now led to 26 deaths at the prison and immeasurable suffering inside and out.

Marin County Superior Court Judge Geoffrey Howard, who is overseeing the case, issued an order on August 12 allowing a second consolidated case involving 115 more petitioners to move forward. Sacramento Jail is hiding the ball. San Quentin ignored the advice of Marin County Public Health Officer Matthew Willis.

Thanks for reading.

Two things to mention in brief.

First, we have now over 2100 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

If you aren't a paid subscriber to the Vanguard - you should be - \$10 for a standard membership, you can go as low as \$3 or \$5 or you can go higher. Monthly contributions keep us going. Click here: <http://davisvanguard.org/2017/04/subscriber>

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Twitter: <https://twitter.com/DavisVanguard>
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Oakland Releases Report on 2018 Shooting of Joshua Pawlik by Oakland Police Highly Critical of the Police

In March 2018, Joshua Pawlik, a young man died “in a hail of 22 bullets fired by four officers” as he gained consciousness, with a handgun by his side, in a residential neighborhood of Oakland.

[Read More](#)

Sacramento Jails Cover-up COVID-19 Data And Violate Public Information Doctrine

Sacramento County acted on a policy of obfuscation and opacity when it came to releasing information about COVID-19 in the county’s two jails, defying a basic tenet of the democratic social contract and a guiding principle of

[Read More](#)

CA Corrections Purposely Ignored Health Warnings; Led to Largest COVID-19 Outbreak in U.S. at San Quentin

A more than 400-page pleading here charges today that the California Dept. Corrections and Rehabilitation (CDCR) ignored the Marin County Health Official warnings about a COVID-19 public health disaster at San Quentin Prison,

[Read More](#)

Surveillance Footage of Golden State Killer Denied for Sentencing Use

Monday morning, the day before victim impact statements begin, prosecutors requested to add additional evidence against the Golden State Killer, now set for sentencing this Friday.

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Judge Explains ‘Adrenalin’ Theory Before Releasing Defendant Out of Custody

When Assistant Public Defender David L. Muller claimed his client exhibited modesty in showing up to court, he was quickly shut down by Judge Dave Rosenberg here in Yolo County Superior Court late last week.

[Read More](#)

Father Accused of Inappropriately Touching Daughter Bound Over for Trial

Standing accused of three felony counts of lewd and lascivious acts on a minor under 14, defendant Yuri Pernermon appeared today for a pretrial hearing in Sacramento.

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Pandemic Hurts Defendants' Ability to Appear, Comply With Orders

Probation hearings were plagued – so to speak – by COVID-19 related complications today in Fresno Superior Court Department 10 – many defendants either recounted problems complying with court orders to presiding Judge

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Zoom, Email Issues Complicate Fresno Courtroom Proceedings

It got a little confusing in Fresno County Superior Court one day last week – a Zoom malfunction and inaccurate emails complicated things for Judge Glenda Allen-Hill in Department 11.

[Read More](#)

COVID CDCR and Jail Dashboards

Santa Rita Jail Tested <7% Of Population Last week - Claims Outbreak Is Resolved - Weekly Highlights - Breaking Down COVID-19 in CA Jails

There is a new and ongoing outbreak in Santa Rita Jail as of Sunday, August 16. 18 people tested positive last week, despite particularly low testing rates. The majority of new cases appeared only yesterday. This comes on the heels of

[Read More](#)

Santa Rita Jail COVID-19 Cases Increase While Testing Remains Minimal – Breaking Down COVID-19 in CA Jails

There is a new outbreak in Santa Rita Jail—although it could also be a continuation of the outbreak that began a month ago. 13 people tested positive on Sunday following 77 tests the day before.

[Read More](#)

Another COVID-19 Death at CA Institute for Men – 37% of CDCR Deaths – Breaking Down COVID-19 in CDCR

As of August 17, there are 9,563 confirmed COVID-19 cases in the CDCR system, and 1,163 new cases in the past 14 days. There have been 55 deaths across the system thus far.

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San Francisco Court Watch

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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Yolo County Court Watch

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Defendant Complains of Poor Treatment at Jail, Calls it ‘CIA Black Site’ – Mental Competency Questioned

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Everyday Injustice - Podcast

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Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: FOR IMMEDIATE RELEASE: Petitioners Allege CDCR Purposefully Ignored Marin County Health Official Warnings about Dangers at San Quentin; Over 400 pages of Evidence Presented

Date: Monday, August 17, 2020 at 8:25:32 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: August 17, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628) 249-7946 - Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

Petitioners Allege CDCR Purposefully Ignored Marin County Health Official Warnings about Dangers at San Quentin; Over 400 pages of Evidence Presented

Habeas petitions allege CDCR actions causing explosive and deadly Covid-19 outbreak at San Quentin constitute "cruel and unusual punishment"

SAN FRANCISCO - Last week, in the case against San Quentin State Prison (SQ) and California Department of Corrections and Rehabilitation (CDCR) for the infamous botched transfer and handling of the resulting outbreak of COVID-19 at the prison, lawyers for 42 people incarcerated in San Quentin filed over 400 pages detailing failures by CDCR and SQ that have now led to 26 deaths at the prison and immeasurable suffering inside and out.

Marin County Superior Court Judge Geoffrey Howard, who is overseeing the case, issued an order on August 12 allowing a second consolidated case involving 115 more petitioners to move forward. The First District Court of Appeal is also considering a case by a man incarcerated at SQ, which was filed prior to the transfer and outbreak, but identified the prison's unique vulnerabilities and correctly predicted what would occur if the virus made its way inside the prison.

The recent Marin filing revealed that [San Quentin ignored the advice of Marin County Public Health Officer Matthew Willis and that CDCR issued letters to local health officials claiming that state prisons are exempt from local health orders](#). Dr. Willis wrote to Judge Howard independently, emphasizing, "[T]he role of immunity— that is, protection for someone who has been infected from subsequent infection and illness— is still unknown. If immunity after

infection is short-lived, or weak, another outbreak of this scale could reoccur. In that case all inmates, regardless of past infection, would be at risk if fundamental measures to prevent spread were not significantly improved.”

In response to calls to reduce the prison population by 50%, incarcerated journalist, and Petitioner Juan Moreno Haines stated, “Since I’ve had COVID-19, I’ve lived with 3 different people, unsure of whether or not that person had the virus or not. The problem that we have at San Quentin is that it’s overcrowded [and] it’s the perfect environment for the virus. It’s the perfect environment for people to die in. To solve this problem, I only suggest to follow the science.”

“It’s time the California Department of Corrections and Rehabilitation be held accountable for the harm that they have caused - just like the 100,000+ people in its custody have been. It is unacceptable to allow the state to avoid responsibility for their actions, when they have led to more collective harm, human suffering and devastation than any single incarcerated person in the state of California has caused,” said Danica Rodarmel, an attorney at the San Francisco Public Defender’s Office.

Hadar Aviram, Professor of Law at University of California Hastings College of the Law, along with seventeen other prominent criminal justice and corrections scholars and the ACLU of Northern California have weighed in as “*amici curiae*” or “friends of the court.” They argue that state and prison officials had ample warning a health crisis of this magnitude could occur at San Quentin, from decades of federal court criticism about the prison healthcare system generally and from specific warnings about COVID-19 from public health experts. “In addition to the botched transfer from Chino to San Quentin, prison authorities failed to provide basic preventative measures, such as testing, protective equipment, and cohorting, even though they received not only advice, but offers of assistance.” They urge the court to act, warning of a considerable possibility of a recurrence of the outbreak at San Quentin, as has already happened in other prisons.

Veronica Jackson, wife of Petitioner Arthur Jackson, said, “I told my husband on the day we got married that I wouldn’t excuse the man he was, but that I will embrace the man he is now. That is what we are asking the people in power to do - to please treat him according to who he is today, and allow him to come home.”

Last month, Judge Howard issued the first order in the now two consolidated cases of 157 petitioners, with more likely on the way. The court ordered the state to respond urgently to petitioners’ requests for immediate release from their incarceration at San Quentin State Prison, filed between June and August.

The petitions come after a fateful decision by CDCR in late May to transfer 121 people from California Institution for Men (CIM) - then the state prison with the highest COVID-19 rate in California - to San Quentin. There were no confirmed cases of COVID-19 at San Quentin

before the transfer. As a result of the transfer, over 2,000 people living and working at San Quentin have tested positive for COVID-19 and 26 have died- making it the worst outbreak in the country. The crisis has led to severe staffing shortages, near total and indefinite lockdown, and a state of extreme fear for those trapped inside and their families. Currently, the COVID-19 infection rate in San Quentin is 68.5% while California's infection rate is 1%.

The cases were filed individually as "habeas corpus" petitions - an emergency motion asking the courts to determine whether a person's incarceration is lawful. The petitions allege violation of the U.S. Constitution's 8th Amendment prohibition against "cruel and unusual punishment" and request immediate release to escape the deadly conditions caused by CDCR. The cases were subsequently joined together and will be heard by Superior Court Judge Howard. Attorneys for petitioners include Charles Carbone, the Marin County Public Defender, the San Francisco Public Defender, and the Alameda County Public Defender.

Filings in the case are available at the San Francisco Public Defender's Website, [here](http://sfpublicdefender.org/news/2020/08/petitioners-allege-cdcr-purposefully-ignored-marin-county-health-official-warnings-about-dangers-at-san-quentin-over-400-pages-of-evidence-presented/):
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###

Subject: Everyday Injustice - Progressive DAs Targeted in Missouri and Virginia; Confidence In Police At a Record Low

Date: Monday, August 17, 2020 at 7:00:34 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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ProPublica report: ""Despite its legal obligations, the NYPD has been withholding significant evidence and undermining investigations of alleged abuse. It has stopped sharing a wide variety of paper records and has been redacting the names of potential witnesses from others without explanation."

Everyday Injustice Newsletter - August 17, 2020

Progressive Prosecution - the Threat of and the Threat To It...

by David Greenwald

I keep telling people to start paying attention to DA races as a bellwether as to what we might see in November. Since May we have seen a flood of progressive prosecutors not only win, win overwhelmingly and in several cases beat sitting incumbents.

The list is impressive and growing. Just since May we have seen: Mike Schmidt in Portland, Jose Garza in Austin, Mimi Rocca in Westchester, NY (all these candidates won with 68 percent of the vote, two over incumbents). We saw Kim Gardner in St. Louis, Eli Savit in Michigan and Laura Conover and Julie Gunnigle in Arizona. The last one still has a fight on her hands in the general, but she won the Democratic Primary.

That follows the victory of Chesa Boudin last November in San Francisco, which probably along with Larry Krasner in Philadelphia has been the most impactful of these prosecutors on a national level.

But there is a downside - especially in red and purple states - there is a pushback.

We saw this in Florida with Aramis Ayala. She announced that she could no longer seek the death penalty for defendants charged by her office. It's a pledge we have seen in places like San Francisco, Philadelphia, more recently in Santa Clara County by Jeff Rosen.

"My duty is to seek justice, which is fairness, objectivity, and decency," she said. "I am prohibited from making the severity of sentences the index of my effectiveness."

In Florida that was the wrong answer and when the state moved to take such decisions out of her office, Ayala told the Vanguard that she wasn't going to run.

Larry Krasner has seen his power threatened at times, but has for the most part been able to prevail.

The threat is deeper though in St. Louis and Virginia.

Earlier this week the Vanguard reported on efforts by the Missouri Governor, Attorney General and Legislature to strip St. Louis Circuit Attorney Kim Gardner of her powers, by giving the AG the power to directly prosecute certain cases.

Yesterday, I interviewed Kim Gardner and will have that story tomorrow.

St. Louis County Attorney Wesley Bell pushed back this week at efforts to curtail Kim Gardner's prosecutorial discretion. (For those who aren't aware, St. Louis is an independent city and so they have their own "Circuit Attorney" while Wesley Bell is the prosecutor for St. Louis County next door).

In a statement, Bell called this "an immoral attempt to usurp the will of the voters" because the State Attorney General's office is not responsible to those who elected Gardner."

"The reality is that certain legislative leaders care more about posturing than they do about the health and safety of the residents of Missouri and St. Louis," Bell said.

In the meantime, today we have a story on Parisa Dehghani-Tafti who we did a podcast with in the winter.

On March 4, 2020, the Circuit Court entered an order that would require that the Commonwealth Attorney in Arlington justify all charging decisions and writing—decisions on whether to dismiss, charge or even settle cases in her jurisdiction. As one source put it, "decisions that are at the core of the exercise of independent prosecutorial discretion."

The order came just two months after Parisa Dehghani-Tafti took office and "creates new limitation and obligations for Commonwealth's Attorneys in Arlington, running afoul of Virginia's Constitution, its statutes, and its precedential case law."

Across the country the people are speaking loudly on the need for reform - but across the country as well, Republican appointed judges, Governors and legislators are attempting to take away that progress. That is the next battle.

Thanks for reading.

Two things to mention in brief.

First, we have now over 2100 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Confidence In Police At a Record Low

In 2015 when a string of incident involving the police started occurring – Michael Brown, Eric Garner, Tamie Rice, Walter Scott and Freddie Gray it led to a national movement pushing back against police involved killing particularly of

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Sunday Commentary: Reisig is Not Putting Forward a Reform Agenda

It has been two years since both the Davis Enterprise and Sacramento Bee declared that Yolo County DA Jeff Reisig was one of if not the most progressive prosecutor in the state. The good news is that even the DA's office now

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Half of ICE Facility Detainees Test Positive for COVID-19 After Federal Judge Orders Tests

The Vanguard has learned that ICE (Immigration and Customs Enforcement (ICE) has been ordered – in a late Friday emergency ruling here by U.S. District Court Judge Vince Chhabria – to test all detainees and the staff at the

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State of Missouri Threatens Prosecutorial Independence of Kim Gardner

St. Louis Circuit Attorney Kimberly M. Gardner has been under fire since the start of her term from a whole host of adversaries, the latest comes just a week after a resounding win at the polls last week where Republican

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Virginia Prosecutor Threatened with Power Stripped for Advocating Reform

Earlier this week the Vanguard reported on efforts by the Missouri Governor, Attorney General and Legislature to strip St. Louis Circuit Attorney Kim Gardner of her powers, by giving the AG the power to directly prosecute certain

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Defendant Complains of Poor Treatment at Jail, Calls it ‘CIA Black Site’ – Mental Competency Questioned

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Defendant Marcus Dearmond may have had a point here late last week when he claimed his due process rights were being violated after—on his third attempt to have bail set—he again saw his case continued

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Judge Denies Statutory Bail, Sets \$500K Bond – Calls Driver ‘Extreme Danger to Society’

Earlier this week, Fernando Andrade Sanchez appeared in a Fresno County courtroom for what could be his 13th driving under the influence conviction, after driving a pickup truck into a parked vehicle and engaging in a physical

[Read More](#)

Judge Agrees Fresno Police Detained Defendant Unlawfully, Grants Defense Motion to Suppress Body Cam Footage

Judge Gary Orozco—after noting that the Fresno police unlawfully detained the defendant—granted a defense motion to suppress footage from a Fresno police officer’s body camera and a 911 call in the arrest of defendant

[Read More](#)

Man Charged with Armored Car Theft, Escape, Waits for Riverside Court Hearings

Angel Felipe Aleman has a date in Riverside Superior Court Aug. 24 for a bail review on charges stemming from a July theft of \$140,000 from an armored vehicle, but that may be just the start of his problems.

[Read More](#)

COVID CDCR and Jail Dashboards

40 Incarcerated People At San Quentin File Petition Seeking Immediate Release

Despite the outbreak raging through San Quentin, several journalists from the San Quentin news are determined to continue writing and get their stories out.

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Santa Rita Jail Admits Numerous Errors In Daily Reports – Jail Population At Its Peak – Breaking Down COVID-19 in CA Jails

An Oakland community organization has planned call blasts today, August 13, and tomorrow in an attempt to secure access to medical care for two people incarcerated in Santa Rita Jail who have been severely mistreated.

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San Francisco Court Watch

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Tests

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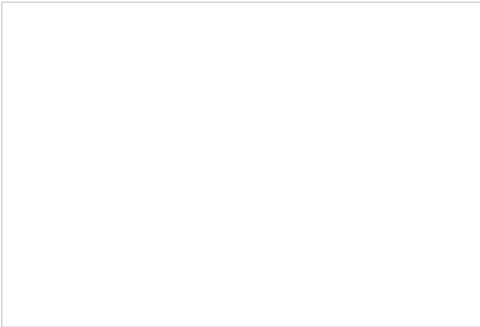
Subject: Davis Vanguard Story on Case

Date: Monday, August 17, 2020 at 6:55:59 PM British Summer Time

From: Rodarmel, Danica (PDR)

To: Ibarra, Valerie (PDR), Goossen, Carolyn (PDR), covidhabeas@googlegroups.com

<https://www.davisvanguard.org/2020/08/weekly-highlights-8-16-breaking-down-covid-19-in-cdcr/>



40 Incarcerated People At San Quentin File Petition Seeking Immediate Release As Outbreak Violates Eight Amendment Rights - Weekly Highlights - Breaking Down COVID-19 in CDCR | Davis Vanguard

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Danica Rodarmel (She/Her)
State Policy Director
San Francisco Public Defender
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Subject: FOR IMMEDIATE RELEASE: After Judge Ordered ICE to Test All Detainees and Staff at Mesa Verde, Fifty Percent of Detainees Test Positive for COVID-19

Date: Sunday, August 16, 2020 at 4:00:36 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: SF Public Defender

FOR IMMEDIATE RELEASE

August 15, 2020

MEDIA CONTACT:

San Francisco Public Defender's Office - (628) 249-7946

emi.maclean@sfgov.org - (510) 473-6343)

*****PRESS RELEASE*****

After Judge Ordered ICE to Test All Detainees and Staff at Mesa Verde, Fifty Percent of Detainees Test Positive for COVID-19

SAN FRANCISCO — In an emergency order late yesterday, federal District Court Judge Vince Chhabria ordered the U.S. Immigration and Customs Enforcement (ICE) to test all detained people and staff at the Mesa Verde ICE Processing Center for COVID-19. As of today, of the 104 detained people at the facility, at least 54 tested positive for the virus.

This comes after a lawsuit against ICE was filed April 20 by the San Francisco Public Defender's Office, the ACLU Foundations of Northern California and Southern California, Lawyers' Committee for Civil Rights (LCCR) of the San Francisco Bay Area, Lakin & Wille LLP, and Cooley LLP.

As a result of that lawsuit, two-thirds of the population at Mesa Verde were released. For those that remain, the conditions have only worsened.

"This is precisely why we've been fighting so hard to release people from custody. People who continue to be held inside congregate spaces like prisons and detention centers in California are in serious risk of contracting this devastating illness, as are their communities", said Mano Raju, the San Francisco Public Defender.

Judge Chhabria emphasized the urgency of a situation that has quickly spiraled out of control: "I'm ordering that it be done immediately," the judge said in the oral order, "and nobody stop working until they're completed."

The judge cited the “deliberate indifference” of ICE and private company GEO Group, Inc. that manages the facility. “There’s no question that this outbreak could have been avoided,” he said.

He ordered that a rapid test be used to give near immediate results. Documents filed in a class-action lawsuit against ICE show that rapid test units had been sent to the facility, but ICE refused to use them on detainees. Instead, when it ultimately did tests, it used one that took days to show results. This created a highly a dangerous situation with people who are positive mixed with the general population.

“We are really scared that we will never return to our families outside,” said Hugo Lucas, who is currently detained at Mesa Verde. “I have my daughter who is 14 years old, and I can’t tell her what’s going on because I’m too scared for her.”

An emergency status report was requested of the court on Friday, resulting in the court order.

Chhabria’s order also directed that the approximately 140 staff members at Mesa Verde be also tested immediately, beginning with their next shift and weekly thereafter. Documents filed in the case showed that ICE intentionally did not test staff for months to avoid impeding immigration enforcement.

“The situation for those at Mesa Verde is dire. There is no other way to say this: we are in crisis,” said Emi MacLean, a deputy public defender at the San Francisco Office of the Public Defender. “And ICE is clearly unwilling or unable to do what needs to be done to protect people in its custody from the threat of a deadly pandemic.”

“If ICE and GEO can’t guarantee the basic safety of the people in their custody, through regular testing and adequate medical care, we need to consider whether they should be allowed to detain anyone at all,” said ACLU NorCal Senior Staff Attorney Sean Riordan.

“As the Court rightly recognized, ICE and GEO cannot be trusted to protect the health and lives of detained immigrants,” said Bree Bernwanger of the LCCR. “ICE continues to detain people during a deadly pandemic, yet has repeatedly refused to take even basic measures to protect their lives.”

Read the emergency status request

here: https://www.aclusocal.org/sites/default/files/dkt._551_emergency_status_report.pdf

###

Subject: FOR IMMEDIATE RELEASE: SF Public Defender Wins Acquittal in First Trial since COVID-19 Crisis

Date: Friday, August 14, 2020 at 6:36:40 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: August 14, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

LINK:<http://sfpublicdefender.org/news/2020/08/sf-public-defender-wins-acquittal-in-first-trial-since-covid-19-crisis/>

*****PRESS RELEASE*****

SF Public Defender Wins Acquittal in First Trial since COVID-19 Crisis

SAN FRANCISCO – A man who was held in custody for over a year pre-trial, was found not guilty of residential burglary. This was the first completed jury trial in San Francisco Superior Court since March. Deputy Public Defender Sierra Villaran successfully argued that David Brown, 30, had not burglarized an apartment near Folsom and 5th Streets last August.

On the morning of August 5, 2019, Mr. Brown was suffering from being homeless for the first time in his life. He had recently been laid off, evicted, and separated from his long-time partner. He relapsed and found himself homeless in San Francisco. That morning he was found surrounded by trash in an apartment building near Folsom and 5th Streets. He had been hoping to find a pair of discarded shoes since his own had been stolen the night before. He was escorted from the building, and hours later police arrested Mr. Brown, who was still in the area, in possession of a bag of items that had been reported stolen from a residence in the same building. The DA charged Mr. Brown with burglary despite no direct evidence that he had entered the residence that had been burglarized.

Villaran argued that Mr. Brown had only been in the building a few minutes before he was escorted out by a security guard, and the timing made it impossible for him to have been the person who committed the burglary. Mr. Brown told police on multiple occasions that he had

found a bag of belongings outside and picked it up. Villaran filed several bail motions to try to get him released in advance of the trial that was set for March 2020. Due to the onset of the Coronavirus pandemic and subsequent shelter-in-place orders, the trial was postponed, resulting in Mr. Brown spending an additional 5 months in SF county jail. This was despite the fact that Mr. Brown has a supportive family in Oakland willing to house him during the pandemic.

“Mr. Brown had to spend a year in jail as a result of being accused of a burglary he did not commit.” said Villaran. “I am grateful that the jury understood the facts and saw that he was a young man in a desperate need of help, not a burglar. I am also glad that he will be able to continue his recovery out of custody and with the support of his family.”

The jury found Mr. Brown not guilty of the felony burglary charge, which could have led to years in prison. While they did find him guilty of a misdemeanor for receipt of stolen property, he was released last night — having already served more than the maximum sentence possible for the lesser offense.

“This is an extremely challenging time to be a public defender,” said San Francisco Public Defender Mano Raju. “And yet, even with all of the difficulties that the current COVID-19 courtroom environment presents, Sierra Villaran and her team were able to do an excellent job of defending our client, and proved Mr. Brown’s innocence in this burglary case.”

This was the first San Francisco trial to be held in criminal court since mid-March when all trials were put on hold due to the pandemic. Villaran and her team therefore faced a unique set of challenges to ensure Mr. Brown’s right to a fair trial while also balancing the health and safety concerns of calling a jury during COVID-19.

For example, Villaran had to figure out a way to communicate with Mr. Brown from six feet away. Being in trial can be disorienting and overwhelming for someone accused of a crime, and people rely on their lawyers to help explain what is going on in real time. Usually, this is done through whispering back and forth. In this trial, laptops with messenger apps were set up to allow for this communication. Additionally, in advance of the trial, Villaran successfully convinced the court of the importance of jurors being able to see witnesses’ facial expressions to be able to judge their credibility, and Judge Puri subsequently ruled that [transparent face masks](#) would be provided to the witnesses. But there were other human elements that were missing, such as the physical presence of family members and supporters.

“Mr. Brown’s mother really wanted to be present for him, but because the public was not allowed in the courtroom, even during breaks, and no public live-streaming channel was made available, she had to sit in a satellite courtroom and watch the proceedings through Zoom. Luckily, a deputy was kind enough to let her sit right up front so she and her son could see each other occasionally through the computer screen, but I know it was painful for both of them not to be in the courtroom together,” said Villaran. “It was also hard for me to be in trial

without the support of my colleagues, including my direct managers. Usually, in criminal proceedings, public defenders come out to watch one another, for support, and also to give feedback at the end of the day. This was a much more isolating experience.”

“While we see this case as a victory, it is also emblematic of the deep income inequalities in our society and the difficult lives people are living. Mr. Brown’s crime was poverty - that he had to rely on scavenging through garbage to find a pair of shoes, after his had been stolen,” said Raju. “Furthermore, he should never have spent a year in jail awaiting trial, especially in the midst of this pandemic. Unfortunately, there are many more people sitting in jail right now charged in non-violent cases like this one, waiting for months for their trial to begin. As we did in this case, my team will continue to fight for people’s right to justice, and for their right to pretrial release.”

###

Subject: Everyday Injustice - Tenth Annual Event Highlights Wrongful Convictions; Fair Juries Act One Step Closer to Becoming Law
Date: Friday, August 14, 2020 at 4:02:33 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Laura Conover: "It was a horrifying loss of life that we all watched on TV. It was tragic and sad. A terrible way to learn the ultimate lesson on life in that way."

Everyday Injustice Newsletter - August 14, 2020

Another Perspective on Kamala Harris

by David Greenwald

Someone asked me earlier this week if I would be continuing to go after Kamala Harris. I really pride myself on being an equal opportunity critic. There are some posts going around about Kamala Harris and her bad record on wrongful convictions, including Jamal Trulove and she did not do right by Maurice Caldwell who we have had as speakers and guests multiple times over the years.

But then again, it is hard to escape Donald Trump posting the call for the death penalty for the Central

Park 5 and he still believes they are guilty.

The fact is that Kamala Harris as a DA and as AG did not have a great record on issues like wrongful convictions, prosecutorial misconduct and police misconduct. It is also true that she was a product of her times and that things have changed - a lot - in the four years that have passed since she was AG.

It was interesting reading Shaun King's take - I would say I was surprised by how even-handed his approach was.

He said, "Two encouraging thoughts from me on the choice of Kamala Harris as VP."

First he said, "She was the most progressive candidate among the credible finalists for VP." And, "She has improved drastically on all justice and policing-related issues since she was last District Attorney in 2011."

He noted that during her time as DA in San Francisco, "I have about 15 substantive critiques of Kamala's time" gave her a C- or a D+ for "how harsh she was as DA." He said, "That ended in 2011." He added, "Every year, for the past 9 years since she left that position, she has gotten MUCH better on justice reform."

He added, "I actually think it took guts for Joe Biden to choose Kamala Harris." He said, "She was a STRONG critic of him during most of the primaries. Maybe the strongest - on the Crime Bill, and a lot more.

"He knew this, of course, but chose her anyway," King said.

Solid point here by King. This rapidly gets outside of my purpose here, but Biden really shows himself to be the anti-Trump with this move. He took one of his strongest critics, basically said I don't hold grudges, and she basically shrugged them off as "politics" much to the chagrin of some on Biden's interviewing team.

The strongest positive is here: "Among current United States Senators, I would rank Kamala Harris in the Top 3 on justice reform issues."

"As we know, she has a mastery of the system, but has evolved and grown a great deal on this," he said. "Her remarks on justice over the past four months were the best of ANY Senator."

Interesting comment, remember both SENATORS Bernie Sanders and Elizabeth Warren had remarkable justice reform platforms. I don't know if I go with top 3.

These comments probably pay into the mindset that Kamala Harris is more political chameleon than ideologue and she was the product of her times as much now as then.

But one point I would make - we all are really products of our times and things have changed on justice reform - so it is natural that political thinking on it has and will continue to evolve. I think it's actually pretty dangerous to hold politicians too much to past statements and views - it ignores the fluid dynamics of politics.

Thanks for reading

Two things to mention in brief.

First, we have now over 1900 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

If you aren't a paid subscriber to the Vanguard - you should be - \$10 for a standard membership, you can go as low as \$3 or \$5 or you can go higher. Monthly contributions keep us going. Click here: <http://davisvanguard.org/2017/04/subscriber>

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Twitter: <https://twitter.com/DavisVanguard>
YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Nevada City Police Chief Addresses BLM protesters Attacked by Trump Supporters

After a violent counter-protest broke out during a Black Lives Matter rally in Nevada City last weekend, Chief of Police Chad Ellis issued an official statement addressing the situation and condemning the actions of the counter-

[Read More](#)

Fair Juries Act Reflects Community Diversity, Now One Step Closer to Becoming Law

The Fair Juries Act continues to move through the California Legislature, this week passing Assembly Judiciary Committee in an 8-0 vote on its way to the Senate. Senator Scott Wiener (D-San Francisco) sent out a press release

[Read More](#)

Navajo Nation Asks Trump to Commute Death Sentence Before Aug. 26 Execution

Navajo Nation President Jonathan Nez has made a personal appeal to Pres. Donald Trump, asking that he commute the sentence of Lezmond Mitchell, who is the only Native American set to be executed.

[Read More](#)

Neighbor Chases 3 Home Invasion Suspects with Golf Club

This is a story about a neighbor who stopped a home invasion with a golf club, and police officers who showed compassion, and almost lost their case because of it. At the arraignment of three suspects in Sacramento County

[Read More](#)

Rooftop Burglar Punched, Shot – Now to Stand Trial

A Sacramento County Superior Court has determined that a man shot after prowling on top of a home is sufficiently guilty of first-degree residential burglary to proceed to trial. Steven Amadei, the defendant, was arrested the night of December

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Event is **TODAY** – Tickets and Sponsorships Still Available

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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First Time DUI Offender Sentenced to 6 Days in Yolo County Jail

In late September of 2019, Anthony Brian Hendrickson was doing a little drinking. Well, more than a little. He eventually was arrested on three misdemeanor counts: driving under the influence, and two

[Read More](#)

'Vile, Horrible' Sex-Offender Sentenced to 35 Years in Prison

Peter Craig Ford, arrested in Union City in April of 2018 on nine charges of sexual abuse against minors, has been sentenced to 35 years in prison by Judge Thomas Nixon of the Alameda County Superior Court.

[Read More](#)

COVID-19 Pandemic Continues to Affect Courts in U.S., Fresno

The presence of coronavirus has forced a Fresno County Superior Court judge to debate good cause for failure to appear in court for several cases.

[Read More](#)

COVID CDCR and Jail Dashboards

Cases Double Overnight At Folsom State Prison – 63 to 116 – Breaking Down COVID-19 in CDCR

As of August 13, there are 9,046 confirmed COVID-19 cases in the CDCR system, and increase of 172 overnight. There have been 53 deaths across the system thus far.

[Read More](#)

Santa Rita Jail Admits Numerous Errors In Daily Reports – Jail Population At Its Peak – Breaking Down COVID-19 in CA Jails

An Oakland community organization has planned call blasts today, August 13, and tomorrow in an attempt to secure access to medical care for two people incarcerated in Santa Rita Jail who have been severely mistreated.

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San Francisco Court Watch

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San Francisco Public Defender Frees Man Facing Life-in-Prison Charge

Although not completely pleased with the outcome, and confident they could have won at trial, the San Francisco Public Defender's Office Monday pulled a defendant out of COVID-19 jail by working a deal to have him released

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Tenth Annual Event Today; Conover Wins in Arizona, Latest Progressive Prosecution Win
Date: Thursday, August 13, 2020 at 7:00:54 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Laura Conover: "It was a horrifying loss of life that we all watched on TV. It was tragic and sad. A terrible way to learn the ultimate lesson on life in that way."

Everyday Injustice Newsletter - August 13, 2020

Confidence In Police At a Record Low

By David Greenwald

Another illustration of the impact of the George Floyd incident and the protests that have taken place is public confidence in policing according to a Gallup poll released yesterday. What perhaps makes this more profound is that confidence in other major institutions has risen at the same time.

Medical system - Gallup found confidence up 15 points over a year. Public schools are under fire from

some, but “Confidence in the public school system also rose this year -- by 12 points -- to 41%, its highest point since 2004.”

Policing - not so much.

Trust in law enforcement peaked in the early 2000s - following 911 and the surge in public support for first responders. It was at 64 percent in 2004 and 63 percent in 2005.

This year confidence in police fell five points to 48 percent. That makes it the first time in Gallups 27 years of asking the question that number fell below 48 percent. Last year it was 53 percent.

There is a huge partisan split here.

Confidence in the police rose seven points among Republicans to 82% and dropped six points among Democrats to 28%.

There is also a racial split.

For whites the number is at 56 percent who trust the police. For Blacks it is 19 percent.

The issue has received a lot of attention this year will pollsters and research centers.

In July, Gallup found that 58 percent of Americans believed “major changes” were needed to improve policing. Nearly everyone - 96 percent of respondents supported changing management practices to increase police accountability, while 82 percent supported community-based alternatives such as violence intervention.

Unions which have been a focus in California this week, 56 percent of those surveyed advocated for the elimination of police unions, while 47 percent believed that funding for police departments should be diverted to social programs and services.

The polling on defunding police has bounced all over the place, but, abolishing police departments proved too extreme for participants with 15 percent support for the idea.

A Pew Research Center poll in July found that huge majorities support the elimination of qualified immunity - 66 percent of respondents said that civilians should have the power to sue individual police officers to hold them accountable for misconduct and/or excessive use of force.

Thanks for reading.

Support our work become a paid subscriber and buy tickets... see below!

Two things to mention in brief.

First, we have now over 1800 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

Second, our event is TODAY - we really need you to buy tickets for it and it should be a great discussion on wrongful convictions with Mark Godsey. [TICKETS](#).

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Conover Becomes Latest Progressive Prosecutor to Win As She Overwhelms Traditional Foe

After 40 years of the prosecutor's office in Pima County being under the same leadership, Laura Conover overwhelmingly defeated the hand-picked replacement of 24-year sitting DA Barba LaWall—out-distancing

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Press Conference Held to Discuss the San Quentin COVID-19 Outbreak, 26 Deaths to Date

After months of warning about the potential health consequences of COVID in prison, San Quentin and CDCR as a whole has emerged with a public health crisis—critics charge largely of its own making.

[Read More](#)

District Attorney Mike Schmidt Announces He Will Not Prosecute Protestors in Portland

The Multnomah County DA established a new policy in response to the peaceful protests and mass demonstrations that have flooded Portland since the police murder of George Floyd, announcing that protestors will not be prosecuted.

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Study of COVID-19 on Incarcerated Youth Study Shows 'Torture,' Other Dangers

The COVID-19 pandemic. Though everyone is being affected by COVID-19, certain issues are unique to the youth facilities. The non-profit organization, Fair and Just Prosecution,

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Event is **TODAY** – Tickets and Sponsorships Still Available

With COVID – we have now moved the event to Zoom. Mark

Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Defendant Denied Mental Health Diversion after Crimes against Own Mother

Bogdan Ten was charged here in Sacramento County Superior Court with multiple felony counts, including burglary, assault with a deadly weapon, and assault by means of force likely to produce bodily injury—against his

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Judge Won't Release Defendant Accused of Threatening to Kill Sister

Defendant George Delavega, accused of threatening to kill his sister by “slitting her throat and putting a bullet through her head” with the weapons he was found to possess in his residence, still asked Sacramento County Superior

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COVID-19 Pandemic Intensifies Dire Domestic Violence Situations

In the case of Michael Smith, Deputy District Attorney Kelly Clark pushed for an accelerated pace of proceedings in Sacramento County Superior Court Monday, citing concern for the women victimized by Smith.

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3 Strikes Felon with Loaded Gun Gets 32 Months, Blesses Judge

A three-strikes felon, charged with a recent possession of a loaded gun despite his criminal history, pleaded guilty during his arraignment last Friday here in Fresno County Superior Court, and was sentenced to less than three years

[Read More](#)

Victim Defends Husband for Violating Court Order, Citing His Poor English Skills

There was a certain irony in Fresno County Superior Court last week when the victim of domestic violence stepped in to defend the husband. The victim argued that her husband Jesus Hernandez,

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COVID CDCR and Jail Dashboards

Santa Rita Jail Admits Numerous Errors In Daily Reports – Jail Population At Its Peak – Breaking Down COVID-19 in CA Jails

As of Tuesday, August 12, Santa Rita Jail's testing appears to be backed up and housing unit 33 ABC is back under quarantine despite no new cases.

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Yolo County Court Watch

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Yolo Judge Nixes Protective Order Extension, Refuses to Make 'New Law'

It's a technicality, but a Yolo County Superior Court judge couldn't renew a protective order protecting a victim late last week, even after an exhaustive search to try to find a way to so. Pedro Rodriguez last Friday was called

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Sacramento Court Watch

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Subject: Event is tomorrow... hope you can attend and help us out
Date: Wednesday, August 12, 2020 at 10:27:19 PM British Summer Time
From: David M. Greenwald
To: undisclosed-recipients;;
BCC: valerie.ibarra@sfgov.org

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Hey everyone - tomorrow is our 10th annual event. We are having it over Zoom so people can log in from anywhere.

The Vanguard's fundraiser helps run our court watch project. We currently have over 60 interns, across the state and have been covering courts in Sacramento, Yolo, San Francisco, Fresno and several other counties this summer.

By donating you can help us continue to expand and the program should be worth watching.

We have a suggested donation of \$50 but if that's steep, you can donate what you can afford - as low as \$5 through the variable rate plan.

Please sign up today: <http://vanguard-godsey.eventbrite.com>

Vanguard 10th Annual Event - Thursday

August 13 from 6 to 9 - via Zoom

Cost: \$50 suggested donation but a variable rate ticket available

Topic: Wrongful Convictions and Prosecutorial Tunnel Vision

Mark Godsey, Director of the Ohio Innocence project is the keynote speaker and will be talking about his book "Blind Injustice" as well as the case of the East Cleveland 3, of whom Laurese Glover will be on hand and talk about the 20 years he did in prison before being exonerated in 2015.

Also speaking, Jeffrey Deskovic, wrongfully convicted at age 16 and Danny Garza from NLG-Sac will talk about being shot by a rubber bullet at the protests in May.

Mark Godsey: "This is coming up THURSDAY. We need to support organizations like Davis Vanguard, who are watchdogs for the court system. With the decline of investigative journalism, we'll need more Vanguards to keep them honest. Please tune in, and please consider a small donation to Davis Vanguard."

Jeffrey Deskovic: "Their keynote speaker is Mark Godsey of the Ohio Innocence Project. I was their keynote last year and have continued to collaborate with them in a number of ways as we fight wrongful conviction together, including but definitely not limited to their publishing my "Looking Back" articles [<https://www.davisvanguard.org/tag/looking-back/>] Honored to have been invited to speak again this year on the "under card.""

Proceeds go to the Vanguard Court Watch project covering courts from Sacramento to San Francisco.

Reserve your spot today: <http://vanguard-godsey.eventbrite.com>

Questions: info@davisvanguard.org

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

530.400.2512

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Log on daily to get the latest news, commentary, and information about the city of Davis, Yolo County, and the Sacramento Region.

"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: [StopSQOutbreakUpdates] Press Conference - Wednesday 8.12 1PM PT with #StopSanQuentinOutbreak
Date: Wednesday, August 12, 2020 at 7:02:14 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald, cres@davisvanguard.org
Attachments: Outlook-image.png.png

FYI - The Ella Baker Center is having a press conference today at 1pm with updates and advocacy around San Quentin and CDCR.

Press conference will include two currently incarcerated people calling in from SQ, including longtime editor of the San Quentin News, Juan Haines.

Danielle Harris, from the San Francisco Public Defender's Office, will be speaking at 1:10pm about the [consolidated habeas case in Marin County](#) which includes over 40 individuals in San Quentin petitioning for release based on 8th amendment violations of cruel and unusual punishment.

Zoom link below -->

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Hello #StopSanQuentinOutbreak Community,

Help us spread the word about our Press Conference tomorrow - **Wednesday 8.12 at 1PM PT**. Organizers from the #StopSanQuentinOutbreak coalition will be giving updates on the COVID-19 outbreak at San Quentin State Prison, two months since the initial prison transfer that started the largest coronavirus outbreak in the country at its height. We continue to demand large-scale releases from San Quentin and across CA prison facilities to mitigate the impact of the outbreak, both inside and beyond prison walls. Tune in to hear from public health experts, lawyers, activists, formerly and currently incarcerated individuals as well as loved ones of those inside.

Facebook Live link: bit.ly/StopSanQuentinPC.

Details on the PC:

- See below for the Press Release
- See attached for the flyer
- See here for the [Facebook invite](#)
- Attend the FB Live on Wednesday 8.12 1PM PT here: bit.ly/StopSanQuentinPC

Thanks community,
Isa

**Media Advisory: Public Health Experts,
Impacted Individuals, Lawyers, and Activists to Provide An Update on COVID-19
in California's Prisons**

California-

On Wednesday August 12th at 1:00PM PT, the #StopSanQuentinOutbreak coalition will host a virtual press conference to provide an update on the COVID-19 outbreak at San Quentin State Prison two months into the crisis there. The conference will feature a public health expert, a San Quentin healthcare worker, lawyers litigating against unconstitutional conditions in prison, formerly and currently incarcerated individuals, as well as loved ones of those incarcerated. Panelists will discuss the ongoing health threats to those inside, CDCR and the Governor's continued inaction to provide adequate healthcare and mitigation measures, and the experience of surviving a global pandemic behind bars as well as of re-entering society during the COVID-19 outbreak. Attorneys will also provide an overview of current litigation regarding prison conditions and releases.

Despite early action to mitigate the spread of COVID-19 in community settings, the Governor's plan for the pandemic inside prisons remains devoid of the urgency and leadership this moment requires.

**As of August 11, 2020 (AM), 53
incarcerated people have died in CDCR custody due to COVID19, 25 of whom were
incarcerated at San Quentin State Prison.**

Advocates, community-based organizations, families, reentry resource networks, and healthcare workers are standing side-by-side ready to receive people back into the community. The Governor and CDCR must act now to release people and save lives on both sides of the walls.

What:

Press Conference on Current Conditions Inside the San Quentin Prison COVID

When:

August 12th at 1PM PT

Where:

[media] Zoom Webinar: bit.ly/StopSanQuentinZoom
/ zoom.us/j/96709341029

FB Live:

bit.ly/StopSanQuentinPC

Panelists Include:

1.

James King, Ella Baker Center

2.

Danielle Harris, San Francisco Public Defender's Office

3.

Juan Haines, Currently incarcerated at San Quentin State Prison

4.

Dejon Joy, Currently incarcerated at San Quentin State Prison

5.

Healthcare worker at San Quentin State Prison

6.

Lupe Angulo
- Loved one in San Quentin, survivor, author of [article](#)

7.

Recently released person from San Quentin State Prison

8.

Public health expert

9.

Michael Bien, RBGG, co-lead counsel in the
Plata
and
Coleman
lawsuits

10.

Lawyer, representing plaintiffs in grouped petitions for habeas corpus relief

For planning purposes only:

August 12th at 1pm-2:30pm PST

Media Contact:

Jessica Brand, Jessica.Brand@wrencollective.com,
(267) 879-2022

#STOPSANQUENTINOUTBREAK
PRESS
CONFERENCE
UPDATES ON THE COVID-19 OUTBREAK
AT SAN QUENTIN STATE PRISON

Wednesday 8.12.20 1PM PT
FB Live: bit.ly/StopSanQuentinPC

--

Isabella Borgeson
B.S. Business Administration | Walter A. Haas School of Business
B.A. Ethnic Studies | College of Letters and Science
University of California, Berkeley - Class of 2013

Subject: Everyday Injustice - Harris as VP and What It Means; Disconnecting Prosecutors and Police
Date: Wednesday, August 12, 2020 at 7:01:02 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Prosecutors, like judges, are charged with public duties that transcend those of ordinary advocates. It is of paramount importance that the public trusts prosecutors to carry out those duties fairly and impartially,”
Chesa Boudin

Everyday Injustice Newsletter - August 12, 2020

A Different Perspective on Kamala Harris as Potential Vice President

By David Greenwald

According to Nate Silver’s model released this morning, there is a 79 percent chance that Kamala Harris will be the first woman to ascend to the office of the Vice President. Looking at Silver’s notes this morning, I was surprised by how much volatility there has been in polling from August on and of course we know what happened in 2016 - so hold onto your hats.

In 2009, I had a chance to interview all of the Democratic candidates for Attorney General. I met Kamala Harris at a Starbucks in San Francisco, she was still DA at the time, and it was a remarkable interview in that it lasted all of 12 minutes (the others were well over 20) and she was giving one-line answers to

questions about criminal justice reform.

I would add that my impression of Harris as AG largely echoes my recent columns on current AG Xavier Becerra - weak on criminal justice reform, disappointing on police accountability, and poor on dealing with corruption in Orange County.

For a bit of a different viewpoint on Harris however, here are some thoughts in a piece in the [USA Today](#) from SF Deputy Public Defender Niki Solis, who I know and have covered some of her work in San Francisco.

The piece came out on August 10 - prior to the announcement yesterday. It does not comport with my view but it would be hard to question Solis' credentials on criminal justice reform and therefore it is worth a read.

She writes: "As a public defender for 24 years, I examined, critiqued and battled Harris when she was the San Francisco district attorney. And more often than not, Harris and I were on opposite sides."

At that time, she argued, Harris was the most progressive prosecutor in the state. "This is not an anecdotal opinion. It is based on facts."

Writes Solis:

"As San Francisco DA, [Harris refused to seek the death penalty](#) — even on a case where a very respected police officer was tragically killed. Marijuana sales cases were routinely [reduced to misdemeanors](#). And marijuana possession cases were not even on the court's docket. They were simply not charged. Unless there was a large grow case, or a unique circumstance, this was the reform-minded approach then-DA Harris' office took. The accusations about marijuana prosecutions being harsh during her tenure are absurd. The reality was quite the opposite."

She notes: "Just last month in California, Santa Clara County DA Jeff Rosen said he would [no longer seek the death penalty](#). This comes [16 years](#) after Harris took the same stance in San Francisco."

Solis adds: "For those who have heard contrary arguments about Harris' past work as a prosecutor, rest assured that you are hearing this from someone whose life's work has been dedicated to the cause of equality and justice. I am the chair of the San Francisco Public Defender's Office [Racial Justice Committee](#) and have scratched and clawed for some semblance of justice in our courts for well over two decades."

She concludes: "I grappled with this idea of defending a former prosecutor for a long time, but Harris is more than that. I have to acknowledge the truth and say what I feel is right to set the record straight."

Having spent a lot of time around the SF Public Defender's office over the past year and a half, I would suspect this is a minority opinion in that department, but I do think to some extent both Biden and Harris are being judged on criminal justice reform by current standards and that is not altogether fair given how far we have actually come over the last three years.

Thanks for reading.

Support our work become a paid subscriber and buy tickets... see below!

Two things to mention in brief.

First, we have now over 1600 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

Second, our event is August 13 - we really need you to buy tickets for it and it should be a great discussion on wrongful convictions with Mark Godsey. [TICKETS](#).

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Boudin and Other Progressive Prosecutors Push to Limit Ability of DAs to Accept Money from Police Unions

In the wake of high profile officer-involved killings and the perceived cozy relationship between prosecutors and police unions, four of the leading reformers in California—Diana Becton, Contra Costa DA, Chesa Boudin, San Francisco DA,

[Read More](#)

Guest Commentary: District Attorneys Leverage Their Power against Black Lives

There is one set of actors that has long operated as the engine behind the twinned, racist forces of police impunity and mass incarceration: our District Attorneys. Yet, despite the chorus of calls to divest from police forces and reduce

[Read More](#)

San Francisco Public Defender Frees Man Facing Life-in-Prison Charge

Although not completely pleased with the outcome, and confident they could have won at trial, the San Francisco Public Defender's Office Monday pulled a defendant out of COVID-19 jail by working a deal to have him released

[Read More](#)

Missouri Republican Leaders Receive Backlash at Attempt to Oust Circuit Attorney Kim Gardner

In a public statement Tuesday, St. Louis County prosecuting attorney Wesley Bell expressed his outrage at an amendment proposed by Missouri Republicans that would allow Republican Gov. Mike Parson to push St. Louis Circuit

[Read More](#)

Mark Godsey and Wrongful Convictions—

TOMORROW via ZOOM

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

[Read More](#)

Six Years for Voluntary Manslaughter in Deadly Shooting Visibly Upsets Victim's Family

In a sentencing hearing here in Sacramento County Superior Court, Mathew Shaffer was sentenced to six years in state prison for the deadly shooting of a 29-year-old Rancho Cordova resident, visibly shaking the victim's family,

[Read More](#)

Yolo Judge Nixes Protective Order Extension, Refuses to Make 'New Law'

It's a technicality, but a Yolo County Superior Court judge couldn't renew a protective order protecting a victim late last week, even after an exhaustive search to try to find a way to so. Pedro Rodriguez last Friday was called

[Read More](#)

Civilian Action to Stop Alleged DUI Driver Focus of Preliminary Hearing

A civilian witness—after watching a dangerous scene unfold on the freeway—took the keys from what appeared to be a drunk driver and waited for law enforcement to arrive, according to testimony here last Thursday at Fresno

[Read More](#)

6 Months in Jail Could Have Been Avoided with 'Just One Hour of Community Service a Month'

Fresno County Superior Court didn't ask much—the equivalent of about one hour of community service a month—and Humberto Guzman would be a free man. Instead, he's going to jail for six months.

[Read More](#)

COVID CDCR and Jail Dashboards

Another COVID-19 Death in San Quentin –

Death Toll Rises to 25 – Breaking Down COVID-19 in CDCR

As of August 11th, there are 8,812 confirmed COVID-19 cases in the CDCR system, 974 in the last two weeks. There have been 53 deaths across the CDCR system thus far.

[Read More](#)

Santa Rita Jail Admits Numerous Errors In Daily Reports – Jail Population At Its Peak – Breaking Down COVID-19 in CA Jails

On Monday, August 10, Santa Rita Jail acknowledged multiple errors in their recent daily reports. One of these revealed that over the last two days the jail has administered only 9 tests, the fewest tests administered in a two-day

[Read More](#)

San Francisco Court Watch

[Like our Facebook page](#)

San Francisco Public Defender Frees Man Facing Life-in-Prison Charge

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Yolo County Court Watch

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Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

[Read More](#)

Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Just Two Days Until Our 10th Annual Event - Support Our Work - Purchase a Ticket

Date: Tuesday, August 11, 2020 at 9:00:09 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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\$50 suggested donation but variable price tickets available

Everyday Injustice Newsletter - July 27, 2020

Vanguard 10th Annual Event - Thursday

August 13 from 6 to 9 - via Zoom

Cost: \$50 suggested donation but a variable rate ticket available

Topic: Wrongful Convictions and Prosecutorial Tunnel Vision

Mark Godsey, Director of the Ohio Innocence project is the keynote speaker and will be talking about his book "Blind Injustice" as well as the case of the East Cleveland 3, of whom Laurese Glover will be on hand and talk about the 20 years he did in prison before being exonerated in 2015.

Also speaking, Jeffrey Deskovic, wrongfully convicted at age 16 and Danny Garza from NLG-Sac will talk about being shot by a rubber bullet at the protests in May.

Mark Godsey: "This is coming up THURSDAY. We need to support organizations like Davis Vanguard, who are watchdogs for the court system. With the decline of investigative journalism, we'll need more Vanguards to keep them honest. Please tune in, and please consider a small donation to Davis Vanguard."

Jeffrey Deskovic: "Their keynote speaker is Mark Godsey of the Ohio Innocence Project. I was their keynote last year and have continued to collaborate with them in a number of ways as we fight wrongful conviction together, including but definitely not limited to their publishing my "Looking Back" articles [https://www.davisvanguard.org/tag/looking-back/] Honored to have been invited to speak again this year on the "under card.""

Proceeds go to the Vanguard Court Watch project covering courts from Sacramento to San Francisco.

Reserve your spot today: <http://vanguard-godsey.eventbrite.com>

Questions: info@davisvanguard.org

Reserve your seats today: <http://vanguard-godsey.eventbrite.com>

Date and Time

Thu, August 13, 2020
6:00 PM – 9:00 PM PDT

Location

VIA ZOOM - ONLY ONLINE

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Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>
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Subject: FOR IMMEDIATE RELEASE: San Francisco Public Defender Successfully Frees Client; Fights Back Against a Life-in-Prison Charge

Date: Tuesday, August 11, 2020 at 7:03:22 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: August 11, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (618) 249-7946 - Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

San Francisco Public Defender Successfully Frees Client; Fights Back Against a Life-in-Prison Charge

SAN FRANCISCO - Yesterday, the San Francisco Public Defender's Office secured freedom for a man who spent nearly 5 months in jail for an incident wherein he acted in self-defense. The agreed upon plea arrangement to a misdemeanor charge allowed the man to avoid a potential life in prison sentence and to immediately gain release from jail, where the risk of contracting Covid-19 remains high.

The charges arose from an incident where Anthony Prater, 53, fought a man he said pulled a knife on him on March 26. Police arrested Mr. Prater, primarily because the other man had suffered a cut to his leg during the struggle. Unbeknownst to police at the time, the alleged victim had a history of violence and threatening behavior.

Mr. Prater was charged with assault with a deadly weapon, considered a strike under California's three-strikes law, and premeditated attempted murder. The legal defense team led by Deputy Public Defender Kathleen Natividad successfully negotiated a lesser misdemeanor assault charge after beginning the trial when prosecutors admitted they could not prove their case. "Mr. Prater accepted the plea deal, despite professing his innocence, so that he could immediately be released from custody," said Natividad.

"We are pleased Mr. Prater escaped a charge wherein he was facing life in prison, but are disappointed the case was not dismissed in its entirety," said Public Defender Mano Raju. "The result speaks for itself; the case was over-charged from the beginning. Pleas often happen despite innocence when people cannot fight their cases from out of custody."

Several attempts to get Mr. Prater released from jail prior to trial, where the threat of contracting COVID-19 was a major concern, were unsuccessful.

On Wednesday, Mr. Prater will be released to supportive housing that was coordinated by social workers at the Public Defender's Office. Prater's attorney "Kathleen Natividad and her team worked extremely hard and did an extraordinary job with this case. I believe she would have secured a not guilty verdict if they had completed trial." said Raju.

###

Subject: Everyday Injustice - Burris Pushes Back Against Vallejo PD; District Court Judge Calls on Supreme Court to Eliminate Qualified Immunity

Date: Tuesday, August 11, 2020 at 7:00:34 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"The fact that he had a gun on his lap, that doesn't justify shooting him," Burris explained. "You can't wake a person up and then before they even have a chance to do a legitimate move, acknowledge where they are, you shoot them."

Everyday Injustice Newsletter - August 11, 2020

**The Victim is Angry At
the Release of a Murder But the DA and Fox News Are Stoking
the Fires**

By David Greenwald

Small towns and small counties make for some interesting experiences - like writing on a case and having the victim's sister, the very person who took to Fox News posting on our site in response to the article.

There has been some interesting pushback on my commentary on the Terebea Williams release. She was one of those given early release by Governor Newsom as he attempts to lower the prison population.

He is getting it from both sides - victims and DAs are complaining that he is releasing dangerous criminals while others are demanding he "release them all."

In this case, which emanated in Yolo County where I reside, the victim's sister came on the Vanguard and pushed back against our response to her and Assistant Chief Deputy DA Melinda Aiello coming on Fox News last week to pushback against the governor.

While I argued that we don't actually know much about the reasoning by the governor or the parole board, my article had very little to do with this particular case - in part because we were only given the victim's side of the story by Fox News who presented the victim's sister and the DA - and no one else. (And yet I'm attacked for being one-sided).

The victim leads with: "It's disheartening that victims and their families are continually re-victimized by the CDCR and governor Newsom. Our family is not the only victims in this travesty. I am heart-broken for the citizens of California who are being subjected to criminals – both violent & non-violent – being released back into society before their debt is paid."

In a second comment, "My brother did not deserve any kind of label associated with DV – he was loving and giving and would defend anyone being bullied or harassed. The thought that he would have hurt a woman in any way is incomprehensible to me. His murderer is using her PAST abuse, before she ever knew Johnny, as the reasons why she killed him. It's outrageous!"

She added this parting shot: "I'm dumbfounded that the blogger would not reach out to me or another family member to get the full picture."

There is a bit of inside baseball in here - "the blogger" is apparently what the DA's office derisively refers to me. It attempts to disparage our work. I've been called many interesting things in addition to accused of viciously attacking the DA who I have only met once in 15 years. But that's fine.

I didn't want to get into a public back and forth with the family, so I will point out a few things here.

First, again, read the article ([here](#)), the article is really pushing back on the DA's office for going on Fox News, not the family or the victim.

Second, she is dumbfounded that I would not reach out to her - I am not sure how I would reasonably do that. Regardless - they gave their full side of the story already on Fox News. We know how they feel and anyone who wants to watch their account can do so.

What we don't know and it would help is the other side of the story. As Robert Canning, a retired CDCR psychologist who sits on our board, points out in his comment last week, "we know little about Ms. Williams from the story – she was convicted of a series of heinous crimes that lead to the death of another person, she was appropriately sentenced to state prison for her crimes, and has done well enough in prison to be recommended for parole by the parole board (with Gov. Newsom's approval as well).

"From my experience with inmates, she has probably used her time in prison well. She has grown for the past 22 years and he may have earned a school diploma, learned a trade, and most likely had no disciplinarians while in either or both of the female prisons. She has a parole plan that is realistic and doable, she was found low risk to re-offend by the psychologist for the BPH who did a thorough risk assessment, and she's probably been to the Board more than once. These are things that most people, without some knowledge of prison in California, could not know. It's more about Ms. Williams' life than just what her crime was – it's the case for release."

The side of the story here that's missing then is not the victim's, it's Williams.

Third, and here is my real problem - she went on Fox News because she was angry with the governor and the DA joined her. Again this is Fox News. I realize this is a sore subject for the family and I even empathize with them on this but going on Fox News is using a blunt object to politicize the matter.

The family is really the ones being used here. Fox News wants to attack Governor Newsom. The DA wants to promote their law and order ethos. And the victims are getting re-victimized alright, by the very people trying to help them.

We don't understand this case any better with the DA going on Fox News and that's not their intention. They want to politicize it and use the victim to show how the reform movement is hanging victims out to dry.

It is unfortunate because as former Davis Mayor Robb Davis and Lisa Rea of Restorative Justice International have pointed out there are ways to actually help victims heal.

Just as Robb Davis sees the Lauren Kirk-Coehlo (vandalism case of a Mosque we covered last week) case as a lost opportunity, so too is this. If the DA really cared about victims he would stop exploiting and firing up their anger and focus more on allowing healing to occur.

Thanks for reading.

[For the full article... click here.](#)

Support our work become a paid subscriber and buy tickets... see below!

Two things to mention in brief.

First, we have now over 1500 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

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Criminal Justice News/ Commentary

Burris Believes Vallejo Police Shooting of McCoy Unjustified

While the region is focused on the June 2 killing of Sean Monterrosa by Vallejo police, Vallejo still has not resolved the 2019 shooting of Willie McCoy, where police fired more than 40 rounds into his vehicle as he slept—13 of those shots

[Read More](#)

District Court Judge Calls on Supreme Court to Eliminate Qualified Immunity

District Court Judge Carlton W. Reeves of the Southern District of Mississippi delivered a powerful message condemning the United States' "qualified immunity" doctrine in a court decision Tuesday.

[Read More](#)

Sacramento Judge Grants Rare Demurrer; Defendant Case Still Continues

In a moment not often seen in pretrial motions, Sacramento County Superior Court department 60 Judge Scott L. Tedmon granted Assistant Public Defender Dena Stone's demurrer for Raymond Santos, who is currently in custody

[Read More](#)

Man Slashes Friend with Knife, Talked S* About Victim's Mom**

It's safe to say these two aren't friends anymore – a Sacramento man is accused of slashing his friend with a pocketknife outside of a liquor store during an argument about the victim's mother.

[Read More](#)

EVENT IS THURSDAY - RESERVE YOUR SPOT

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

[Read More](#)

Lawyer Has Warrant for Missing Court – Now He and Client Have Same Lawyer

In a major plotline twist here in Yolo County Superior Court Monday, it was the lawyer who was in hot water with a warrant for his arrest as he began his case representing a Daniel James Rugg. Attorney Michael Stewart appeared in

[Read More](#)

Accused 'Tio' Offered \$20 to Young Victim of Sexual Abuse

This Riverside County Superior Court hearing began late last week with information provided by Police Sgt. Nathaniel Hanley that, during a physical examination, an 11-year-old minor disclosed to her doctor that she had experienced a

[Read More](#)

Military Officer Stopped with BAC Limit Below DUI Status – Challenges Search & Seizure

A military officer, charged with running a stop sign while possibly being under the influence, pleaded not guilty and his attorney is filing a suppression motion claiming he may be a victim of illegal search and seizure.

[Read More](#)

COVID CDCR and Jail Dashboards

Alameda County Jail's COVID-19 Coverup Continues – Quarantined Housing Units Released In Advance Without Explanation – Breaking Down COVID-19 in CA Jails

A recent inspection of Santa Rita Jail by an independent consultant published last Monday found that 30% of new incarcerated people refuse a COVID-19 test and that newly booked individuals who are considered especially

[Read More](#)

Another COVID-19 Death in San Quentin, Cases Rise in Folsom State Prison – Breaking Down COVID-19 in CDCR

As of August 10th, there are 8,792 confirmed COVID-19 cases in the CDCR system, 1044 in the last two weeks. There have been 52 deaths across the CDCR system thus far.

[Read More](#)

Solano County Jail – Weekly Highlights – Breaking Down COVID-19 in CA Jails

The increase in testing is a step in the right direction. Last week, only one test was conducted in the jail. By administering more tests, more people can utilize the jail's monitored medical housing units designed for those who

[Read More](#)

Santa Rita Jail's COVID-19 Cover-Up – Quarantined Housing Cut Short Without Explanation, <10% of Population Tested - Weekly Highlights - COVID-19 in CA Jails

The Alameda County Sheriff's Office (ACSO) provided less information in their daily COVID-19 updates these last two weeks compared to information released previously. Over the last three weeks, the Davis Vanguard has investigated

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San Francisco Court Watch

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Mock Trial Showdown: Sacramento v. San Francisco, in Pete Seeger v. People of the State of Lone Star

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Yolo County Court Watch

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Lawyer Has Warrant for Missing Court – Now He and Client Have Same Lawyer

In a major plotline twist here in Yolo County Superior Court Monday, it was the lawyer who was in hot water with a warrant for his arrest as he began his case representing a Daniel James Rugg. Attorney Michael Stewart appeared in

[Read More](#)

Sacramento Court Watch

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Sacramento Judge Grants Rare Demurrer; Defendant Case Still Continues

In a moment not often seen in pretrial motions, Sacramento County Superior Court department 60 Judge Scott L. Tedmon granted Assistant Public Defender Dena Stone's demurrer for Raymond Santos, who is currently in custody

[Read More](#)

Man Slashes Friend with Knife, Talked S* About Victim's Mom**

It's safe to say these two aren't friends anymore – a Sacramento man is accused of slashing his friend with a pocketknife outside of a liquor store during an argument about the victim's mother.

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Fwd: CourtWatch Fundraiser

Date: Monday, August 10, 2020 at 7:48:07 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Goossen, Carolyn (PDR)

Sent from my iPhone

Begin forwarded message:

From: "Wilson, Jacque (PDR)" <jacque.wilson@sfgov.org>

Date: August 6, 2020 at 9:24:01 AM PDT

To: PUBDEF-Everyone <PUBDEF-Everyone@sfgov.org>

Subject: CourtWatch Fundraiser

To all,

The last two summers the Davis Vanguard has been partnering with the SF Public Defender's office & our court watch, sending interns into the courts to cover and report on our court cases.

On Thursday, August 13, they will have their annual fundraiser featuring Mark Godsey of the Ohio Innocence Project. This fundraiser helps to fund their court watch project and should also be very interesting for anyone to attend.

Vanguard 10th Annual Event - next Thursday

August 13 from 6 to 9 - via Zoom

Cost: \$50 suggested donation but a variable rate ticket available

Topic: Wrongful Convictions and Prosecutorial Tunnel Vision

Mark Godsey, Director of the Ohio Innocence project is the keynote speaker and will be talking about his book "Blind Injustice" as well as the case of the East Cleveland 3, of whom Laurese Glover will be on hand and talk about the 20 years he did in prison before being exonerated in 2015.

Also speaking, Jeffrey Deskovic, wrongfully convicted at age 16 and Danny Garza from NLG-Sac will talk about being shot by a rubber bullet at the protests in May.

Proceeds go to the Vanguard Court Watch project covering courts from Sacramento to San Francisco.

Reserve your spot today: <http://vanguard-godsey.eventbrite.com>

Questions: info@davisvanguard.org

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

530.400.2512

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Log on daily to get the latest news, commentary, and information about the city of Davis, Yolo County, and the Sacramento Region.

"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Everyday Injustice - Racial Justice Act Passes California Senate Public Safety Committee; Narratives of Incarcerated People Trapped in Prisons and Jails

Date: Monday, August 10, 2020 at 7:00:44 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"The district court found that, despite knowing the severe threat posed by Covid-19 and contrary to its own apparent policies, the jail exposed its inmates to significant risks from a highly contagious and potentially deadly disease," Supreme Court dissent

Everyday Injustice Newsletter - August 7, 2020

Incarcerated Narratives on COVID in Prisons and Jails...

Back in May, we launched our daily COVID at CDCR dashboard and have tracked the atrocity that has occurred at San Quentin in real time. This is a project initiated by Aparna Komarla, a senior at UC Davis

who has put together a team of seven other interns to help track this project.

Here is an excerpt from yesterday's weekly highlights which includes a long narrative that we reproduce in part here and recommend you read in full - [here](#).

Incarcerated Narratives

As releases continue throughout the CDCR system, we hope to tell more of the individual stories of incarcerated people during this time.

Chanthon Bun was [released](#) from San Quentin Prison (SQ) on parole this spring in the midst of the COVID outbreak. He discussed his story with KBVS radio.

When in San Quentin, he opted out of testing in fear of having parole revoked, despite clearly being sick.

After being released, Bun was not provided any transportation or services from CDCR. He took public transport into the city and called his lawyer on a borrowed phone.

He had intense COVID-19 symptoms – hallucinations and motion sickness. His attorney found him taking a nap in a park. He was able to find isolated housing and medical support through community organizations.

Jack Benford was also previously incarcerated at SQ, and was given parole in November after 24 years.

Because of the COVID-19 crisis, Benford has lost many loved ones. "I lost my mother and my father during this whole COVID situation," he said in an interview with KBVS. Both parents died while Benford was waiting to be released.

Several of Benford's lifelong friends from prison have also passed away due to COVID. Benford himself tested positive, and was released to an isolated hotel room after two of his tests came back negative.

CDCR did not respond with food for Benford. Instead his community brought food and homemade meals.

Mike Madeaux also ran into the same problem as Benford, as he discussed with CBS Bay Area. After his release from SQ after nearly 7 years of incarceration, he was provided a hotel room in Novato, where he had to quarantine for 2 weeks. However, he was not brought any food, a problem that was life threatening for a diabetic like himself.

Because of the lack of food delivery and no response from Project Hope, Madeaux was forced to leave the hotel room to get food from a local store. "I'm diabetic and I'm shaking because I haven't had any food," Madeux [said](#).

Marin County Public Health officer Matt Willis attributed the mistake to a breakdown in communication. Dwanda Schwarz's father was months away from parole when he got infected with COVID-19 at San Quentin. Now she's forced to make the difficult decision of whether or not to keep him on life support. "I was like this is the year, right, Dad? We can see if you can come home and he's never coming home," [Schwarz](#) said to Kron4.

At 74 years old, her father has been fighting the virus for weeks after contracting it in June. Despite her father's inability to speak, the two continue to communicate through FaceTime calls. "My dad is not brain dead. He is there, but he just has no control over his body and will not gain that

back,” Schwarz said.

Although Schwarz wants to hold out until the end, her father has expressed that he no longer wants to be on the machine.

“There are so many people who are dying alone and that is the hardest part I think about this,” Schwarz said. “I feel very helpless right now.”

[For the full article... click here.](#)

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Criminal Justice News/ Commentary

Racial Justice Act Passes California Senate Public Safety Committee

The California Racial Justice Act will prohibit the use of race, ethnicity or national origin in sentencing and convictions
The criminal justice system disadvantages

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Analysis: Vallejo PD Release New Documents and Videos on 2019 Willie McCoy Shooting

In 2019, Vallejo Police fired more than 40 shots through a vehicle of Willie McCoy killing the man as he slept in his vehicle in one of 18 fatal police shootings in

[Read More](#)

My View: Expungement in Islamic Center

Vandalism Case Leads to Debate – Justice or White Privilege or Both?

Three years ago in Davis, Lauren Kirk-Coehlo in the early days of the Trump administration committed an act of vandalism on the Davis Islamic Center, when she broke windows, slashed tires and most, notably, put bacon on the door.

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Guest Commentary: There is Room for Compassion in Criminal Justice

If it is true that the character of a society is measured by how it treats its most unfortunate, downtrodden, and vulnerable, then much reform is necessary to make

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EVENT IS THURSDAY - RESERVE YOUR SPOT

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Lawyer Convinces Defendant to Switch Plea in Preliminary Hearing

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Confusion in Yolo County Court – Why Was Man in Custody?

There was more than a little bit of confusion in this Yolo County Superior Courtroom Friday after a man was found to be wrongfully placed in custody—he was later released

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Domestic Violence Case Serves as Reminder of Immigration Policies

When Fresno County Superior Court Judge Francine Zapeda asked if Juan Flores Ramirez understood the consequences of his plea, the defendant paused.

[Read More](#)

Drunk ‘Fugitive’ Crashes Car; Early Case Resolution Leads to Probation

A woman charged with two counts of crashing her car into a parked one while driving under the influence—and marked as a fugitive because she failed to appear in Fresno County Superior Court

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‘Either Be High on Alcohol, or Be with Your Family,’ Judge Warns Unemployed Mom

Rachael Silva was arrested for reckless driving, under the influence of alcohol, June 23 and when she appeared in Merced County Superior Court last Thursday, she began by quibbling that the blood alcohol test was wrong.

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COVID CDCR and Jail Dashboards

Incarcerated People At San Quentin Tell Harrowing Stories of COVID-19 Rampage – Protests For Better Health Conditions & More Releases – Weekly Highlights – Breaking Down COVID-19 in CDCR

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Another COVID-19 Death at San Quentin – Breaking Down COVID-19 in CDCR

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Defendant Begs for Mercy at Sentencing for ‘Utterly Shameful’ Crime

Defendant Maleak Japree Cole, facing a long stint in prison for robbery, fabricated his testimony in an effort to avoid that fate, said a Sacramento Superior Court judge here Friday.

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

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Subject: Everyday Injustice - Expungement as White Privilege; Court Looks Otherway at COVID Conditions in Jail

Date: Friday, August 7, 2020 at 7:00:39 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“The district court found that, despite knowing the severe threat posed by Covid-19 and contrary to its own apparent policies, the jail exposed its inmates to significant risks from a highly contagious and potentially deadly disease,” Supreme Court dissent

Everyday Injustice Newsletter - August 7, 2020

**Expungement in Three Year Old
Davis Islamic Denter Vandalism Case Leads to Debate**

By David Greenwald

Three years ago in Davis Lauren Kirk-Coehlo in the early days of the Trump administration committed an act of vandalism on the Davis Islamic Center, when she broke windows, slashed tires and most notably, put bacon on the door.

When an investigation found evidence that she was discussing mass killings - they put a \$1 million bail on her case.

But there were no weapons and no evidence that she had reasonable tried to acquire weapons.

In June 2017, Judge Dan Maguire over the strenuous objections of Yolo County Deputy DA Ryan Couzens, sentenced the woman, who was 30 at the time, to five years of formal probation following the recommendations of the probation department.

Ms. Kirk-Coehlo plead to the sheet and admitted to among other things a charge of felony vandalism and vandalism on a religious facility with hate crime enhancements. The maximum sentence was six years, but it was a probation eligible crime.

At the outset Judge Maguire indicated that Ms. Kirk-Coehlo would be eligible for release at some point – this was not a life sentence and the question for him was whether the community safer in the long run with her in prison or with her on probation but getting more intense treatment for various mental health challenges that she faced.

At the time, Davis Mayor Robb Davis had strongly encouraged a restorative justice process.

Now three years later, a Yolo County judge agreed to expunge her record. The Islamic Center took a neutral position this week, but Couzens questioned the ramifications for expungement although he agreed to a shortened probation period.

Judge Rosenberg called the crime, “a one-time act that will not be repeated.”

“The person who is sitting before the court today is quite different from the person who sat before the court three years ago. The changes are remarkable and commendable,” the judge said.

He added, “I’m quite confident that the different person sitting before the court today will move in a completely different direction.”

Former Mayor Robb Davis noted on Facebook, “Right or wrong (right I believe), I wrote to the judge (not Rosenberg) and both defense and prosecutors asking for a process by which this young person could meet with members of the mosque to talk about the harms and discuss how they could be made right. That never happened and, in my opinion, was a significant missed opportunity for restoration to occur.”

Others however called it “white privilege” and argued as they did when the sentence was handed down that this solution was not available for a person of color.

The context of this incident is important.

First, it came at a time when the Muslim Community had felt under fire with Trump pushing for a Muslim ban.

Second, there were clear signs that the defendant was getting involved with white supremacy.

On the other hand, \$1 million bail seemed absurd. That was particularly the case when the judge gave her probation.

Was probation warranted? I think so. As pointed out, she may have been writing disturbing things, but she did not have access to weapons or attempt to acquire them.

Would a person of color have faced a similar lenient sentence? It's hard to know.

Deputy DA Couzens pointed out, "There is no bonified mental health condition that can be addressed."

"She is 30 years old and a college graduate," he argued, "she should understand that what she did was wrong."

But I think what people are missing is this: the case was handled properly by the judge. She had no criminal history, she made a bad mistake, she got mixed up with people she shouldn't have been, but instead of destroying her life, they gave her a chance.

The problem here isn't the handling of this case, the problem is that other cases of this sort are mishandled. I agree with the former Mayor, this would have been a perfect opportunity for a restorative process which would have allowed the victims - the Muslim community - to have their wrongs addressed.

Thanks for reading.

Two things to mention in brief.

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Criminal Justice News/ Commentary

Supreme Court Sides with California Jail on COVID Matter in Another 5-4 Decision

Earlier this week, the US Supreme Court in a 5-4 unsigned opinion sided with Orange County Jail officials over incarcerated people impacted by COVID-19 in a suit filed by the ACLU.

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Emails Reveal ICE's Refusal to Test People in their Care – Judge Orders ICE To Provide Testing

After ICE had failed to provide COVID testing to immigrant detainees, on Thursday, a federal judge granted extraordinary relief — weekly rapid testing, no new intakes, and a dorm for COVID-positive detainees — for all

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Reimagining LA County: Taking \$\$ from Police to Transform Low-Income Communities

ensions have drastically risen in the U.S. since the killing of George Floyd – and policy makers have been pressured by the public for policy reformation to bridge the equality gap for the Black community and other minority

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Join Our Growing Sponsor List From August 13

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Iowa Governor Restores Right to Vote for Those Convicted of Felonies

Iowa Governor Kim Reynolds Wednesday signed an executive order automatically restoring the right to vote for people with felony convictions once they complete the terms of their sentence, overturning Iowa's lifetime voting

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Lawyer Convinces Defendant to Switch Plea in Preliminary Hearing

Kyrie Woods Richardson was thinking of pleading not guilty here at his Sacramento County Superior Court preliminary hearing. Until his attorney pulled him aside to “chat.”

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Caught, Defendant Waives Rights, Pleads Guilty for Possessing a Firearm

At the end of the day, defendant Nitendra Lal didn't bother to fight firearms charges against him here this week – he knew he wasn't supposed to possess firearms, he did, he got caught and pleaded guilty in Sacramento County

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The Danger of Quarantine in Cases of Domestic Violence in Fresno

If court cases are any indication, the Coronavirus has the ability to not only affect human beings' immune systems, but also violence within a household. According to the National Coalition Against Domestic Violence,

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Coronavirus Court Precautions Can Lead to Unforeseen Complications

In response to the COVID-19 pandemic, California superior courts – including Fresno Superior Court – have shifted their procedures in order to protect the public, with startling implications.

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COVID CDCR and Jail Dashboards

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Boyfriend Caught With Blood on Hands and Dead Girlfriend, Pleads Not Guilty

Jose Rodriguez and Valeria Villagomez dated for several months. And then, in October 2019, Rodriguez fatally shot Villagomez, according to evidence presented in San Francisco County Superior Court here.

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Yolo County Court Watch

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Lack of Interpreters Reminds California of its Troubling Past

Minh Quang Ly was called in for an arraignment hearing in Yolo County Superior Court, Department 1 last Friday – but an ever-increasing snafu brought the entire proceeding to a screeching halt. Judge Peter Williams, who presided over the hearing

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Sacramento Court Watch

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Subject: FOR IMMEDIATE RELEASE: Judge Orders ICE to Provide COVID-19 Testing to Detained Immigrants After Emails Reveal ICE's Refusal to Test People in their Care
Date: Thursday, August 6, 2020 at 9:02:35 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE

August 6, 2020

Media Contacts

Sam Lew, Lawyers' Committee for Civil Rights of the San Francisco Bay Area
slew@lccrsf.org, 415-272-8022
Valerie Ibarra, San Francisco Public Defenders
valerie.ibarra@sfgov.org, 628-249-7946
American Civil Liberties Union of Northern California

*****PRESS RELEASE*****

Judge Orders ICE to Provide COVID-19 Testing to Detained Immigrants After Emails Reveal ICE's Refusal to Test People in their Care

SAN FRANCISCO — This morning, a federal judge granted extraordinary relief -- weekly rapid testing, no new intakes, and a dorm for COVID-positive detainees -- for all immigrants detained at Mesa Verde Detention Facility in the wake of a COVID-19 outbreak that hospitalized two detainees and infected at least 7 others.

Federal District Court Judge Vince Chhabria, in his order, affirmed that “The documentary evidence shows that the defendants have avoided widespread testing of staff and detainees at the facility, not for lack of tests, but for fear that positive test results would require them to implement safety measures that they apparently felt were not worth the trouble.”

There are at least 8 detainees currently infected with COVID-19 at Mesa Verde as well as 14 staff infected in recent weeks. Two detainees have been hospitalized: one elderly and medically vulnerable man was taken to the emergency room and released from ICE custody after a COVID-positive diagnosis on Saturday. All detainees at the facility are housed in dorms of more than 20 people with limited capacity for social distancing. In recent days, because of a shortage of space at the facility given the COVID outbreak, individuals have been detained in the bathrooms of intake cells. And now, at least half of the detainees at the facility are on lockdown because of COVID infections confirmed in two of the four dorms.

[Incriminating e-mails between ICE and GEO Group, Inc.](#), the private corporation that manages the detention facility, obtained through the lawsuit, reveal that the two parties rejected a plan to universally test detained people because they would be unable to adequately isolate those who tested positive. In a May 21 email, ICE Assistant Field Office Director Alexander Pham recorded that ICE's San Francisco management team decided: “due to constraints that the IHSC guidelines would put on our housing resources we will be limiting the scope of testing as much as possible.” After ICE Headquarters proposed identifying Mesa Verde as one of four pilot sites nationwide that would implement universal testing, ICE's San Francisco Field Office objected, with Field Office Director David Jennings expressing “some concerns about being a test place – in short we have no place to cohort anyone who refuses, is positive, etc.”

Another e-mail revealed that ICE refused to test contract staff due to fear that positive tests could force them to change the manner in which they detain immigrants. GEO's Mesa Verde Warden Nathan Allen wrote that ICE's Assistant Field Office Director “mentioned he would rather not have staff testing as they may also impact ERO functions, i.e., an asymptomatic person testing positive would require possible dorm cohorts and detainee testing protocols.”

“These emails show a staggering disregard for human life on the part of ICE and GEO,” said Bree Bernwanger, senior staff attorney at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. “ICE chose to risk the outbreak that is now gripping Mesa Verde.”

“ICE continues to demonstrate its failure to act to prevent a COVID crisis, which has devastating

consequences to those in its custody,” said San Francisco’s Public Defender Manohar Raju. “This is particularly unconscionable as Mesa Verde is currently facing an entirely preventable COVID outbreak.”

“We reached this dire point because ICE failed to take measures to prepare for an outbreak, even when the signs showed one was imminent,” said Sean Riordan, senior staff attorney at ACLU of Northern California. “This order is a step towards a system that will protect the people detained at Mesa Verde.”

“Now that the outbreak has arrived, and in the face of ICE’s callous disregard for detainees in its custody, today’s court order provides essential safeguards necessary to protect the health and safety of detainees housed at Mesa Verde and residents of the surrounding community,” said [Martin Schenker](#), a partner at Cooley LLP.

“What these last few weeks have revealed without a shadow of a doubt is that a government agency, and those with whom they contract, are deliberately indifferent with respect to the health and safety of the human beings they incarcerate. It’s infuriating, heart wrenching and, quite frankly, frightening,” said attorney Judah Lakin of Lakin & Wille LLP.

A coalition of legal organizations is representing the plaintiffs, including the San Francisco Public Defender’s Office, the ACLU Foundations of Northern California and Southern California, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (LCCRSF), Lakin & Wille LLP, and Cooley LLP.

E-mails between ICE and GEO Group can be viewed [here](#).

Read the order [here](#).

Review the original announcement of class action suit filed on 4/21/2020 [here](#).

###

Subject: Everyday Injustice - Savit’s Victory in Michigan, Gardner in St. Louis, is the Latest in the String of Wins For Reformer DA’s

Date: Thursday, August 6, 2020 at 7:00:56 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Voters want change and are not being moved by a fear narrative that some have been advancing that would return us to policies of the 80s and 90s that fueled mass incarceration," Miriam Krinsky

Everyday Injustice Newsletter - August 6, 2020

Supreme Court Sides with California Jail in Another Appalling 5-4 Decision

By David Greenwald

I would note that Chief Justice John Roberts is one of the shrewder jurists we have seen. He was adept enough to recognize that if he merely sided on issues like LGBT rights and DACA, the rest of the court could veer hard right and few would notice. What we have seen in a series of 5-4 votes by the court lately is pretty appalling whether it's on the death penalty or now safeguarding the health of people at the Orange County Jail.

We know little about the reasoning by the court since the 5-4 opinion was unsigned. But the four dissenters were by the liberal wing of the court - Justice Sonia Sotomayor, joined by Justice Ruth Bader Ginsburg, filed an eight-page dissent accusing the majority of failing to safeguard the health of thousands of detainees.

"The district court's injunction," the officials told the justices, "seizes the role of administration of the jail, prevents nimble responses to the virus in an ever-changing landscape and puts focus on compliance with the order and avoiding contempt, rather than squarely on combating the contagion."

The ACLU however responded, noting that the district court had found compliance with CDC Guidelines to be "piecemeal and inadequate."

The ACLU noted appalling conditions, in defiance with CDC Guidelines: "leaving detainees packed into dayrooms sharing the same air and bathrooms without social distancing; symptomatic individuals were not being separated from asymptomatic ones, and at least one COVID-positive detainee was housed with individuals who had not tested positive; Applicants provided watered-down disinfectant and make-shift masks made from blood-stained sheets; and symptomatic detainees were being denied tests."

It is not surprising then that 369 detainees have tested positive as of the time of the preliminary injunction, reflecting "an increase of more than 300 confirmed cases in a little over a month."

In their dissent, Justice Sotomayor said the officials had misled Judge Bernal. "The jail claimed that it had already achieved proper social distancing, provided inmates enough soap for frequent hand washing, and isolated and tested all symptomatic individuals," she wrote, adding that sworn statements from dozens of detainees told a different story.

"Inmates described being transported back and forth to the jail in crammed buses, socializing in day rooms with no space to distance physically, lining up next to each other to wait for the phone, sleeping in bunk beds two to three feet apart, and even being ordered to stand closer than six feet apart when inmates tried to socially distance," Justice Sotomayor wrote.

"This court normally does not reward bad behavior," she wrote, referring to the officials' litigation tactics. "The district court found that, despite knowing the severe threat posed by Covid-19 and contrary to its own apparent policies, the jail exposed its inmates to significant risks from a highly contagious and potentially deadly disease," she wrote. "Yet this court now intervenes, leaving to its own devices a jail that has misrepresented its actions to the district court and failed to safeguard the health of the inmates in its care."

This is another atrocious and needless decision - can we stop praising Roberts now?

Thanks for reading.

Two things to mention in brief.

First, we have now topped 1100 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

Second, our event is August 13 - we really need you to buy tickets for it and it should be a great discussion on wrongful convictions with Mark Godsey. [TICKETS](#).

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Savit's Victory in Michigan, Gardner in St. Louis, is the Latest in the String of Wins For Reformer DA's

In 2018 for the first time there was a real emphasis to challenge incumbent DA's with progressive reformers – the result for the most part was not a lot of success. Justice reform organizations put a lot of money into races like Noah

[Read More](#)

Commentary: How Does One Take a Shooting Stance When You have No

Weapon?

The NFL ran a public service announcement about the killing of Stephon Clark as part of their anti-racism campaign. The PSA is narrated by Stephon's mother, Se-Quette Clark. Among other things, it notes that Clark's death

[Read More](#)

ACLU Unveils Ambitious Clemency Program Aimed at State Governors

The American Civil Liberties Union (ACLU) has launched an expansive campaign seeking to release 50,000 people from state prisons over the next five years by working with state governors to grant clemency to

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Join Our Growing Sponsor List From August 13

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Doomsday Author, Wife Set for Trial for Murder of 2 Idaho 'Zombie' Children

Doomsday author Chad Daybell and Lori Vallow were arraigned for trial murder today after a preliminary hearing in connection with the deaths of two children, who Vallow referred to as "zombies" before they disappeared.

[Read More](#)

Even \$1 Million Bail Not High Enough to Free Man Who Threatened Ex's Boyfriend and Kids

Assistant Public Defender Sameera Ali came into Sacramento County Superior Court Tuesday to do what her client asked and she's obligated to do – set the defendant free on bail if possible. The defense counsel ran into a buzz

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Boyfriend Caught With Blood on Hands and Dead Girlfriend, Pleads Not Guilty

Jose Rodriguez and Valeria Villagomez dated for several months. And then, in October 2019, Rodriguez fatally shot Villagomez, according to evidence presented in San Francisco County Superior Court here.

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DDA Says Judge Rehab Plans for Domestic Violence Defendant ‘Insult’ to Alleged Victim

During a preliminary hearing in Humboldt County Superior Court, the defendant’s post-traumatic stress disorder (PTSD) diagnosis was presented as a mitigation reason in his domestic violence case.

[Read More](#)

COVID CDCR and Jail Dashboards

Alameda County Jail’s COVID-19 Coverup – Asymptomatic Individuals Considered Recovered & Virus-Free – Breaking Down COVID-19 in CA Jails

An individual who was COVID-19 positive was released from Santa Rita Jail yesterday. Otherwise, numbers remained relatively stable. In total, 22 people have been released while active since March. The jail continues to test too

[Read More](#)

San Quentin has 42% of CDCR COVID-19 Deaths – Breaking Down COVID-19 in CDCR

As of August 5, there are 8,429 confirmed COVID-19 cases in the CDCR system, 1,209 of which are active and in custody currently. There have been 50 deaths across the system thus far.

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San Francisco Court Watch

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Boyfriend Caught With Blood on Hands and Dead Girlfriend, Pleads Not Guilty

Jose Rodriguez and Valeria Villagomez dated for several months. And then, in October 2019, Rodriguez fatally shot Villagomez, according to evidence presented in San Francisco County Superior Court here.

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Yolo County Court Watch

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Minh Quang Ly was called in for an arraignment hearing in Yolo County Superior Court, Department 1 last Friday – but an ever-increasing snafu brought the entire proceeding to a screeching halt. Judge Peter Williams, who presided over the hearing

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: CourtWatch Fundraiser

Date: Thursday, August 6, 2020 at 5:23:56 PM British Summer Time

From: Wilson, Jacque (PDR)

To: PUBDEF-Everyone

To all,

The last two summers the Davis Vanguard has been partnering with the SF Public Defender's office & our court watch, sending interns into the courts to cover and report on our court cases.

On Thursday, August 13, they will have their annual fundraiser featuring Mark Godsey of the Ohio Innocence Project. This fundraiser helps to fund their court watch project and should also be very interesting for anyone to attend.

Vanguard 10th Annual Event - next Thursday

August 13 from 6 to 9 - via Zoom

Cost: \$50 suggested donation but a variable rate ticket available

Topic: Wrongful Convictions and Prosecutorial Tunnel Vision

Mark Godsey, Director of the Ohio Innocence project is the keynote speaker and will be talking about his book "Blind Injustice" as well as the case of the East Cleveland 3, of whom Laurese Glover will be on hand and talk about the 20 years he did in prison before being exonerated in 2015.

Also speaking, Jeffrey Deskovic, wrongfully convicted at age 16 and Danny Garza from NLG-Sac will talk about being shot by a rubber bullet at the protests in May.

Proceeds go to the Vanguard Court Watch project covering courts from Sacramento to San Francisco.

Reserve your spot today: <http://vanguard-godsey.eventbrite.com>

Questions: info@davisvanguard.org

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Log on daily to get the latest news, commentary, and information about the city of Davis, Yolo County, and the Sacramento Region.

"Journalism is printing what someone else does not want printed: everything else is public relations."
— George Orwell

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Subject: Everyday Injustice - Two Progressive Prosecutors Victorious on Tuesday; Yolo DA Takes to Fox News
Date: Wednesday, August 5, 2020 at 7:00:36 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Yolo DA on Fox: "I want to emphasize that as prosecutors were absolutely appalled at the lack of transparency at the release decisions that are being made on the state level, CDCR has already released over 10,000 inmates who were convicted and sentenced"

Everyday Injustice Newsletter - August 5, 2020

Chalk Up Two More Big Victories For Progressive DA's

By David Greenwald

Tuesday was another good night for progressive prosecutors as progressives won one seat and easily held onto another that was under heavy fire.

We interviewed Eli Savit, DA Candidate in Washtenaw County Michigan, home of Ann Arbor. In a three way race he won with 51 percent of the vote compared to 43 percent for the closest challenger. That means because he is unopposed on the ballot, he will be seated following the November election.

In a statement just posted on Facebook, Savit, "Honored. Humbled. And looking forward to working together to build a justice system in which we can take pride."

He wrote, "We've seen a sea-change in how Washtenaw County thinks about criminal justice. And it's due, in no small part, to the conversations Arianne and Hugo have helped drive." He added, "Running in this race has been the honor of a lifetime. And that's because of the incredible competitors I had in this race. I'm so glad that both Arianne and Hugo are members of this community. And I'm grateful to them both for a race well-run."

Meanwhile Kim Gardner - as we have been reporting over the last few weeks has been under fire from the state Attorney General, the Governor and even President Trump.

In the end, it wasn't close. She won a hard fought election 61-39 over her Democratic challenger. She

faces a Republican in November, but in heavily Democratic St. Louis she's as good as elected at this point.

The race was widely viewed as a referendum on the pushback that Gardner has faced since she took office.

She has been under fire from police unions as well as the Missouri GOP elected officials. There was pushback for her handling of a high profile case that state lawmakers proposed a bill to transfer power to the attorney general.

U.S. Senator Josh Hawley, also a Republican, has repeatedly attacked her for not prosecuting Black Lives Matter protesters.

And of course she was attacked for prosecuting the McCloskeys for toting their weapon at BLM protesters last month.

In January, Black female prosecutors from across the country— including Kim Foxx in Chicago and Marilyn Mosby in Baltimore—issued a statement in solidarity with Gardner, saying she “faced an unprecedented campaign by the city’s corrupt and racist political establishment to destroy her.”

“Progressives who challenge the status quo are going to get pushback, but for Black women it’s like quadruple the amount,” said Tiffany Cabán, the Queen DA candidate who narrowly lost in 2019.

“I feel humbled,” Gardner told supporters Tuesday night. “This is an exciting time, but this is also the people’s time. This is about the people who elected me, the people in this room who fought for equality and justice and this is about people who sent a resounding message that they want reform in the city of St. Louis.”

We hope to get some interviews for later in the week.

Thanks for reading.

Two things to mention in brief.

First, we have now topped 1000 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

Second, our event is August 13 - we really need you to buy tickets for it and it should be a great discussion on wrongful convictions with Mark Godsey. [TICKETS](#).

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Criminal Justice News/ Commentary

Commentary: Yolo DA's Office Takes to

Fox News To Push Agenda

Remember when the Yolo DA was touted by local media as being one of the most progressive in the state? That seemed like just two years ago. But now Assistant Chief Deputy DA Melinda Alello once again is taking to Fox News

[Read More](#)

Ex-LA DA Candidate Pushes To Shift Funding From Incarceration to Community Engagement

Former Public Defender and DA Candidate Rachal Rossi was hard hitting on Tuesday as she addressed racial disparities that exist within the incarceration system.

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CA State Senator: California Police Need to 'Come Clean' on Abuse Records

"California police need to come clean on abuse records," wrote California State Senator Nancy Skinner in an opinion article to the East Bay Times recently, noting that her newest demand of law enforcement

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Join Our Growing Sponsor List From August 13

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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AGs Form Coalition Challenging Trump Restrictions on Asylum Seekers Obtaining Work Authorization

he Trump Administration recently announced a new set of restrictions on employment authorization for asylum seekers, and Tuesday, New York Attorney General Letitia James, alongside District of Columbia Attorney

[Read More](#)

No Body, No Weapon, No Crime Scene – How Disappearance Led to Guilty Conviction

More than five years after Morgan Hill teenager Sierra LaMar went missing in 2012, Antolin Garcia-Torres was sentenced to life in prison without the possibility of parole on June 5, 2017.

[Read More](#)

Cross-Examination Gets Testy; 2 Defendants Head to Trial, Comrade Heads to Jail When He's Found

After a lengthy preliminary hearing here Monday in Sacramento County Superior Court, two suspects in a burglary were bound over for trial—their comrade didn't show up, and now there's a warrant for his arrest.

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COVID CDCR and Jail Dashboards

Testing Rates Drastically Decrease as Positive Cases Persist in Solano County – Weekly Highlights – Breaking Down COVID-19 in CA Jails

Solano County Jail has one active case in the jail, and two total positive cases since testing began in June.

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San Quentin has 42% of CDCR COVID-19 Deaths – Breaking Down COVID-19 in CDCR

As of August 4th, there are 8,359 confirmed COVID-19 cases in the CDCR system and 20,228 tests conducted in the last two weeks. There have been 49 deaths across the CDCR system thus far.

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Alameda County Jail's COVID-19 Coverup – Asymptomatic Individuals Considered Recovered & Virus-Free – Breaking Down COVID-19 in CA Jails

An individual from Santa Rita Jail was hospitalized yesterday, the second hospitalization due to COVID-19. They seem to have been released the same day. There have been no deaths so far.

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San Francisco Court Watch

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SF Mayor London Breed Announces Young Defenders Internship Program

San Francisco Mayor London Breed has teamed up with Public Defender Manu Raju to create the San Francisco Young Defenders Program, a “paid educational internship program to provide employment and

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Subject: Everyday Injustice - When Police Lie; CDCR Has NOT Reduced Its Prison Population Below 100,000

Date: Tuesday, August 4, 2020 at 7:00:59 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"While there has been no hesitation to prejudge the outcome of this case, your voices fall silent when the Circuit Attorney attempts to free Lamar Johnson, a Black man who has sat in prison for 24 years wrongfully convicted of murder." - Missouri letter from clergy.

Everyday Injustice Newsletter - August 4, 2020

Police Should Not Be Able to Lie To Citizens

By David Greenwald

I was reading the police auditor's report out of Davis, California and there was an interesting case where there was a video that showed two people walking near a truck with an open window. The video cut out before they could see whether it was those two people who stole a wallet from inside the vehicle.

Nevertheless the police officer claimed that the video showed them taking the wallet and attempted to get an admission. It didn't work and in fact it backfired because they didn't admit to anything and their attorney was able to view the video and ascertain the deception.

The Police Auditor, Michael Gennaco writes in the report, "A review of the encounter clearly demonstrates repeated attempts by the officer to obtain an admission of culpability from the sister, but as indicated in the police report, she did not admit or deny that she was involved in taking the wallet from the van."

Furthermore, "During the interview, the mother of the sister informed the officer that as a result of past encounters the family had 'zero trust' in the police. While the officer told the sister that he would show her the video if she liked, when the mother indicated that she would like to see the video the officer said he would not do so."

The family obtained an attorney who ultimately learned that the video did not show either of them taking the wallet and DPD did not pursue charges.

Gennaco notes: "Under the law, police can use ruses and exaggerate or mischaracterize evidence as part of a strategy to gain admissions from suspects. While the technique is legal, a growing number of criminal justice reformers question whether such strategies are generally advisable."

He notes that "when the ruse does not work and the individual the ruse is used upon learns that the information alleged by the police was not accurate, it results in increased distrust of law enforcement by those upon whom the tactic is used."

One of the dangers here that the auditor - who did a good job on this - did not mention is that in addition to undermining trust in the police, police lying is associated with false confessions.

Going back to the 1969 Supreme Court Case *Frazier v. Cupp*, the Court held that the deception employed by the police was permissible.

The Court wrote: "The fact that the police misrepresented the statements that [an accomplice] had made is, while relevant, insufficient in our view to make this otherwise voluntary confession inadmissible."

"Police interrogation in America is fundamentally dishonest," says Richard Leo, a professor of law and psychology at the University of San Francisco and a leading researcher on police interrogation practices. "Police are allowed to lie all the time. They call lying about evidence 'ruses.' It's kind of Orwellian in the sense that it's not really a ruse. If I'm telling you I've got your fingerprints and your DNA and I have a surveillance video... and you're a kid and you don't know that police can lie about evidence, you're thinking, *How would I be in a video?*"

False confessions are a leading cause of wrongful convictions. And police lying is a critical component.

If we want to reform policing - maybe it is time to revisit whether police should be able to lie in order to gain admissions.

Thanks for reading.

Two things to mention in brief.

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Criminal Justice News/ Commentary

**Analysis: CDCR Has NOT Reduced Its
Prison Population Below 100,000**

Last week you may have seen it, the California Department of Corrections and Rehabilitation announced on Thursday that it had reduced its prison population below 100,000 incarcerated people for the first time in 30 years.

[Read More](#)

Missouri Faith Leaders Send Letter in Support of Gardner in McCloskey Incident

Eighty-nine pastors and ministers and rabbis wrote a letter to Missouri Gov. Mike Parson, Attorney General Eric Schmitt and Sen. Josh Hawley saying their attacks on St. Louis Circuit Attorney Kim Gardner over her decision to

[Read More](#)

20 State AGs Support Challenge to Unlawful Revision of Felon Re-Enfranchisement Law

In an amicus curiae brief, California Attorney General Xavier Becerra joined a coalition of 20 attorneys general in support of a lawsuit that challenges an unlawful revision to Florida's felon re-enfranchisement law

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SF Mayor London Breed Announces Young Defenders Internship Program

San Francisco Mayor London Breed has teamed up with Public Defender Manu Raju to create the San Francisco Young Defenders Program, a "paid educational internship program to provide employment and

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FBI Hair Analysis Called into Question after Santae Tribble's 2012 Exoneration

After spending 28 years wrongly convicted of and imprisoned for murder, the exoneration of Santae Tribble in 2012 sparked a review and investigation of FBI hair analysis. At 17 years old, Santae Tribble was linked to a

[Read More](#)

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Defense Attorney Strikes Out – Sacramento Judge Denies All Defense Motions

In Valentyn Stepanov's preliminary hearing this Monday, Judge Delbert W. Oros was not a friend of the defense. In fact, he denied every motion the defense brought. Stepanov's hearing in Dept. 16 of Sacramento County Superior Court

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Lack of Interpreters Reminds California of its Troubling Past

Minh Quang Ly was called in for an arraignment hearing in Yolo County Superior Court, Department 1 last Friday – but an ever-increasing snafu brought the entire proceeding to a screeching halt. Judge Peter Williams, who presided over the hearing

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COVID CDCR and Jail Dashboards

COVID-19 Testing at Pelican Bay Increases Rapidly – Cases Count Likely To Rise Soon – Breaking Down COVID-19 in CDCR

As of July 30th, there are 7,867 confirmed COVID-19 cases in the CDCR system, 903 in the last two weeks. There have been 47 deaths across the CDCR system thus far.

[Read More](#)

Alameda County Jail's COVID-19 Coverup – Asymptomatic Individuals Considered Recovered & Virus-Free – Breaking Down COVID-19 in CA Jails

As of Wednesday, July 29, no new cases have been reported in Santa Rita Jail for the last three days, although the jail has tested only 59 people in that time out of the overall population of 1867. The jail has continued to test so

[Read More](#)

Minimal Testing & Defining Asymptomatic

Cases As Recovered – How Santa Rita Jail Brought Down Its COVID-19 Case Count Amidst An Outbreak – Weekly Highlights – Breaking Down COVID-19 in CA Jails

As of August 2, the recent outbreak in Santa Rita Jail appears to be subsiding, in sync with a decrease in new daily cases across Alameda County as a whole. The jail has continued to test so minimally throughout the recent outbreak

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CDCR Healthcare workers to Govn. Newsom – “If CDCR does not release more than half of the prison population, stop all transfers, and follow public health guidelines, more people will die.” – Weekly Highlights – Breaking Down COVID-19 in CDCR

As of July 31, there are a total of 8,096 confirmed COVID-19 cases in the CDCR facilities, with 1,084 new cases in the past two weeks. 17.8% of the cases are active in custody while 3% have been released while active. There have been

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San Francisco Court Watch

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SF Mayor London Breed Announces Young Defenders Internship Program

San Francisco Mayor London Breed has teamed up with Public Defender Manu Raju to create the San Francisco Young Defenders Program, a “paid educational internship program to provide employment and

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Yolo County Court Watch

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Lack of Interpreters Reminds California of its Troubling Past

Minh Quang Ly was called in for an arraignment hearing in Yolo County Superior Court, Department 1 last Friday – but an ever-increasing snafu brought the entire proceeding to a screeching halt. Judge Peter Williams, who presided over the hearing

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Sacramento Court Watch

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Defense Attorney Strikes Out – Sacramento Judge Denies All Defense Motions

In Valentyn Stepanov's preliminary hearing this Monday, Judge Delbert W. Oros was not a friend of the defense. In fact, he denied every motion the defense brought. Stepanov's hearing in Dept. 16 of Sacramento County Superior Court

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - CDCR's Deception; Legislation Would Allow For Decertification of Bad Cops
Date: Monday, August 3, 2020 at 7:01:09 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"The last time that number was below 100,000 was in 1990, when California's overall population was almost 10 million less than it is today," CDCR said.

Everyday Injustice Newsletter - August 3, 2020

California's Prison Population Did Not Fall Below 100,000 Last Week

By David Greenwald

Major newspapers in California late last week dutifully reported that the prison population had dropped below 100,000 for the first time in 30 years.

Sacramento Bee: "California's prison population dropped below 100,000 inmates for the first time in 30 years, the California Department of Corrections and Rehabilitation said Thursday."

By the end of July, the in-prison population was 99,929.

"The last time that number was below 100,000 was in 1990, when California's overall population was almost 10 million less than it is today," CDCR said.

That's the same claim made by the [San Francisco Chronicle](#).

"The last time that number was below 100,000 was in 1990, when CA's overall population was 10 million less," the agency said.

However, they are wrong. The 99,929 cited in the media is the number in the institutions. But that's not the total population. They are not counting 2528 in the camps which pushes the number to 102,457. They are not counting the total in-custody, CRPP Supervision population which is actually 106,881.

As someone familiar with the situation pointed out that 99,929 does not count inmates in contract beds, most of them run by private prisons or those in fire camps.

As the source noted, "If any of those inmates went home for the weekend they would be guilty of escape. They can't wear their own clothes or eat what they want. 2,054 of them are guarded by CCPOA employees at a prison the state rents from Core Civic out in the desert in California City."

It appears the media ran story without bothering to check the actual figures released by CDCR or to challenge or question the pronouncement.

Thanks for reading.

Two things to mention in brief.

First, we have now topped 700 signatures for Ajay Dev - if you have not signed his petition that will go to the Governor in consideration of clemency, please do so now: [Ajay Dev](#).

Second, our event is August 13 - we really need you to buy tickets for it and it should be a great discussion on wrongful convictions with Mark Godsey. [TICKETS](#).

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Legislation Would Allow For Decertification of Bad Cops

In the last two months, we have seen people across the country take to the streets to demand an end to police brutality and ask for accountability. However, California is one of only five states that has no process to decertify

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Sunday Commentary: The Federal Government Leaves and Portland Predictably Calms Down

For the last few weeks we have heard an excuse as to why the federal agents had to be moved into Portland. But people on the ground said something very different – that things were calming down in Portland after weeks of protest

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Looking Back: State and Federal Governments Need to Overhaul Their Broken Public Defender Systems

In a criminal prosecution, the defense attorney plays an important role. As I have previously written, the role of the prosecutor, by way of both job description and morality, is not supposed to be simply to win a conviction, but, rather, to

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Commentary: Black August Should Be Recognized

We call on State Representatives to recognize Black August as a time to commemorate an unbroken line of resistance to white supremacy and slavery that continues today as legalized by the 13th Amendment of the US

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Memphis District Attorney Oppose Death Row Man's Petition For DNA Testing

Friday, Pervis Payne's attorney's request for DNA testing was opposed by Shelby County District Attorney Amy Weirich – Payne, a Black man with intellectual disability and no criminal record, is scheduled for execution on

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Join Our Growing Sponsor List From August 13

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Judge Chastises Cops for 'Sloppy Police Work' in Felony in Vandalism Case

A Sacramento County Superior Court judge admonished the prosecution for presenting a flawed case, based on “shoddy” police work and questionable identification last week in a preliminary hearing in Dept. 10.

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‘Can I speak?’ – Defendant Adamant There Should Not Have Been a Warrant for His Arrest

A defendant in Sacramento County Superior Court here last Friday for probation violations tried to explain to a judge that there should not have been a warrant for his arrest – he may have been right. Or wrong. It was difficult for the

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Fresno Judges Leniency on Payments, Program Enrollment During COVID-19 Pandemic

In Fresno County Superior Court, judges have been more accommodating to defendants’ circumstances as a result of the effects of the coronavirus pandemic. Closures of various services and a spike in unemployment could be

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Victim Begg Judge to Drop All Charges Against Husband, Blaming COVID, House Fire

A victim begged Judge Glenda Allen-Hill to drop all charges against her husband, Christopher Wilcox, here Friday in the Fresno County Superior Court, blaming the pandemic, a medication change and her housing burning down.

[Read More](#)

Gallery Cheers Defendant After He Reads Letter Apologizing for Domestic Violence

A defendant here in Sacramento County Superior Court late last week who was about to be released after serving six months for domestic violence, did more than he to do – and for that he got a courtroom applause.

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COVID CDCR and Jail Dashboards

Alameda County Jail’s COVID-19 Coverup – Asymptomatic Individuals Considered Recovered & Virus-Free – Breaking Down

COVID-19 in CA Jails

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Subject: FOR IMMEDIATE RELEASE: MAYOR LONDON BREED AND PUBLIC DEFENDER MANO RAJU
ANNOUNCE YOUNG DEFENDERS INTERNSHIP PROGRAM

Date: Monday, August 3, 2020 at 5:03:03 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: Monday, August 3, 2020

Contact:

Public Defender's Office, Valerie.Ibarra@sfgov.org

Mayor's Office of Communications, mayorspressoffice@sfgov.org

*****PRESS RELEASE*****

**MAYOR LONDON BREED AND PUBLIC DEFENDER MANO RAJU
ANNOUNCE YOUNG DEFENDERS INTERNSHIP PROGRAM**

Paid internship program, created in partnership with the Mayor's Office, Public Defender's Office, Human Rights Commission, and Teachers 4 Social Justice, provides 25 public high school students with a 40-week experience to learn about the criminal legal system and public defense

San Francisco, CA - Mayor London N. Breed and Public Defender Mano Raju today announced the creation of the San Francisco Young Defenders Program, a paid educational internship program to provide employment and mentorship opportunities to 25 local public high school students around criminal justice issues. The Young Defenders Program is part of the Opportunities for All initiative, which Mayor Breed created in 2018 to connect young people of all backgrounds to paid employment, job training, and mentorship opportunities.

The Young Defenders Program seeks to invest equitably in youth empowerment rather than the criminalization of youth, and ensure that youth of color have the opportunity to achieve a more successful future for themselves, their families, and their community. The program is the result of a unique partnership between Mayor Breed's Opportunities for All initiative, the Public

Defender's Office, the Human Rights Commission, the San Francisco Unified School District, and Teachers 4 Social Justice. The internship program started last week with orientation, and the interns begin their placements with the Public Defender's Office today.

"I know firsthand how an internship can change the course of a young person's life," said Mayor Breed. "We created Opportunities for All to empower youth and give them a chance to learn new skills and build professional connections, while also getting paid for their time. When we focus on providing opportunities for all of our young people, those youth go above and beyond to prove themselves and then succeed in ways they and others never imagined. This program invests in communities that have historically been left behind and opens up opportunities that otherwise would have been out of reach. I want to thank all the partners who have worked to make the Young Defenders program a reality, especially at a time when it's more important than ever that we're making concrete investments in supporting communities of color."

"I am proud that we are launching the Young Defenders Program at this moment in time, as the movement for Black Lives Matter continues to build momentum across the country, and young people are calling for racial justice and changes to the laws and practices that directly affect their lives," said Mano Raju, Public Defender of San Francisco. "Through this program we have an opportunity to train and educate young San Franciscans on how the criminal legal system works and how public defenders advocate for people through every step of the process. My hope is we can start to build a new pipeline of diverse Public Defenders and criminal justice advocates through this program."

The San Francisco Public Defender's Office is lauded as one of the premier public defender offices in the country, with a deep commitment to community engagement and achieving structural reforms to the criminal legal system locally and statewide. The Young Defenders Program is in line with the Public Defender's commitment to close the school to prison pipeline, as evidenced by its community-based M.A.G.I.C. programs which connect youth and families to opportunities and resources in the Bayview and the Fillmore-Western Addition neighborhoods. The Young Defenders Program is an opportunity to further guide and empower young San Franciscans through direct mentorship.

Over the course of 40 weeks, Young Defenders will hear lectures from guest speakers, be paired with defense attorneys and social workers to complete weekly assignments, participate in group projects such as mock trials, and develop virtual community outreach events on topics such as knowing your rights, increasing the diversity of juries, and facilitating restorative justice. Many will also earn academic credit toward high school graduation while earning minimum wage for up to 15 hours a week. Due to COVID-19, students will participate in the program remotely for the time being, and will be provided the technology they need for remote work.

The first group of Young Defenders were selected for the program through an interest survey following their summer internship with Opportunities for All. Opportunities for All and the Mayor's Office will fund the youth stipends, and the Public Defender's Office will fund the program through staff time and service hours. As many families are struggling financially due to COVID-19, it is more important than ever that students have access to paid internship opportunities.

"The purpose of this program is to expose students to the world of criminal justice from the perspective of the Public Defender's Office while inspiring students to use their own power as

educators and activists for change,” said Athena Edwards, Senior Fellow, Opportunities for All.

“I like that this cohort is teaching me things that I need to know about the law and my rights,” said Aniyah, a San Francisco native and rising junior at Raoul Wallenberg High School. “I also like my Fellows. They’re very creative in leading our activities and our group conversations and even though these things can be tricky, it’s fun trying new things. I enjoy being a part of this cohort and getting to experience different job techniques, while doing activities outside of my comfort zone.”

“It’s a good opportunity for me to learn about criminal justice,” said Shamira, a San Francisco native and rising sophomore at KIPP San Francisco College Prep. “Last week in orientation, we did our first presentation. My partner and I focused on Breonna Taylor, and how the police who killed her have not been arrested. We learned a lot about laws, but also used our own knowledge and understanding for the presentation.”

“I’m excited to be starting my second year interning with Opportunities for All,” said India Brar, a student joining the Young Defenders program. “I am extremely passionate about helping people especially ones in need and believe that being placed with San Francisco’s Young Defenders program was not only more than I could’ve asked for, but will allow me to make a difference which is something I am looking forward to.”

Since taking office, Mayor Breed has consistently prioritized funding for programs that make San Francisco more equitable. As announced on Friday, the Mayor’s budget continues to prioritize equity, with funding both from the General Fund and redirected from the City’s law enforcement departments. Mayor Breed has proposed using funding to reinvest in the African American community and to repair the legacy of racially disparate policies on health, housing, and economic outcomes for African Americans in San Francisco.

In addition to redirecting funding from law enforcement departments, the Mayor’s budget includes ongoing and new investments from the General Fund to support vulnerable populations throughout San Francisco, prioritizing several children- and youth-focused initiatives that will ensure more equitable outcomes for future generations of San Franciscans. Specifically, the Mayor’s proposed budget for Fiscal Years 2020-21 and 2021-22 includes \$5.5 million in funding from the General Fund to continue the Opportunities for All program.

“I am grateful for the ability to connect Opportunities for All with Teachers 4 Social Justice and the Public Defender’s office to launch this program,” said Sheryl Davis, Executive Director, Human Rights Commission. “Opportunities for All provides young people with the opportunity to not just develop skills and build their social networks, but programs like the Young Defenders, centers youth voice, encourages and empowers youth to address issues of inequity, to transform systems and challenge business as usual. I look forward to learning from the youth and seeing the impact they will have in the community and the criminal justice system.”

“This is the City, the School District and community based organizations working together to do the most for young people, especially during this time,” said Jeremiah Jeffries, public school teacher and coordinator for Teachers 4 Social Justice. “SF Young Defenders is a concrete example of where we should be reallocating funding to, away from policing and criminalization of youth, toward education and giving youth a foundation to build careers focused toward justice.”

“In my role as Board of Education Commissioner and Education Advisor to the Mayor, the creation of SF Young Defenders is the fulfillment of one of the many promises we asked the public to trust us to fulfill,” said Jenny Lam, Commissioner, San Francisco Board of Education. “The potential I see in these young people and in this opportunity is why cross institution and community partnerships can be so powerful and should be the rule not the exception for how to get things done for young people.”

In October 2018, Mayor Breed announced the launch of Opportunities for All (OFA), a program to address economic inequality by ensuring that all young people can be a part of San Francisco's thriving economy and explore different career paths. In the first full summer of the OFA program in 2019, there were more than 3,800 total placements, including at least 1,500 new placements.

To date, the summer 2020 OFA cohort has placed over 1,400 youth in internships. Additionally, 68 Opportunities for All Fellows and 12 Senior Fellows were placed. Fellows are college aged young adults who work directly with high school students, creating project design, and developing their projects and presentations. OFA introduced the Senior Fellow position this year, 12 upper-class college students, and postgraduates, who each managed a small group of Fellows, offering daily, direct engagement, facilitating meetings, and supporting the project design for their cohorts.

###

Subject: Everyday Injustice - Problems Mount for Vallejo Police Department; Nevada Sheriff Refuses to Enforce Law For Library

Date: Friday, July 31, 2020 at 7:00:49 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"I wish you good luck with disturbances and lewd behavior, since those are just some of the recent calls my office has assisted you with in the past," Nevada Sheriff Daniel Coverley

Everyday Injustice Newsletter - July 31, 2020

How Many Bad Apples and is Vallejo an Aberration or a Bellwether

By David Greenwald

The latest news out of Vallejo is just reminder of how deep the problems lie there. A former police captain reported that some officers bent their badges to mark fatal shootings. [Open Vallejo's](#) investigation found that of 51 current and former Vallejo officers who have been involved in fatal shootings since 2000, at least 14 had their badges bent by a colleague afterward.

This comes on the heels of other serious allegations. The state is already investigating the possibility the president of the POA had destroyed evidence in the recent fatal shooting of Sean Monterrosa.

The police chief says he is "deeply disturbed" by the allegations. "If there is credible evidence found, I will expand the inquiry into an official investigation," Williams said in the statement.

However, shortly after Open Vallejo published its story, Lt. Michael Nichelini, the Vallejo police union president, called the story "beyond inflammatory" [statement obtained by the Mercury News](#). He said that he was not aware of the alleged badge-bending practice. "Frankly, it's a ridiculous notion," he said.

Beyond this rather inflammatory is a bigger issue - just how deep do the problems go with Vallejo police department. And is this department exceptionally bad or should it serve as a bellwether.

In our column earlier this week, I calculated the extent to which the Monterrosa shooting had to impact the department. There was the alleged shooter who has not been named but we know to be Officer Tonn - Tonn in a five year period was involved in three other shootings prior to this one.

Then you have the guys on the scene who have clearly helped in covering this up, you have the POA and president Michael Nichelini. How high up does it go? Is the chief himself involved? We would guess there had to be no fewer than eight people involved here.

I reached out to someone familiar with the situation on the ground at Vallejo. She estimated that of the 110 sworn officers in the Vallejo Police Department, between 20 and 25 of them are bad officers.

But I think that is a low number. Because remember in order for police officers to get away with use of force, shootings and other misconduct they have to be in a culture that allows them to. There are the people who have their badges bent. There are people who bend the badges. And the people who know about it and try to keep it quiet.

Is Vallejo exceptionally bad? Probably. Spoke to someone familiar with San Francisco and who had worked on tracking Police Accountability Board issues, they believe the San Francisco number is closer to 10 percent of sworn officers.

Remember San Francisco has been plagued by things like the text message scandal. It has also been the location for a number of high profiling shootings like Mario Woods.

A few years ago I was tracking "bad cops" in Davis - a small college town 80 miles northeast of San Francisco and 15 miles west of Sacramento. At that time, I estimate 10 to 15 percent of the officers in Davis problematic.

But again - basing this just on bad behavior ignores the institutional culture.

Thanks for reading.

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Criminal Justice News/ Commentary

Criminal Case against Anti-Abortion Activists David Daleidan, Sandra Merritt to Move Forward

David Daleidan and Sandra Merritt, two individuals who attempted to expose alleged infanticide at Planned Parenthood, will be headed to trial later this year, according to a hearing Tuesday in San Francisco Superior Court.

[Read More](#)

Nevada Sheriff Said Won't Respond to 911 Calls for Help Because of Library's Support of Black Lives Matter

Sheriff Daniel J. Coverley this week told the Douglas County Public Library Board of Trustees that because of their support of Black Lives Matter and the obvious lack of support or trust with the Douglas County Sheriff's

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DA Rachael Rollins: The Intersections of Race, Health, and Police Brutality Explained

Boston District Attorney Rachael Rollins hosted a Zoom seminar Wednesday to celebrate the 30th anniversary of the passing of the Americans with Disabilities Act (ADA), and to further explain the "Truth, Justice,

[Read More](#)

Man Wins, but Loses as DA Needs to 'Strengthen Her Case'

A Sacramento County Superior Court preliminary hearing in the case of People v. Purefoy went full circle Wednesday—from a request for a continuance to a refiling. In the end, defendant Thomas Purefoy couldn't win for losing.

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Defendant's Possible Mental State May Influence His Rock-Throwing Trial

A few months ago, Jeffrey Matthew Corson allegedly threw a rock at a courthouse entrance door, and was then charged with vandalism. But his adventures have only continued. Court documents suggest the events

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Change.org Petition: Bring Ajay Dev Home

Ajay Dev is a 53-year-old father of two. He is currently serving a 378-year aggregated sentence in Mule Creek State Prison in Amador County for sexual assault, a crime that he and several hundred others are adamant he is innocent of.

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COVID CDCR and Jail Dashboards

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Man Stabbed after Months of Altercations with His Neighbor

Not exactly a good neighbor moment—after months of altercations between neighbors, one of them burst into the other's house and stabbed him. In a preliminary hearing in Sacramento County Superior Court

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To: valerie.ibarra@sfgov.org

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“At each step I always kept thinking, ‘OK, the adult court will get it right. We got a better chance than the juvenile court,’ and then we got convicted,” Glover said last year. “Then I thought, ‘OK, the appeals court is going to get it right.’”

Everyday Injustice Newsletter - July 30, 2020

14 years ago...

By David Greenwald

That's right on this fateful day July 30, 2006, I came up with the crazy hair brained idea of starting a little

blog that I would write on things like police misconduct and reform. At the time, that was a controversial notion. So controversial that they shut down the Human Relations Commission over it.

That is only one of the things that I marvel at. What was controversial in 2006 liberal Davis has become mainstream. The very civilian review board that was proposed by the HRC in 2006 was implemented in Davis in 2018. The idea that Black and Brown people were disproportionately impacted by the police has become accepted in this community.

We saw over 1000 people march on Father's Day for Black Lives. 2000 people signed a petition for a school board election upset over the board not selecting a woman of color.

The Vanguard has changed too. In 2006, I created the Vanguard on free blogger app in the basement of the UC Davis Social Sciences and Humanities building.

Today the Vanguard has published 10 articles. Those articles were written by 13 different authors, only one of whom was outside our organization. We have several paid employees, six supervisors, over 60 interns, multiple regular volunteers, a ten-member board, and a growing revenue stream.

Frankly I would not believe you if you told me this in 2006.

While the founding of the Vanguard was obviously a critical moment in our history, another moment also looms large. It was around this time of the year, three years later in 2009, that I received a call from a family to the east of Sacramento.

I went out and met with them. It was then that I met Peggy Dev and her sister Patty Pursell. They told me the story of Ajay Dev, Peggy's husband, who a few weeks earlier had been convicted of 76 felony counts including 23 counts of forcible rape; 23 counts of forcible sexual assault; 27 counts of lewd acts with a minor; and 3 counts of attempting to dissuade a witness.

They believed Ajay Dev was wrongly convicted. At that time, I knew little about wrongful convictions and was somewhat skeptical of their claims of innocence.

Nevertheless on August 9, 2009, I attended along with intern Royston Sim, a court hearing for the sentencing of Ajay Dev. To my astonishment he received a massive 378 year sentence.

Little did I realize at the time, but this would become another defining moment in my life. Over the next 11 years, I would continue to work on and return to this case. It was this case that convinced me of the need to launch the Court Watch Project which I did in January 2010. And become the basis for what the Vanguard is today.

11 years later, I am 100 percent convinced of the innocence of Ajay Dev. While his Habeas evidentiary hearing has stalled in part due to the deceptive prosecutorial moves of Yolo County Deputy DA Ryan Couzens, and in part due to the slowdown of the courts and international travel due to COVID, now is the time. With the push on to release incarcerated people, Ajay Dev with an amazing record in prison and a strong case for innocence is a perfect candidate for commutation.

His family along with his commutation attorney have launched a Change.org petition:

<https://www.change.org/CommutationforAjayDev>

So far, as I write this, 192 people have signed the petition (I was just launched on Tuesday afternoon). We need 1000 to present to the Governor. Please help.

Finally, in two weeks we will have our tenth annual fundraiser featuring Mark Godsey. I'm really excited to

announce that we have now added Laurese Glover ([story and video here](#)), from the East Cleveland 3. He spent 20 years in prison for a crime that he did not commit.

To put this into perspective, 1995 when they were convicted, I was a senior at Cal Poly. In 2015, when they were released, we were planning the 10th anniversary of the founding of the Vanguard. I had a wife and three children.

This event will enable us to hire another reporter. That has been our goal all year.

And we have a special deal, while the cost of the event is \$50, we have a variable rate ticket, where you can pay as little as \$5 if that's what you can afford and watch it on Zoom.

Hit this link and then tickets to reserve your spot: <http://vanguard-godsey.eventbrite.com>

We're launching a major Twitter push so be sure to reserve your tickets today.

Thanks for reading.

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Wrongful Convictions Disproportionately Impact Black and Brown People

In two weeks, Laurese Glover will join us for our 10th annual Vanguard fundraiser. The keynote speaker is Mark Godsey, the Director of the Ohio Innocence Project. Laurese Glover, along with Eugene Johnson and Derrick Wheatt,

[Read More](#)

Conservatives Opposed to Death Penalty Argue Other Conservatives Wrong

Death Penalty Focus, an anti-death penalty organization based in Sacramento, convened Wednesday over Zoom as part of their weekly webinar series on the current state of the death penalty—they feel most conservative

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Progressive Candidates in Wisconsin Focus on State's Prison System

Nine candidates running for two Wisconsin State Senate seats took part in a forum hosted on Zoom and broadcast on Facebook Tuesday night—many of the candidates criticized Governor Tony Evers' failure to follow

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Progressive Philly DA Disappointed PA Supreme Court Fails to Act to Reform Philly's Broken Cash Bail System

The Pennsylvania Supreme Court's decision not to act to reform "Philadelphia's unjust and inefficient cash bail system" was a disappointment, said Philadelphia District Attorney Larry Krasner this week.

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Join Our Growing Sponsor List From August 13

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Accused Domestic Abuser Set for Trial in El Dorado County Court for Attacking On-Again Off-Again Girlfriend

A close friend's recount of an assault convinced a county judge here to determine that there is sufficient evidence for an alleged domestic abuser – charged with violating a protection order and attacking his on-again-off-again

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His Dog Killed, Fresno Man Kills Tenant's Dog with a Shotgun

Two dogs were killed here in Fresno, and one man—whose dog was one of those dead—is facing charges of killing the other dog, and threatening to kill the dog's owner.

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Change.org Petition: Bring Ajay Dev Home

Ajay Dev is a 53-year-old father of two. He is currently serving a 378-year aggregated sentence in Mule Creek State Prison in Amador County for sexual assault, a crime that he and several hundred others are adamant he is innocent of.

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COVID CDCR and Jail Dashboards

Alameda County Jail's COVID-19 Coverup – Jail Halts Testing – Active in Custody Counts Falsified? – Breaking Down COVID-19 in CA Jails

The COVID-19 outbreak in Santa Rita Jail continues, contrary to the deflated numbers reported by the Alameda County Sheriff's Office. They claim that only 37 people currently have the virus, but their testing remains too

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As of July 28th, there are 7,703 confirmed COVID-19 cases in the CDCR system, 938 of which were confirmed in the past 2 weeks. There have been 47 deaths across the CDCR system thus far.

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San Francisco Court Watch

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First Post-COVID Trial Begins in San Francisco

San Francisco's first post-COVID criminal jury trial began Monday morning for judge, jury, lawyers, and defendant on an alleged burglary charge, here in San Francisco County Superior Court.

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Yolo Judge Dismisses 4 of 6 Felony Charges Made Against Defendant

Judge Stephen L. Mock dismissed four of six charges filed against defendant Christopher Phillip Martin here in Yolo County Superior Court, which included assault with a deadly weapon and criminal threat charges.

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Man Stabbed after Months of Altercations with His Neighbor

Not exactly a good neighbor moment—after months of altercations between neighbors, one of them burst into the other's house and stabbed him. In a preliminary hearing in Sacramento County Superior Court

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Jailed Immigration Law Lawyers Charge 'Retaliation,' - Update from Portland - San Quentin

Date: Wednesday, July 29, 2020 at 7:01:43 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"In the 16 hours we were detained, we witnessed a blatant disregard for every COVID-19 precaution Governor Newsom preaches about. We are outraged that people incarcerated in prisons, jails, and detention centers face these life-threatening risks every single day."

Everyday Injustice Newsletter - July 29, 2020

Another View on Becerra...

By David Greenwald

Yesterday's column noted that Xavier Becerra, California's AG, has been weak on police reform in addition to looking the other way at prosecutorial misconduct.

In Slate, in article published by [Lara Bazelon](#) on Monday, she levels another criticism at the AG: "As COVID-19 Ravages California's Death Row, the State Attorney General Fights to Keep It Packed."

She makes a great point here we are over a year after the governor, Gavin Newsom, issued a moratorium on executions, but stopped short of commuting all of their sentences to life.

Now instead of the state actively executing people, the state is consigning some to death by COVID.

So far: "San Quentin Prison, where 720 men live under sentences of death, has been **engulfed** by the virus. More than **2,100** people at San Quentin have been afflicted, including nearly **one quarter** of those on death row. To date, **eight death row prisoners** have died from complications stemming from COVID-19, comprising half the prison's fatalities."

But it turns out we are complicit in this. Not only did state prison officials badly flub the crisis, but one of the major factors worsening the pandemic is overcrowding of the prisons.

And it is here, that once again, the Democratic and ostensibly very liberal state Attorney General, Xavier Becerra, "has continued to fight to cement these convictions. "

She noted that he has "often heralded (been) as a hero of the left due to his **numerous legal battles** against the Trump administration."

But just like his predecessor Kamala Harris, who may well parlay her perception as a combatant against the Trump administration into the No.2 spot on the Democratic ticket with a frontrunner possibility for 2024 assuming Biden wins and is a one-term president, Becerra's record on issues of criminal justice reform is really lacking.

Bazelon charges, "back home, he is sending his deputies into court to **uphold death sentences**, including those involving egregious prosecutorial misconduct, false testimony, and racially biased arguments."

Bazelon presents the case of Michael Hill, a Black man, sentenced to the death penalty in 1987 for the shooting death of a store owner and his four year old son during a robbery.

The key to the case was governmental misconduct which did not come to light until 2007. It was at this point that all three democratic attorney generals from Jerry Brown to Kamala Harris to Xavier Becerra have conspired with the Alameda County DA's office to keep the evidence hidden.

Becerra is "fully complicit with the Alameda County District Attorney's Office in the suppression of the truth, resulting in Michael Hill's wrongful incarceration on death row for decades," Hill's attorneys wrote in a May court filing.

Bazelon points out several other cases where Becerra's office has fought to defend the conviction of people where there was misconduct and grievous errors.

Becerra has gotten away with it with his reputation intact, as has Harris, largely due to his efforts against the Trump administration and the fact that reporters are not exposing the truth sufficiently.

But increasingly the record has come out here.

Thanks for reading.

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Criminal Justice News/ Commentary

Jailed Immigration Law Lawyers Charge 'Retaliation,' Extra-Legal Treatment at Gov Home Protest

Fourteen people – nine of them immigration law attorneys – were not only arrested Monday at CA Gov. Gavin Newsom's Fair Oaks mansion protesting "life-threatening conditions facing people in prisons, jails and

[Read More](#)

Update on the Portland Protests (Video)

Vanguard reporter Roman Mendoza has been on the ground at the Portland protests for the past few days. Here is his latest round of video.

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Efforts to Release Incarcerated From San Quentin Move Forward in Marin County Superior Court

A COVID outbreak at San Quentin State Prison has led to calls from reformers and others for a massive reduction in the prison population. That release has been slow. A Marin County Superior Court judge has ordered the

[Read More](#)

ACLU Claims Prison Population Change During COVID-19 Does Not Result in High Crime Rates

The ACLU's latest study explores the relationship between incarceration and crime in communities, determining that the reduction of jail populations during COVID-19 did not correlate with changes in crime.

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Defendant Blames COVID for Not Completing Plea Deal Work – Judge Disagrees, Offers Last Chance

At his sentencing hearing this past Monday, Dontay Henderson provided a series of excuses why he hadn't completed his probation guidelines, and promised that he needed just a little more time.

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Accused Domestic Abuser Set for Trial in El Dorado County Court for Attacking On-Again Off-Again Girlfriend

A close friend's recount of an assault convinced a county judge here to determine that there is sufficient evidence for an alleged domestic abuser – charged with violating a protection order and attacking his on-again-off-again

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Sacramento Court Watch

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Defense Attorney Claire White Knows Math – Convinces Judge to Reduce Bail by \$100K for Client

Some lawyers know math. In the case of defense counsel Claire White, she knew the bail keeping her client in jail just didn't add up right. Friday in Sacramento County Superior Court, Judge Patrick Marlette

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin

Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: FOR IMMEDIATE RELEASE: Effort to Release People Incarcerated at San Quentin Moves Forward In Marin County Superior Court
Date: Tuesday, July 28, 2020 at 10:04:44 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: July 28, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628) 249-7946 - Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

**Effort to Release People Incarcerated at San Quentin
Moves Forward In Marin County Superior Court**

Habeas petitions allege that California Department of Corrections and Rehabilitation actions constitute "cruel and unusual punishment" as decisions led to an explosive and deadly Covid-19 outbreak at San Quentin

A Marin County Superior Court judge has ordered the California Department of Corrections and Rehabilitation (CDCR) to respond urgently to petitions requesting immediate release of 21 people at San Quentin State Prison. The petitions were filed by incarcerated people at San Quentin and attorneys representing people there over the past month.

The petitions come after a fateful decision by CDCR in late May to transfer 121 people from California Institution for Men (CIM) - then the state prison with the highest COVID-19 rate in California - to San Quentin. There were no confirmed cases of COVID-19 at San Quentin prior to the transfer. As a result of the transfer, over 2,000 people living and working at San Quentin have tested positive for COVID-19 and 19 have died. The crisis has led to severe staffing shortages, near total and indefinite lockdown, and a state of extreme fear for those trapped inside and their families. Currently, the COVID-19 infection rate in San Quentin is 63% while

California's infection rate is 1%.

"Incarcerated people at San Quentin are scared to death," said Marin County Public Defender Jose Varela. "Judge Howard has ordered CDCR to respond. And his seeking quick input from all parties reflects the important human rights issues at the heart of this litigation."

The cases were filed individually as "habeas corpus" petitions - a legal recourse requesting a court to determine whether a person's incarceration is lawful. The petitions allege a violation of the U.S. Constitution's 8th Amendment prohibition against "cruel and unusual punishment." The petitions request immediate release to escape the deadly conditions caused by CDCR. The cases were subsequently joined together and will be heard by Superior Court Judge Howard. Attorneys for petitioners include attorney Charles Carbone, the Santa Clara County Alternate Defender, the Marin County Public Defender, the San Francisco Public Defender, and the Alameda County Public Defender.

Arielle Callin-Thomas, wife of petitioner Lawrence Thomas, stated, "My husband is currently housed in the gym at San Quentin State Prison and is fearful for his life and wellbeing. The inhumane treatment and lack of due diligence CDCR has shown during this global pandemic is incredibly heartbreaking to say the least."

Health officials have consistently warned of the risk overcrowded prisons and jails pose to public health, as outbreaks in congregate living spaces threaten to overwhelm local hospitals. Public health professional and organizer Swati Rayasam said, "For those who are incarcerated, screening was never going to be enough. Incarcerated people are a vulnerable population and therefore more susceptible to COVID-19; additionally, incarcerated people also represent other vulnerable communities, such as low-income populations, people of color, people with disabilities, the elderly, and those with pre-existing medical conditions who are also more susceptible to COVID-19. It's troubling to see CDCR's apparent lack of consideration of cumulative risk to protect its highly vulnerable population from COVID, and its reliance on general recommendations from the Centers for Disease Control when the Bay Area is flush with public health professionals."

After visiting the prison on June 13, Berkeley Public Health experts issued a letter urging officials to take several steps to protect the lives and wellbeing of those incarcerated at San Quentin, as well as prison staff; they recommended reducing the population by 50% via decarceration. After the transfer from CIM to SQ, the population count in mid-June was 3,547, today the population is 3,429, representing a 3% reduction - 16% of which is due to the 19 deaths. Meanwhile, CDCR continues to tout this as "the biggest reduction in prison population in recent history." While the California Department of Corrections says it has identified approximately 8,000 currently incarcerated people for release statewide, advocates and public health experts say it is not nearly enough to forestall additional, avoidable deaths due to COVID-19, caused in part by the agency's irresponsible decisions.

“If the state cannot take care of the people in its custody - at the very minimal level of ensuring they stay alive - then the courts must act” said **Danielle Harris, Managing Attorney in the San Francisco Public Defender’s Integrity Unit**. “Reducing the prison population is the only safe answer. CDCR has demonstrated its inability to come up with a sufficient plan, and transferring people from one unsafe lockup to another is demonstrably not the solution. We are grateful that the Marin court agrees the issue is an urgent one. Our community partners stand ready to support any released folks through reentry.”

“This case is about saving lives, but it’s also about protecting human dignity and wellbeing,” said **Mano Raju, Public Defender of San Francisco**. “Every incarcerated person is suffering under the current conditions of confinement, with no end in sight. They have no human contact with loved ones, and their mental health is suffering in addition to the threat to their physical health. The only solution is to dramatically reduce the prison population through releases.”

“People continue to die needlessly because the prison system is failing us,” said Charles Carbone, Prisoner Rights Attorney in San Francisco. “The prison system’s failures are on full display now with deadly consequences for prisoners and those in the free community. Marin County Court is wise and responsible to tackle this urgently.”

Judge Howard’s expedited schedule for the case is promising because the process can ordinarily take a long time. It is also significant that he is considering an evidentiary hearing because it would enable petitioners to present evidence in a public and open courtroom (if only a virtual one) regarding the public health crisis in correctional facilities in general and CDCR’s mishandling of the situation at San Quentin, specifically.

“The pandemic has had a disproportionate impact on communities of color because of systemic health and social inequities,” said Jessica Delgado, Deputy Public Defender at the Santa Clara County Alternate Public Defender, “but if you also consider long-standing racial disparities in arrests, prosecutorial charging, and court sentencing decisions - which have fueled the mass incarceration of people of color in California prisons - our failure to act decisively is nothing short of calamitous.”

“Systemic racism has caused our prisons to be overcrowded. And systemic racism has helped make Black and Brown people easy prey for COVID-19,” said Brendon Woods, who is the first Black Chief Public Defender in Alameda County and the only Black Chief Public Defender in California. “If the Governor will not act and CDCR will not act, we are forced to go to the courts to see if they will take action. We are exhausting every single avenue in an attempt to save lives.”

“The COVID-19 outbreak at San Quentin Prison not only threatens the lives of the people who are incarcerated, but also those who live and work in the surrounding community,” said

Jessica Jackson, Former Mayor of Mill Valley. "I commend the Marin County Superior Court for recognizing the urgency of this situation and calling on the CDCR to review the received petitions as soon as possible. A prison sentence should not be a death sentence."

###

Subject: Everyday Injustice - Police Matters from Vallejo to San Jose and Southward; Vivid Description of the COVID Crisis in San Quentin
Date: Tuesday, July 28, 2020 at 7:00:34 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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AG Xavier Becerra: "Absent a conflict of interest, abuse of discretion or other exceptional circumstances, the Department of Justice generally does not assume responsibility for investigations or prosecutions of officer involved shootings."

Everyday Injustice Newsletter - July 28, 2020

Back to the AG Becerra is Weak Theme

By David Greenwald

For those who have read by stuff over the years, I have themes that I develop and modify over time. I like to present them and update them as conditions warrant. One of those theme has been highly critical

of the Attorney General who we would think as a relatively to very liberal former congressman should be a leader on issues like police reform, prosecutorial misconduct and the like - but like his predecessor Kamala Harris, he has actually been quite weak on these fronts.

The maddening thing is that Xavier Becerra talks a good game. In June, he had a press conference laying out all of the police reforms he supports - most of which take acts of the state legislature.

As he pointed out in June: "This is a moment for America." He said, "We have a chance to do something."

But when Becerra had a chance to act - he has failed to do so.

Look no further than the informant scandal in Orange County where two liberal and quasi-progressive Attorney Generals not only failed to hold the DA and Sheriff's Department accountable for clear egregious misconduct, but they at times defended those agencies.

That brings us to the Sean Monterrosa case. The AG is willing to do a pattern and practice investigation. He is willing to investigate the Union President Michael Nichelini for possible obstruction of justice, but he is not willing to take over the overall investigation.

In a letter to Oscar Bobrow, the President of the California Public Defenders Association (CPDA), the Attorney General writes, that while he understands and appreciates the concern expressed in their letter, the role of the AG's office "in intervening in a local criminal investigation and prosecution is limited."

In the letter on July 27, the office explained, "there is no legal basis for such an action." The AG's office added that PC 1424(a) does not require recusal unless "the evidence shows that a conflict of interest exists that would render it unlikely that the defendant would receive a fair trial."

They cite caselaw that a conflict only exists where "the circumstance of a case evidence a reasonable possibility that the DA's office may not exercise its discretionary function in an evenhanded manner." Second they said that the conflict must be "so grave as to render it unlikely that (any) defendant will receive fair treatment during all portions of the criminal proceedings." In other words, "there must be an actual likelihood of unfair treatment."

The AG concludes, "In this case, there is no apparent basis for finding that either element has been met."

The AG has the discretion of course to do this - they have simply stated the law that they are not required to do so. This despite the fact that the DA has asked them to take over. This despite the climate surrounding police shootings.

This despite the belief that DA's cannot fairly conduct officer involved shootings because of inherent and built in biases and institutional arrangements.

Following the death of George Floyd in Minnesota, Minnesota AG Keith Ellison said, "If we do not use this moment as an inflection point then there will certainly be another situation like George Floyd and Breonna Taylor and at that time the uprising and social disruption may be even worse."

Like his counterpart in Minnesota, Becerra has talked the talk.

But when he has had a chance to do something about it, he has not walked the walk. California clearly needs stronger leadership from its AG if it wants to hold police accountable.

Thanks for reading.

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Criminal Justice News/ Commentary

Attorney General Again Declines To Take on Monterrosa Investigation

While over the weekend it was reported that the POA in Vallejo has been suspended having been implicated in a possibility of obstructing justice by destroying evidence in the June 2 shooting death of Sean Monterrosa at the

[Read More](#)

San Jose Police Officer on Leave after Video Shows Woman Kicked, Dragged Outside of McDonald's

Video footage of a woman being kicked and dragged in a McDonald's parking lot in San Jose has led to a San Jose police officer being placed on administrative leave. The incident occurred on Wednesday, July 22, 2020, and

[Read More](#)

SF District Attorney: Why Police Officers with Prior Misconduct Shouldn't Be Trusted

Chesa Boudin, San Francisco District Attorney, wrote an article for the New York Times on July 27, 2020, explaining why "[w]e shouldn't trust the reports of officers with prior misconduct." He believes that we must look to local

[Read More](#)

Working Families Party Endorses George Gascón for Los Angeles County District Attorney

The Working Families Party—citing endorsements of progressive district attorneys, members of Congress and others—Monday announced its endorsement of former San Francisco District Attorney George Gascón for District

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Vanguard 10th Annual Fundraiser – August 13 – On Zoom – Get Your Tickets!

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Seattle Police Department Restriction of Force Plan Blocked by Federal Judge

A federal judge has approved a temporary restraining order (TRO) filed by the U.S. Department of Justice (DOJ) to block implementation of a Seattle Police Department directive that bans the use of 40 mm launchers, blast

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Defense Attorney Claire White Knows Math – Convinces Judge to Reduce Bail by \$100K for Client

Some lawyers know math. In the case of defense counsel Claire White, she knew the bail keeping her client in jail just didn't add up right. Friday in Sacramento County Superior Court, Judge Patrick Marlette

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COVID CDCR and Jail Dashboards

Alameda County Jail – COVID-19 Outbreak Coverup? – Weekly Highlights – COVID-19 in CA Jails

The most recent of the two staff deaths was a woman who worked in administration for the county coroner's office. The second was ACSO Deputy Oscar Rocha, who had worked at SRJ, in addition to Rene C. Davidson Courthouse

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Numerous Errors & Inconsistencies in Alameda County Jail's COVID-19 Counts – Breaking Down COVID-19 in CA Jails

Two staff members at Santa Rita Jail died this weekend from complications related to COVID-19: Alameda County Sheriff's Office (ACSO) Deputy Oscar Rocha and a woman who worked in administration for the County Coroner's

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San Quentin Has 40% Of CDCR Deaths – 4 More Deaths Over Weekend – Breaking

Down COVID-19 in CDCR

As of July 27th, there are 7,681 confirmed COVID-19 cases in the CDCR system, 1,033 of which were confirmed in the past 2 weeks. There have been 47 deaths across the CDCR system thus far.

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A Visual Timeline of COVID-19 in CDCR's San Quentin – May to July 2020

ON May 30 - 121 incarcerated persons are transferred from CIM in Chicago to San Quentin... click here to see what happens next...

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First Post-COVID Trial Begins in San Francisco

San Francisco's first post-COVID criminal jury trial began Monday morning for judge, jury, lawyers, and defendant on an alleged burglary charge, here in San Francisco County Superior Court.

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: 17 DAYS TILL OUR ANNUAL EVENT - Please Read
Date: Monday, July 27, 2020 at 10:00:24 PM British Summer Time
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To: valerie.ibarra@sfgov.org

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Our 10th Annual Event – Keynote Speaker: Mark Godsey, Ohio Innocence Project – August 13

Everyday Injustice Newsletter - July 27, 2020

Mark Godsey from the Ohio Innocence Project Headlines Zoom Event

In 2017 Mark Godsey explained why wrongful convictions happen in the criminal justice system – confirmation bias and tunnel vision of police and prosecutors lead them to pursue the wrong people in order to gain convictions.

Mark Godsey, the director of the Ohio Innocence Project, will be the keynote speaker on August 13 at the Vanguard Court Watch's 10th annual fundraiser. He will be joined by an exoneree that helped to free.

With COVID - we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time on August 13.

The event is open to anyone who wishes to attend. The suggested donation is \$50 - however, you may select the variable pay option and donate what you can, and you will be able to attend. Just hit the tickets button on the top left and select the amount you wish to donate.

Donations go to fund the Vanguard Court Watch project and our expansion efforts into additional court rooms.

- Sponsorships still available starting at \$100
- More information please contact: info@davisvanguard.org
- The Vanguard is a 501(c)3 non-profit - contributions are tax deductible - EIN - 46-3013126
- The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

In his book, "Drawing upon stories from his own career, Godsey shares how innate psychological flaws in judges, police, lawyers, and juries coupled with a "tough on crime" environment can cause investigations to go awry, leading to the convictions of innocent people."

The event is the Vanguard's annual fundraiser. Founded in 2010, the Vanguard Court Watch goes into courts in San Francisco, Sacramento, and Yolo County to monitor and report on everyday injustice in the court system. Our operations have expanded to include our weekly Everyday Injustice Podcast, national criminal justice reform coverage, a daily newsletter, and focuses on wrongful convictions, felony murder reform and the progressive prosecution movement. To see the work of the Vanguard to davisvanguard.org or follow us on Twitter [@DavisVanguard](https://twitter.com/DavisVanguard)

Reserve your seats today: <http://vanguard-godsey.eventbrite.com>

Date and Time

Thu, August 13, 2020
6:00 PM – 9:00 PM PDT

Location

VIA ZOOM - ONLY ONLINE

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"I have a right to be here!" - "You're impeding my job." Portland exchange

Everyday Injustice Newsletter - July 27, 2020

Excluding Violent Offenses From Reform Efforts Won't Work

By David Greenwald

The first wave of the criminal justice reform movement has been focused on reforms aimed at the “nons” - non-violent, non-sexual, non-serious crimes. From a political standpoint it makes a lot of sense.

There are primarily two problems with the approach - it doesn't really reduce mass incarceration and second and most importantly we are over-incarcerating violent offense because they are being sentenced well past the point where they are dangerous.

That is not to say that we should simply release people, because clearly there are those who committed very bad crimes who continue to pose a threat to public safety if released. We have started to see some reforms in California to address these - things like 1170D which allow for the DA to petition to court for early release based on progress in prison. We have also seen youthful offender programs to allow those who were very young at the time of their crime to apply for parole consideration.

One problem with excluding the “nons” is that it limits the impact of criminal justice reform. For instance a report in the [Prison Police Initiative](#) cites a New Orleans law as an example.

Alexi Jones writes: “in 2011 Louisiana passed H 138, a geriatric parole bill allowing parole consideration for people who have been incarcerated for at least ten years and are at least 60 years old. However, it excludes people convicted of violent or sex offenses, which account for two-thirds of the people who meet the age and time served requirements. Ultimately, only 2,600 people became eligible for parole under this new law, while 5,700 people remained ineligible because of past convictions.”

This is clearly a limitation and New Orleans is not alone.

That report cites six reasons to argue why lengthy sentences don't make sense. Among the most compelling: long sentences do not deter violent crime, people convicted of violent offenses have among the lowest recidivism rates, and people age out of violence.

Of those the one I find most compelling is the last. Arrest rates for violent crimes spike prior to age 24 and then decline - dramatically.

Jones writes: “The “age-crime curve” can be explained in part by the fact that [brain development continues](#) well into people's twenties, particularly in the prefrontal cortex, which regulates [impulse control](#) and [reasoning](#).”

As a paper by the Executive Sessions at Harvard Kennedy School [explains](#), “Young adults are more likely to engage in risk-seeking behavior, have difficulty moderating their responses in emotionally charged situations, or have not fully developed a future-oriented method of decision-making.”

40% of those serving long prisons sentences were incarcerated by age 25 and those sentences ignore the law of diminishing returns for excessive sentences.

If there is a crucial nexus here it would be to develop ways to identify which people have actually changed in prison and aged out of the process. I believe we could probably cap mandatory sentences to 20 years and then evaluate whether the individual presents a risk to society.

We are not there yet. This past week a few past violent offenders in my county were paroled, the DA pushed back against their releases and many people were concerned about threats to public safety even though the people involved are over the age of 60 and have an extremely low probability of recidivism.

This is clearly a next battle to reduce prison populations however.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Next Time You Want to Argue It's Just a Few Bad Apples Look No Further than Vallejo

We hear it all the time, when a police shooting occurs or another incident that cannot easily be explained away, we hear from defenders of the police – it is just a few bad apples. The problem with that view will become evident in a

[Read More](#)

Portland Update: Chaos Erupts After PPB Declares Riot

Marching through Portland, a Black Lives Matters group stops at the Portland Marriott Hotel, where federal officers are residing. At 10:28 PM a man from Oakland, CA, gets to the mic, and tells Portland that demonstrators in Oakland are marching with them in solidarity.

[Read More](#)

PORTLAND & FED POLICE: Marches, Movements, Moms, and Mobilizations

On the steps of the Multnomah County Justice Center, a local Black Lives Matter speaker makes a passionate “Thank You” to the Wall of Moms, while surrounded city and county officials, along with estimates of more

[Read More](#)

Did Vallejo Police Union President Destroy Evidence in Monterrosa Killing?

Multiple media reports over the weekend have noted that the president of the Vallejo police union is one of two police officers who has been suspended by the department, under investigation for destroying critical evidence in

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Three Defendants Set to Stand Trial for Smuggling Methamphetamine Letters into Jail

An alleged elaborate plot to smuggle drugs into a Sacramento County jail seemingly fell flat, and at a preliminary hearing in Sacramento County Superior Court here, three defendants were set for trial as the court

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Man Accused of Pimping Girlfriend – He Texted Her ‘I’m Glad I Own U’

A Sacramento man accused of pimping and pandering, after being arrested in a prostitution sting operation led by the Sacramento County Sheriff’s Department earlier this year, is also accused of pimping out his

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Man Punches Wife Twice, but Judge Rules Not Serious Enough to Be Felony

A Merced man more or less admitted he punched his wife—twice—but the injuries were not serious enough to be charged with a felony after a pretrial hearing in Merced County Superior Court.

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Child Porn Case Reveals Fresno Man’s History of Sex Acts with Cousins as Young as 4 Years Old.

A young Fresno man here was sentenced to county jail with a longer state prison stint suspended for possessing child pornography, although authorities learned that he had a history of lewd acts involving two cousins aged four and

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COVID CDCR and Jail Dashboards

Solano County Jail Reports First COVID-19 Case – Questions Persist About Accuracy of Counts – Weekly Highlights – Breaking Down COVID-19 in CA Jails

Solano County Jail reported its first positive case of COVID-19 on Wednesday, July 22. The Solano County JDF has still not reported any positive cases.

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Board of State and Community Corrections Gives CDCR \$15 Million For Housing Newly-Released Individuals Due to COVID-19 – Weekly Highlights – Breaking Down COVID-19 in CDCR

As of July 24, there are a total of 7,481 confirmed COVID-19 cases in the CDCR facilities, with 1,054 new cases in the past two weeks. 27% of the cases are active in custody while less than 3% have been released while active.

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Racial Component of Wrongful Convictions, Injunction in Portland, Police Reforms and Defunding the Police

Date: Friday, July 24, 2020 at 7:00:16 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

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Congresswoman Ayanna Pressley: "We know what works – we just don't fund it."

Everyday Injustice Newsletter - July 24, 2020

Wrongful Convictions Like Other Aspects of Criminal Justice Reform Imbalanced Toward Black and Brown People

By David Greenwald

As we continue our nation's racial reconciliation, it is important to understand that racial disparities permeate the entire criminal justice system. Wrongful convictions are no different. As we are three weeks from our annual event with Mark Godsey of the Ohio Innocence Project ([please attend](#)) - it is important to note that while there are many whites who are wrongly convicted and by no means are wrongful convictions only a problem for Black and Brown people, we may fail to recognize the racial component of wrongful convictions.

For the past two weeks we have been running a series of articles highlighting the wrongful conviction cases identified by the Brooklyn Conviction Review Unit.

Nina Morrison of the Innocence project noted that virtually all of them - 24 of the 25 cases were either Black or Latino.

These men served "an average of over 17 years in prison; the one white exoneree, a victim of a politically motivated election fraud prosecution, served no prison time."

She notes, "The report also finds that the evidence police gathered against many of these exonerees was clearly flawed from the outset — raising obvious questions about why so many Brooklyn citizens of color were prosecuted at all, and why none of the system's actors stepped in to halt these prosecutions or rectify them for decades."

To me it is really important to be aware that police misconduct does not only consist of excessive force or officer involved killings - it is also one of the leading causes of wrongful convictions. It punctuates other problems - prosecutorial misconduct, Brady violations - the withholding or destruction of evidence, false confessions and even eyewitness identification problems.

As Vanessa Potkin of the Innocence Project points out: "Though research on the role race plays in wrongful convictions has been limited, existing studies show that Black people are seven times more likely than white people to be wrongfully convicted of murder,¹ and that Black exonerees spend an average of 10.7 years in prison before they are released, compared to 7.4 years for white exonerees.²

"The reality is, eyewitness misidentification and police misconduct often lead to wrongful convictions, but it's important to discuss the racial inequalities that exist when either of these things occur."

She noted, "The rush to judgment and presumption of guilt is prevalent in cases where the accused is Black. These racial disparities have serious consequences, especially in capital punishment cases."

She noted the case of Pervis Payne, on death row in Tennessee for murder where there are of course serious concerns about whether he's actually guilty.

She writes: "Prosecutors relied on heinous racial stereotypes to concoct a false narrative about Pervis, ultimately ending with a jury convicting him and sentencing him to death. And crucial evidence from the crime scene (which was withheld from the defense team) has never been tested for DNA."

Plotkin adds, "Pervis, like 42% of defendants on death row, is Black — and like many studies have shown, because the victim was white and because he is Black, his odds of being sentenced to death were much higher."

So join us for a discussion of wrongful convictions on August 13. Your contribution will help us hire a new reporter to better cover the criminal legal system.

Hit this link - <http://vanguard-godsey.eventbrite.com>

Thanks for reading.

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Criminal Justice News/ Commentary

DA Boudin and Congresswoman Ayanna Pressley Discuss Police Reforms and Explain Defunding Police

The issue of defunding the police has drawn a lot of attention but also a lot of confusion. At the Commonwealth Club on Thursday evening, San Francisco Chesa Boudin, and Boston area representative Ayanna Pressley

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VANGUARD ANALYSIS: Suspicious Deaths of Women in the U.S. Military

The murder of Vanessa Guillen sparked outrage across the U.S. and led to a surge of questions surrounding women's deaths in the military including: the correlation between sexual assault or sexual harassment and murder,

[Read More](#)

BROOKLYN CONVICTION REVIEW UNIT: 'Brian Davidson' (1987)

The Kings County District Attorney's Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – "426 Years: An Examination of 25 Wrongful Convictions in

[Read More](#)

Federal Court Signs Order to Protect Journalists, Legal Observers during Portland Protests

The ACLU late Thursday reported that U.S. District Judge Michael Simon "blocked federal agents in Portland from dispersing, arresting, threatening to arrest, or targeting force against journalists or legal observers at protests."

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Strong Likelihood of Strike in Plea in Case

A young man in his mid-twenties here in Sacramento County Superior Court pleaded guilty and no contest to serious felonies, and is facing just-as-serious time in prison. Alec Balda-Schuling is facing the possibility

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Zoom Poses Challenge to Credible Defendant Identification

A bailiff's cinematography on Zoom and a law enforcement officer's technical confusion challenged the integrity of a defendant identification in a preliminary hearing on Monday morning.

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak Continues at Santa Rita Jail With 103 Active Cases In Custody – Breaking Down COVID-19 in CA Jails

There are no new cases in Santa Rita Jail as of Tuesday, July 21, although there are currently 103 active cases. There have been no deaths so far.

[Read More](#)

Nearly One-Third of CDCR's Coronavirus Cases in San Quentin – Breaking Down COVID-19 in CDCR

As of July 22, there are 7,123 confirmed COVID-19 cases in the CDCR system. 998 of those cases are new in the past 14 days. There have been 40 deaths across the system thus far.

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"A Bit of Stretch" – Yolo Judge Tosses Felony Robbery Charge

Yolo County Superior Court Judge Paul Richardson released an unhoused man from custody, throwing out a felony robbery count at a preliminary hearing Friday after calling the ambitious charges by the District Attorney Office "a bit of a stretch."

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Subject: Everyday Injustice - Santa Clara DA Unveils New Reforms; DA's Across the Country Deal with Policing Issues
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To: valerie.ibarra@sfgov.org

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"This arrest is a reminder that no one is above the law," said District Attorney Boudin. "My office will continue to hold accountable our law enforcement officers, whom we trust to know and abide by the laws around gun possession."

Everyday Injustice Newsletter - July 22, 2020

Two DAs Have Opposed Reforms, Will Rosen's Finally Take Hold?

By David Greenwald

Last month Yolo County DA Jeff Reisig took on Public Defender Tracie Olson over a perceived slight when she pointed out that the Black jail population in Yolo County was about 28 percent compared with a

three percent share of the overall population. Meanwhile in Santa Clara, Jeff Rosen filed a formal complaint against Deputy Public Defender Sajid Khan over his blog post.

While Jeff Rosen had fostered a progressive reputation over the creation of a conviction integrity unit with the partnership of the Northern California Innocence Project, Jeff Reisig had tried to create one with the creation of a Neighborhood Court which diverted very low level offenders into a restorative justice program.

But underlying those notable achievements, is a record that is really not progressive. Both fought Prop 47 and both have opposed felony murder reform. Both have sought the death penalty and opposed abolition. When Jeff Reisig was nearly taken out in 2018 by a progressive public defender, Jeff Rosen endorsed him.

The landscape keeps shifting. While the voters and the state legislators have pushed through numerous reforms - both of these DAs have steadfastly opposed those efforts - in some cases actively and forcefully.

But progressive reform has marked new levels in the nearly two months since George Floyd's death. We have seen public opinion shift strongly towards criticism not only of policing but the criminal justice system itself in an acknowledgement of racial inequities.

In the past two months, we have seen three progressive DAs - Mike Schmidt (Oregon), Mimi Rocah (New York) and Jose Garza (Texas) win overwhelmingly - in two cases against established DAs.

In the meantime, Jeff Reisig has continued to attempt to push back against the notion that his policies are creating racially disparate results.

On Wednesday, Santa Clara DA Jeff Rosen unveiled a new array of social justice reforms. Critics are likely to be skeptical and for good reason. But we will see where this goes.

Some of his proposals are falling with the times - ending cash bail, ending fines and fees from indigent defendants, creation of a Law Enforcement Integrity team to investigate misconduct by police officers.

He is also going to no longer seek the death penalty It is worth noting that while Jeff Reisig has put two people on death row, Rosen has only sought the death penalty four times - two the jury rejected it and twice he pulled it back.

Despite the rather modest nature of the reforms, San Jose Police Officers' Association union president Paul Kelly criticized Rosen's policy changes, calling them "reckless" and "politically motivated."

"Jeff Rosen has just issued an open invitation to every drunk driver, criminal and violent gang member to resist arrest, impede investigations and openly challenge every police officer in our county," Kelly said in a statement. "While the rest of the county is working to de-escalate dangerous interactions between police and the community, Jeff Rosen is purposely escalating confrontations that will only lead to increased uses of force and injuries or worse to police officers."

Meanwhile, Santa Clara Public Defender Molly O'Neal commended Rosen's reform proposals. Earlier this week, O'Neal called on the San Jose Police Department to make changes to police oversight.

"We are thrilled to see that the district attorney is abandoning further death penalty prosecutions and knows that justice is better served without the state engaging in killing for the sake of showing that killing is wrong," said O'Neal. We look forward to further criminal justice reform and welcome this move by our district attorney."

It would appear to be Jeff Reisig's move.

Thanks for reading.

Join us on August 13 for our 10th Annual Fundraiser featuring Mark Godsey of the Ohio Innocence Project - tickets here: <http://vanguard-godsey.eventbrite.com>

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Criminal Justice News/ Commentary

Santa Clara DA Unveils ‘Bend the Arc’ Social Justice Reforms, Abandons Death Penalty

Nearly two months after the killing of George Floyd, Santa Clara District Attorney Jeff Rosen has announced – as have other DA offices nationwide – social justice reforms that his office is implementing that will address racial

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Guest Commentary: Reporter Facing Criminal Prosecution in Santa Clara County Releases New Video (Video)

Silicon Valley reporter Susan Bassi, who is being criminally prosecuted by Santa Clara County District Attorney Jeff Rosen, has released a new video related to her criminal case. At the local level, the video has attained viral status,

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BROOKLYN CONVICTION REVIEW UNIT: ‘Robert Hicks (1991)’

The Kings County District Attorney’s Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – “426 Years: An Examination of 25 Wrongful Convictions in

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LA County Supervisors OK Reforms to Fight Racism, Gender Equality – Fund Alternatives to Jail

Inspired by the advocacy of powerful grassroots groups, five members of the Los Angeles County Board of Supervisors approved progressive and substantive motions Tuesday to fight anti-black racism and gender inequality and to fund

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Vanguard 10th Annual Fundraiser – August 13 – On Zoom – Get Your Tickets!

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District Attorney Krasner Files Charges Against Officer for Attack on Protesters

Philadelphia District Attorney Larry Krasner Tuesday announced criminal proceedings against Philadelphia Police Officer Richard Paul Nicoletti for his actions during a Black Lives Matter demonstration on PA Interstate 676 on

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Case Dropped Not Dismissed – There's a Difference

The good news for a three-strikes ex-felon here Friday is that his bail was cut in half – the bad news is that the Sacramento County Superior Court judge still left him with a cool \$1 million to bail out of county jail.

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak Continues at Santa Rita Jail With 103 Active Cases In Custody – Breaking Down COVID-19 in CA Jails

There are no new cases in Santa Rita Jail as of Tuesday, July 21, although there are currently 103 active cases. There have been no deaths so far.

[Read More](#)

Second Outbreak at Avenal State Prison – 80+ Cases Overnight – Breaking Down COVID-19 in CDCR

As of July 22, there are 7,123 confirmed COVID-19 cases in the CDCR system. 998 of those cases are new in the past 14 days. There have been 40 deaths across the system thus far.

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San Francisco Court Watch

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San Francisco's first post-COVID criminal jury trial began Monday morning for judge, jury, lawyers, and defendant on an alleged burglary charge, here in San Francisco County Superior Court.

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Yolo County Superior Court Judge Paul Richardson released an unhoused man from custody, throwing out a felony robbery count at a preliminary hearing Friday after calling the ambitious charges by the District Attorney Office “a bit of a stretch.”

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Judge Cuts Bail, But 3-Strikes Ex-Felon Still Needs \$1 Million to Bail Out of Jail

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Protests As Cases Soar in Santa Rita; SF DA's Office Files Charges against Sheriff's Deputy
Date: Wednesday, July 22, 2020 at 7:05:14 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"This arrest is a reminder that no one is above the law," said District Attorney Boudin. "My office will continue to hold accountable our law enforcement officers, whom we trust to know and abide by the laws around gun possession."

Everyday Injustice Newsletter - July 22, 2020

Public Opinion is Shifting on BLM But There are Limits

By David Greenwald

The Washington Post yesterday released a poll that pretty clearly defines the contours of public

opinion. The Black Lives Matter movement is increasingly supported with a record 69 percent believing that Blacks and other people of color “are not treated as equal to white people in the criminal justice system.”

However, the public in general opposes shifting police funding to social services. They also oppose the removal of statues of Confederate generals or presidents who enslaved people.

As the Post puts it: “There is increased public scrutiny of police treatment of black Americans, but less unity on broader questions about how to address the country’s treatment of black Americans since its founding.”

For me at least, the biggest take away is the shift in public opinion on how people of color are treated in the criminal justice system.

In 1997, by a 55-38 margin, the public believed that Blacks were treated equally. By 2014 that had reversed to 54-43 against Blacks being treated equally. Now it is a staggering 69-26 margin for unequal treatment.

In addition, a key point I keep making to people, more people say recent police killings of black people are “a sign of broader problems” in police conduct.

That’s important because you can make the argument that police shootings or killings are relatively rare events. But disproportionate policing, use of force, racial profiling, those are occurring every day.

But underlying these movements is a pretty heavy partisan split on the broader issue.

Overall, 55 percent of US adults believe the killing of unarmed Blacks by police are signs of broader problems. As the post points out, that is down from 69 percent. And where that is coming from primarily are Republicans. 82 percent of Democrats, 57 percent of Independents, but only 21 percent of Republicans believe that.

In addition, 52 percent of whites now believe that “black people face discrimination in their own communities.” That compares with 8 in 10 Blacks who believe they experience racial discrimination.

In my view, these mark major changes over just a few years ago.

The Black Lives Matter movement enjoys good support with 63 percent of Americans including 54 percent of white people supporting it.

But on the issue of cutting police funds, the support drops. Only 40 percent of US adults believe we should be cutting police funds to spend more on social services. Even among Blacks and Democrats that number is just 59 percent.

The numbers are bad across the rest of the board: 14 percent of Republicans, 34 percent of whites, 42 percent of Independents.

There is a generational gap there with over half under 40 supporting the shift and less than a third of those over 40.

There is opposition to reparations. 63 percent oppose.

Meanwhile, 52 percent of Americans oppose removing public statues honoring Confederate generals, while 43 percent support their removal. That includes an 80 percent majority of Republicans and 56 percent of independents in opposition, while 74 percent of Democrats support the removal of these statutes.

There is even stronger opposition to removing presidential statues.

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Criminal Justice News/ Commentary

Over 60 Elected Prosecutors Sign Letter in Support of Kim Gardner and Prosecutorial Discretion

St. Louis City Circuit Attorney Kim Gardner on Monday announced she was filing charges against Patricia and Mark McCloskey who pointed weapons at protesters outside of their home a few weeks ago in an incident that has received heavy national coverage.

[Read More](#)

SF DA's Office Files Charges against Sheriff's Deputy

When Chesa Boudin ran for district attorney he vowed to make the results of his charging decisions public, and he vowed to hold police accountable for misconduct. "In San Francisco we are working to not only enact changes

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California Assemblymember Advocates for Cell Phones in Prisons

California Assemblymember Sydney Kamlager, whose district covers parts of Los Angeles, advocated for the expansion of cell phones in California state prisons in a video briefing for The Appeal, a journalistic organization covering the legal

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BROOKLYN CONVICTION REVIEW UNIT: 'Miguel Foster' (2007)

The Kings County District Attorney's Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – "426 Years: An Examination of 25 Wrongful Convictions in

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Defendant Pursued by Police Said He Bought Stolen Car for \$1,140 and Weed

Bryant Dimitri Clark concocted a long-winded tale that included Yum Yum Donuts, and buying a car from a guy named “Midnight.” But Judge Allen H. Summer in Sacramento County Superior Court didn’t buy it, and Clark now faces trial, starting in September.

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COVID-19 Uncertainty Keeps Defendant in Infested State Prison

For defendant Nah Duc Hoang, the uncertainty of COVID-19 cases in state prisons, not the merits of his case, kept him imprisoned for the time being. In a hearing here to determine the possibility of Hoang’s release,

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Case Dropped Not Dismissed – There’s a Difference

A little bit of a law school lesson follows below in the case of Shawn Kelly, a man who was freed here last week in Sacramento County Superior Court. It’s how he was set free that is interesting.

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COVID CDCR and Jail Dashboards

Protests To Free Incarcerated People At Santa Rita Jail Amidst COVID-19 Outbreak – Breaking Down COVID-19 in CA Jails

Only 3 new cases have developed in Santa Rita Jail over the weekend, in contrast to 40 on Wednesday night and 55 on Friday, making for a current total of 106. There have been no deaths so far.

[Read More](#)

Another COVID-19 Death at San Quentin – Breaking Down COVID-19 in CDCR

As of July 21, there are 6,981 confirmed COVID-19 cases in the CDCR system. 26.9% are active and in custody. There have been 40 deaths across the CDCR system thus far.

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San Francisco Court Watch

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Subject: Everyday Injustice - Legislation Introduced That Would End Mandatory Incarceration for Nonviolent Drug Offenders
Date: Tuesday, July 21, 2020 at 7:00:36 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Chesa Boudin: "The war on drugs has continued to cost the state of California over \$47 billion a year even though we know it is a failure—it does not work."

Everyday Injustice Newsletter - July 21, 2020

Local Prosecutors Can Help Fix Racial Inequities in the Criminal Legal System

by David Greenwald

The discourse in this country has shifted since the death of George Floyd. We have seen what appeared to be close DA races end up as blow outs with incumbents going down to resounding defeats. We have also seen District Attorneys and Sheriffs target public defenders.

There is an interesting article in the San Diego Union Tribune focusing on San Diego District Attorney Summer Stephan.

The article notes: “Questions about the fundamental fairness of the criminal justice system have resurfaced in the aftermath of the Memorial Day killing of George Floyd by Minneapolis police and the nationwide protests that ensued.

“Top among them is whether poor defendants are woefully over-matched when it comes to their legal defense.”

San Diego like elsewhere sees the district attorney with a huge resource disadvantage. In San Diego, the DA spends more than twice what the public defender spends, despite the fact that “80 percent of criminal defendants cannot afford to hire their own lawyer.”

The advantage is actually quite a bit larger than it shows on paper. After all, the DA benefits from the huge expenditures of local law enforcement and their efforts to investigate and gather evidence before the DA even touches the case or spends a dime.

As the paper points out: “Researchers have sounded alarms for years that prosecutors enjoy huge advantages when it comes to criminal trials. Prosecuting attorneys dictate charges, they have near-limitless resources and they have the weight of lengthy prison terms or even the death penalty when negotiating pleas.”

“There’s no question that as a general proposition, indigent criminal defense is vastly underfunded,” said Clark Neily, an attorney and criminal justice scholar at the Cato Institute, a libertarian Washington D.C. think tank.

“Are prosecutors equipped with enough leverage to get anybody to plead guilty? The answer to that is yes,” Neily said. “That should be deeply troubling.”

Of note is one area where Stephan acknowledged her office does need to keep improving – “making sure Blacks, Latinos and other minorities receive the same treatment as White defendants.”

“It’s a work in progress,” Stephan said. “Any leader that tells you they’ve got it and they’ve eliminated racism and bias, I don’t think they’re telling the truth.”

Compare that of course to how Yolo County DA Jeff Reisig reacted to the same issue as raised by Public Defender Tracie Olson.

Jeff Reisig argued that the stats were misleading and that she was accusing his office and law enforcement of engaging in racism. At no point did he really acknowledge that the system was broken and that everyone had to do better.

The point came up yesterday during Senator Scott Wiener’s press conference where he is looking to end mandatory incarceration for nonviolent drug offenses.

Drug enforcement is probably suffers from the most racial inequity.

As San Francisco Public Defender Mano Raju pointed out, “The racial inequalities [exist] because of where law enforcement is choosing to use their resources to start.”

When I raise these issues of racial inequity, I inevitable get pushback by those on my site who are apparently unfamiliar with the research that shows that whites and Blacks use drugs around the same rates – but Blacks are far more likely to be arrested and of course serve time.

As one study showed, “Over the course of their lives, white people are more likely than Black people to use illicit drugs in general, as well as marijuana, cocaine, heroin, methamphetamines, and prescription drugs (for non-medical purposes) specifically. Data on more recent drug use (for example, in the past year) shows that Black and white adults use illicit drugs other than marijuana at the same rates and that they use marijuana at similar rates.

“Yet around the country, Black adults are more than two-and-a-half times as likely as white adults to be arrested for drug possession.”

Furthermore: “In the 39 states for which we have sufficient police data, Black adults were more than four times as likely to be arrested for marijuana possession than white adults.”

Clearly this is not just on local prosecutors. But, local prosecutors can either be part of the problem or part of the solution. We are increasingly seeing local prosecutors who want to be part of the solution.

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Criminal Justice News/ Commentary

Trump Threatens to Send Federal Officers to Other Cities in Wake of Portland

After receiving serious pushback for federal actions in Portland, President Trump continued to escalate the tension —threatening to expand his actions to other cities. “We’re not going to let New York and Chicago and Philadelphia, Detroit

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Legislation Introduced That Would End Mandatory Incarceration for Nonviolent Drug Offenders

Under current law, certain drug offenses in California carry with them mandatory jail and prison sentences. On Monday, Senator Scott Wiener along with co-sponsor Assemblymember Wendy Carrillo announced SB 378, which

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St. Louis Circuit Attorney Files Charges Against Viral Couple Who Brandished

Firearms at Protestors

Mark and Patricia McCloskey – who brandished their firearms from their mansion lawn at passing peaceful protester almost a month ago in video then went viral – had charges filed against them today by St. Louis Circuit Attorney

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First Post-COVID Trial Begins in San Francisco

New Jersey recently announced controversial legislation that would dramatically increase the transparency of police officers in the state, and designed to protect innocent people and regulate corrupt officers.

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Defendant Defends Self, Noting ‘Who better to represent me than me?’

Last month, an altercation between Jason Diaz and an unnamed victim ended with Diaz striking the man with a metal pole – at least that’s what the prosecution claims, but wasn’t able to provide evidence that was the case last

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Woman Sentenced After Flinging Saw At Her Ex-Boyfriend’s Fiancé’s Head

When Citrus Heights Police officers responded to a disturbance phone call they found a woman inside pleading for her life. It was the mother of the defendant, who is now in jail on \$1 million bail.

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COVID CDCR and Jail Dashboards

COVID-19 Outbreak in Santa Rita Jail – 101 Cases in 4 Days – Breaking Down COVID-19 in CA Jails

As of July 18, there are 101 active confirmed COVID-19 cases in Santa Rita Jail (SRJ), more than double the total number of recorded cases prior to this week. The majority of the cases were confirmed on Thursday and Friday,

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39 Coronavirus Deaths Across CDCR – Breaking Down COVID-19 in CDCR

As of July 20th, there are 6,951 confirmed COVID-19 cases in the CDCR system. 29.6% are active and in custody. There have been 39 deaths across the CDCR system thus far.

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Sacramento Man Set to Stand Trial for Assault with a Metal Pole

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Mother Pleads to be Freed from Son, Who’s Now in Jail on \$1 Million Bail

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Subject: Re: Monday Meeting with The Appeal

Date: Monday, July 20, 2020 at 7:57:59 PM British Summer Time

From: David M. Greenwald

To: Tovah Ackerman

CC: Wilson, Jacque (PDR), Ruby Wilks, Hamilton, Heather (PDR), mella bettag, henrystiepleman@gmail.com, Ayanna Gandhi, anna.okada@berkeley.edu, Ariella Seidman-Parra, js.jaden11@gmail.com, Yuanqi Zhou, Nikki Suzani, Vvelazquez@dons.usfca.edu, taricmansour1@gmail.com, Domenici40@gmail.com, Ally Cline, Kelsey Kitzke, Jeannette Parada, Michael Frye, caramirez23121@gmail.com, gould2019@lawnet.ucla.edu, Angelina Caplanis, Tao, Amy, thuyh@email.jfku.edu, Larkin White, wonjunoh@berkeley.edu, jakobseidner@gmail.com, Abigail Swallow, Layla Mustafa, Ibarra, Valerie (PDR), Michelle Lagos

She just message me that she's running five minutes late

On Mon, Jul 20, 2020 at 10:09 AM Tovah Ackerman <tovahackerman@gmail.com> wrote:

Hi all,

Reminder that this meeting with the reporter from the Appeal will be happening at noon today.

<https://us04web.zoom.us/j/7843517139>

Hope to see lots of you then.

Tovah

On Fri, Jul 17, 2020 at 5:15 PM Wilson, Jacque (PDR) <jacque.wilson@sfgov.org> wrote:

Thank you for making this happen. Such movers and shakers.

From: Tovah Ackerman <tovahackerman@gmail.com>

Sent: Friday, July 17, 2020 5:01 PM

To: Ruby Wilks <rwilks@usc.edu>; Tovah Ackerman <tovahackerman@gmail.com>; Hamilton, Heather (PDR) <heather.hamilton@sfgov.org>; mella bettag <mellabettag@gmail.com>; henrystiepleman@gmail.com; Ayanna Gandhi <ayannagandhi@gmail.com>; anna.okada@berkeley.edu; Ariella Seidman-Parra <ariellaseidman-parra@drewschool.org>; js.jaden11@gmail.com; Yuanqi Zhou <yuanqiizhou@gmail.com>; Nikki Suzani <carpediem1382@gmail.com>; Vvelazquez@dons.usfca.edu; taricmansour1@gmail.com; Domenici40@gmail.com; Ally Cline <ally9cline@gmail.com>; Kelsey Kitzke <kgk2122@barnard.edu>; Jeannette Parada <Maxx9jp@gmail.com>; Michael Frye <michaellawyerfrye@icloud.com>; caramirez23121@gmail.com; gould2019@lawnet.ucla.edu; Angelina Caplanis <acaplani@lawnet.uci.edu>; Tao, Amy <art@uchastings.edu>; thuynh@email.jfku.edu; Larkin White <larkin.f.w@gmail.com>; wonjunoh@berkeley.edu; jakobseidner@gmail.com; Abigail Swallow <abigailswallow2022@u.northwestern.edu>; Layla Mustafa <lrmustafa@ucdavis.edu>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Michelle Lagos <mlagos@davisvanguard.org>; David M. Greenwald <info@davisvanguard.org>

Subject: Monday Meeting with The Appeal

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Here is the zoom link: <https://us04web.zoom.us/j/7843517139>

Let me know if you have any problems getting into the zoom meeting.

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Post-Bar Fellow

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David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Everyday Injustice - A Progressive Wave; San Francisco DA Looks to Resentence Incarcerated People under New State Law

Date: Monday, July 20, 2020 at 7:00:11 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Chesa Boudin and Miriam Krinsky: "this action comes too late to prevent the explosive and deadly outbreak at the overcrowded San Quentin prison and to save the lives of over 30 people behind bars who have died from COVID-19."

Everyday Injustice Newsletter - July 20, 2020

Progressive DA's Not Just Winning They Are Dominating

By David Greenwald

When Jose Garza faced Incumbent DA Margaret Moore last week, remember, he was facing the sitting DA and remember this had been a close race when they met in March. In fact, Moore was narrowly behind 44 to 41, about a 6000 vote gap.

What happened in the runoff was staggering. Garza won by more than a two to one margin 68 to 32 - and 81,584 to 37,874 advantage in votes. He increased his vote total in a field that saw far fewer voters than in March.

This is only the latest in a string of such victories.

In May, the week before George Floyd, Mike Schmidt won in Multnomah County (yes, the home of Portland) which has been on the news. He won with 75 percent of the of voting, beating out Ethan Knight, a former senior Multnomah County prosecutor who has been an assistant U.S. attorney since 2007.

Schmidt, who touted himself as a progressive reformer, will succeed District Attorney Rod Underhill, who is retiring from his position after serving two terms.

Schmidt issued a statement Tuesday night regarding his win.

"The message from Multnomah County voters was loud and clear: They are ready for major reform in our criminal justice system," Schmidt said. "I want to commend Ethan Knight on a hard-fought campaign and

thank him for his commitment to public service....We had a serious discussion of the issues, and it served our community well."
And of course Mimi Rocah in a race we covered, dominated incumbent DA Tony Scarpino on June 23. She won 68-32.

Scarpino, 66, was seeking his second four year term. Rocah, 49 is a former federal prosecutor as well as an MSNBC legal analyst.

A big factor at least in the margin - a police scandal.

"I think that contributed to what was the overwhelming kind of resounding size of the victory," she said. "I don't think it's just that."

One notable exception is Matt Toporowski. Two weeks ago, he conceded to incumbent David Soares. He ended a progressive campaign backed by Mayor Kathy Sheehan and national celebrities.

"Today I conceded in the race for Albany County DA, and I did so standing tall, proud and with a smile on my face. I have over 14,000 reasons to feel that way because that's how many people voted for me as a first-time candidate," Toporowski stated.

That one was narrow - a 1200 vote difference on election day but it grew to 3500.

That was the exception.

We have seen an interesting progression here. In 2018, there were a lot of DA's races that were challenged, but not a lot of wins. Last year, there was the notable narrow loss of Tiffany Caban but the big narrow win for Chesa Boudin.

This year, the damn is breaking with these races turning into blow outs - in spots where incumbents are getting absolutely destroyed.

It also bodes well for the grassroots efforts that could be at play come November. We will see how that factors into larger races down the line.

Thanks for reading.

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

**San Francisco DA Looks to Resentence
Incarcerated People under New State Law**

Ten days ago, legislators and reformers gathered at San Quentin to call for Governor Newsom to release prisoners in following recommendations from public health experts to stem the rampant outbreak of COVID-19 in San Quentin

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Vallejo Mayoral Candidate Critical of Discarding Evidence in Police Killing

Revelations are flying in Vallejo that police have lost or discarded key evidence. As a result, on Friday Speaker Nancy Pelosi called on the FBI to investigate the shooting of Sean Monterrosa. After turning down several calls for

[Read More](#)

Leg Black Caucus on the passing of Representative John Lewis and Reverend C.T. Vivian

Our nation was dealt a crushing blow with the passing of Civil Rights icons Representative John Lewis and Reverend C.T. Vivian on Friday. Their lives intersected years ago studying theology at the American Baptist College

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Defendant Defends Self, Noting ‘Who better to represent me than me?’

“I feel that I can represent myself better than anybody else can.” Defendant Jesse Rayburn made this bold statement at his arraignment in Sacramento County Superior Court late last week, when arguing for why he is capable of representing himself.

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Vanguard 10th Annual Fundraiser – August 13 – On Zoom – Get Your Tickets!

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New Jersey Legislation Would Open Up Police Officer Files, Expose Misconduct

New Jersey recently announced controversial legislation that would dramatically increase the transparency of police officers in the state, and designed to protect innocent people and regulate corrupt officers.

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BROOKLYN CONVICTION REVIEW UNIT: Spencer Mitchell (2005)

The Kings County District Attorney's Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – “426 Years: An Examination of 25 Wrongful Convictions in

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Woman Sentenced After Flinging Saw At Her Ex-Boyfriend's Fiancé's Head

There are all sorts of weapons defendants here in Sacramento County Superior Court have been accused of using to cause mayhem, injury and death: handguns, rifles, shotguns, knives, swords.

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COVID CDCR and Jail Dashboards

Outbreak in Santa Rita Jail – 101 Active Cases in 2 Days – Weekly Highlights - Breaking Down COVID-19 in CA Jails

As of July 18, there are 101 active confirmed COVID-19 cases in Santa Rita Jail (SRJ), more than double the total number of recorded cases prior to this week. The majority of the cases were confirmed on Thursday and Friday,

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Questions Arise as Solano County Jails Continually Report 0 Cases – Weekly Highlights – Breaking Down COVID-19 in CA Jails

The total number of confirmed cases is still 0 in both Solano County Jail and Solano County Juvenile Detention Facility (JDF), while there are 2,372 confirmed cases and 31 deaths in Solano County itself.

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6 Individuals on San Quentin's Death Row Died of Coronavirus, Shortage of Firefighters due to CDCR Quarantine –

Weekly Highlights – Breaking Down COVID-19 in CDCR

As discussed in our last weekly report, twelve Northern California Fire camps were put into quarantine after part of the camp's population was exposed to an outbreak. The California Correctional Center (CCC) in Susanville first

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San Francisco Court Watch

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Everyday Injustice - Podcast

see our podcasts

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Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: RE: Monday Meeting with The Appeal

Date: Saturday, July 18, 2020 at 1:14:55 AM British Summer Time

From: Wilson, Jacque (PDR)

To: Tovah Ackerman, Ruby Wilks, Hamilton, Heather (PDR), mella bettag, henrystiepleman@gmail.com, Ayanna Gandhi, anna.okada@berkeley.edu, Ariella Seidman-Parra, js.jaden11@gmail.com, Yuanqi Zhou, Nikki Suzani, Vvelazquez@dons.usfca.edu, taricmansour1@gmail.com, Domenici40@gmail.com, Ally Cline, Kelsey Kitzke, Jeannette Parada, Michael Frye, caramirez23121@gmail.com, gould2019@lawnet.ucla.edu, Angelina Caplanis, Tao, Amy, thuyinh@email.jfku.edu, Larkin White, wonjunoh@berkeley.edu, jakobseidner@gmail.com, Abigail Swallow, Layla Mustafa, Ibarra, Valerie (PDR), Michelle Lagos, David M. Greenwald

Thank you for making this happen. Such movers and shakers.

From: Tovah Ackerman <tovahackerman@gmail.com>

Sent: Friday, July 17, 2020 5:01 PM

To: Ruby Wilks <rwilks@usc.edu>; Tovah Ackerman <tovahackerman@gmail.com>; Hamilton, Heather (PDR) <heather.hamilton@sfgov.org>; mella bettag <mellabettag@gmail.com>; henrystiepleman@gmail.com; Ayanna Gandhi <ayannagandhi@gmail.com>; anna.okada@berkeley.edu; Ariella Seidman-Parra <cariellaseidman-parra@drewschool.org>; js.jaden11@gmail.com; Yuanqi Zhou <yuanqiizhou@gmail.com>; Nikki Suzani <carpediem1382@gmail.com>; Vvelazquez@dons.usfca.edu; taricmansour1@gmail.com; Domenici40@gmail.com; Ally Cline <ally9cline@gmail.com>; Kelsey Kitzke <kgk2122@barnard.edu>; Jeannette Parada <Maxx9jp@gmail.com>; Michael Frye <michaellawyerfrye@icloud.com>; caramirez23121@gmail.com; gould2019@lawnet.ucla.edu; Angelina Caplanis <acaplani@lawnet.uci.edu>; Tao, Amy <art@uchastings.edu>; thuyinh@email.jfku.edu; Larkin White <larkin.f.w@gmail.com>; wonjunoh@berkeley.edu; jakobseidner@gmail.com; Abigail Swallow <abigailswallow2022@u.northwestern.edu>; Layla Mustafa <Irmustafa@ucdavis.edu>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>; Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Michelle Lagos <mllagos@davisvanguard.org>; David M. Greenwald <info@davisvanguard.org>

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- - - - -

Post-Bar Fellow
San Francisco Public Defender's Office
555 7th Street
San Francisco, CA 94103
Phone: (415) 335-6006
Email: tovahackerman@gmail.com
Pronouns: she/her

Subject: Monday Meeting with The Appeal

Date: Saturday, July 18, 2020 at 1:00:49 AM British Summer Time

From: Tovah Ackerman

To: Ruby Wilks, Tovah Ackerman, Hamilton, Heather (PDR), mella bettag, henrystiepleman@gmail.com, Ayanna Gandhi, anna.okada@berkeley.edu, Ariella Seidman-Parra, js.jaden11@gmail.com, Yuanqi Zhou, Nikki Suzani, Vvelazquez@dons.usfca.edu, taricmansour1@gmail.com, Domenici40@gmail.com, Ally Cline, Kelsey Kitzke, Jeannette Parada, Michael Frye, caramirez23121@gmail.com, gould2019@lawnet.ucla.edu, acaplani@lawnet.uci.edu, Tao, Amy, thuynh@email.jfku.edu, Larkin White, wonjunoh@berkeley.edu, jakobseidner@gmail.com, Abigail Swallow, Layla Mustafa, Wilson, Jacque (PDR), Ibarra, Valerie (PDR), Michelle Lagos, David M. Greenwald

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Phone: (415) 335-6006
Email: tovahackerman@gmail.com
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Subject: Everyday Injustice - "ADO for Black Lives" – Alternate Public Defender Speaks Out on Treatment by Deputy Sheriff in Solano County
Date: Friday, July 17, 2020 at 7:00:42 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Shelly Saini: "We are the ones who hear what happened when the body worn camera was not activated. We feel frustrated ourselves when we see the patterns of police departments and particular officers engaging in discriminatory conduct time and time again."

Everyday Injustice Newsletter - July 17, 2020

We Have Been Running a Series on Brooklyn... Innocence Project Calls For Policy Reforms

For much of the past week, we have been running stories on the 25 wrongful convictions reported out of Brooklyn. Brooklyn's Conviction Integrity Unit and DA Eric Gonzalez deserve a lot of credit for their comprehensive report that "addresses the grievous errors and misconduct by both police and prosecutors that tainted these cases."

Nina Morrison of the Innocence project noted that virtually all of them - 24 of the 25 cases were either Black or Latino.

These men served "an average of over 17 years in prison; the one white exoneree, a victim of a politically motivated election fraud prosecution, served no prison time."

She notes, "The report also finds that the evidence police gathered against many of these exonerees was clearly flawed from the outset — raising obvious questions about why so many Brooklyn citizens of color were prosecuted at all, and why none of the system's actors stepped in to halt these prosecutions or rectify them for decades."

What the report outlines are the following errors:

Misconduct or serious error by prosecutors
Police misconduct
Brady violation
False confessions
Eyewitness identification problems

There is nothing new with these findings per se - but remember that the work of the Innocence Project over the last two plus decades has improved greatly our understanding of flaws in the criminal legal system.

Morrison notes: "Many prosecutors around the nation have formed "conviction review" or "conviction integrity" units in recent years. These are specialized, independent units whose sole focus is to reexamine and reinvestigate claims of wrongful conviction."

But this report is extraordinary and it marks "the first public examination ever commissioned by any elected prosecutor in the United States of the reasons why its own office made the decision to throw out more than two dozen deeply flawed convictions in its own county."

Gonzalez should be commended because, "It is also the first time an elected district attorney has ever allowed outside researchers — much less staff from an innocence organization — to analyze documents from its own files regarding that process."

On the other hand, "The report is necessarily limited by its exclusive focus on the CRU's own investigations and conclusions. The CRU's conclusions reflect its own view of these cases, based on the evidence it had available and/or considered significant at the time. We recognize that many of these wrongly convicted persons and their advocates may have very different perspectives on why they were sent to prison for crimes they did not commit, and that key facts about these cases and the officials involved may not be included here.

"However, there are still profound takeaways from this report for all who seek to fix our broken criminal legal system, particularly since it constitutes the district attorney's own acknowledgment of what went grievously wrong in these cases and its devastating human toll."

Among the policy recommendations that emerge:

Banning Police Deception/Assessing Reliability of Confession Evidence.

Rejecting Repeated Presentations of the Same Person When Witnesses are Asked to Identify a Suspect /Requiring Witnesses to Rate How Confident They are When an Identification is Made.

Changes to recognition of problems with eyewitness testimony. Level of confidence expressed at the time of the initial identification is important to capture with a recognition that over time that value subsides and the identification becomes contaminated by other factors.

Also, given the lack of evidentiary value offered by an in-court identification, they should no longer be permitted.

Assuring Police and Prosecutorial Accountability.

Prosecutors' offices should better assess the integrity of the evidence they may use in a criminal case.

Thanks for reading.

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Criminal Justice News/ Commentary

“ADO for Black Lives” – Alternate Public Defender Speaks Out on Treatment by Deputy Sheriff in Solano County

It was a routine visit to her client at the Solano County Jail in Fairfield on June 24, that landed Shelly Saini, a Solano County Deputy Alternate Public Defender since 2018, that landed her in the middle of unexpectedly being at the center of a complaint filed by a Sheriff's Deputy.

[Read More](#)

Judge: City of Sacramento Sweeps of Homeless Camps Violate County COVID-19 Health Orders

It may not have been everything the Sacramento Homeless Union wanted, but the determined group scored a major victory here Thursday afternoon when Sacramento Superior Court Judge Laurie Earl issued a Writ of Mandate, requiring

[Read More](#)

35 Prosecutors Call On Governors To Reduce Prison Populations to Limit COVID-19

On Friday, 35 elected prosecutors representing over 31 million people across the country issued an open letter to governors calling upon them to dramatically reduce state prison populations to mitigate the spread of COVID-19 and

[Read More](#)

Christian Cooper Distances Himself from Amy Cooper Investigation

Writer and editor Christian Cooper is distancing himself from Amy Cooper, the now infamous woman who called the police because bird-watching Christian Cooper “threatened” here..In a story in the Washington Post, Christian wrote:

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We Have Major Updates to Announce For the August 13 Event

With COVID – we have now moved the event to Zoom. Mark Godsey will appear at 6 pm Pacific Time. The event is open to anyone who wishes to attend. The suggested donation is \$50 – however, you may select the variable pay option and donate what you wish and you will be able to attend.

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Man Held for Trial, Accused of Sexually Assaulting 14-Year Old Girl

A Sacramento man accused of sexually assaulting a 14-year old girl in 2007 was bound over for trial here in Sacramento County Superior Court Tuesday at his preliminary hearing after Judge Steven Gervercer found

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Woman Beats Ex, Steals His Car – Pretends To Be Him Via Text

After allegedly assaulting her ex-boyfriend, a Sacramento woman reportedly stole his car and cell phone, proceeding to text his family members saying he was suicidal. In a bail hearing Monday

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Defendant's Posted Bail Falls Short of \$5,000 in Domestic Violence Case

After being refused further treatment at the University of California, Davis Medical Center, a Sacramento woman allegedly attacked a Sacramento police officer, lunging for her gun and then vandalizing the room in April, according

[Read More](#)

COVID CDCR and Jail Dashboards

516 Cases at San Quentin in 2 Weeks – Breaking Down COVID-19 in CDCR

As of July 16th, there are 6,744 confirmed COVID-19 cases in the CDCR system. 2,332 are still in custody. There have been 39 deaths across the system thus far.

[Read More](#)

COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

No new cases were reported on Wednesday, July 16. There are 6 active cases in SRJ, down one from yesterday following the third release of an incarcerated person. The Jail has cumulatively had 76 cases since Spring.

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San Francisco Court Watch

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This Week's COVID-19 Timeline in State Prisons: 8,000 to be Released – Too Little, Too Late?

As COVID-19 cases and death tolls continue to rise within state correctional facilities, the call for widespread release has grown – Friday, Gov. Newsom announced the release of up to 8,000 by August by state prison, that report 5,841

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Yolo County Court Watch

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Everyday Injustice - Podcast

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Subject: IMPORTANT UPDATE ON OUR ANNUAL EVENT - PLEASE READ

Date: Thursday, July 16, 2020 at 9:05:12 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Our 10th Annual Event – Keynote Speaker: Mark Godsey, Ohio Innocence Project – August 13

Everyday Injustice Newsletter - July 16, 2020

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Donations go to fund the Vanguard Court Watch project and our expansion efforts into additional court rooms.

Sponsorships still available starting at \$100

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The Vanguard is a 501(c)3 non-profit - contributions are tax deductible - EIN - 46-3013126

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

In his book, "Drawing upon stories from his own career, Godsey shares how innate psychological flaws in judges, police, lawyers, and juries coupled with a "tough on crime" environment can cause investigations to go awry, leading to the convictions of innocent people."

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Reserve your seats today: <http://vanguard-godsey.eventbrite.com>

Date and Time

Thu, August 13, 2020
6:00 PM – 9:00 PM PDT

Location

VIA ZOOM - ONLY ONLINE

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Subject: Everyday Injustice - US Wants to Execute Mentally Ill Man with Alzheimer's - Why?

Date: Thursday, July 16, 2020 at 7:01:17 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Rebecca Woodman, said he is "a 68-year old, severely brain-damaged and mentally ill man who suffers from advanced Alzheimer's disease and dementia."

Everyday Injustice Newsletter - July 16, 2020

Why are we executing people?

by David Greenwald

For some reason the Trump administration decided it was a good idea to start executing people at the federal level again. To illustrate a few things here - first, the president apparently has the ability to get people executed. It is not clear what they gained from doing so - but they were able to do it.

Daniel Lee was a convicted killer who was executed on Tuesday morning the first federal execution in 17 years.

His last words were "I didn't do it. I've made a lot of mistakes in my life but I'm not a murderer. You're killing an innocent man," according to a pool report.

Ruth Friedman, Lee's attorney, said in a statement Tuesday, "It is shameful that the government saw fit to carry out this execution during a pandemic."

"It is shameful that the government saw fit to carry out this execution when counsel for Danny Lee could not be present with him, and when the judges in his case and even the family of his victims urged against it," Friedman said. "And it is beyond shameful that the government, in the end, carried out this execution in haste, in the middle of the night, while the country was sleeping. We hope that upon awakening, the country will be as outraged as we are."

The lower court had blocked it, but the appeal was denied by the Supreme Court on an unsigned 5-4 vote that split along ideological lines.

Exactly how this served the needs of the victims is not clear. The attorney for the victims told CNN, the family is "heartbroken" and said "the government prevented them from being there and family did everything they could to be there."

Attorney General Bill Barr said that, Lee "finally faced the justice he deserved."

"The American people have made the considered choice to permit capital punishment for the most egregious federal crimes, and justice was done today in implementing the sentence for Lee's horrific offenses," Barr said in a statement.

Justice Stephen Breyer in an opinion joined by Justice Ruth Bader Ginsburg, said that he thinks it's time for the court to revisit the constitutionality of the death penalty.

"The resumption of federal executions promises to provide examples that illustrate the difficulties of administering the death penalty consistent with the Constitution," he said.

The second execution has been halted for now. Wesley Purkey was found guilty of kidnapping a child that resulted in the child's death.

A lawsuit has been filed stopping the execution for the moment.

"Five minutes before this filing, Mr. Purkey's counsel learned that the Government appears to have had scientific confirmation in their possession of significant structural abnormalities in Mr. Purkey's brain that are consistent with cognitive impairment such as vascular dementia and other conditions," read the lawsuit.

That only stopped it temporarily. On Wednesday evening the Supreme Court once again cleared the way for Purkey's execution on the same 5-4 opinion.

Purkey's attorney, Rebecca Woodman, said he is "a 68-year old, severely brain-damaged and mentally ill man who suffers from advanced Alzheimer's disease and dementia."

"Though he has long accepted responsibility for his crime, he no longer has a rational understanding of why the government plans to execute him," Woodman said on Wednesday. "By staying Wes's execution, the court's action signals the importance of allowing him to present the extensive, available medical evidence demonstrating his incompetency to be executed."

Since commonsense is out the window, I will ask the obvious question here: what possible purpose is served by executing a man who is mentally ill, and suffers from advanced Alzheimer's and dementia?

The Trump administration might be bent on doing this, but theirs might be the death knell that shows just how absurd the death penalty is at this point in our history.

Or maybe not.

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Criminal Justice News/ Commentary

Discovery of Government Withheld Evidence Convinces Judge to Block Federal Execution

A last-minute lawsuit leads to a pause in the second scheduled federal execution after a nearly two-decade hiatus. Wesley Ira Purkey was found guilty of kidnapping a child resulting in the child's death in

[Read More](#)

CA Fair Juries Act Introduced in Legislature to Expand Jury Pools

CA State Senator Scott Wiener (D-SF) re-introduced legislation yesterday that would expand the pool of prospective jurors to include any state tax filers, claiming that it would ensure that jury pools are more diverse

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BROOKLYN CONVICTION REVIEW UNIT: Kevin Harrison Case (1991)

The Kings County District Attorney's Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – "426 Years: An Examination of 25 Wrongful Convictions in

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Letter: Opening the Courts Now Makes No Sense

Our courtrooms have been closed for months, during which time Yolo County experienced relatively few cases of COVID-19. Yet now that cases are shooting up, courts are suddenly opening for business.

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard’s 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice.”

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Within 90 Minutes of Execution, Black Man Retried and Exonerated

Derrick Jamison is a Black man who was within 90 minutes of exoneration, on death row, for 20 years in Ohio for a crime that he did not commit. It started August 1, 1984 when a bartender in Cincinnati,

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UC Davis Patient Rips Room, Lunges for Cop Gun, Court Told

After being refused further treatment at the University of California, Davis Medical Center, a Sacramento woman allegedly attacked a Sacramento police officer, lunging for her gun and then vandalizing the room in April, according

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COVID CDCR and Jail Dashboards

Wasco State Prison Cases Double Overnight – Breaking Down COVID-19 in CDCR

As of July 15th, there are 6,556 confirmed COVID-19 cases in the CDCR system. 103 were confirmed since yesterday There have been 35 deaths across the CDCR system thus far.

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

On Tuesday, July 14, four new incarcerated people tested positive, the highest single-day jump since mid-May when Santa Rita Jail was reported to have a COVID-19 outbreak out of control. There have been no deaths thus far.

[Read More](#)

San Francisco Court Watch

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This Week's COVID-19 Timeline in State Prisons: 8,000 to be Released – Too Little, Too Late?

As COVID-19 cases and death tolls continue to rise within state correctional facilities, the call for widespread release has grown – Friday, Gov. Newsom announced the release of up to 8,000 by August by state prison, that report 5,841

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Yolo County Court Watch

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“A Bit of Stretch” – Yolo Judge Tosses Felony Robbery Charge

Yolo County Superior Court Judge Paul Richardson released an unhoused man from custody, throwing out a felony robbery count at a preliminary hearing Friday after calling the ambitious charges by the District Attorney Office “a bit of a stretch.”

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Everyday Injustice - Podcast

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: UPDATE ON THE VANGUARD FUNDRAISER - ZOOM- AUG 13 - Mark Godsey
Date: Thursday, July 16, 2020 at 6:05:05 PM British Summer Time
From: David M. Greenwald
To: undisclosed-recipients;;
BCC: valerie.ibarra@sfgov.org

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Reserve your seats today: <http://vanguard-godsey.eventbrite.com>

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Log on daily to get the latest news, commentary, and information about the city of Davis, Yolo County, and the Sacramento Region.

"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Everyday Injustice - Trump Targets St. Louis Prosecutor; One Day After Execution, Alzheimers Patient Next on the List
Date: Wednesday, July 15, 2020 at 7:01:02 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"It is unbelievable the Governor of the state of Missouri would seek advice from one of the most divisive leaders in our generation to overpower the discretion of a locally elected prosecutor," St. Louis Circuit Attorney Kim Gardner said

Everyday Injustice Newsletter - July 15, 2020

Progressive Prosecutor Finds Herself in the President's Ire For

Contemplating High Profile Prosecution

By David Greenwald

It is a high profile national case that once again finds St. Louis Circuit Attorney Kim Gardner, the chief prosecutor, in the spotlight with the Governor and President Trump potentially going after her again.

At issue is the high profile case of Mark and Patricia McCloskey, both attorneys in their 60s. The couple in an incident caught on video, wielded guns on June 28 as protesters marched by their mansion on the way to the home of St. Louis Mayor Lyda Krewson.

A police report said the couple heard a loud commotion and then saw a large group of people break through an iron gate marked with "No Trespassing" and "Private Street" signs.

The video showed protests as they walked through the gate and then Mark McCloskey wielding a long-barreled gun and Patricia McCloskey standing next to him waving a handgun.

The couple described it as though they were facing an "angry mob" but the crowd was likely not concerned with their property having the target of the mayor.

Missouri's Governor, Mike Parson, a Republican, said on Tuesday that the president told him that he was concerned about the possibility that the couple would face criminal charges.

Governor Parson co-authored Missouri's "castle doctrine" law that justifies the use of deadly force when protecting one's home. Parson said he told Mr. Trump that it's difficult to remove an elected official from office in Missouri.

"I think the president didn't like what he was seeing, and the way people are being treated," Parson said. "I think you'll see some sort of actions."

President Trump defended the couple on a recent interview. He said, "they were going to be beat up badly, if they were lucky" and that their house was going to be ransacked and probably burned. He called talk of prosecuting them a disgrace.

Governor Parson said that while it is unclear what they can do, referring to President Trump or AG Bill Barr, but that he expects that both "are going to take a look at it."

Meanwhile Kim Gardner fired back on Tuesday stating that her office has not decided whether to file charges.

She said in a statement, "Today, both the Governor and Donald Trump came after me for doing my job and investigating a case. While they continue to play politics with the handling of this matter, spreading misinformation and distorting the truth, I refuse to do so. As I always do, I am reviewing all the available facts and the law and will apply them equally, regardless of the people involved."

"It is unbelievable the Governor of the state of Missouri would seek advice from one of the most divisive leaders in our generation to overpower the discretion of a locally elected prosecutor," Gardner said, adding that "It is also incredible that at a time when our nation is dealing with a rapidly spreading deadly virus and our State reported a record number of new infections, they are launching these dog-whistle attacks against me."

Thanks for reading.

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Criminal Justice News/ Commentary

Analysis: City Releases DPD Stop Data from 2019, Hints At Disproportionate Policing

For years, we have heard complaints from communities of color about disproportionate policing in the city of Davis by the Davis Police Department. Newly released data show that 9 percent of traffic stops involved Blacks while 21 percent involved Latinos – hinting at disproportionate policing.

[Read More](#)

Death Row Prisoner Wesley Purkey Suffering from Alzheimers – Incompetent for Execution?

Wesley Purkey is scheduled for federal execution Wednesday despite his serious mental health issues and Alzheimer's dementia "so severe that he doesn't even understand the reason for his execution." Purkey's

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BROOKLYN CONVICTION REVIEW UNIT: The Case of Jeremy Alvarez (2001)

The Kings County District Attorney's Office in Brooklyn, in concert with The Innocence Project and WilmerHale Law Firm, released a 100-page report in July – "426 Years: An Examination of 25 Wrongful Convictions in

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Firm that Offers Sex-Offender Background Checks Didn't Do What Promised, Pays \$1 Million in Civil Penalties and Restitution

San Francisco District Attorney Chesa Boudin announced here Monday that a company that does sex-offender background checks – Care.com – will pay \$1 million dollars in civil penalties and restitution and will be subject to

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Vanguard 10th Annual Event – Mark

Godsey – Ohio Innocence Project – August 13

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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Victim Tells Tangled Tale of Complicated Case of Love, Death and Revenge Beating

Three witnesses here in Sacramento County Superior Court were called to the stand – not in person but remotely as is common in these post COVID-19 days – to recount the events of the evening of July 2, 2019.

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Sacramento Public Defender Convinces Judge Bail Was \$400,000 Too High

It was over before it got started her Monday in Sacramento County Superior Court for defendant Deron Richards. Richards was removed by the bailiff from his preliminary hearing on Monday morning

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Defender Argues Victim Lied on 911 Call; Judge Still Finds Probable Cause for Arrest

A public defender here in Fresno County Superior Court argued that there was no probable cause for his client's arrest, and that the victim was the first aggressor. Defendant Domingo Rosiles is facing trial for domestic

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COVID CDCR and Jail Dashboards

New Cases Emerge at Calipatria State Prison, 2 More COVID-19 Deaths – Breaking Down COVID-19 in CDCR

As of July 14th, there are 6,453 confirmed COVID-19 cases in the CDCR system, with 2,392 active in custody. There have been 35 deaths across the CDCR system thus far.

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of Monday July 13, no new cases have been reported in the San Francisco County Jail facilities. There are 22 total confirmed cases.

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San Francisco Court Watch

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This Week's COVID-19 Timeline in State Prisons: 8,000 to be Released – Too Little, Too Late?

As COVID-19 cases and death tolls continue to rise within state correctional facilities, the call for widespread release has grown – Friday, Gov. Newsom announced the release of up to 8,000 by August by state prison, that report 5,841

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Everyday Injustice Podcast Episode 71 – El Paso DA Candidate Yvonne Rosales

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From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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John Burris: "It was a masscre"

Everyday Injustice Newsletter - July 14, 2020

A tale of Two Courthouses... Sacramento Passes the COVID Test So Far

By David Greenwald

Last week I wrote about our visit to the San Francisco Court - ironically to convince the presiding judge

to provide court hearings to the public via streaming video. What I found in the court was alarming.

Unlike other courthouses - there is no screening procedure. No questions. No temperature checks. We simply enter with required masks and social distancing.

The courtroom had at least 50 people in it. It was a good sized courtroom. But between the judge, counsel, and staff, plus the people in the audience, the room even while social distancing occurred, had too many people.

I came away with the belief that this was a dangerous situation.

People wear masks, but one prosecutor sneezed downward, not covering her mouth, mask off.

Some of the attorneys pulled the masks away to speak.

Some of the audience wore the masks below their nose.

No one was checking, there was no screening.

More importantly with a confined space and that many people, masks are going to limit the effectiveness.

Compare that to Lauren Smith's coverage of her visit to the court.

She writes: "I prepared myself for a disorganized, and bustling courthouse with hardly any precautions taken for COVID-19. But, after arriving and entering the courthouse, I found out I was wrong. I was pleasantly surprised."

Outside of the court was chaotic: people weren't wearing masks. No one was social distancing.

"Once I passed through the doors, it all changed," she writes. "The temperatures check was quick and non-invasive. I gave my name, and a deputy came up and asked if I was with the Vanguard. I said yes, and was waved into the mammoth building.

"Wearing a mask at all times was required. I even saw a judge admonish someone in the courtroom whose mask had slipped down below their nose."

So there you have it - everything that San Francisco did wrong - Sacramento did write. But, as we learn from the LA Times article yesterday, the problems exist across the state.

"Inside California courts, lawyers fume that mask wearing is mixed during pandemic," the Times article reads.

They report: "Christine Kroger, a deputy public defender in San Joaquin County, did an "inventory" last week to see how many people were wearing face coverings in the county's courthouse."

For example in one department: "Judge and court clerk had masks, court reporter had mask around nose, bailiff, no mask, D.A., no mask."

"I am angry that my co-workers are being put in peril and potentially bringing the virus back to the office because we have a bunch of idiots over there who don't want to follow the rules," Kroger said in an interview said the Times.

Indeed. That was our experience in San Francisco. It was not our experience in Sacramento. Now with roll backs, who knows what to expect in terms of courts in the future. But for now, I feel okay sending our interns into Sacramento Courts.

Thanks for reading.

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Criminal Justice News/ Commentary

Unarmed Man is Shot 18 times, His Unborn Child Also Died, Family is Suing

Veteran Civil Rights Attorney John Burris, who has represented such high profile police incidents as the beating of Rodney King and the killing of Oscar Grant, calls the shooting death of Erik Salgado and his unborn child the

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Sacramento Superior Courts Post-COVID-19 – A Vanguard Reporter’s First Look Inside

This morning, walking up to Sacramento Superior Court, I prepared myself for a disorganized, and bustling courthouse with hardly any precautions taken for COVID-19. But, after arriving and entering the courthouse,

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Updated story: Supreme Court Rushes Last Minute Decision To Execute Man For First Time in 17 Years

Updated story: in the late hours on Monday, the US Supreme Court cleared the way for the first execution in 17 years with an unsigned ruling. The unsigned 5-to-4 ruling saw Justices Stephen Breyer and Sonia Sotomayor dissenting.

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Proud Boys Hate Group members attend Philadelphia’s FOP Police Union Party

District Attorney Jack Krasner issued a statement that expressed his disdain and disappointment for the Fraternal Order of Police Headquarters in Philadelphia, which, on Thursday, July 9, 2020, hosted a party where

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

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Report by Brooklyn DA Office Reveals 25 Wrongful Convictions: The '63 Case of Dylan Gold

Eric Gonzalez, the Kings County District Attorney in New York, compiled a report detailing the first 25 wrongful convictions identified by the Conviction Review Unit (CRU) since 2014. These wrongful convictions dated

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Sacramento Public Defender Convinces Judge Bail Was \$400,000 Too High

Sacramento County Public Defender Amanda Massimini argued long, and hard here in Sacramento County Superior Court last week that half a million dollars in bail was far too high for someone charged with heroin charges, and

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2 More COVID-19 Deaths in San Quentin – Breaking Down COVID-19 in CDCR

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of Monday July 13, no new cases have been reported in the San Francisco County Jail facilities. There are 22 total confirmed cases.

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This Week's COVID-19 Timeline in State Prisons: 8,000 to be Released – Too Little, Too Late?

As COVID-19 cases and death tolls continue to rise within state correctional facilities, the call for widespread release has grown – Friday, Gov. Newsom announced the release of up to 8,000 by August by state prison, that report 5,841

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Sacramento Superior Courts Post-COVID-19 – A Vanguard Reporter's First Look Inside

This morning, walking up to Sacramento Superior Court, I prepared myself for a disorganized, and bustling courthouse with hardly any precautions taken for COVID-19. But, after arriving and entering the courthouse,

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Sacramento Public Defender Convinces Judge Bail Was \$400,000 Too High

Sacramento County Public Defender Amanda Massimini argued long, and hard here in Sacramento County Superior Court last week that half a million dollars in bail was far too high for someone charged with heroin charges, and

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Everyday Injustice Podcast Episode 71 – El

Paso DA Candidate Yvonne Rosales

Last July, DA Jaime Esparaza announced he would not seek reelection after serving 28 years. In 2016, Yvonne Rosales, running as a reformer, narrowly lost to Esparaza. Rosales began her career as an assistant district attorney

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Sheriff Files Complaint on Public Defender in Solano County Based on Her Wearing a BLM Mask
Date: Monday, July 13, 2020 at 7:01:01 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Letter: "At its core the statement ADO for Black Lives is about recognizing black people are human beings and their lives have value. For one to be offended by this affirming and fundamental principle underscores how little this sergeant understands what it means to be black in America today."

Everyday Injustice Newsletter - July 13, 2020

Black Lives Matter Even When Police Kill Whites...

by David Greenwald

Last week a woman whose white son was killed by police in Florida posted a comment basically that all lives matter. I tried to explain why this was the wrong approach, but she quickly got angry and blocked me. It is unfortunate because having observed police interactions - it is not only people of color that suffer - though they suffer disproportionately. Instead it is marginalized people's across the board.

It is something I have to remind myself of these days. In Davis, we had an incident where a young Asian doctor was "Kareened" by two white people and the two white female police officers handled the incident poorly in my view. That becomes all the more striking because in our family's personal drama, we have had mostly good interactions with the police.

I constantly have to remind myself that we are not seeing a true picture - what we are seeing is how police respond to people of privilege, not how they respond to communities of color and the marginalized.

What complicates this is - is you have people of color who are privileged but get treated with suspicion that white people who are privileged never see. You have people who are white who are marginalized who get treated like other marginalized people.

There is a really interesting piece in the New Republic that I just read: "[When Cops Kill White People, Black Lives Still Matter.](#)"

As the article correctly points out, "The roots of modern policing are steeped in a white supremacy from which none are immune."

I have to constantly point out to white privileged folks who have never had to consider whether a simple traffic stop will be their last moments on earth - Blacks for hundreds of years have distrusted police. Police enforced both slavery and white supremacy in the south. Police failed to protect Black victims of crime in the north and wrongly harassed and arrested them. When Jim Crow ended in the 1960s, the era of Mass Incarceration and the War on Drugs was launched, once again targeting Blacks and people of color.

So why should Blacks and people of color and marginalized people trust the police? This isn't new. It's only now that privileged white people have gotten - through videos - to actually see what people of color have to live with.

TNR notes the case of 32 year old Tony Timpa, a white businessman who called the police and needed help. "While Timpa never threatened officers on the scene or resisted arrest, he acted erratically. It wasn't long before an officer pinned him under his knee," the account goes.

Just like the case of George Floyd, after four minutes of restraint, Timpa was unresponsive and medical responders began CPR which was futile.

An autopsy later confirmed sudden cardiac arrest due to "excessive physical restraint," also citing cocaine and the narcotic Tramadol in Timpa's system.

The case of Timpa is being used by conservatives to argue that Black Lives Matter is simply built on a lie.

TNR argues the opposite: "The case that Black Lives Matter activists have been making—that America's policing traditions are built upon a superstructure of enforcing and upholding white supremacy—is as true in Timpa's instance as it is in the case of George Floyd."

The reality is that "state violence against black bodies and poor white bodies are two, equally instructive sides of the same coin."

In fact, "Far from undermining the case that reflexive anti-black racism exists in policing, the reality of systemic violence against marginalized whites offers a means to better understand how narrowly whiteness is still conceived, how far both institutions and individuals will go to protect it, and how badly we all need a police reform movement rooted in anti-racism, such as Black Lives Matter."

The truth here is complex. The reality is racism is real. I see people of color treated very differently by the police and by others than I get treated for doing the exact same things.

As a reporter, I have often trekked into neighborhoods with cameras and recording equipment. I have never been questioned. Dr. Lam was on Facetime with his wife and as an Asian man was told he didn't belong there and was questioned. And yeah, he acted a big indignantly to it. Because he has probably grown tired of being treated with suspicion. Can't say I blame him.

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Criminal Justice News/ Commentary

Letter: Sheriff Files Complaint on Public Defender in Solano County Based on Her Wearing a BLM Mask

Solano County Deputy Alternate Public Defender Shelly Saini tirelessly and compassionately advocates for her indigent clients, who are predominantly people of color. In the wake of the killings of George

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Biden-Sanders Proposal Calls for Ending LWOP for Juveniles, As Polling Finds Majority of Voters Agree

Last week, the Biden-Sanders unity task force released policy recommendations across the spectrum. One of the big planks was in criminal justice, calling for protecting communities by reforming the criminal justice system.

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Report by Brooklyn DA Office Reveals 25

Wrongful Convictions: Man Who Served 24.5 Years for a Murder He Did Not Commit

On Thursday, July 9, 2020, the Kings County District Attorney's Office along with The Innocence Project and WilmerHale Law Firm, released a 100-page report titled "426 Years: An Examination of 25 Wrongful Convictions in

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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Defendant Makes Personal Plea at Sentencing to 'Strike' a Former Strike to be a 'Positive Influence'

Defendant Gabriel Anthony Urbieto made a personal plea to the court here, arguing an oral Romero motion to avoid an additional strike for the combined crime of possessing firearms and a hit and run – he promised the court "I can

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Car Thief Escapes Five Years in Prison Through Salvation Army Rehab Program

A car thief may have caught a big break here in Sacramento County Superior Court last Thursday – he escaped five years in jail if he completes a two-year Salvation Army rehabilitation program in Stockton.

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Victim Pleads for Charges to be Dismissed Against Boyfriend, Charges Police Were 'Aggressive'

During an arraignment in Fresno County Superior Court, the defendant's girlfriend and alleged victim asked that the court drop any and all charges against him in a domestic violence case, charging that law enforcement

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Testimony Suggests Santa Rita Jail Staff Manipulate Testing, Jail Staff Allowed to Return While Asymptomatic – Weekly Highlights – Breaking Down COVID-19 in CA Jails

As of July 11, there are two active confirmed COVID-19 cases in Santa Rita Jail (SRJ), the only jail in Alameda County. There have been a total of 69 cases so far, but no deaths.

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1644 Cases in San Quentin, Bay Area Hospitals Overwhelmed, Shortage of Firefighters – Weekly Highlights – Breaking Down COVID-19 in CDCR

Two federal judges, Kimberly J. Mueller of Sacramento and Jon S. Tiger of Oakland are hoping to create a panel of judges that can order the release of prisoners. After visiting several prisons, Tiger has asked the state to begin

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Date: Monday, July 13, 2020 at 5:20:56 PM British Summer Time
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To: undisclosed-recipients;;
BCC: valerie.ibarra@sfgov.org
Attachments: image.png

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Hello all -

This is our annual fundraiser. We are having it on August 13 and it features Mark Godsey of the Innocence Project. Right now it is scheduled for the UC Davis Conference Center but most likely on Wednesday we will make the final call to do Zoom and figure out how to structure it.

The event is one month from today.

But I am asking you today to please support the Vanguard and our work exposing flaws in the criminal justice system. For those not familiar - we have a court watch in Yolo, Sacramento, and San Francisco counties. This fundraiser helps us hire staffing maintain our program. This year - more than ever - we are pushing the envelope. Hit the link below to get tickets or sponsor.

<https://vanguard-godsey.eventbrite.com/>

Hello -

I am writing you today to see if you would be interested in sponsoring and/ or attending our event - August 13 - Mark Godsey from the Ohio Innocence Project will be speaking in Davis.

The Davis Vanguard - founded in Davis in 2006 - runs a court watch now in San Francisco, Sacramento and Yolo Counties. We have a weekly podcast featuring wrongful convictions, progressive prosecutors and much more. And we cover national criminal justice issues on a daily basis.

This fundraiser - our tenth annual - helps to fund our operations and put interns into the court room to shine a light on misconduct and mass incarceration.

Among our early sponsors: SF DA Chesa Boudin, the California Innocence Project, Obie Anthony, the Jeffrey Deskovic Foundation, UC Davis and UC Davis Law School, and the San Francisco and Yolo County Public Defenders Offices.

I'm including a copy of our flier and our Eventbrite Link. I hope you will consider sponsoring our event.

Thanks,

David

<https://vanguard-godsey.eventbrite.com/>

The Davis Vanguard 10th Annual Fundraiser

Mark Godsey on Wrongful Convictions

The Director of the Ohio Innocence Project
and Author of the Book *Blind Injustice*

August 13, 2020
**University of California, Davis
Conference Center**
With opening speeches by Exonerée Jeffrey
Deskovic JD, MA and Local Sponsors

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- CALIFORNIA IT COULD HAPPEN TO YOU
- SAN FRANCISCO PUBLIC DEFENDER'S OFFICE
- YOLO COUNTY PUBLIC DEFENDER OFFICE
- CHESA BOUDIN, SF DISTRICT ATTORNEY
- OBIE ANTHONY, EXONERATED NATION

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Log on daily to get the latest news, commentary, and information about the city of Davis, Yolo County, and the Sacramento Region.

"Journalism is printing what someone else does not want printed: everything else is public relations." — George Orwell

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Subject: Everyday Injustice - Advocates and Criminal Justice Leaders Attempt to Pressure Governor to Respond to San Quentin COVID Crisis
Date: Friday, July 10, 2020 at 7:00:23 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

Assemblymember Marc Levine: "We've seen what has happened since then. Nothing less than the worst prison health screw up in state history."

Everyday Injustice Newsletter - July 10, 2020

Bearing Witness at San Quentin

By David Greenwald

James King from the Ella Baker Center, himself a formerly incarcerated community leader, read a letter from a person at San Quentin, who noted the conditions of the prison. It was an horrific account of what was happening - the horror, the inhumanity, the incompetence, perhaps more than anything else the incompetence is the story here.

But at the end, King makes a comment that kind of captured the day for those of us who are covering this story and trying to do it justice - the account as heart wrenching and graphic as it was, King said, "Doesn't do justice" to the situation. He said, "he is still downplaying what they are going through in there."

That's how I felt listening to the comments the entire time. We know the data. We know the numbers. We don't know what it's like to walk through the facility and see the human suffering.

Said the inmate: "this is the sickest I've been in my life. This is the most alone I've ever been in my life."

My brother in law died on March 29 - he was in a hospital, on a ventilator, getting as good a care as you can imagine, but he was sedated and isolated from his family as he lay dying. Now imagine being forced to live in a cell 23 hours a day, head to foot with other inmates, being as sick if not sicker than you've ever been in your life and getting no treatment.

That's just beginning to understand the horrors.

The account that will like stay with me for the rest of my life was "Mama bear."

The words alone do not do justice to her account - the pain, the anguish, the helplessness that this strong woman is facing.

"My son's life is important, he's important to his sons, he's important to me," she said. She wanted them to be fed properly and have their health care needs addressed. "They're dying in there." She added, "Free my baby, I can take care of him."

"This is not about they did a crime—they're humans," she said.

But when I see the comments on social media - people can't look past the fact that these people committed crimes, some of them horrible crimes. There are no eyes and no ears on these facilities.

As we stood watching the press conference someone who worked at the facility asked what was going on, what people were protesting, and she reacted at the end to saying, good, because I work there and am being exposed to all of this.

The words from the legislators were telling.

Marc Levine: "This is nothing less than the worst prison health screw up in state history." He added, "People have lost their lives because of these decisions by people who still have their jobs."

Senator Scott Wiener called this "a humanitarian disaster that is compounding another humanitarian disaster called mass incarceration."

Assemblymember Ash Kalra: "What COVID-19 is doing is not creating this trauma, it's exposing it. It's exposing the trauma that has been there for decades." He added, "When we think about where we are today, we have to recognize it's taken decades to get here."

Phil Ting: "We knew if COVID got to any one of these facilities... that once you get COVID, you can't shelter in place. There's no way not to have COVID spread like wildfire. It's putting up a stack of kindling and lighting a match. That's what it's like inside."

Assemblymember Rob Bonta said, "We are in the middle of a humanitarian crisis." He called it "an unforced error" that was "wholly avoidable" and "based on acts of commission by the state of California."

People are shrugging off COVID, but we have not even seen the worst of this because we have now allowed it to gain a foothold in this country.

Thanks for reading.

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Criminal Justice News/ Commentary

Legislators, Advocates and Criminal Justice Leaders Attempt to Pressure Governor to Respond to San Quentin COVID Crisis

With COVID cases at San Quentin soaring from none to over 1400 in just under a month, five Bay Area Legislators flanked by prison advocates and criminal justice leaders urged Governor Newsom to reduce the population at San

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Open Letter to Gov. Gavin Newsom from Criminal Justice and Prison Scholars

More than a decade ago you showed courage, initiative, and deep commitment to human rights and dignity when, as Mayor of San Francisco, you opened the door to same-sex marriages. As Governor, you showed the same courage

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Letter: Recommendations for Reducing the Prison Population and Protecting People in California Prisons

This is an immeasurably difficult time. With 2,419 incarcerated persons with active cases of COVID-19 in California prisons statewide and over 1,500 people who are incarcerated or work in San Quentin testing positive, I am

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The Vanguard’s 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice.”

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Members of Congress Urge Independent Investigation Into Death of Army Specialist Vanessa Guillén

Texas Rep. Sylvia Garcia and 87 other congressional members this week expressed support for a letter to Department of Defense’s Inspector General Sean O’Donnell by Sen. Kirsten Gillibrand and Rep. Jackie Speier that urges

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“We are Deputies of the Police” – Scholars Speak Out About Policing Outside of Law Enforcement and the Role of Technology

Renowned scholars Dr. Ruha Benjamin and Dr. Dorothy Roberts – who have devoted their impressive careers to focus on issues like health, technology, and social justice – in a livestream webinar Wednesday discussed today's

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Man Released Multiple Times but Keeps Committing More Crimes

Defendant James Wallace didn't like his \$1 million bail here—he wanted to get out of custody and go back to building ponds and mini-golf courses, he said. But the court wasn't having any of it. Sacramento

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Wife's Testimony Brings Judge to Tears, Secures Better Offer for Husband

A wife's fierce testimony in a domestic violence case seemingly led to what appeared to be some tears in Judge David Gottlieb's courtroom in Fresno County Superior Court here earlier this week—and a better offer from Deputy

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Complications in Sentencing: Victim Requests Treatment – Gets Jail Too.

Unlike many defendants in Fresno County Superior Court, Brian Pittman wanted treatment. In fact, he requested it. Pittman was brought in front of Judge Francine Zepeda Tuesday for sentencing

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of July 7, there are 5,365 confirmed COVID-19 cases in the CDCR system, with 2,368 active in custody. There have been 28 deaths across the CDCR system thus far.

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Push To Restore Zero Bail in San Francisco Amid Growing Number of COVID-19 Cases in SF Jails

Up until the last month, Sa Francisco had managed its jail population better than most counties and avoid large numbers of COVID cases in part because they managed to reduce the jail population. But in the last month, with the

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Date: Thursday, July 9, 2020 at 7:00:23 PM British Summer Time

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“Paul lived in conditions that were at the time the worst prison conditions in the United States,” said Charles Carbone, a prisoner rights attorney

Everyday Injustice Newsletter - July 9, 2020

Once Again We Find Out - Video Only Works When It's On

By David Greenwald

I have long been an advocate for body worn cameras and I remain so. But we have learned in the five years or so is that they are only as effective as the systems that govern their use.

How many times have we seen a critical incident and somehow *conveniently* the video either isn't on or didn't record. I get suspicious whenever I hear this and I think police practices can do a lot to ensure that videos are on as I will explain shortly.

Last night speaking to John Burris - a civil rights attorney who has been doing this for a long time and has been involved in high profile cases like Oscar Grant and Rodney King. He was very frustrated last night with the handling of the video by Valljo police.

The first problem is that the video that was released yesterday does not align with what the chief initially said at his first press conference.

"The most shocking part of the entire video was there was no video of the shooting," Burris said.

He found this particularly surprising because the day that the shooting death was announced in early June, the police chief gave descriptions that he claimed came from the video.

"He said that he saw Sean running, stopping, kneeling down as if he was trying to surrender and he got shot," Burris said. The chief purportedly said, "I've never seen anything like it."

"That certainly suggests there was a video," he said. "Today he said, there's no video. His description was that Sean was running, he kneeled down in a crouching position, as if he was going to attack the police – who were in front of him in a pickup truck."

He was particularly alarmed that the chief was describing the video early and "now he says there was no video."

"The question is, what information did he have that allowed him to make the statement that he made early," he said.

What was also alarming is what was not shown in the video. "We didn't see him running," he said. "We didn't see him go to the ground. We didn't see any preliminary steps that were made by the boy before he was shot."

"It was a sham on the part of Vallejo PD," he said.

Vallejo as is required by state law has body cameras. But according to Burris, it came on but after the shooting. There was also a drone, "but the drone somehow got destroyed." Also the video from Walgreens itself was "destroyed."

"Conveniently all the video tapes were destroyed or not available," he said. "We certainly didn't see any of the shooting."

This is a huge problem and not limited to Vallejo. There needs to be an automatic recording so that police officers cannot turn off the camera themselves and there needs to be real consequences when a critical incident occurs and the video doesn't work. The presumption of innocence should shift away from the officer at that point.

Thanks for reading.

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Criminal Justice News/ Commentary

Vallejo Releases Video which Does Not

[Show the Monterrosa Shooting](#)

Bowing to pressure as well as the state law, Vallejo has finally released the video of the June 2 fatal shooting of 22 year old Sean Monterroa, a San Francisco man at the hands of Vallejo Police Officers.

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[Push To Restore Zero Bail in San Francisco Amid Growing Number of COVID-19 Cases in SF Jails](#)

Up until the last month, Sa Francisco had managed its jail population better than most counties and avoid large numbers of COVID cases in part because they managed to reduce the jail population. But in the last month, with the

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[Soccer Champ Megan Rapinoe Endorses Police Reformer George Gascón for LA District Attorney](#)

World Champion soccer player and political activist, Megan Rapinoe, of the U.S. Women's National Team announced today that she endorses George Gascón's campaign for Los Angeles County District Attorney, citing

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[Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13](#)

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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[Case Management Conference Set to Address COVID-19 Cases in California State Prisons](#)

A U.S. Northern District judge formally announced a case management conference to discuss the rapid spread of COVID-19 in California state prisons, severely impacting elderly and medically vulnerable incarcerated people in state

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[1,000 Plus Faith Leaders Oppose Trump Admin's Decision to Resume Executions Shortly](#)

After 17 years, the Trump administration is restarting federal execution in July—and faith leaders are not happy. On July 7, a joint statement signed by over 1,000 faith leaders globally

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Man Accused of Fleeing Cops in Car Chase Maintains Innocence

A defendant here, accused of taking law enforcement on a merry chase before being arrested, will be held for trial in Sacramento County Superior Court—despite some questions about whether he was the person driving.

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‘Horseplay’ Could be Cause of Car Accident That Threw Baby from Vehicle; Mother Facing Child Endangerment

Horseplay in a moving vehicle caused a fatal crash—tragically, a driver was killed, and a baby was ejected from the car on the night of May 8, 2019, according to information provided in Yolo County Superior Court here Wednesday.

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of July 7th, there are 22 total cases in SF County Jails, four active in custody, out of 808 total jail population.

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As of July 7, there are 5,365 confirmed COVID-19 cases in the CDCR system, with 2,368 active in custody. There have been 28 deaths across the CDCR system thus far.

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Subject: FOR IMMEDIATE RELEASE: Broad Coalition of Legal and Medical Experts Urge SF Courts to Restore 'Zero Bail' Amid Growing Number of COVID-19 Cases in SF Jails

Date: Wednesday, July 8, 2020 at 11:30:15 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: July 8, 2020

CONTACT: Valerie Ibarra – SF Public Defender's Office – (628) 249-7946 – Valerie.Ibarra@sfgov.org

LINK: http://sfpublicdefender.org/news/2020/07/broad-coalition-of-legal-and-medical-experts-urge-sf-courts-to-restore-zero-bail-amid-growing-number-of-covid-19-cases-in-sf-jails/?preview=true&_thumbnail_id=7673

*****PRESS RELEASE*****

Broad Coalition of Legal and Medical Experts Urge SF Courts to Restore 'Zero Bail' Amid Growing Number of COVID-19 Cases in SF Jails

SAN FRANCISCO - San Francisco County jail has seen a 40% increase in positive COVID-19 cases since June 18, 2020. This surge prompted a broad coalition - including the Bar Association of San Francisco's Criminal Justice Taskforce (BASF-CJRTF), the Public Defender, the District Attorney, San Francisco Pretrial Diversion Project, and Jail Health Services - to send [a joint letter](#) to the San Francisco Superior Court, urging it "in the strongest possible terms," to restore the zero bail policy in San Francisco to help reduce the jail population during the ongoing pandemic.

The California Judicial Council implemented an emergency bail schedule on April 13 to help reduce jail populations to help guard against the fatal consequences of outbreaks in overcrowded jails. It specified zero dollar bail amounts for people charged with low-level offenses to be quickly released from custody without having to post bail.

When the Judicial Council repealed the emergency bail schedule on June 10, it allowed local jurisdictions to continue using it to protect the health of the incarcerated, jail staff, courts, and the community. Several major counties have continued using the zero dollar bail schedule - including Los Angeles, Sacramento, Contra Costa, Alameda, San Diego, Santa Barbara, Santa Clara and Fresno.

San Francisco Superior Court decided not to continue using the zero dollar bail schedule. This has led to an increased number of people remaining in jail longer, even as new cases of COVID-19 are on the rise. In San Francisco county jail, twenty people have tested positive for COVID-19 since the jail started testing people upon arrival on April 18, with eight confirmed cases of COVID-19 since June 18.

Dr. Lisa Pratt, Director of the Department of Public Health Jail Health Services, emphasized the importance of keeping the jail population low in order to prevent the spread of COVID-19. “Social distancing is already challenging in a jail, but San Francisco jails have successfully avoided a major outbreak of COVID by listening to medical experts and keeping the jail population low,” she explained. “The decision to revoke the zero-bail policy fails to prioritize the real public health concerns of a spread of the virus in jail—and puts everyone who lives and works in jail—as well as those who interact with them—at higher risk of the virus.”

“Removing zero bail signals an assumption that our current public health crisis is over, which is clearly not the case,” said San Francisco Public Defender Mano Raju. “As the crisis at San Quentin State Prison and in other overcrowded jails and prisons across the country makes abundantly clear, we can’t control the spread of the virus without dramatically reducing the incarcerated population. San Francisco Superior Court’s decision to move away from this policy means that people with low level, non-violent offenses eligible for immediate release just last month, are now being booked and held in jail before a judge can review their case. This increases the risk of spreading COVID-19 throughout the jail population and community. San Francisco should follow the lead of other counties throughout the state and act in accordance with the recommendations of public health officials.”

“Any additional time spent in custody because of the lack of Zero Bail increases the risk to individuals in the jail, our staff, community partners and Sheriff and Court employees,” said David Mauroff, CEO of San Francisco Pretrial Diversion Project. “Reinstating Zero Bail supports our shared public health priorities and reduces jail exposure and the number of people in jail.”

“We are disappointed with the San Francisco courts for moving away from an effective public health policy despite the fact that the overwhelming majority of people released on zero bail did not re-offend, and many were never even charged with a crime,” said District Attorney Boudin. “Our office stopped seeking bail in San Francisco long before this policy went into effect precisely because forcing people to post bail does not protect public safety and merely criminalizes the poor. With the revocation of the zero-bail policy, many people will sit in jail even before seeing a judge—putting them and everyone around them at risk.”

“Incarceration during the coronavirus pandemic is a racial justice issue, and people of color are facing worse health outcomes and higher risk of death from coronavirus,” said Yolanda Jackson, Executive Director and General Counsel of the Bar Association of San Francisco. “Elimination of Zero Bail further perpetuates the racial disparities of both pretrial incarceration and the public health crisis, and will also take a financial toll on economically vulnerable communities of color.”

###

Subject: Everyday Injustice - Man Freed After 44 Years; Criticize Sacramento City Council Police Reforms; Phoenix Police Shooting
Date: Wednesday, July 8, 2020 at 7:01:37 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Paul lived in conditions that were at the time the worst prison conditions in the United States,” said Charles Carbone, a prisoner rights attorney

Everyday Injustice Newsletter - July 8, 2020

We Can't Lose Sight of the Problem of Bail During the COVID Crisis

By David Greenwald

Someone flagged my attention to a “Blue Lives Matter” article out of the Los Angeles area where a 13 year old girl was killed “after a carjacker forced his way into their vehicle on Sunday and sped off with them still trapped inside.” The kicker - the man was release with no bail after being charged with vandalism and possession of a dirk or dagger.

The argument from Blue Lives Matter - at least implicitly is - that had he not been released on no bail, this horrible tragedy would never have happened.

But there is a problem with that view. It doesn't take into the account the bigger picture. For one thing, as we have pointed out time and again over the last few months, the actual recidivism rate for zero bail releases has been less than five percent.

Moreover, as we have noted from an LA Times editorial, it is not like the crime rate is up. We have recently seen an uptick in shootings across the country, but even with those notable incidents in places like Atlanta, Chicago and New York, murders are down, crime is down.

So what is the argument here? Blue Lives Matter doesn't make one so it's hard to know.

The implication though is that this man shouldn't have been released? But why? Vandalism? Possession of a dirk or dagger? Maybe. Did he have a criminal history of violence? Was this somehow predictable?

If those are the questions - they seem legit. We should have a thorough analysis of each person who is released to understand whether they pose a realistic threat to the community.

On the other hand, if the argument is we should do away with zero bail because of incidents like this - I think we need data. Why should the majority of the people - over 95 percent - who are arrested and released and cause no problems be punished because a few people act badly?

But there is a bigger issue. We are seeing it now at San Quentin.

As of our most recent update out of San Quentin, over 1400 people have tested positive for COVID-19 at San Quentin alone. Six of them have died. System wide there are now 5365 confirmed cases. There have been 28 deaths across CDCR so far - and given the very recent spike, that number is going to quickly go into the hundreds.

As we reported last week, experts are telling us that the answer is decarceration.

As we have reported for months now, Chesa Boudin, the San Francisco DA recognized from the start and listened to public health officials when they told him that the only way to keep everyone safe - the incarcerated, staff and the boarder community was the reduce prison populations.

That has kept San Francisco Jail relatively safe. Just 22 total cases in San Francisco jails and only four active in custody. Meanwhile they have greatly reduced the population of their jails.

Think about it - the death of the 13 year old girl is a horrible tragedy. But the impact of COVID running rampant in San Quentin has resulted in 6 deaths already and probably many more.

Given the low percentage of recidivism, it seems like a reasonable risk. But of course it should be undertaken with careful consideration as to the records of those being released and a realistic assessment of the risk they pose to the community.

Thanks for reading.

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Criminal Justice News/ Commentary

Legal Community Critics Largely Criticize Sacramento City Council Police Reforms

When the Sacramento City Council approved relatively minor police reforms this past week – after massive calls to defund city police – critics of the Sacramento Police Dept. almost uniformly said it was way too little, and too late

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44 Years Later, Redd Comes Home – An Inside Account

At age 63 and during a pandemic, Paul Redd begins to build his life outside of prison after 44 years of incarceration. A succinct but impassioned summary of Redd's experience in the system can be found on his lawyer Danielle Harris'

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Arizona Congressional Members Demand Answers to Phoenix Police Killing – Chief Promises Footage Within 14 Days

Rep. Diego Rodriguez and Sen. Martín Quezada look for answers regarding the July 4 police department killing of James Garcia by requesting the Phoenix Police Department release all officer-worn body camera

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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Deputy Public Defender Insists on Credit for Defendant – Probation is Sticky Issue

A defendant here has a big decision to make after savvy Deputy Public Defender Martha Sequeira posed some interesting questions during a Zoom live stream hearing Monday in Yolo County Superior Court, which could result

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Victim Calls Police, Lies about Her Boyfriend – Judge Releases Him

The Michigan chapter of Council on American Islamic Relations (CAIR-MI) announced a lawsuit Monday against Macomb County Jail in Michigan, in support of a Jewish prisoner who was denied a Kosher diet.

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Victim/Witness Reveals Pregnancy in Domestic Violence Case

A victim in a domestic violence case revealed during the middle of a hearing here in Fresno County Superior Court that she was pregnant and pleaded for the judge to issue a peaceful contact order for the defendant.

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Fresno Judge Breaks Protocol, Issuing a Protective Order for a Domestic Violence Case over Zoom

During an arraignment in a domestic violence case, Judge Monica Diaz eventually granted the defense's request to be served with a peaceful contact order through remote measures, despite the judge's original demand for the

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COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of July 7, there are no active cases at Santa Rita Jail. One individual who tested positive yesterday was released shortly after. There have been 66 total cases identified since April and no deaths thus far.

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Date: Tuesday, July 7, 2020 at 7:00:16 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We are here today, despite the health risk it creates, to make a humble request that San Francisco Superior Court take action to broadcast court proceedings live on YouTube as soon as possible. This will allow us to can exercise our rights, provide information to the public, and remain safe during this global health crisis," David Greenwald

Everyday Injustice Newsletter - July 7, 2020

We Need Public Access to the Courts - But SF Court IS NOT SAFE

By David Greenwald

We are covering courts across the state remotely - Sacramento, Yolo, Merced, Fresno, Contra Costa,

even Santa Clara and Alameda, but for reasons that don't make a lot of sense, San Francisco has been problematic.

At the urging of our partners at the San Francisco Public Defenders Office, I emailed the clerk of the court, the response: "We are still establishing our Livestream process. Please check back in a couple of weeks."

Based on that, we decided to do a small action. We reached out to our body of more than 50 overall interns across the state and about nine of them accompanied me to the court, presiding Judge Gioski. We had a short letter that was delivered to the bailiff, we sat in court quietly, politely, well dressed and the judge kindly addressed us briefly but once again put us off - we are working on it.

Leaving aside the fact that it is not very complicated to stream onto YouTube from Zoom, I was appalled by what I saw in the courtroom.

Unlike other courthouses - there is no screening procedure. No questions. No temperature checks. We simply enter with required masks and social distancing.

The courtroom had at least 50 people in it. It was a good sized courtroom. But between the judge, counsel, and staff, plus the people in the audience, the room even while social distancing occurred, had too many people.

I came away with the belief that this was a dangerous situation.

People wear masks, but one prosecutor sneezed downward, not covering her mouth, mask off.

Some of the attorneys pulled the masks away to speak.

Some of the audience wore the masks below their nose.

No one was checking, there was no screening.

More importantly with a confined space and that many people, masks are going to limit the effectiveness.

Wrote the [NY Times](#) over the week, 239 experts claim the coronavirus is airborne.

"The W.H.O. has resisted mounting evidence that viral particles floating indoors are infectious, some scientists say. The agency maintains the research is still inconclusive," they write.

The problem is even with these precautions, "the virus lingers in the air indoors, infecting those nearby." Limited ventilation in the old building, lack of other precautions seems problematic.

As a member of the public I was in the courtroom for an hour. I wore an N95 mask. How effective is, someone walked by me smoking a cigarette outside and I barely noticed. Normally I gag when a smoker comes by.

They are putting defendants, courtroom staff, the attorneys (and most of the prosecutors were on Zoom), and the judge at risk. It doesn't seem worth it, when we can do this and have been doing it via zoom.

We need to close down the courtrooms and open them up via Zoom. Let us do our jobs, but let us do so safely.

Thanks for reading.

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The Vanguard News Group – whose Courtwatch program covers county courts throughout California – Monday paid a visit to file a grievance with San Francisco County Superior Court for not making its courtrooms accessible

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City of Sacramento Sued Over Law Making It Illegal to Not Stand for the National Anthem

In what could be one of the most unusual lawsuits of its kind – but very relevant as poignant police brutality protests continue in Sacramento and around the U.S. – a man is suing the city of Sacramento because he could be jailed for

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Amicus Signed By Prosecutors and Other Reformers Calls For Access to Life-Saving Overdose Prevention Sites

85 current and former prosecutors along with law enforcement officials and other leaders filed an Amicus on Monday in the hopes of combating the epidemic of opioid-related deaths.

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Muslim Group Files Lawsuit Against Jail For Denial of Kosher Food to Jewish Man

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Yolo Inmate Insists His Release Date is Off by Four Years

An inmate at the Sacramento State Prison addressed those in the Yolo County Superior Courtroom here Monday about a letter he had issued to the courthouse, where he insists his listed release date, and credits, are incorrect.

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'I Wanna See Your Last Breath' – Fresno Man Threatens to Kill Girlfriend

A man was charged with assaulting and threatening to kill his girlfriend by throwing her body into their pool – and allegedly saying he wanted to see her “last breath,” according to evidence presented here during a Fresno County Superior Court hearing.

[Read More](#)

COVID-19 in SF County Jails & Santa Rita Jail – Breaking Down COVID-19 in CA Jails

As of July 6th, there are 22 confirmed cases in SF County Jails #2, #4, and #5 and no deaths thus far. SF County Jail #1 has 16 confirmed cases as of June 30th, making 38 total cases across the SF County Jail system.

[Read More](#)

3 COVID-19 Deaths in San Quentin – Breaking Down COVID-19 in CDCR

As of July 6, there are 5,343 confirmed COVID-19 cases in the CDCR system, with 2,445 active in custody. There have been 25 deaths across the CDCR system thus far.

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Subject: Everyday Injustice - San Quentin Acts Like They Carried Out a De Facto Execution; Reisig, PPIC Study, and Racial Disparity in Criminal Legal System

Date: Monday, July 6, 2020 at 7:00:38 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“This Court should order the Sheriff and Respondents to show cause why petitioners are denied essential humane living conditions and medical care,” Sacramento Law Suit

Everyday Injustice Newsletter - July 6, 2020

Is CDCR Executing Incarcerated People at San Quentin by COVID?

By David Greenwald

In March of 2019, Governor Gavin Newsom suspended the death penalty in California, arguing at the

time, “Our death penalty system has been—by any measure—a failure.”

He wrote, “It has provided no public safety benefit or value as a deterrent. It has wasted billions of taxpayer dollars. But most of all, the death penalty is absolute, irreversible and irreparable in the event of a human error.”

The executive order which he signed argued that capital punishment was inherently unfair and has been applied more often to people of color and those with mental disabilities than to people of privilege, or whites.

The conditions at San Quentin have been a matter of concern with over 1400 total cases now reported at the facility—and media reports have cited negligence on the part of prison officials, who brought the deadly virus to the facility in an effort to move prisoners from another facility. The prison officials failed to test or quarantine the transported prisoners, which started the problem at San Quentin, beginning around June 11.

Yesterday the California Department of Corrections and Rehabilitation in a press release announced the deaths of two men at the facility. But the announcement looked more like CDCR had executed the two men—rather than that they died as the result of a pandemic, with the prison officials themselves bearing a large responsibility for the disease even entering the facility.

The announcement read, “Scott Thomas Erskine, 57, who had been on California’s death row since 2004, and Manuel Machado Alvarez, 59, who had been on death row since 1989, both died on July 3, 2020, at outside hospitals from what appear to be complications related to COVID-19.”

The release then goes into very specific details about the crimes of each men.

Sam Levin, the LA correspondent for the Guardian tweeted, “Quite shocked California prison officials announced two more Covid deaths with detailed descriptions of their convictions, referring to them as ‘condemned inmates,’ because they were on death row.”

He asked, “Is the implication these deaths are acceptable because of their convictions?” He reminded his followers that it is “worth remembering that Gov Newsom suspended the death penalty last year, saying, ‘I will not oversee the execution of any individual.’”

Mr. Levin points out, “So far he’s done virtually nothing to stop the spread of Covid to death row, San Quentin and across CDCR. 5,000 have been infected. 24 have died.”

Kate Chatfield, Senior Advisor for Legislation and Policy at The Justice Collaborative, tweeted, “Why is their crime of conviction relevant?”

She later tweeted, “I expect full reporting on any abuse suffered in foster care. I expect full reporting on any abuse suffered in a juvenile jail. I expect full reporting on their family’s income level. I expect full reporting on whether they were sexually abused.”

The CDCR is acting as though this were a de facto execution—as though they were carrying out the sentence the state imposed by other means and disregarding the explicit orders by the governor.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Reisig, PPIC Study, and Racial Disparity in Criminal Legal System

Part of the defense offered by Yolo County DA Jeff Reisig in face of criticism that Yolo County has about 28 percent of its jail comprised of Blacks while the share of the overall population for that group is three percent, are all the steps

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Sacramento Prosecutor Reprimanded by Court for Making 'Personal Attack' at Routine Bail Hearing

Late last week, in what appeared to be a routine bail review hearing in Sacramento County Superior Court quickly morphed into a sometimes heated exchange between defense and prosecution lawyers over discovery issues.

[Read More](#)

History of Robberies Trumps COVID-19 Pandemic – Bail Hiked to \$300,000

A history of robbery offenses trumped the threat of COVID-19 here in the Sacramento County Superior Court last Thursday just before the holiday break. Nineteen-year-old Jelani Steward, who has a history of robberies

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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Zoom Communication Causes Merced Public Defender to Scream "DON'T INTERRUPT ME"

Frustrated by Deputy District Attorney Misty Compton's interruption of his argument vouching for the defendant's release, Assistant Public Defender Vincent Andrade startled the courtroom by screaming "Don't interrupt me, Ms.

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Man with Multiple DUI Cases Gets Jail, Fines and Long Probation

Fresno County Superior Court Judge Ana de Alba seemed to prioritize DUI (Driving Under the Influence) cases over others just before the 4th of July holiday last week. Defendant Guillermo Zoquitecatl originally appeared before

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Judge Chastises Mother for Bringing Her Child to Court

In Fresno Court Wednesday, presiding Judge Glenda Allen-Hill reprimanded a young mother appearing in court for bringing along her infant child. Janelle Raminiez entered the courtroom for hearing concerning domestic

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My View: Is CDCR Executing Incarcerated People at San Quentin by COVID?

In March of 2019, Governor Gavin Newsom suspended the death penalty in California, arguing at the time, "Our death penalty system has been—by any measure—a failure." He wrote, "It has provided no public safety benefit or value as a deterrent

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Looking Back: Case Not Handled "Righteously"

This is the first installment of the new weekly column Looking Back. "Looking back" will feature reprints of articles that Jeffrey Deskovic previously wrote while a columnist at The Westchester Guardian, which encompass topics that are applicable here in CA as well as across the country and not simply applicable to NY

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Guest Commentary: Commutations Are Not The Answer To Life Without Parole

Twenty years ago, I played a role in taking two innocent lives due to gang violence. Although I didn't kill anyone, the prosecution sought the death penalty against me, and I made the decision to sign a plea deal and be sentenced to life without parole

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Hunger Strike at San Quentin As Outbreak Continues, CDCR Intake Halted, Face Masks Required by Staff – Weekly Highlights – Breaking Down COVID-19 in CDCR

As of July 3, there are a total of 5,268 confirmed COVID-19 cases in the CDCR facilities, with 22 deaths. 26% of those positive cases are from the San Quentin State Prison (SQ). According to J. Clark Kelso, the federal court-appointed

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Father Sentenced to Only 14 Years in

Prison for Rape, Abuse of Daughter After 12-year-old Dies

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"This Court should order the Sheriff and Respondents to show cause why petitioners are denied essential humane living conditions and medical care," Sacramento Law Suit

Everyday Injustice Newsletter - July 3, 2020

An Appalling Level of Injustice...

By David Greenwald

At the outset here I want to issue this disclaimer. For the last year, we have been partnering with the San

Francisco Public Defender's Office on court watch in San Francisco. That means that I have worked closely with Jacque Wilson and have a tremendous amount of respect for him and the work he does. With that said, I have 15 years of experience working on cases of grave injustice - and I think I know injustice when I see it.

The amount of injustice that Jacque's brother, Neko, has had to face is frankly appalling on so many different levels.

The sad part of his case is that Neko Wilson got a second chance in 2018 when he was re-sentenced from felony murder and released from prison after a decade. He quickly established what became a very successful business.

Then strangeness befell him. All of this began in 2003, when Neko was stopped on the highway in Navajo County, Arizona, with just under 5 pounds of marijuana. The prosecutors did not charge him until 2005 and he defended the case in 2006. He was placed on probation in 2006 and released in California where he remained on probation until 2009.

When he was released from prison in 2018, apparently Arizona was determined to punish him for what they have determined is a violation of probation from 2009.

Mind you - Neko Wilson served for a decade. The base offense is transportation of marijuana. At this point, that is hardly a grave offense.

But the prosecutor in Arizona for reasons that boggle the imagination do not want to let this go. They want him to serve another eight years. They don't want to give him any credit for the decade he spent in prison.

Under the best of times, this would be a worrisome case that smacked of overzealous and even vindictive prosecution.

But these aren't normal times. Navajo County jail in Arizona is overrun with COVID.

As his attorney Lee Phillips explained during yesterday's press conference, "He suffers two conditions that the CDC has identified as being conditions that subject him to the highest possible risk of death or serious injury if he's infected."

Worse yet, the conditions are horrific - locked down, cramped, no social distancing, small cell with two other people. This is another disaster waiting to happen.

As Jacque Wilson put it, "We have individuals who are housed in the county jail there who are being treated less than human."

And the prosecutor is fine with this. He is not willing to allow Neko Wilson to be released pending adjudication of this case which could now drag on for months, even years, putting Neko and many like him in direct harms way.

All of this for a marijuana conviction that was adjudicated 17 years ago. Why does Javert insistent on his pound of flesh? That's a good question.

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Criminal Justice News/ Commentary

State Supreme Court Asked to Intervene on Behalf of Inmates in Sacramento County Jails

The Sacramento County Public Defender Office filed a nearly 400-page pleading document June 29 – made available exclusively to THE VANGUARD Thursday night – that asks the Supreme Court of California to intervene on behalf of

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Guest Commentary: Tragedy of COVID-19 in Prisons Shows Need for Decarceration

As countless Americans take to the streets in defense of Black lives and call for the transformation of policing, we must not neglect the threat that COVID-19 continues to present and the urgent need for immediate decarceration.

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Public Defender Still Fighting to Free Brother from Arizona Jail

Earlier this week the Arizona Court of Appeals ordered a new hearing for Neko Wilson, who has been fighting a marijuana charge for the last year since a California court released him after 10 years after he plead to two counts of

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Law Professors Attempt to Persuade Congress to Hold Police Accountable

More than 300 law professors around the country signed a letter addressed to Nancy Pelosi, Kevin McCarthy, Mitch McConnell, and Charles Schumer, asking them to pass legislation to hold law enforcement accountable.

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Father Sentenced to Only 14 Years in Prison for Rape, Abuse of Daughter After 12-year-old Dies

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NY Times: "The transfer of inmates — an effort intended to slow the virus, which instead apparently created a new outbreak — has been denounced by health officials and a state lawmaker as a public health failure."

Everyday Injustice Newsletter - July 2, 2020

Decarceration is the Answer - Use Science of Aging Out and Others Factors To Guide the Process

By David Greenwald

The Senate hearing on Wednesday came down to the notion of decarceration. The problem from a health perspective is simple: with COVID cases on the rise, social distancing in overcrowded prisons is physically impossible. The solution - release people from prisons.

When you start talking about people at San Quentin, that is scary to a lot of people. But it shouldn't be. There is a science to this.

Mark Mauer, director of the Sentencing Project, has advocated for a 20-year cap that gives judges or parole boards the opportunity to add more time if necessary.

A New York Times article points out, "Research by American social scientists shows that all but the most exceptional criminals, even violent ones, mature out of lawbreaking before middle age, meaning that long sentences do little to prevent crime."

The peak of criminal rates are somewhere between the age of 16 and 19 for violent crimes, while forgery, fraud and embezzlement peak in the early 20s.

"For most of the crimes the F.B.I. tracks, more than half of all offenders will be arrested by the time they are 30," Dana Goldstein reports.

Criminal careers also do not last long, as research by "criminologist [Alfred Blumstein](#) of Carnegie Mellon and colleagues has found that for the eight serious crimes closely tracked by the F.B.I. — murder, rape, robbery, aggravated assault, burglary, larceny-theft, arson and car theft — five to 10 years is the typical duration that adults commit these crimes, as measured by arrests.

"Property criminals, like burglars and car thieves, tend to stop in their 20s, while violent criminals are more likely to continue into their early 30s. Drug-crime careers can be lengthier, stretching into the mid-30s, yet long sentences have had little effect on the drug trade," the article notes.

"When you lock up a rapist, you take his rapes off the street. When you lock up a drug seller, you recruit a replacement," Professor Blumstein said.

All of this ties into improving research on brain development that "suggests that the parts of the brain that govern risk and reward are not fully developed until age 25, after which lawbreaking drops off." There is also the fact: "Young people are more likely to be poor than older people, and poorer people are more likely to commit crimes."

The answer here is basic. Identify people who have served a long time, are within a year or so of their release, or are of age to age out of committing crimes. They can also partner with the Innocence Project and other organizations to identify people who are likely to have been wrongly convicted and release those folks as well.

The policy made sense previously from a social justice perspective, from the perspective of latest science and from an economic necessity. Now it is a public health issue.

It will be interesting to see what Governor Newsom chooses to do in the face of this monumental threat.

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Criminal Justice News/ Commentary

Three Prosecutors Join with Shaun King To Announce Grassroots Law Project to Create Truth, Justice and Reconciliation Programs

On Wednesday, Chesa Boudin (San Francisco), Larry Krasner (Philadelphia) and Rachael Rollins (Boston) joined together to announce the formation of local “Truth, Justice and Reconciliation Commissions” in each city.

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Medical Expert Calls for Immediate Decarceration of San Quentin Prisoners

Incarcerated people in San Quentin are searching for answers, as overcrowding and poor operating conditions continue to increase the risk of contracting the coronavirus. In response to these concerns, Dr. Sears of the

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SF Public Defender’s Office Mobilizing to Release People from San Quentin Amid Escalating COVID-19 Outbreak

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Philly ‘Vigilantes’ Beat Journalist After Standoff with Black Lives Matter

Protestors

A confrontation between a bunch of so-called “vigilantes” and Black Lives Matters protestors morphed into an attack on a television journalist here. George Graf, on or about June 1, was part of a mob

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Sacramento Judge Needs Time to Fashion Sentence to Prevent Future Domestic Violence

Sacramento County Superior Court saw a debate late last week over whether to release a man serving a jail sentence for various domestic violence related incidences, with all parties being asked to weigh what is best for the defendant, the victims, and the community.

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‘Ill’ Defendant Turns Out to Be Healthy, Awaiting Arraignment

A healthy Sacramento man did not receive arraignment for nine days because the county jail noted him as “ill” in their records. Justin Collins, the defendant, was in court for arraignment.

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Sobbing Defendant Begs Judge For the Chance to Find Her Son

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Everyday Injustice Newsletter - July 1, 2020

San Quentin Shows Just How Explosive COVID Is

By David Greenwald

It registered as a blip - San Quentin which houses California's death row on June 11 registered 16 positive COVID- cases. Before that, the focus had been on Chino and other facilities. It was barely on the radar.

19 days later, there are now 1065 confirmed cases at San Quentin. The number of cases exploded in just a few weeks and it was as we have since learned all based on a mistake.

As first the San Francisco Chronicle and now the NY Times reported, "The inmates were being moved to San Quentin as part of a plan to halt the spread of **the coronavirus** by reducing the number of inmates at the California Institution for Men in Chino, where nine inmates had died and nearly 700 had been infected."

At the time, "there were no inmates known to have had the virus at San Quentin," but within days, "some of the 121 prisoners from the buses introduced the virus at San Quentin, public health officials say."

Writes the Times yesterday, "The transfer of inmates — an effort intended to slow the virus, which instead apparently created a new outbreak — has been denounced by health officials and a state lawmaker as a public health failure."

In a way the California prison system is a microcosm of the state of California itself. For the first two months of the outbreak, California was spared the worst. We locked down early. Kept the virus in check. And appeared to be spared the worst.

But we got complacent. We started opening up too soon. We stopped practicing social distancing and wearing masks. Now the COVID virus is raging out of control in California as well as Arizona, Texas and Florida.

In the prison system, reformer have been warning for some time of the conditions inside prisons. That is because there are a high number and large concentration of people in confined spaces, unable to socially distance. There is substandard medicine and health care. We have not provided sufficient supplies of masks or taken other precautions.

In the early days of the pandemic, March 18, prosecutors around the country signed a letter declaring, "we believe that the current crisis creates an even more pressing need for elected prosecutors, public health officials, and other leaders to work together to implement concrete steps in the near-term to dramatically reduce the number of incarcerated individuals and the threat of disastrous outbreaks."

Three months later, SF District Attorney Chesa Boudin noted, "Overcrowded jails and prisons are exactly the type of tinderbox in which COVID-19 and other diseases can spread like wildfire," he added. He believes it is a risk not only to the jail population but also, given the churn and the staff coming and going, to the whole community. "So what we did was we listened to the advice of public health officials." The San Francisco Public Health Official said that they couldn't prevent death or significant spread, "unless we significantly reduced the jail population." He said, "We listened, we took action." But now the worst fears are being realized and so what the Governor must do is figure out who in the prison system he can release. Who poses a public safety threat and who is incarcerated that really do not need to be.

I believe we will see a large number of people in our prisons released in the coming months. Stay tuned.

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Criminal Justice News/ Commentary

Sacramento Legal Observer Shot in Face by Police at Protest Demands Arrest of Officer

In honor of pride month, the Institute for Innovation in Prosecution hosted an online Zoom panel discussion on the LGBTQ+ Community and the legal system Tuesday – featuring many individuals fighting within the system for

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ACLU Client Finally Released After Being Held for More than 17 Months Without Charge

Federal Courts here announces the release of Adham Amin Hassoun, an American resident unlawfully detained for more than 17 months under a provision of the Patriot Act enacted under the Trump Administration.

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Man Tells “Ex” He Would Shoot Her in Face – He Gets 8 Month Offer; He’s Thinking About It

Sean Rushton threatened to shoot an ex-girlfriend in the face, a crime that would result in death or severe bodily injury and faced years in prison in Sacramento County Superior Court here late last week.

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard’s 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice.”

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Judge Has 2nd Thoughts, Release Woman to Maintain Her Spot in Sober Living

Center

A judge here in Sacramento County Superior Court reversed herself and released a defendant, reinstating probation after the woman mentioned she would lose her place in a sober transitional living home if she had to finish 30 days in jail.

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1,500 Cases In CDCR Over 2 Weeks – Breaking Down COVID-19 in CDCR

As of June 30th, there are 4,909 confirmed COVID-19 cases in the CDCR system, 1454 in the last two weeks. There have been 22 deaths across the CDCR system thus far.

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San Francisco Court Watch

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Subject: FOR IMMEDIATE RELEASE: SF Public Defender's Office Mobilizing to Release People from San Quentin Amid Escalating COVID-19 Outbreak

Date: Wednesday, July 1, 2020 at 4:02:09 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: July 1, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249.7946 - Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

**SF Public Defender's Office Mobilizing to Release People from San Quentin
Amid Escalating COVID-19 Outbreak**

SAN FRANCISCO - With 2,582 incarcerated persons with active cases of COVID-19 in California prisons statewide, and over 1,100 people incarcerated in San Quentin testing positive, the San Francisco Public Defender's Office is mobilizing to free people as quickly as possible to prevent the continuing spread. The outbreak at San Quentin came after CDCR transferred 121 men from the CA Institute for Men (CIM), a known hotspot for the virus where 16 people have already died.

"At this point, the only way we can protect the lives of people at San Quentin and the larger public is to reduce the prison population as quickly as possible," said Public Defender Mano Raju. "San Quentin is cited as the premier example of a rehabilitation- and redemption-focused institution. It is time to honor that image by releasing people based on who they are

today, not based on what they may have done years or decades ago.”

“My office stands with the [Incarcerated people inside San Quentin](#), as well as the [San Quentin Inmate Family Council](#), and incarcerated people and their loved ones across the state, and fully supports their demands to the Governor and CDCR,” said Raju. “Not only is the treatment of incarcerated people inside California’s prisons unconscionable, but so is the lack of information and transparency regarding the outbreak,” he said.

To address this crisis head on, the Integrity Unit at the San Francisco Public Defender’s Office, which handles, among other things, post-conviction relief work, has mobilized to reach out to people in San Quentin who may be eligible for resentencing and reduced sentences under the law. “Many people incarcerated in California have served many years in prison and have worked towards personal growth through education, self-help programs, and gaining professional skills. Many living in San Quentin, and prisons across the state, are over 55, deemed low risk, and most have medical conditions that increase their risk of complications from COVID-19. My office has reached out to people in prisons throughout the state and intends to continue outreach to all who may be eligible,” said Raju.

Those who are released will be supported in their reentry plans, including support finding housing, additional community support, healthcare, employment options, cell phones and care packages. Public defender reentry staff will also assist with applying for benefits like health insurance and social security, obtaining state identification and a driver’s license, and continued job search as needed.

“We are committed to safe release and reentry for as many people as possible - made relatively easy when we see the phenomenal programming and work records of those in San Quentin,” said Danielle Harris, Managing Attorney of the Integrity Unit. “We are acting because neither the Governor nor the CDCR are addressing the emergency conditions in San Quentin or around the state, despite their broad authority. Knowing it is a matter of life and death for some, we are using whatever legal tools we have to urgently help these men and their families.”

###

Subject: Everyday Injustice - Police Records Made Public and 911 Calls Diverted; Sacramento Legal Observer Shot in Face by Police at Protest Demands Arrest of Officer
Date: Tuesday, June 30, 2020 at 7:01:31 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"There was no reason to shoot me. I was filming excessive force on others (by police)," said Garza

Everyday Injustice Newsletter - June 30, 2020

Why We Need a Hard Version of Defunding the Police

By David Greenwald

Senator Nancy Skinner rolled out a stronger version of SB 1421 to expand access to police records. She also rolled out SB 773, the Community Assistance Response Act. This proposed bill would attempt to redirect nonviolent calls to services other than the police, like social workers and medics. This would include a CAHOOTS program like the one in Eugene, Oregon that I strongly support.

But while you can call that a soft-defunding the police - taking services and functions that do not belong in the hands of police officers out of their jurisdiction - we need more.

Police culture fundamentally needs to change.

We can see that in the latest incident in San Jose where the Facebook group is pushing out racist statements. I see it when I converse with law enforcement on social media - the overwhelming number of to the right of Trump, anti-immigrant, and in varying forms, racist.

We saw in San Francisco a few years ago with the texts that were homophobic and racist.

We hear excuses but this is the way these people actually think.

The Washington Post ran a story yesterday - "police chiefs and mayor push for reform" but then "they run into veteran officers, unions and 'how culture is created.'"

It is easy to blame unions for this problem. The problem is the union is a composite of the rank and file cops - anti-reform, racist, right wing.

Writes the Post: "Police and city leaders have repeatedly adopted changes, only for these efforts to run headlong into two formidable and interconnected forces: veteran officers who resist these efforts and the powerful unions fighting discipline. This combination can make it difficult for departments to evolve, even after they publicly pledge increased training and greater accountability, former law enforcement officials and experts say."

One answer to that is a harder version of defunding the police- Delete the budget from the police departments and start again from square one.

The problems of the police department are deeper and more ingrained than simply transitioning resources.

The problem is policing. There is a lack of accountability. Look at the Minnesota police officer who killed George Floyd. Derek Chauvin - he had a history of complaints against him - 18 of them. While Chesa Boudin of the SF District Attorney's office has taken steps to prevent officers with a history of complaints from being hired or retaining their job we have done remarkably little.

But it's worse than that, as John Burris wrote in his Blue v Black book from two decades ago - police officers come from isolated backgrounds and have little education and sophistication.

He writes, "What is the inevitable result when you take a young kid out of a relatively isolated environment, with little education or sophistication, place him in a military setting for a couple of years, then give him a gun and assign him to a minority neighborhood in an American city? My conclusion? The pattern of abuse stretched back to recruitment."

That's the problem and what needs to be changed and can't be changed by a simple redirect of resources to other functions.

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Criminal Justice News/ Commentary

Sacramento Legal Observer Shot in Face by Police at Protest Demands Arrest of Officer

Monday, on the same day that the City of Sacramento said it was dismissing charges against 65 people arrested for curfew violations during the George Floyd police brutality protests a month ago, a legal observer shot in the face by

[Read More](#)

Police Records Made Public and 911 Calls Diverted: 2 Newly Proposed Bills Could Change California Police Permanently

The California State Senate Monday introduced two new police reform bills that could change the face of state law enforcement. The first measure would increase public access and use of police conduct record

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The Supreme Court Gives Federal Executions the Go-Ahead

The Supreme Court rejected a petition contesting the recently enacted federal execution protocol, effectively ending a 17-year hiatus of federal executions in America. Four inmates whose executions were put on hold by circuit

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice."

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Golden State Killer Pleads Guilty and Admits to More than 70 Heinous Crimes

Committed in 70s and 80s

Forty five years after the first crime in a spree of violent burglaries, murders and rapes across California, spanning a decade in the mid 1970s through mid 1980s, Joseph DeAngelo pleaded guilty to all charges pressed against him

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Slumber Party Gone Wrong: Tamla Horsford Case Re-Opened

Last week, Deputy Doug Rainwater of Forsyth County admitted the “case will be examined closer by Georgia Bureau of Investigation,” even though the case was supposedly closed more than a year ago.

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Woman Stabs Sleeping Boyfriend on New Year’s 2019; Judge Gives Her Break at Sentencing

A woman was sentenced for slashing her boyfriend in the face, chest and back with a knife while he was asleep in their home in Fresno County on New Year’s Eve, 2019 – Anissa Greene was convicted of corporeal injury on

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Fresno Judge Issues Protective Orders for Domestic Abuse Cases Despite Dissent from Alleged Victims

Two alleged victims of domestic abuse here last week in Fresno County Superior Court begged the court to not prosecute those accused of abusing them – in both cases, Judge Glenda Allen-Hill ignored their pleas and

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400+ Cases Confirmed in San Quentin On Weekend – Breaking Down COVID-19 in CDCR

As of June 29th, there are 4,798 confirmed COVID-19 cases in the CDCR system, 604 of which have been confirmed since Friday. There have been 21 deaths across the CDCR system thus far.

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San Francisco Court Watch

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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Subject: Everyday Injustice - Santa Clara DA Targets Journalist with Petty Prosecution; San Jose Police Make Racist Comments on FB Group
Date: Monday, June 29, 2020 at 7:00:16 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Santa Clara DA Jeff Rosen: "In the last few months, Ms. Bassi has escalated her level of hostility towards me."

Everyday Injustice Newsletter - June 29, 2020

San Jose Police's Racist Postings

By David Greenwald

Last week we covered a Medium article by Shaun King detailing a private law enforcement Facebook page where members, presumably law enforcement made plans to kill him. After reading that, an anonymous poster on Medium, who describes himself as the “partner of an active law enforcement officer in a San Francisco Bay Area police department” exposed a San Jose Police Department (SJPD) private FB page.

Writes, the anonymous writer, “San Jose cops, both retired and active, use “10-7ODSJ” as a platform to freely express their true thoughts and ideas, something they defend as their First Amendment right. However, in closely reading their posts, it is very disturbing to find how much hate, prejudice and racism they harbor.”

Now the media reports that four police officers in San Jose have been placed on administrative leave.

Mayor Sam Liccardo in a statement late last week said: “I demand and expect a full investigation, and further expect that racist, anti-Muslim or menacing comments expressed by any current SJPD Officer will be met with termination.

“Our Chief fired an officer for tweeting a similar statement in 2016, but an unaccountable arbitrator—immune from public or court review—reversed the termination, and forced the department to reinstate the officer.

“For that reason, as I articulated in my police reform proposal this week, I will push for changes to a disciplinary process that allows unaccountable arbitrators to reverse termination decisions of the Chief, and I will further push for independent investigation of all racially discriminatory conduct. This is precisely why these reforms are so important.”

“While I have no control over what former employees post online, I can voice my outrage after hearing about these comments made online,” the police chief, Eddie Garcia, said in a statement. “Any current employee involved with bigoted activity online will promptly be investigated and held accountable to the fullest extent in my power. We have no place for this.”

Chief Garcia added that officers who engaged in misconduct online have in the past been fired.

“I have previously responded with discipline up to termination after an investigation into off-duty online activity that runs counter to our standards of conduct,” he said.

The President of the San Jose Police Officers’ Association, Paul Kelly said in a statement he was saddened by the accusations.

“The news that I read today about members of our union and former members of our union participating in an online ring of hate makes me sick,” Mr. Kelly said [in a statement](#). “I say this to anyone that participated: The San Jose Police Officers’ Association will provide you no shelter, no protection. We will not represent you, because you do not represent us and you do not represent our community.”

There is of course little new here. San Francisco Police Officers a few years ago were caught making a series of sexist, racist, and homophobic tweets. I have regularly seen police officers and sheriff’s deputies making unbelievably racist and altogether inappropriate comments on Facebook.

The department will treat this on an individual level and punish those who participated - as they should. But the problem is systemic and until it is addressed as such, the mentality that pervades these messages will remain.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Reisig This Isn't (Just) About You

When Public Defender Tracie Olson pointed out, quite correctly, that in the Yolo County Jail on April 20, 2020, the population was about 28% Black in a county with a population of just 3 percent Blacks, Yolo County DA Jeff

[Read More](#)

Santa Clara DA Targets Journalist with Petty Prosecution

A bitter divorce and a bad experience in the family courts drove 55 year old Susan Bassi to become a self-described investigative reporter. She has a YouTube channel with over 13 thousand subscribers and one of her video, one of an

[Read More](#)

Appellate Court Again Declares SB 1437 Constitutional, Accepts Appellant's Petition to Appeal Conviction

The Sixth Appellate Court has accepted the petition of appellant Malik Alaybue to vacate his murder and attempted murder convictions, concluding that "Senate bill 1437 is constitutional [in compliance with Proposition 7 and 115]

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Mule Creek Correctional Officer Has Guns Confiscated, Could Lose Job Over Domestic Dispute Threat

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COVID-19 or No COVID-19, Fresno Judge Wants Defendant's Community Service Done – Or It's Jail

Despite the shelter in place, and the lockdowns due to Coronavirus pandemic in California that took began in mid-March, Superior Court Judge Ana de Alba refused to accept Todd Allen Metcalf 's extension to begin his

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Subject: PDs for CA Police Reform - updated
Date: Friday, June 26, 2020 at 7:26:47 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: Public Defenders' Recommendations for Police Reform sign-ons.pdf

We also updated the link on our press release to include the new letter for download.

<http://sfpublicdefender.org/news/2020/06/public-defenders-call-for-major-statewide-police-reform/>

Added - Tulare, Sonoma, San Diego

Subject: Everyday Injustice - A Progressive Tidal Wave Coming? Public Defenders Call For Police Accountability

Date: Friday, June 26, 2020 at 7:01:21 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Sajid Khan: "I am deeply disappointed, hurt and sad that Mr. Rosen and members of his office read my editorial words calling for District Attorney's offices to be held to task by the public for their role in perpetuating police violence and dehumanizing black lives as a call for violent protest or for protests that could result in violence against members of this union."

Everyday Injustice Newsletter - June 26, 2020

A Tale of Two AGs

by David Greenwald

It was an interesting contrast listening to Minnesota AG Keith Ellison speaking on police reform at the top of the hour at a John Jay College Conference on Thursday followed by California's Attorney General Xavier Becerra.

Ellison spoke with conviction and passion on the issue of police accountability and reform.

He said, "If we do not use this moment as an inflection point then there will certainly be another situation like George Floyd and Breonna Taylor and at that time the uprising and social disruption may be even worse."

His message was clear: this was an opportunity for change, we had better not squander it and he noted that there is rare bipartisan agreement that we need change.

He also was concerned that the recommendations that came through his state legislature left them "with no real change."

He said, "Activists should point their energy at the legislature to come up with something."

Ellison pushed for independent investigation and independent accountability. And for him that meant that the State Attorney General's office needed to take the lead because county prosecutors have to closely work with police, and they are cognizant of the impression that that creates a lack of independence or at least the perception of the lack of independence.

There is a trust deficit.

This is the problem that Xavier Becerra has - he was quick to push out police reform proposals in his press conference last week, and he was talking about the need for Pattern and Practice Investigations, as Ellison had noted, the Trump administration has introduced none since 2017 when they came on board.

But while Becerra acknowledged last week similar to what Ellison said Thursday, "This is a moment for America." He said, "We have a chance to do something."

But when Becerra had a chance to act - he has failed to do so.

As we reported earlier this week, KRON in San Francisco reported, "There will be one less investigation into a Bay Area deadly police shooting."

They reported that the AG's office declined to investigate despite the fact that DA Krishna Abrams sought outside assistance as well.

The position of the AG's office was, "Absent a conflict of interest, an abuse of discretion or other exceptional circumstances, the Department of Justice does not assume responsibility for local investigations or prosecutions typically handled by local authorities. We have confidence in District Attorney Abrams' capabilities to fully and fairly complete the investigations before her."

So while Keith Ellison recognizes that county prosecutors need independent investigations from the state in order to gain the trust of the citizenry, Becerra when he is handed the opportunity to do so, dropped the ball.

This despite activists and attorneys screaming for help on the Vallejo matter which still has the potential to explode if the video ever drops.

As Civil Rights attorney John Burris put it earlier this week in Fairfield, "When you have a kid who is trying to kneel, who is trying to surrender and you shoot him in the neck, and shoot at him a bunch of times, I don't know what that is other than murder."

There is plenty of reason to doubt the Solano County DA's ability to do a fair investigation.

"She's not doing her job," Melissa Nold responded. "In every other state, you're seeing officers that are getting prosecuted. In California it feels like it is Mississippi 1964. They are murdering unarmed men."

So once again Becerra talks the talk, but fails to hold police agencies accountable when he has the opportunity.

Thanks for reading.

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Criminal Justice News/ Commentary

DA Rosen's Attempt to Silence Public Defender Backfires

The story of Sajid Khan's blog post that turned into a tempest for the Santa Clara County DA's office when DA Jeff Rosen attempted to file a whistleblower complaint over the line Public Defender blew up nationally as Washington Post

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Progressive Cruises to a Blow Out in a Key NY DA Race

In Tuesday's primary in New York, many were watching two key District Attorney races. In Westchester County, Mimi Rocah appears to have soundly defeated incumbent DA Anthony Scarpino in their primary

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Private Law Enforcement Facebook Group

Plot to Kill BLM Activist Shaun King

Members of a private Facebook group for California Law Enforcement Officers is openly plotting to assassinate civil rights activist and writer Shaun King. King shared multiple screenshots of malicious comments posted, which

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Vanguard 10th Annual Event – Mark Godsey – Ohio Innocence Project – August 13

The Vanguard’s 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice.”

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California Public Defenders Issue Recommendations for Meaningful Statewide Police Reform

We write in our capacity as California Public Defenders to outline our hopes and expectations for meaningful statewide reforms to California’s system of law enforcement. We understand that time is of the essence with impending

[Read More](#)

Progressive Prosecutor Panel Opines on COVID-19, Police Accountability, and Mass Incarceration

A panel here this week hosted by the Institute for Innovation in Prosecution at John Jay College – spearheaded by Bay Area public defenders and San Francisco District Attorney – discussed the issue of mass incarceration and

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Rep. Pressley and D.A. Rollins Discuss ‘Structural Racism’ in the U.S.

Structural Racism, and how it impacts health, public safety, education, jobs, housing and other aspects of society, was the focus of panel discussion here featuring Congresswoman Ayanna Pressley and District Attorney Rachael Rollins.

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Preliminary Hearing on Gang-Related Murder Charge Moves Forward

A Sacramento man's preliminary hearing for a gang-related murder charge concluded last week, and it didn't go well. On September 28, 2017 the defendant, Lakquan Solomon drove up and

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Mule Creek Correctional Officer Has Guns Confiscated, Could Lose Job Over Domestic Dispute Threat

A keen eye is not being trained on law enforcement officers' use of force on the job – but what about similar bad behavior in the officer's own household? A Sacramento County Superior Court judge was asked

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150+ Cases in San Quentin Over 2 Days – Breaking Down COVID-19 in CDCR

As of June 25th, there are 3,988 confirmed COVID-19 cases in the CDCR system. 388 were confirmed since Monday. There have been 20 deaths across the CDCR system thus far

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San Francisco Court Watch

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Subject: FOR IMMEDIATE RELEASE: Public Defenders Call for Major Statewide Police Reform

Date: Thursday, June 25, 2020 at 9:38:52 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

Attachments: Public Defenders' Recommendations for CA Police Reform.pdf

FOR IMMEDIATE RELEASE: June 25, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249.7946 -
Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

Public Defenders Call for Major Statewide Police Reform

Public Defenders sent this letter to Governor Newsom and California Lawmakers today calling for major statewide police reforms, seeking "meaningful, radical change" in line with the movement of the moment.

See full letter attached.

Subject: Everyday Injustice - Sac County Will Require Masks for Guards, Incarcerated People; Sajid Speaks Out, Progressive Waves in NY Primary

Date: Thursday, June 25, 2020 at 7:01:08 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Sajid Khan: "I am deeply disappointed, hurt and sad that Mr. Rosen and members of his office read my editorial words calling for District Attorney's offices to be held to task by the public for their role in perpetuating police violence and dehumanizing black lives as a call for violent protest or for protests that could result in violence against members of this union."

Everyday Injustice Newsletter - June 25, 2020

Two Progressive Prosecution Races in NY Worth Tracking

We have been following progressive prosecutor cases across the country and in NY where they held the primary on Tuesday, there were two races in particular we covered - Mimi Rocah in Westchester County and Matt Toporowski in Albany.

Both progressives ran against incumbents in the Democratic Primary.

In Westchester it wasn't even close. 68-32. They are withholding declaring victory because there are still tens of thousands of ballots to be counted. The final results are not expected for several weeks but whoever wins this, will be the DA and right now, there seems little chance that a result of that magnitude is going to change.

According to WNYC, recordings aired earlier in the month by a whistleblower cop in Mount Vernon, contained "allegations of police framing and brutalizing innocent residents."

Rocah's campaign made them an issue. Incumbent Scarpino, who investigated the tapes, dismissed them as "unprosecutable hearsay" and issued a statement that Rocah is "not privy to the investigation being conducted by our Office." It also said, "this story in itself is putting our investigation at risk."

Rocah importantly is not claiming victory, but said, "This is bigger than me. This is about the movement in this country, in the county for reform in the criminal justice arena."

We have seen some big shifts in late absentees, but most of them have moved toward, not away from progressives.

In Albany the scene is very different. Matt Toporowski challenged longtime incumbent David Soares in a contentious race.

Soares leads but by just 1200 votes. Again with huge amounts of absentee ballots to count. Folks familiar with the situation believe that Toporowski would need about 52 percent of the vote to pull ahead - that would be doable although it would take a shift in the votes counted so far - but something we have seen in other races.

A local news station points out this is a battle of opposition with the war being waged on bail reform and defunding the police - an issue that did not even reach our radar when we interviewed Toporowski in May.

"The idea of defunding the police, in a community that uses the police more than any other community, is just absurd," said Albany County District Attorney David Soares. "It is absolutely absurd. What we need to do is support our police. We need to enhance the presence in these communities and maybe people will stop shooting."

"If we're going to condition someone's freedom on what they have in their wallet, I think that is fundamentally unfair and really unconstitutional," said Challenger Matt Toporowski. "So I was in for bail reform. It hasn't caused more crime like my opponent has said. It hasn't caused these shootings like my opponent has said. This is fear mongering."

We will know the results of both sometime it would appear in July. Mimi Rocah appears likely to be the

next DA while Matt Toporowski has an uphill climb still.

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Criminal Justice News/ Commentary

San Quentin Cases Soaring at 344 Cases, Triggering Concern and Attention From Reformers

Sacramento County Sheriff's Dept. deputies – THE VANGUARD has learned – are now being required to wear face coverings in county jails, and the jails are required to provide masks to inmates under an agreement filed Wednesday between

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California State Senate Votes to Put a Measure on the Ballot That Would Restore CA Affirmative Action

The California Senate followed calls for racial justice Wednesday, and passed a bill that if the voters approve in November could eventually allow for affirmative action again. The California Act for Economic Prosperity, or ACA 5

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Grand Jury Indicts Ahmaud Arbery's Suspected Killers on Murder Charges

The three men accused of shooting and killing Ahmaud Arbery – who was chased while jogging in a South Georgia neighborhood – were indicted Wednesday have been each indicted on nine counts, including four counts of felony

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Guest Commentary: We're Not Satisfied. The Movement To Manifest Black Lives Matter Marches On.

Yesterday, we got word that Santa Clara County District Attorney Jeff Rosen withdrew a whistleblower complaint against me over my blog posts where I highlighted the role of prosecutors in perpetuating police violence and

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Uncorroborated False Accusations Add to Systematic Racism in U.S.

The Montana Innocence Project is working on a #barriers2innocence – the impact of false accusations – to try to combat systematic racism among many other issues in the criminal justice system. One of the most well-known stories about false

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Leading Prosecutors Call for Prosecutorial Reform, Redefining 'Camaraderie' with Police

St. Louis Chief Attorney Kimberly Gardner and Philadelphia District Attorney Larry Krasner are making make a national call for prosecutors to more effectively hold police officers accountable. Noting a long-standing history

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SF District Attorney Adopts Racial Equity Pledge to Combat Racial Injustice in the Criminal Legal System

San Francisco District Attorney Chesa Boudin announced that, in an effort to ensure the staff in his office work to promote racial justice, he invited them to join him in taking a racial equity pledge to commit to eradicate inequities in

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San Francisco Court Watch

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At a Sacramento County Superior Court hearing here, defendant Brianna Saks was facing charges of two crimes on separate occasions after she allegedly abused her child by exposing her to methamphetamine – the child tested positive for the drug

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Date: Wednesday, June 24, 2020 at 10:01:12 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Support our work - attend our 10th Annual Event

Everyday Injustice Newsletter - June 24, 2020

Dear readers -

The Vanguard is a 501c3 non-profit. We rely heavily on the support of our readers to main operations. Right now we are operating with a small paid staff and a large group of court watch interns in San Francisco, Sacramento and Yolo Counties and we are covering the courts and criminal justice reform.

This event is our annual fundraiser which helps us bring you the news each morning.

The Vanguard's 10th Annual Event will feature Mark Godsey, the director of the Ohio Innocence Project and acclaimed author of Blind Injustice.

In his book, "Drawing upon stories from his own career, Godsey shares how innate psychological flaws in judges, police, lawyers, and juries coupled with a 'tough on crime' environment can cause investigations to go awry, leading to the convictions of innocent people."

The event is the Vanguard's annual fundraiser. Founded in 2010, the Vanguard Court Watch goes into courts in San Francisco, Sacramento and Yolo Counties in California to monitor and report on everyday injustice in the court system. Our operations have expanded to include our weekly Everyday Injustice Podcast, national criminal justice reform coverage, a daily newsletter, and focuses on wrongful convictions, felony murder reform and the progressive prosecution movement.

SPONSORSHIPS AVAILABLE NOW –

<http://vanguard-godsey.eventbrite.com>

Tickets: General Admission (\$50), Student/ Low Income (\$20)

Date and Time

Thu, August 13, 2020
5:00 PM – 6:00 PM PDT

Location

UC Davis Conference Center
550 Alumni Lane
Davis, CA 95616

Please note due to COVID-19 and regulations we may move this to a Zoom-only event. That decision has not been made yet. But please support our fundraiser as it funds the Court Watch project and many of our operations.

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Criminal Justice News/ Commentary

San Quentin Cases Soaring at 344 Cases, Triggering Concern and Attention From Reformers

For much of the past week, the Vanguard through its Dashboard on CDCR COVID-19 cases has been tracking a startling and concerning rise of cases at San Quentin Prison. Yesterday, Aparna Komarla of the Vanguard reported

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Media group urges Newsom to act as inmates face increasing COVID risk

A media advocacy group has sent a letter to California Gov. Gavin Newsom urging him to address a rapid increase in coronavirus infections at San Quentin state prison. The letter, sent to the governor's office on Monday and

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CA Police Chief Group Claims It Wants to Lead the Way in Police Reform

The California Police Chief Association announced a new platform of guiding principles and policies intended to join law enforcement with community leaders, elected officials and social justice organizations across the

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Motion Filed to Stay Execution of Texas Convicted Murderer

A motion to stay the execution of Texas prisoner Billy Joe Wardlow was submitted to the U.S. Supreme Court Monday – If the stay is not granted, Wardlow will be executed on July 8, just 15 days from now. The motion is seeking to stop the execution

[Read More](#)

Georgia ACLU Opposes Adding Police as a Protected Group

The ACLU of Georgia has announced it is opposing the inclusion of officers as a guarded class, as legislation now being considered in the Georgia Legislature. Late on June 22, 2020, the Georgia Senate Rules Committee changed

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Pregnant Defendant Accused of Assaulting Mother Pleas for Early Release

A pregnant defendant charged with bodily injury, drawing a deadly weapon, and trespassing private property sought early release from custody to care for her two other children when she appeared here in Sacramento County Superior

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Pre Father's Day: Father and Son Charged in Fresno Domestic Violence Case

Maybe it was fitting that late last week, just days before Father's Day, that a father and his son were charged with the same crime here in Fresno County Superior Court, and likely spent Father's Day in jail together.

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Date: Wednesday, June 24, 2020 at 7:00:56 PM British Summer Time

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To: valerie.ibarra@sfgov.org

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Mano Raju: "About half of the entire California prison system has been deemed at low risk for reoffending, by CDCR's own assessment, In fact, people in prison for some of the most serious offenses have the lowest recidivism rates."

Everyday Injustice Newsletter - June 24, 2020

California AG Talks A Good Game - But When It Comes to Follow Through It Falls Short

by David Greenwald

Last week, we covered the press conference where Attorney General Xavier Becerra pushed for reform to policing. Near the end of it, he said, "This is a moment for America." He added, "Not only a moment, it really is a movement."

He said, "We have a chance to do something."

But those who have been following his work as Attorney General - just as we followed that of his predecessor Kamala Harris - have noted the lack of follow through from the AG on difficult issues of reform.

He was notably lacking in cracking down on the Informant Scandal in Orange County just as Harris was. He has been notably lacking in following through on investigating officer involved shootings.

Last week, Civil Rights Attorney John Burris, one of the leading attorneys on police shooting cases in the nation, told the Vanguard following the shooting of Sean Monterrosa, this is "an historical moment," which he said, "is brought about by the consequence of what has taken place.

"I have been dealing with this AG's office now for several years trying to get them to focus in on Vallejo... and no response," he said.

But "another shooting takes place" and "for whatever reason they decided this was the time to get involved" and, while he realizes it is political, "nevertheless it is important that the move has taken place."

That hope has faded once again.

Last night, KRON in San Francisco reported, "There will be one less investigation into a Bay Area deadly police shooting."

They reported that the AG's office declined to investigate despite the fact that DA Krishna Abrams sought outside assistance as well.

This comes a day after John Burris flanked by family members of Monterrosa and several other families whose loved ones were victims of Vallejo police violence asked the DA to prosecute or recuse.

The AG's office in a statement said, "Absent a conflict of interest, an abuse of discretion or other exceptional circumstances, the Department of Justice does not assume responsibility for local investigations or prosecutions typically handled by local authorities. We have confidence in District Attorney Abrams' capabilities to fully and fairly complete the investigations before her."

As we know from Monday's press conference, neither Burris nor the family have much confidence in the ability of Abrams' office to do this fairly.

John Burris said, "When you have a kid who is trying to kneel, who is trying to surrender and you shoot him in the neck, and shoot at him a bunch of times, I don't know what that is other than murder."

But as Melissa Nold from his office pointed out, "there's been hints that (Abrams is) biased."

"Those hints that she's biased were the Blue Lives Matter flag she has as her Facebook profile picture," she said. "Anyone who believes Blue Lives Matter, doesn't believe that anyone else's lives matter. She has not prosecuted Black lives, Brown Lives or white lives, the only thing she has shown she cares about is upholding freedom for blue uniforms. That is the ongoing grievance that these families have."

Some people say that they should let the DA do her job.

"She's not doing her job," Melissa Nold responded. "In every other state, you're seeing officers that are getting prosecuted. In California it feels like it is Mississippi 1964. They are murdering unarmed men."

So once again Becerra talks the talk, but fails to hold police agencies accountable when he has the opportunity.

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CA Police Chief Group Claims It Wants to Lead the Way in Police Reform

The California Police Chief Association announced a new platform of guiding principles and policies intended to join law enforcement with community leaders, elected officials and social justice organizations across the

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Motion Filed to Stay Execution of Texas Convicted Murderer

A motion to stay the execution of Texas prisoner Billy Joe Wardlow was submitted to the U.S. Supreme Court Monday – If the stay is not granted, Wardlow will be executed on July 8, just 15 days from now. The motion is seeking to stop the execution

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Georgia ACLU Opposes Adding Police as a Protected Group

The ACLU of Georgia has announced it is opposing the inclusion of officers as a guarded class, as legislation now being considered in the Georgia Legislature. Late on June 22, 2020, the Georgia Senate Rules Committee changed

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Pregnant Defendant Accused of Assaulting Mother Pleas for Early Release

A pregnant defendant charged with bodily injury, drawing a deadly weapon, and trespassing private property sought early release from custody to care for her two other children when she appeared here in Sacramento County Superior

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Pre Father's Day: Father and Son Charged in Fresno Domestic Violence Case

Maybe it was fitting that late last week, just days before Father's Day, that a father and his son were charged with the same crime here in Fresno County Superior Court, and likely spent Father's Day in jail together.

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Subject: San Quentin Cases Soaring at 344 Cases, Triggering Concern and Attention from Reformers | Davis Vanguard

Date: Wednesday, June 24, 2020 at 5:15:02 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

<https://www.davisvanguard.org/2020/06/san-quentin-cases-soaring-at-344-cases-triggering-concern-and-attention-from-reformers/>

Sent from my iPhone

Subject: San Quentin Cases Soaring at 344 Cases, Triggering Concern and Attention from Reformers | Davis Vanguard

Date: Wednesday, June 24, 2020 at 5:14:59 PM British Summer Time

From: valerie.ibarra@sfgov.org

To: Valerie Ibarra

<https://www.davisvanguard.org/2020/06/san-quentin-cases-soaring-at-344-cases-triggering-concern-and-attention-from-reformers/>

Sent from my iPhone

Subject: Everyday Injustice - Burris Pushes For DA Prosecution in Vallejo Police Shooting; Legislature Pushes Package of Reforms

Date: Tuesday, June 23, 2020 at 7:00:12 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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John Burris said, "When you have a kid who is trying to kneel, who is trying to surrender and you shoot him in the neck, and shoot at him a bunch of times, I don't know what that is other than murder."

Everyday Injustice Newsletter - June 23, 2020

On Statues Coming Down

One of the most interesting parts of what we have seen in the last month has been finally white Americans recognizing the history of racism. We have seen the push to take down (finally) Confederate statues, we have seen a push to ban the Confederate Flag, the SEC is pressuring the state of Mississippi to change their flag.

Fascinating article in the NY Times yesterday told the story of Greg Reese, a white stay at home dad, in Campton, Kentucky, who "peeled off the Confederate flag magnet he had placed on its trunk six years earlier. He did not put it back on."

Writes the Times, "It was a small act for which he expected no accolades. It should not have taken the police killing of George Floyd, Mr. Reese knew, to face what he had long known to be true, that the flag he had grown up thinking of as "a beautiful trophy" was "a symbol of hate, and it's obviously wrong to glorify it."

This past weekend about 50 or so Sikh demonstrators marched in my hometown of Davis demanding that the city take down the four year old Gandhi Statue. Four years ago in what seemed a weird confrontation hundreds on both sides of the issue came to City Hall arguing that need to put it up or take down. The council voted 3-2 not to reconsider the decision to put it up.

My sympathy for the Sikh position has grown in those four years.

As Pieter Friedrich explained that when you are dealing with Confederate heroes, "what you get is what you see - a statue of a racist."

But he said we “face a more complicated journey when we are confronted by statues of people who, we are told, represent the justice, quality and peace and yet actually and in fact represented the exact opposite.”

That is really the part I don't get. Gandhi to me is a tougher call than Robert E. Lee.

I mean that in no disrespect to the Sikh's who believe that Gandhi was a racist, and helped to foster hate crimes and genocide against them. On the other hand, Gandhi and his non-violent resistance tactics helped to inspire the American Civil Rights Movement and Martin Luther King. Maybe it would be easier just to honor Tolstoy, who helped inspire Gandhi.

But let me focus here on Robert E. Lee and the legacy slavery. For some reason, we have whitewashed history here.

As a Jew, I believe we should view slavery as akin to the holocaust.

Think about it - from 1619 to 1865, just under 250, Black people lived in slavery.

At the height it was 4 million people, so we are talking about at least 10 million

People were kidnapped and shipped over here under horrific conditions

People were kept in chains, beaten, raped, mutilated, killed

People lived entire lives as slaves for several generations

The level of brutality visited on the Black people sanctioned by our democratic government is frankly appalling. I recently re-read Fredrick Douglas' account of slavery - I think we have whitewashed from history just how bad it was.

We are not even getting into the history of American genocide toward indigenous peoples.

The Civil War was an act of treason. On the slave issue couched in other terms, the south broke away from this nation and fought a four year bloody and brutal war for state's rights - the right to have and own other human beings.

To make matters worse most of the statues we are talking about did not originate during Reconstruction, they came into being during the 1910s during one of the most brutal periods of racism and the reincarnation of the KKK. Tulsa, which we were talking about in 1921, hundred years from next year, was the site of one of the most brutal massacres of blacks in this nation's history.

That's what we're honoring. In Germany after the holocaust, they banned Nazi remembrances. By doing that, they have delegitimized their despicable history. In the US, we have allowed states to fly the rebel flag and allowed the south to honor Confederate heroes, but as Greg Reese pointed out above, this is not to commemorate the past, this was to remind Black people of their place.

So for me, tearing down the confederate flags and statues is a necessary step to stamp out the legacy of racism and genocide.

We have never owned up to the past and we what as a nation did. Never. It's time. In fact, it's long past time.

Thanks for reading.

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Criminal Justice News/ Commentary

Attorneys for Monterrosa Family Demand Solano DA Prosecute Officer Who Killed the Young Man

Make no mistake, when the video of the shooting death of Sean Monterrosa at the hands of Vallejo police becomes available and it's as bad as family and supporters of the 23-year-old say, when he was gunned down by an officer as

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Criminal Justice Reform Bill Introduced Last Week As Part of Juneteenth Legislative Package

The California Legislative Black Caucus (CLBC) announced an expansion to their 2020 legislative package and called for the Capitol Dome to be light up in red, black and green. As we celebrate Juneteenth, we recognize the American

[Read More](#)

California Legislator Presses for Change in Law on False Police Reports against Blacks

Prior to the death of George Floyd at the hands of Minnesota police, the nation was rocked by an incident that occurred in Central Park where a woman was caught on video, calling the police on a Black man who asked her to

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Subject: Everyday Injustice - The War is On Against Public Defenders in California; Schiff Pulls Endorsement of Lacey in LA

Date: Monday, June 22, 2020 at 7:00:51 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Adam Schiff: "This is a rare time in our nation's history. We have a responsibility to make profound changes to end systemic racism & reform criminal justice."

Everyday Injustice Newsletter - June 22, 2020

Schiff Pulls Endorsement From Lacey Making a Potential Powershift

Last November when Chesa Boudin won a narrow victory in the San Francisco DA's race - he did so despite having the entire Democratic establishment backing his opponent Suzy Loftus. This was the same for Larry Krasner in Philadelphia and Tiffany Caban in Queens earlier in 2019, in what became a narrow defeat.

So when Jackie Lacey - who had previously run as a reformer ran for reelection, the Democratic establishment in Los Angeles naturally lined up behind her despite her disappointing record as a reformer and failure to hold police accountable.

While George Gascon, the former SF DA, split the progressive reform vote with Public Defender Rachel Rossi, they carved out just enough to force a November runoff. Gascon had a chance as things stood on March 3 - but the landscape has now shifted dramatically.

To illustrate that Adam Schiff, one of the most powerful members of the Democratic House pulled his endorsement of Jackie Lacey.

In a tweet this weekend, he wrote: "This is a rare time in our nation's history. We have a responsibility to make profound changes to end systemic racism & reform criminal justice."

"@LauraFriedman43 and I no longer feel our endorsement of Jackie Lacey a year ago has the same meaning. We have decided to withdraw it."

The Lacey campaign issued a statement.

“As the first African American woman to hold the LA County D.A.’s office, I am proud of my record of taking on systemic racism and reforming criminal justice — from bail reform, to reducing juvenile cases by nearly 50%, to increasing our office’s focus on mental health treatment instead of incarceration,” she said. “I am singularly focused on doing the work of the people of L.A. County during this time of crisis.”

Meanwhile Elizabeth Warren backed George Gascon.

In a tweet, Warren said Gascón “has been a national leader in criminal justice reform and a powerful advocate for rethinking our approach to public safety and ending mass incarceration.”

In a sign of further trouble, LA Mayor Eric Garcetti also appears to have walked back his endorsement noting “it may be” time for change in the DA’s office in an interview with the Appeal. However, Eric Garcetti himself nor his staff have clarified the meaning of that.

Progressives had made a lot of headway over the last year but the last month appears to be radically changing the field even more.

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Criminal Justice News/ Commentary

ICE Confirms Medical Provider At Mesa Verde Detention Center Tests Positive For COVID-19

Earlier this month, a federal judge granted a preliminary injunction to lawyers challenging conditions of detention filed on behalf of everyone detained at the Mesa Verde Detention Facility in Bakersfield. The judge’s order

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Everyday Injustice Episode 70 – Calvin Handy Discusses Race and Policing

Since May 25 and the death of George Floyd at the hands of officers in Minnesota, protesters have taken to the streets and the nation has been debating policing and the legacy of racism.

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California Public Defender's Association Supports the Right to Free Speech by Deputy Public Defender

The California Public Defender's Association wishes to express its complete support for Santa Clara Deputy Public Defender Sajid Khan and his right of free speech under the First Amendment in response to the absurd attack and

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Sacramento Judge No Friend of 'COVID-19' Reduced Bail – Bail Motions Have Varied Success

It's no secret that Sacramento County Superior Court Judge Michael Savage is not a fan of the state Judicial Council's "zero bail/low bail" mandate to keep county jails as empty as possible to reduce the chances of COVID-19 taking hold.

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"If I've got to get dressed everybody's got to get dressed," Judge admonishes shirtless lawyer on Zoom

Last Friday morning, in Sacramento Superior Court Department 63, private criminal defense attorney Jonathan Gonzales learned the perils of appearing to court via Zoom video-conferencing.

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Habitual DUI Offender Gets No Jail in Fresno Sentencing

Luckily, "Three Strikes You're Out" wasn't the case for a man sentenced in Fresno County for the same Driving Under the Influence offense. The repeat DUI offender received a lenient sentencing term – hint, he's not going to jail

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Guest Commentary: What We Wish Yolo District Attorney Jeff Reisig Had Written...

When the Yolo County Public Defender is attacked by the DA, the Community pushes back with a letter signed by 87 Yolo County residents explaining how the DA should have responded to Public Defender Tracie Olson's systemic challenges...

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My View: The War against Public Defenders Continues in California

First Yolo County DA Jeff Reisig launched an attack on Public Defender Tracie Olson for comments she made in an interview, where she cited reliable jail data to point out that 25 percent of the jail population was Black in a county

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San Francisco Ends Zero Bail Policy, Draws Criticism from DA and Public Defender

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Man Accused of Pimping a Minor in Yolo County Court

During a remote preliminary hearing in Yolo County Superior Court, a man was charged with human trafficking a minor, among other women in his prostitution ring. The defendant, Jasyne lez Bigasan Carter, was held to answer

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Subject: Re: Davis Vanguard wants a quote about SF ending \$0 bail
Date: Saturday, June 20, 2020 at 1:39:03 AM British Summer Time
From: Ibarra, Valerie (PDR)
To: Raju, Manohar (PDR)
CC: Goossen, Carolyn (PDR), Rodarmel, Danica (PDR)

Ok. Thanks for taking the time and sending this along.

Best,
Valerie

Sent from my iPhone

> On Jun 19, 2020, at 5:34 PM, Raju, Manohar (PDR) <manohar.raju@sfgov.org> wrote:

>

> "The \$0 bail schedule only applied to low level offenses and was created to protect public health during the pandemic. The pandemic has not gone away. We need fewer people in jail at this time, not more. This decision to not follow the zero-bail schedule puts poor people, people of color, their families, and the broader community at further health risk."

Subject: Re: Davis Vanguard wants a quote about SF ending \$0 bail
Date: Saturday, June 20, 2020 at 1:34:21 AM British Summer Time
From: Raju, Manohar (PDR)
To: Goossen, Carolyn (PDR)
CC: Rodarmel, Danica (PDR), Ibarra, Valerie (PDR)

See revisions. Decided to get rid of protest issue and add more layers to first point...

Sent from my iPhone

On Jun 19, 2020, at 4:59 PM, Goossen, Carolyn (PDR) <carolyn.goossen@sfgov.org> wrote:

Agreed!

From: "Rodarmel, Danica (PDR)" <danica.rodarmel@sfgov.org>
Date: Friday, June 19, 2020 at 4:59 PM
To: "Ibarra, Valerie (PDR)" <valerie.ibarra@sfgov.org>, "Raju, Manohar (PDR)" <manohar.raju@sfgov.org>, "Goossen, Carolyn (PDR)" <carolyn.goossen@sfgov.org>
Subject: Re: Davis Vanguard wants a quote about SF ending \$0 bail

I think it looks great!

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, June 19, 2020 4:57 PM

To: Raju, Manohar (PDR) <manohar.raju@sfgov.org>; Rodarmel, Danica (PDR) <danica.rodarmel@sfgov.org>; Goossen, Carolyn (PDR) <carolyn.goossen@sfgov.org>
Subject: Davis Vanguard wants a quote about SF ending \$0 bail

Suggested comment:

"The \$0 bail schedule only applied to low level offenses and was created to protect public health during the pandemic. The pandemic has not gone away. We need fewer people in jail at this time, not more. This decision to not follow the zero-bail schedule puts poor people, people of color, their families, and the broader community at further health risk."

Talking Points Doc \$0 Bail:

https://docs.google.com/document/d/1CargypDNNg_ad9pKiRyyQbzkr2JfF8B3WC4hvJTM4Gg/edit?usp=sharing

Subject: Re: Davis Vanguard wants a quote about SF ending \$0 bail
Date: Saturday, June 20, 2020 at 12:59:54 AM British Summer Time
From: Goossen, Carolyn (PDR)
To: Rodarmel, Danica (PDR), Ibarra, Valerie (PDR), Raju, Manohar (PDR)

Agreed!

From: "Rodarmel, Danica (PDR)" <danica.rodarmel@sfgov.org>
Date: Friday, June 19, 2020 at 4:59 PM
To: "Ibarra, Valerie (PDR)" <valerie.ibarra@sfgov.org>, "Raju, Manohar (PDR)" <manohar.raju@sfgov.org>, "Goossen, Carolyn (PDR)" <carolyn.goossen@sfgov.org>
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Subject: Davis Vanguard wants a quote about SF ending \$0 bail

Suggested comment:

"The \$0 bail schedule was created to protect public health during the pandemic, and the pandemic has not gone away. We need fewer people in jail, not more. Now, with millions of people protesting police violence, it would be another act of state violence if they are jailed for exercising their rights, which could further increase the risk of spreading this deadly disease to those in and out of custody and in our courtrooms."

Talking Points Doc \$0 Bail:

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Subject: Re: Davis Vanguard wants a quote about SF ending \$0 bail
Date: Saturday, June 20, 2020 at 12:59:13 AM British Summer Time
From: Rodarmel, Danica (PDR)
To: Ibarra, Valerie (PDR), Raju, Manohar (PDR), Goossen, Carolyn (PDR)

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From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Friday, June 19, 2020 4:57 PM
To: Raju, Manohar (PDR) <manohar.raju@sfgov.org>; Rodarmel, Danica (PDR) <danica.rodarmel@sfgov.org>; Goossen, Carolyn (PDR) <carolyn.goossen@sfgov.org>
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Subject: Davis Vanguard wants a quote about SF ending \$0 bail

Date: Saturday, June 20, 2020 at 12:57:31 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: Raju, Manohar (PDR), Rodarmel, Danica (PDR), Goossen, Carolyn (PDR)

Suggested comment:

"The \$0 bail schedule was created to protect public health during the pandemic, and the pandemic has not gone away. We need fewer people in jail, not more. Now, with millions of people protesting police violence, it would be another act of state violence if they are jailed for exercising their rights, which could further increase the risk of spreading this deadly disease to those in and out of custody and in our courtrooms."

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https://docs.google.com/document/d/1CargypDNNg_ad9pKiRyyQbzkr2JfF8B3WC4hvJTM4Gg/edit?usp=sharing

Subject: FOR IMMEDIATE RELEASE: ICE CONFIRMS MEDICAL PROVIDER AT MESA VERDE DETENTION CENTER TESTS POSITIVE FOR COVID-19, EXPOSING ITS CONTINUED FAILURE TO PROTECT HEALTH DURING PANDEMIC

Date: Friday, June 19, 2020 at 10:38:44 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 19, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

ICE CONFIRMS MEDICAL PROVIDER AT MESA VERDE DETENTION CENTER TESTS POSITIVE FOR COVID-19, EXPOSING ITS CONTINUED FAILURE TO PROTECT HEALTH DURING PANDEMIC

SAN FRANCISCO – On June 19, 2020, government lawyers disclosed that a medical provider at the Mesa Verde Detention Center in Bakersfield, CA, tested positive for COVID-19. The disclosure came at a hearing in connection with a class action lawsuit challenging conditions of confinement in ICE detention facilities during COVID-19. Federal District Court Judge Vince Chhabria ordered ICE to present by Monday at 5pm what ICE has done and will do in response.

“Today, ICE dropped the bombshell news that a medical provider at its privately run detention center in Bakersfield tested positive for COVID-19. It is incomprehensible that, amidst a global pandemic, ICE has failed to take even the most minimal steps to ensure access to testing,” said Emi MacLean, an attorney in the San Francisco Public Defender’s Office. “It is outrageous that ICE is doing virtually nothing to protect people from the threat of COVID-19 despite the extraordinary risks the pandemic poses for people in detention. There are no excuses. ICE detention in this context is unconscionable.”

Despite being several months into the pandemic, ICE has not mandated testing in its facilities, and has tested no staff or detainees at the Mesa Verde Detention Center. ICE reported that the medical provider in question obtained a test independently. ICE did not disclose any measures it was taking to ensure the health and safety of its other staff and the people in ICE custody.

“Enough is enough. We demand accountability. We also join with key leaders and organizations throughout California to insist that the state launch an independent investigation into the practices of GEO and ICE during this pandemic, which have put lives at risk,” says Francisco Ugarte, Manager of the Immigration Defense Unit at the San Francisco Public Defender’s Office.

###

Subject: Everyday Injustice - Federal Complaint Filed Over 'Wartime'-Like Injuries During Protests; We Need to Redefine Policing
Date: Friday, June 19, 2020 at 7:01:31 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

"This gross use of excessive force against protesters is an escalation of police violence which shows a decision was made at the highest levels to employ dangerous projectiles in an attempt to discourage protesters from exercising their constitutional rights to demonstrate," Mark Merin, Civil Rights Attorney

Everyday Injustice Newsletter - June 19, 2020

Defunding the Police

by David Greenwald

That is the buzzword. I had heard calls in the past for abolition of the police. But with the actions of Minneapolis, such calls not only are getting louder, they are gaining traction.

The problem is that what defunding the police means is different for different people. So I am looking at two specific angles that address problems as I see them - support services that are being housed by the police that do not need to be housed by the police. And second, looking at ways to remake the profession of the police - because I think it's fundamentally broken as I explained recently.

I have been watching police in court for ten years. In a big way, that is what court watch does. We not only watch the prosecutors, we see the police.

What I do see - a lot of bad policing. A lot of unconstitutional policing. Not just excessive force - though we see a lot of it. Poorly educated police officers. Officers ignorant of the law. Officers who lack education. Officers who lack cultural awareness.

I talk to officers a lot and some of them are really nice guys, they definitely care about their community and they genuinely want to help people. But some of those make Donald Trump look like a bleeding heart liberal - which is hard to do. The thing is that politics informs people's worldview just as their politics is informed by worldview. And you have people in positions of power who take to their workplace unconscious prejudice and bias and that causes a problem.

One of the problems with police officers is most of them start out very young - 20 to 22 years old.

Most of them do not have a formal education beyond high school.

Most of them are out of a relatively isolated environment where they do not encounter people of color. They come from rural areas and they get transplanted to cities.

A lot were in the military which some would argue trains them for policing - but it doesn't. Policing is a very different mind set.

As John Burris, the civil rights attorney wrote 20 years ago in his Blue v. Black book, "What is the inevitable result when you take a young kid out of a relatively isolated environment, with little education or sophistication, place him in a military setting for a couple of years, then give him a gun and assign him to a minority neighborhood in an American city? My conclusion? The pattern of abuse stretched back to recruitment."

So reading that and understanding what I have seen for the last ten years personally, I think what defund the police has to fundamentally mean is that we change the entire profession of policing.

We are asking people who are undereducated and undertrained to do far more than they are skilled at doing and the result is the problems that we have.

And by the way, police aren't necessarily even that good at what they are trained to do - fight crime.

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Criminal Justice News/ Commentary

Federal Complaint Filed Over 'Wartime'- Like Injuries During Protests

This reporter was a combat correspondent in a real shooting war. And, what took place late at night and in the early morning hours on Sacramento's downtown streets over the past nearly three weeks is about the closest you'll

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Kentucky AG Vows to Investigate Truth Behind Breonna Taylor's Murder

Kentucky Attorney General Daniel Cameron Thursday released a statement addressing the office's ongoing investigation on Breonna Taylor's death, promising Taylor's family, those who protested Taylor's death, and

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Capitol Bill Would Classify Racist 911 Calls at 'Hate Crime'

Legislation has been introduced here that would “impose serious consequences” on those who make 911 calls “motivated by hate and bigotry.”The bill was written after a incidents where people falsely call 911 when they see a

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Four California DAs Call on Victims’ Compensation Board to Provide Support For Victims of Police Violence

Last week, San Francisco DA Chesa Boudin announced a plan to provide victim support services to victims of police violence in San Francisco. This week, he and three of his progressive DA colleagues are pushing to make it

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Bill To Reinstate Affirmative Action Moves Forward

Last week, the State Assembly passed Legislation that would repeal barriers to state contracting, employment and access to higher education for women and minorities. The California Act for Economic Prosperity and Opportunity for

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Law Enforcement Leaders Aid Lawsuit Against Presidential Commission Examining Policing and Criminal Justice

Today, dozens of law enforcement leaders across the U.S. formally challenged the processes and membership of the Presidential Commission on Law Enforcement and the Administration of Justice, citing its lack of transparent

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Breaking Down COVID-19 in CDCR Facilities 6.18.20

As of June 18th, CDCR facilities have reported 3,332 COVID-19 cases and have tested 26,948 individuals. More than 120 additional cases have been reported since Monday. There have been 17 COVID-19 related deaths

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San Francisco Court Watch

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Domestic Violence Defendants Fear Losing Children Due To No Contact Orders

Fathers accused of domestic violence made their feelings about no-contact orders with their children well known – with a few expletives deleted – here at Sacramento County Superior Court. “There’s so many black fathers out

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Wrongful Conviction Project – Episode 2, Franky Carrillo

Franky Carrillo was one of the cases featured on Netflix’s series, “The Innocence Files,” the story begins in 1991 when Donald Sarpy was shot and killed in a drive-by shooting as he was standing in the driveway of his home in

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Everyday Injustice Podcast Episode 69 – Wife of Walter Barton Speaks Out

On May 19, Walter Barton became the first person executed in the US in over two months, convicted of killing an 81-year-old acquaintance nearly three decades ago.

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Subject: Everyday Injustice - Atlanta Cop Charged with Murder, Update on Sac Public Defender's Office and COVID

Date: Thursday, June 18, 2020 at 7:00:31 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Based on the ways that the officers conducted themselves immediately after the shooting did not reflect any fear or danger of Mr. Brooks, but their actions reflected other kinds of emotions," said the DA.

Everyday Injustice Newsletter - June 18, 2020

Officer Charged with Felony Murder

It was pretty clear that Garret Rolfe would be charged with a crime after the DA over the weekend called the shooting, "unreasonable."

This is really an example of how not to do a police encounter. There were a number of analysts who called the shooting, "lawful but awful," implying that the shooting was unnecessary but not generally illegal.

The problem that you begin to see is really at the end of the encounter. After a struggle with the police, Brooks runs away and holds the Taser. Rolfe gives chase attempting to stun Brooks.

At this point he is running away at full stride, he looks back and points the Taser he is holding and fires it. But the problem is that running away, it has no real accuracy and it misses widely. According to people I have talked to - at that point, Brooks isn't even a threat to the officer since he's already discharged the Taser.

At this point Rolfe draws his gun and fires it three times, hitting him in the back and he Brooks is down.

There are problems with how they handle it at this point, The officers are standing over him. The prosecutor claims that footage shows Rolfe kicking at Brook's body as its limp and the second officer, Brosnan standing over it.

The DA clarified that neither of these actions taken as Brooks was "fighting for his life" was sanctioned Atlanta police "control techniques" and worse, they did not attempt to render assistance.

Would it have mattered? Hard to know, but Brooks was still alive and he didn't die until he arrived at the hospital.

The DA's office determined that the Taser that was in Brooks' possession when he was killed had already been fired twice when Brook's fled, meaning it could no longer have been used against the officers.

The DA pointed out, "the officer may not use deadly force to prevent escape unless the officer has probable cause to believe that the suspect poses an immediate threat to death or serious immediate

injury to the officer.”

Howard’s team concluded from the evidence review that Brooks did not pose a threat to the officers at the time of his death.

“Based on the ways that the officers conducted themselves immediately after the shooting did not reflect any fear or danger of Mr. Brooks, but their actions reflected other kinds of emotions,” said the DA.

This is going to be an interesting case. In the George Floyd case, the incident is much more clear cut - no struggle, no escape. Brooks struggled with officers, fired a Taser and was running away.

Still, the escalation from a man who was intoxicated but sleeping in his car to the use of deadly force should definitely cause us to question the use of force and the escalation thereof.

I can’t help but wonder what the harm would have been to simply let him run off on foot, they had his car, they had ID’d him, why not arrest him later?

There are reports that some officers are walking off the job in Atlanta. If those are correct, that tells us what we need to know about the culture of police departments and how difficult it is to hold police officers accountable for errors that result in the death - usually of Black and Brown people.

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Criminal Justice News/ Commentary

‘Our Office Could be Decimated’ – 3 County Public Defenders Exposed to COVID-19 Positive Inmates; Other Court Staff Threatened

As first reported in THE VANGUARD early Wednesday, and confirmed late Wednesday, COVID-19 appears to be spreading insidiously in Sacramento County’s jail – at least four cases reported this week among inmates, and three

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Atlanta Officer Who Shot Rayshard Brooks Charged With Felony Murder

Garret Rolfe, the Atlanta police officer placed on administrative leave for shooting and killing 27-year-old Rayshard Brooks in a Wendy's parking lot, was charged with felony murder Wednesday afternoon. At a press conference

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Capitol Bill Would Classify Racist 911 Calls at 'Hate Crime'

Legislation has been introduced here that would "impose serious consequences" on those who make 911 calls "motivated by hate and bigotry." The bill was written after a incidents where people falsely call 911 when they see a

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AG Barr Announces Resumed Scheduling of Federal Executions

Attorney General William Barr this Monday ordered the Federal Bureau of Prisons to schedule the executions of four men on death row, announced the Department of Justice (DOJ). The four men – Daniel Lewis Lee, Wesley

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SF Public Defender Hails New Policy to End Posting Mug Shots of Those Arrested

Those arrested for a crime here will no longer have their mugshots plastered all over the city's social media accounts, or released to the news media – perhaps prejudicing their trial, according to a statement release by the Public Defender's Office.

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Domestic Violence Defendants Fear Losing Children Due To No Contact Orders

Fathers accused of domestic violence made their feelings about no-contact orders with their children well known – with a few expletives deleted – here at Sacramento County Superior Court. "There's so many black fathers out

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Breaking Down COVID-19 in CDCR Facilities 6.17.20

As of June 16th, CDCR facilities have reported 3,274 COVID-19 and have tested 26,412 individuals. More than 50 additional cases have been reported since yesterday. There have been 17 COVID-19 related deaths across the

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Subject: Everyday Injustice - Three Sac PD's Test Positive For COVID; Yolo DA Launches Attack on Public Defender

Date: Wednesday, June 17, 2020 at 7:01:36 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Tracie Olson responded: "Honestly we see black people go to prison for crimes that white people don't go to prison for...On April 20th, I looked at the jail population. We had about a little under 200 people in the jail, 49 of whom were black. So that's 25% of our Yolo County jail population is black. Yolo County's demographic population is 3% black. So we have over an 800% over-representation of black men and women in our local jail. So it is a local problem."

Everyday Injustice Newsletter - June 17, 2020

Yolo DA Again Shows He is No Reformer

by David Greenwald

In a commentary today, I laid out my critique of Yolo County DA Jeff Reisig's unnecessary and over the top attack on Public Defender Tracie Olson. There are two statements in that attack by the DA on Tracie Olson that warrant more scrutiny.

First, he closes with this: "more than ever, we need the public we serve to have faith and reliance on the fair and racially neutral administration of justice."

I could probably write a book on everything wrong with this statement. But I will make the point very simply. Jeff Reisig is showing that he does not get it. He does not get Criminal Justice Reform. He does not get Black Lives Matter. He does not understand that the system does not and never has provided anything resembling fair or racially neutral administration of justice.

I actually am at a complete loss for words. He does not get it. Mass incarceration. The fact that Black and Brown people are arrested a disproportionate amount of time. That they are charged disproportionately. That they are convicted disproportionately. That they are sentenced disproportionately. There is no place in the criminal justice system where we have anything that even remotely resembles a fair and racially neutral administration of justice.

That's why people are risking everything to be in the streets. That is why people like me can write about criminal justice reform and have an audience.

Second - he seems to think he is different and that he has done more than most to rectify it.

He writes: "In point of fact, Ms. Olson knows that the Yolo County District Attorney's Office has been a state and national leader in bringing transparency and racial equality to our justice system."

I know Tracie Olson. Tracie Olson is a friend of mine. Tracie Olson would yell "BULLSHIT" in response to

that statement - and probably has already.

This year we have seen across the nation, a wave of progressive prosecutors both running for and winning office.

In his few short months I have seen Chesa Boudin, the San Francisco DA - end charging based on pretext stops. Stop asking for bail. Stop charging gang enhancement and other status based enhancements. He has cracked down on police misconduct.

What has Jeff Reisig done in his 14 years as DA?

He has OPPOSED every single criminal justice reform measure that has come through California, many of which heavily impact Black and Brown people.

Prop 47 - he opposed.

Prop 57 - he opposed.

Prop 64 - legalization of marijuana - he has opposed.

Bail reform - he has opposed.

Felony Murder rule reform - he has opposed.

I cannot think of a single criminal justice reform measure he hasn't opposed. His office is still challenging SB 1437.

He had his chief deputy on TV last week opposing zero bail.

He wants to hang his entire hat on the Neighborhood Court Program. That is fine. But he is at least ten years behind the curve on other reform efforts that has reduced incarceration throughout the state and have done so over his vehement objections.

At the end of the day, when we analyzed the data prior to the 2018 election where he was almost knocked off by Public Defender Dean Johansson, Yolo County was in the middle of the state in crime rate, and at the top of the state in per capita prison population and per capita felony trials.

Yolo County has a 3 percent Black population but Black men make up one quarter of the jail population. Jeff Reisig did not talk about how we need to do better.

Every time I listen to Chesa Boudin talk out of San Francisco, he talks about what they have done, but how much more they need to do. Jeff Reisig falls short, because he sees no evil. There is no point in time when he acknowledges the shortcoming of the system.

He has simply attempted to dress up his record as something other than business as usual.

Thanks for reading.

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Criminal Justice News/ Commentary

Three Sacramento Public Defenders Quarantined After Exposure to COVID-19 Inmates, According to Tip to THE VANGUARD

At least three – and maybe more – Sacramento County Assistant Public Defenders were reportedly told late Tuesday evening that they should quarantine after County Jail inmates they represented tested positive for COVID-19.

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Commentary: The DA – He Doth Protest Too Much

Last Monday all across the state and around the nation, Public Defenders took to the streets marching for black lives. Following that event, ABC 10 interviewed Yolo County Public Defender Tracie Olson as well as Monica Brushia, one of

[Read More](#)

Death of Rayshard Brooks Prompts Atlanta Mayor to Reform the Use of Force in Policing

Embattled Atlanta Mayor Kiesha Lance Bottoms Monday announced that at a news conference that she would be signing a series of administrative orders that include new rules for the city's police officers to use de-escalation

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Beyoncé's Letter to Kentucky AG Calls for End to Pattern of Inaction

"Don't let this case fall into the pattern of no action after a tragedy," wrote Beyoncé Knowles-Carter to the Attorney General of Kentucky about the death of a Black woman in the state.

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Sacramento Judge Declares \$800K Bail Excessive, Reduces to \$225K After Defendant Intervenes

Over the past nearly three weeks, hundreds of thousands of people took to the streets in cities across the U.S. and the world to protest systematic racism and police violence after a man named George Floyd died in Minneapolis from deadly

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Prosecutors Use Music Video as Evidence in Bay Area Murder Trial

In the first Bay Area trial since courts ramped up activity since the COVID-19 shutdown, a music video by Bay Area rapper, Charles “Prezi” Gardner, became a key piece of evidence in the ongoing trial of the murder of 19-year-old Anthony Singh..

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43 Year Old Man Given His First Chance at Rehabilitation

Jail or rehabilitation treatment. That was the choice here in Fresno County Superior Court Monday for 43 year old Phon Phothisen. who ultimately was given his first chance at rehabilitation during his sentencing hearing

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Yolo DA Attacks Public Defender Over Claims of Disproportionate Incarcerated Black Population

During the interview, Yolo County Public Defender Tracie Olson told the news station, “Honestly we see black people go to prison for crimes that white people don’t go to prison for...On April 20th, I looked at the jail population. We had

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Breaking Down COVID-19 in CDCR Facilities 6.16.20

As of June 16th, CDCR facilities have reported 3,219 COVID-19 cases and have tested 25,510 individuals. California Institute for men reported 2 more deaths today, making the death count at their facility 15. Across CDCR, there have

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Cast of Characters, Conflicting Officer Testimony Featured at 'Day at the Old Court'

"You can't tell the players without a program" yell barkers selling programs at a ball game. And it also just might apply to Dept. 11 in Yolo County Superior Court here after a dizzying cast of characters were referenced during testimony.

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Subject: FOR IMMEDIATE RELEASE: San Francisco Public Defender Successfully Advocates for SFPD Mug Shot Policy Change

Date: Tuesday, June 16, 2020 at 8:23:52 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 16, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (618)249-7946 – Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

San Francisco Public Defender Successfully Advocates for SFPD Mug Shot Policy Change

SFPD’s Proposed New Policy Means that Mug Shots of People Arrested for Crimes Will No Longer Be Posted and Spread through the Media

SAN FRANCISCO – After years of advocacy from the Public Defender’s Office and community advocates, on June 12, 2020, SFPD Chief William Scott made a long-awaited policy change to prohibit the release of mugshots to its social media accounts or to the media absent certain criteria.

“This policy reversal comes after several years of mugshot posting on the Tenderloin Station Twitter feed. The Public Defender’s Office has advocated for this important change so that those arrested and presumed innocent are not convicted in the court of public opinion before their day in court,” said Public Defender Mano Raju.

“This moment has the nation transfixed on issues of racial justice, police misconduct, and criminal legal system reform. America is cognizant that people of color are disproportionately impacted by all aspects of the criminal legal system – from arrests, to prosecution and sentencing. Releasing mugshot after mugshot of mostly young men of color feeds implicit biases that exacerbate an already broken system,” said Raju.

“Releasing mugshots after arrest also undermines an arrestee’s constitutional rights because it contributes to false identification and can make securing an impartial jury difficult or impossible,” he said.

Lastly, the online photos last long after the public’s attention has drifted elsewhere. “As a reminder: most who get arrested are not convicted of a crime. And many of those who are convicted can eventually have those convictions expunged. But, the online image is forever and hinders that person from gaining meaningful employment or even housing. At a time when the nation has renewed its focus on rethinking the collateral consequences of a criminal conviction, having seen the devastation wrought on communities from decades of tough-on-crime policy, this policy takes a step in the right direction,” said Raju.

“This is a needed step towards the sweeping reforms the Racial Justice Committee has been advocating for,” said Rebecca Young and Niki Solis, co-chairs of the San Francisco Public Defender’s Office Racial Justice Committee, a group of public defenders that have consistently raised concerns about this issue at Police Commission meetings for years. “We applaud Chief Scott for taking these important steps to stop dehumanizing and compromising the due process rights of those they arrest.”

Public Defender Mano Raju echoed these sentiments but also believes the policy should go even further. “While I’m pleased that SFPD has listened to our concerns and proposed changes to stop the practice of sharing mugshots of people charged with crimes, I worry that without further safeguards, the new policy could allow the same practices to continue for people who have been convicted of crimes, no matter how minor the crime. If a 19 year old San Franciscan is convicted for a minor non-violent crime, do we want their mugshot to be easily searchable for the rest of their life? I don’t think so. San Francisco is a city that believes in second chances. The exception in the policy should not become the rule.”

SFPD plans to discuss the new policy at the next Police Commission meeting on June 17, 2020.

###

Subject: Everyday Injustice - Cal AG to Reform Policing; Supreme Court Denies ACLU Petition to Reconsider Qualified Immunity
Date: Tuesday, June 16, 2020 at 7:01:09 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We have seen across the country repeated instances of police violence inflicted upon people of color and the Black community—often by officers with prior known misconduct, yet whose words prosecutors continued to trust in filing charges," said District Attorney Chesa Boudin.

Everyday Injustice Newsletter - June 16, 2020

California Attorney General Pushes For Change To Policing

by David Greenwald

Attorney General Xavier Bacerra has a long list of recommendations for reform to policing. There is a catch - he doesn't really have the power to implement any of it.

Still, the Attorney General see this as an opportunity to change - even if many reformers will be quick to point out that the AG has been very slow to embrace reforms or use the authority that he has to investigate and hold police accountable.

Will it be different now.

On Monday he said, "This is a moment for America." He added, "Not only a moment, it really is a movement."

He said, "We have a chance to do something."

The AG has a long list:

* Intervention: All agencies should have a policy requiring officers to intervene to stop another officer from using excessive or unnecessary force;

- * Ban Chokeholds and Carotid Restraints: All agencies should have a policy prohibiting the use of chokeholds, strangleholds, carotid restraints or other restraints, or body positioning that is designed to, or which may foreseeably result in, the cutting off of blood or oxygen to the person;
- * De-Escalation: All agencies should require officers to de-escalate situations, when possible, before using force;
- * Proportionality: All agencies should provide express guidance on proportionality to ensure officers understand the relationship that should exist between the force they use and the threat presented in a particular situation. The guidance may include adopting a spectrum, chart, or matrix, which can take the form of a graphical representation;
- * Verbal Warnings: All agencies should require officers to give verbal warning, when feasible, before using force, whether lethal or less-lethal;
- * Moving Vehicles: All agencies should prohibit officers from discharging a firearm at the operator or occupant of a moving vehicle unless the operator or occupant poses an imminent threat of death or serious bodily injury to the public or an officer. All agencies should also prohibit officers from discharging a firearm from their moving vehicle, providing only for exceptions that require such actions to end an imminent threat to human life;
- * Deadly Force As Last Resort: Consistent with the core concepts of de-escalation, necessity, and proportionality, all agencies should require that deadly force be used only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers;
- * Comprehensive Reporting: All agencies should create a general order dedicated to use of force reporting and investigations, requiring comprehensive reporting that includes both uses of force and threats of force; and
- * Canine Use: All agencies should discontinue the use of “find and bite” and “bite and hold” techniques and instead implement “find and bark” or “circle and bark” techniques, where canines are trained and deployed to alert by barking, rather than biting a suspect as a first response, and then circling and barking until the handler takes control.

Significantly, in addition to calling for the inclusion of these use-of-force recommendations where needed in state law, the Attorney General highlights the following initial areas to either support or sponsor major criminal justice reform legislation:

- * Decertify peace officers for serious misconduct, including provisions requiring law enforcement agencies to complete investigations even after a peace officer leaves a department;
- * Expand reviews of law enforcement policies and practices, by enhancing DOJ’s capacity to review and proactively help law enforcement agencies across the state reform their policies and practices to align with community needs;
- * Require policies and training on bias by proxy, which occurs when a person calls the police and makes false or ill-informed claims about individuals they are biased against — as well as provisions for auditing the effectiveness of such training;
- * Place clear limits on crowd control techniques during protests or mass gatherings, including restrictions and guidance on the use of rubber bullets, tear gas, pepper spray, and batons;
- * Forbid the use of pepper spray against children in juvenile detention, which can traumatize juveniles and undermine efforts to build trust; and
- * Reexamine the role of police in addressing homelessness and mental health crises, recognizing that police officers are increasingly called upon as first responders to engage with people facing homelessness who may suffer from mental illness or other medical conditions, and that officers are not generally equipped to handle situations involving mental health crises or referrals for social services.

On decertification, he explained that currently there is no system in place to decertify a peace officer, but he believes that if POST or another agency certifies police, there should be a way to remove certificates and prevent officers with a lengthy list of sustained complaints from practicing. That will require legislation and cooperation from law enforcement.

One thing they can do is the pattern and practice investigation. Right now he listed Vallejo, Kern County Sheriff, and Bakersfield PD as agencies they are looking into. He also mentioned an investigation into Sacramento PD out of which some of these recommendations have come and San Francisco PD.

“Our communities are safer when our police departments can build public trust through good policies, practices, and training. This review and reform agreement we announce today with the City of Vallejo represents a critical step the Vallejo Police Department must take to build trust with people who have lost faith in them,” said Attorney General Becerra.

As John Burris told the Vanguard last week, this is about picking up the slack from feds.

But as Burris also pointed out, he had been trying to get the AG's office to look into Vallejo for years.

“I have been dealing with this AG's office now for several years trying to get them to focus in on Vallejo... and no response,” he said.

But “another shooting takes place” and “for whatever reason they decided this was the time to get involved” and, while he realizes it is political, “nevertheless it is important that the move has taken place.”

This is indeed a moment, the question is whether this will become more window dressing or the start of meaningful change.

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Criminal Justice News/ Commentary

Boudin Will Not Charge Cases That Rely on Officers with Serious Prior Misconduct

For years, District Attorney working hand in hand with police have looked the other way and minimized police officers with spotty to bad records on officer misconduct and use of force. This despite the fact, that many DA's

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Supreme Court Denies ACLU Petition to Reconsider Qualified Immunity

The U.S. Supreme Court decided Monday to not wade into the sticky subject of “qualified immunity,” the legal doctrine that immunizes law enforcement and public officials from lawsuits. Recent police brutality protests and killing

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Video Footage Shows Police Arresting and Opening Fire on Non-Protestors

Videos from the George Floyd protests show police officers arresting and shooting rubber bullets at innocent bystanders, including a pregnant woman in a passing car and a woman carrying groceries home.

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Guest Commentary: Scrutinizing Bernie Sanders' 10 New Prosecutor Endorsements

When it comes to candidates for top prosecutor in many of America's biggest cities, Bernie Sanders' previous endorsements have foreshadowed some of the most exciting. In 2019, the Senator and erstwhile presidential

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Sacramento Judge Declares \$800K Bail Excessive, Reduces to \$225K After Defendant Intervenes

An expected simple scheduling hearing in Sacramento County Superior Court last Friday, June 12, instead turned into a full-fledged bail review when defendant Majestic Boyd interrupted proceedings to plead for a reduction in his

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Cast of Characters, Conflicting Officer Testimony Featured at 'Day at the Old Court'

“You can't tell the players without a program” yell barkers selling programs at a ball game. And it also just might apply to Dept. 11 in Yolo County Superior Court here after a dizzying cast of characters were referenced during testimony.

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Breaking Down COVID-19 in CDCR Facilities 6.15.20

As of June 15th, CDCR facilities have reported 3,208 COVID-19 cases and have tested 25,211 individuals. More than 200 new cases have been reported, and over 4,232 additional tests have been administered since Monday, June

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San Francisco Court Watch

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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On May 19, Walter Barton became the first person executed in the US in over two months, convicted of killing an 81-year-old acquaintance nearly three decades ago.

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Subject: Everyday Injustice - Atlanta and Vallejo Shootings Come Into Focus Over the Weekend

Date: Monday, June 15, 2020 at 7:00:22 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Scott Sanders, Orange County Public Defender: "In one year, it'll come off their record...almost for sure. It's disgusting. I mean it's truly disgusting...Here you have report after report with false information. With many many many defendants. And this is your version of justice? It's shameful."

Everyday Injustice Newsletter - June 15, 2020

Rayshard Brooks - Lawful But Awful?

The shooting of Rayshard Brooks coming nearly three weeks after the death of George Floyd will be an interesting test of the legal system.

In California this is an easy call. Under AB 392, the California use of force bill that was signed into law, deadly force is only justified if there is an "imminent threat of death or serious bodily injury to the officer or another person" or "to apprehend a fleeing felon if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended."

Brooks in this case is running away when he was shot in the back twice by an officer. He had a taser, but his attempt was wildly off the mark. Under California law, he would not be authorized to use lethal force.

In Georgia though it's less clear cut.

Fulton County DA criticized the handling of the fatal shooting but said a decision on whether to bring charges is pending.

"(Brooks) did not seem to present any kind of threat to anyone, and so the fact that it would escalate to his death just seems unreasonable," DA Paul Howard said.

He added, "It just seems like this is not the kind of conversation and incident that should have led to someone's death."

Legal analysts agree. But the question is legality.

Cedric Alexander, the former police chief of DeKalb County, east of Atlanta, said the encounter Friday night outside a Wendy's restaurant should never have escalated into a use-of-force situation.

"Could they have done something different than arrest him?" he said. "We need to get policing back to doing preventative enforcement. That's the key."

Steven Gaynor, a police union president in suburban Atlanta, said he believed the shooting was "legitimate." He argued that the use of a stun gun by someone not trained to use it can be lethal.

"If I'm an untrained individual and I aim it at your head, that could be deadly," he said. "You could lose an eye."

But the analysis I've seen is "lawful but awful."

These are cases that could be considered technically legal, but avoidable.

And in this case, it was simple. He was running away on foot. They had already identified him and they had his car.

There is a way to avoid these problems - police need to change their rules of engagement. They can do this most of the time with minimal risk. First they assess whether the individual poses a true threat. And if they don't, simply let them go and come back at a better time.

In this case, come back the next morning when the man has sobered up, come with more people, and apprehend him.

What the police do not understand - or at least not enough of them - is that by going a lethal route here, you end up further polarizing the community against you.

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Criminal Justice News/ Commentary

**Black Men Found Dead in SoCal Desert
and Manhattan Reminiscent of South
Lynchings**

Three Black man were found hanging from trees during the past few weeks of police brutality protests – two in desert cities northeast of Los Angeles and another in Manhattan. Observers note their deaths are alarming

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Alleged Looter During Sacramento Police Brutality Protests Wins Pretrial Release After Outpouring of Community Support

An alleged “looter” during the two week of protests against police brutality and the killing of George Floyd by police in Minneapolis was released here in Sacramento County Superior Court after identification issues, and an outpouring

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LA DA Candidate Gascón Releases Cop Reform Docs, Hits at Current DA's Recalcitrance

George Gascón, a current candidate for Los Angeles District Attorney (DA), released two documents related to criminal justice reform this past Friday, targeting his opponent, current Los Angeles DA,

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Defendant Under COVID-19 Lockdown Unable to Hire Private Attorney

A Sacramento County man was appointed a public defender by a Sacramento County Superior Court judge last Wednesday despite his claim that his father had been attempting to get him private legal

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ACLU Urges UN to Address US Police Brutality

The American Civil Liberties Union (ACLU) has released a statement demanding, along with a coalition of 600 other human rights groups, that the United Nations Human Rights Council (UNHRC) hold a special meeting to address

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Huge and Angry Protest Remains Peaceful in Vallejo over Shooting Death

The latest in a long series of officer-involved shootings in Vallejo led to an angry march and demonstration on Saturday, as a crowd of what appeared to be more than 500 people came to show support for 22-year-old Sean

[Read More](#)

Police Beat Women to Ground in Tampa and Philadelphia; Cop Charges Police Trained for War, not to Protect and Serve

Videos were taken of police violently apprehending women during peaceful protests—the senior officer filmed hitting a woman with a baton and pinning her to the ground has been suspended and charged with assaulting a protester.

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Video Reveals Police Attack People in/near Homes during Curfews

Video footage has now surfaced of police officers firing projectiles and spraying Mace at people who are inside their homes. While hundreds of videos have been aired on social

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My View: Slapped on the Wrist, Deputies Who Mishandled Evidence Get Misdemeanors and No Time

Over the last 20 days the nation has focused on the egregious loss of life at the hands of law enforcement. The triggering event was a use of force against George Floyd and, since then, more than 600 videos have emerged of

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LAPD Filmed Beating Celebs, Veterans, Black Store Owners

Police officers across LA are intentionally attacking and hurting police brutality protesters—and that includes Hollywood celebrities, military veterans and even store owners who are Black. In the wake of George Floyd's death, there have been protests across the city of Los Angeles

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Poignant Video Shows Peaceful Protester Arrested Delivering Emotional Message to Police

In Marion Square, a peaceful protester who knelt at a distance before a large, armed group of police officers delivered a message of “love” about respect for one another and unity. And then he was arrested.

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San Francisco Court Watch

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Yolo County Court Watch

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Waiting for His Appeal, Despite COVID-19 Threat, Woodland Man’s Request for Release Denied

Despite the growing number of confirmed COVID-19 cases in California jails and prisons, Yolo County Superior Court Judge David Rosenberg denied Brandon Ryan Vidales bail—the judge said he had good reasons.

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Yolo County Judge Cuts Bail by \$25,000

A man sitting eating his lunch at a McDonald’s parking lot here said he was confronted by a man—now being held for attempted carjacking—who at first started asking about the victim’s truck, and then struggled to steal the keys to that truck.

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Yolo Court: Conversation About Truck Escalates into Attempted Carjacking

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Subject: Everyday Injustice - SLAPPED ON THE WRIST Two Deputies Get Off Light; Podcast with Franky Carrillo

Date: Friday, June 12, 2020 at 7:00:32 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

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Scott Sanders, Orange County Public Defender: "In one year, it'll come off their record...almost for sure. It's disgusting. I mean it's truly disgusting...Here you have report after report with false information. With many many many defendants. And this is your version of justice? It's shameful."

Everyday Injustice Newsletter - June 12, 2020

SLAPPED ON THE WRIST: Two Sheriff's Deputies Plead Guilty in the Evidence Booking Scandal

By David Greenwald

Over the last 20 days the nation has focused on the egregious loss of life at the hands of law enforcement. The triggering event was a use of force against George Floyd and since then, more than 600 videos have emerged of questionable uses of force against mostly peaceful protesters across the nation – we have in the last week published over 10 accounts chronicling dozens of videos.

But that is the tip of the ice berg as many here reading this well understand. One of our articles today urges the readers to remember prosecutorial reform as a necessary step. And here I will argue that while use of force gets the headlines, the false statements by police, withholding of evidence, and mishandling of evidence is a leading cause for hundreds, thousands and probably far more in wrongful convictions.

This year we have watched as another scandal has engulfed Orange County's sheriffs department with help now from two different prosecutor offices.

This week we saw two deputies accused of making multiple false statements in police reports about whether evidence charged with a misdemeanor and pleaded guilty.

The prosecutors announced that they will not serve jail time or pay a fine.

According to published reports, Deputy Bryce Simpson made false statements in 74 different police report about evidence booked. Deputy Joseph Atkinson also made false statement about booking evidence.

The lawyers reading this understand the severity of these charges. In order for evidence to be admissible, there has to be a chain of custody. That is essential so that the accused and their attorneys can be assured of knowing that evidence introduced against them at trial and in charging is real and not simply manufactured by the state.

When law enforcement fails to book or otherwise properly handle evidence, when they leave it in offices and on desks, the defendant has no way to ensure that the evidence used against him is real or if it was simply conjured up by the state in an effort to frame them.

We have heard complaints over the years that officers who use excessive force and officers who kill civilians do not face appropriate consequences for their actions. They rarely get charged, rarely get convicted, and if they do, it is for minimal time.

The same thing is happening here.

Under state law in California, it is a felony to knowingly make a false statement in police report. It is also now a felony to commit intention Brady Violation – and false statements about handling of evidence would be an attempt to conceal exculpatory evidence and therefore also a Brady Violation.

But Orange County DA Todd Spitzer, who defeated in 2018, Tony Rackauckas because of the latter's involvement in a sheriff's department informant scandal, let these officers off with a slap on the wrist.

In a statement, the DA said, "The public has an absolute expectation that their law enforcement officers will carry out their duties lawfully."

He added, "When law enforcement officers break the law, it deprives defendants and victims of their rights, compromises the criminal justice system, and erodes the public trust in ways that it may never be able to recover. The entire system relies on the trust that those sworn to uphold the law are following it themselves."

But others are saying that the DA is now letting off the deputies with a slap on the wrist and they should

have been charged with felonies.

"It just makes a mockery of the justice system," said Scott Sanders. Sanders is the Orange County Public Defender who brought forward this latest scandal – and it was his work that exposed the informant scandal as well.

"If a regular citizen walked into the police department and filed dozens of false police reports, they would be on their way to prison. In Orange County, the people who should be held to a higher standard don't have to serve a single day in custody. They don't even have to do an hour of community service," he added.

"[The two deputies] absolutely dishonored their badge and engaged in incredible misconduct in case after case that qualifies for felonies, and they made this backroom deal, so that they would not have to feel a slap on their wrist... For the District Attorney's office to hold this out as accountability is embarrassing. And to do it in this time period when all eyes are focused on creating a justice system where all officers are held to a higher standard, it's frankly astonishing what they just did."

Sanders went on to point out that the charges will come off their record in a year. But Spitzer responded that the deputies now have criminal records and have lost their jobs.

The reality is that for whatever reason this nation fails to hold law enforcement accountable for their actions. We throw the book at people over things like property crimes and substance abuse, but when it comes to official abuse of power – which is really what this is – and the stealing of a private citizen's freedom, we let them off scot-free.

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Sacramento Police Officers Choke Protestor 6-11-20

One video shows Sacramento police officers choking a young black man while arresting him during a recent George Floyd protest. The young man was later identified as 18-year old Tyzhon Johnson

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Guest Commentary: Don't Forget Prosecutors When It Comes to Defunding

Since the brutal murder of George Floyd by Minneapolis cops, activists across the country have passionately called to defund the police. Few similar calls have been made about prosecutors' offices.

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SF DA's Office Receives Grant to Expand Restorative Justice Diversion Program

One of the priorities of the Chesa Boudin was the utilize more restorative justice programs as his office moves away from standard models of prosecution and incarceration. On Thursday, they were awarded a grant to help them do

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North Carolina Promises Big Step Addressing Racial Inequality in the Justice System

North Carolina state executive leadership – from the state supreme court chief justice to the attorney general – said it was in full support here Tuesday of Gov. Roy Cooper's Executive Order that demands a

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Even Conservative CA Bastion Yorba Linda Sees Hundreds Protest Murder of George Floyd

reds of individuals showed their support for George Floyd and the Black Lives Matter Movement by gathering together in the city's downtown area for a peaceful protest. George Floyd was murdered by Minneapolis police officer Derek

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Zero Dollar Bail, COVID-19 Ignored by Yolo Judge

Yolo County Superior Court Judge Peter Williams ignored the State Judicial Council's order Wednesday. And, in a way, he ignored COVID-19, too. The judge used his discretion to ignore the State Judicial

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Yolo County Judge Cuts Bail by \$25,000

Yolo County Superior Court Judge Peter Williams did a nice thing – kind of – here in Superior Court. He didn't release a defendant who threatened to kill a man over a telephone conversation on zero bail, but he did cut the bail about in half, \$25,000.

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Breaking Down COVID-19 in CDCR Facilities 6.11.20

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Zero Dollar Bail, COVID-19 Ignored by Yolo Judge

Yolo County Superior Court Judge Peter Williams ignored the State Judicial Council's order Wednesday. And, in a way, he ignored COVID-19, too. The judge used his discretion to ignore the State Judicial

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Yolo County Judge Cuts Bail by \$25,000

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High Bail for Man Who Assaulted Mom, Great Grandfather

A man suffering from mental illness who has been in and out of residential treatments since high school and assaulted two of his family members – his mother and great grandfather – was hoping to be released on bail Friday in Sacramento County Superior Court here.

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Wrongful Conviction Project – Episode 2, Franky Carrillo

Franky Carrillo was one of the cases featured on Netflix's series, "The Innocence Files," the story begins in 1991 when Donald Sarpy was shot and killed in a drive-by shooting as he was standing in the driveway of his home in

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Everyday Injustice Podcast Episode 69 – Wife of Walter Barton Speaks Out

On May 19, Walter Barton became the first person executed in the US in over two months, convicted of killing an 81-year-old acquaintance nearly three decades ago.

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Subject: PRESS STATEMENT: SF Public Defender Mano Raju Applauds SF Police Commission Budget Vote - Echoes Public Call for Fundamental Change

Date: Thursday, June 11, 2020 at 9:03:53 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 11, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

*****PRESS STATEMENT*****

SF Public Defender Mano Raju Applauds SF Police Commission Budget Vote - Echoes Public Call for Fundamental Change

"I was very glad to see our San Francisco Police Commissioners unanimously voting to reject the police budget at 2:30am this morning after 9 hours of public comment, over 99 percent of which featured San Franciscans of all ages and backgrounds demanding SFPD be defunded and disbanded.

However, we also learned in the meeting last night that so far, the police department is only being asked to cut 3 percent (or \$23 million) of their nearly \$700 million budget. Moreover, these cuts would come from vacant positions alone, leaving unaltered the number of officers on the streets and SFPD's policing methods and structure; in other words, it would be business as usual.

Meanwhile, as caller after caller pleaded with the Commission for meaningful, urgent change, records of discipline proceedings against Sergeant Justin Erb for killing Jessica Williams, an unarmed black woman in a car in 2016, were finally made public and told a grim story. The Department of Police Accountability (DPA) initially recommended Erb be fired for shooting and killing Williams in violation of numerous department policies, but Chief Scott wanted to impose no punishment at all. The Commission disregarded both recommendations and imposed a 45-day suspension in a split vote. Two commissioners who voted for that brief suspension instead of termination are still on the Commission; Commissioner Dion-Jay Brookter and Commissioner Damali Taylor.

DPA is only as powerful as the commissioners allow it to be. Commissioners who reject the recommendations of the independent oversight body have no place on the Commission when the public they represent so clearly wants violent officers out of SFPD.

The public call for transformative change is urgent. The rejection of what amounts to an invisible budget cut is the very least we must do to answer this call. The real work must now begin, in the form of fresh leadership on the police commission, and concrete ideas and implementation of plans to reinvent and reduce policing in San Francisco, led by the values we all hold, and the communities most impacted.

Mayor Breed and Supervisor Walton's calls to re-direct funding from the SFPD to support the African-American and other marginalized communities is an important first step. A much smaller, much altered police department and policing model is what San Franciscans are calling for and the current moment demands nothing less."

###

Subject: Everyday Injustice - Judicial Council Ends Zero Bail over Objections of Reformers; SF DA Provides Services to Police Victims
Date: Thursday, June 11, 2020 at 7:00:57 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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LA County Public Defenders tweeted: "There has been no rise in crime and the public is demanding change. Rescinding the emergency bail schedule would place our attorneys, our clients, and the public at significant risk of exposure to [#COVID19](#)."

Everyday Injustice Newsletter - June 11, 2020

A Big Mistake - Judicial Council Ends Emergency Bail Schedule

by David Greenwald

The emergency that caused California to shutdown for two months is apparently over - even as new cases in California are soaring and public health officials are warning of dire consequences.

"They have made a conscious decision that we are moving on," Dr. Howard Markel, a leading professor of the history of medicine at the University Michigan told the NY Times. It was a message aimed for Washington, but it could and perhaps should be aimed for California as well.

Dr. Fauci, an increasingly isolated voice was warning on ABC that protests the last two weeks are likely to exacerbate the pandemic, even as many demonstrators were wearing masks.

"Masks can help, but it's masks plus physical separation and when you get congregations like we saw with the demonstrations, like we have said — myself and other health officials — that's taking a risk," Dr. Fauci said. "Unfortunately," he added, "what we're seeing now is just an example of the kinds of things we were concerned about."

And so even Governor Gavin Newsom, faced with a falling economy and growing unrest on both sides of the divide, has relented.

On Wednesday, the Judicial Council as expected voted 17-2 to end the emergency bail schedule.

"The Judicial Council's action better reflects the current needs of our state, which has different health concerns and restrictions county-to-county based on the threat posed by COVID-19," said Justice Marsha Slough, a Judicial Council member and chair of the Executive and Planning Committee.

She said, "We urge local courts to continue to use the emergency COVID-19 bail schedule where necessary to protect the health of the community, the courts, and the incarcerated. We are also asking courts to report back by June 20 on whether they plan to keep the COVID-19 emergency bail schedule, or another reduced bail schedule."

The COVID-19 emergency bail schedule set bail at \$0 for most people accused, but not yet tried, of misdemeanors and lower-level felonies.

DA Chesa Boudin out of San Francisco warned last week, "Mass incarceration undermines public safety.

"Overcrowded jails and prisons are exactly the type of tinderbox in which COVID-19 and other diseases can spread like wildfire," he added. He believes it is a risk not only to the jail population but also, given the churn and the staff coming and going, to the whole community. "So what we did was we listened to the advice of public health officials."

The San Francisco Public Health Official said that they couldn't prevent death or significant spread "unless we significantly reduced the jail population." He said, "We listened, we took action."

Alameda Public Defender tweeted yesterday, "Judicial Council makes terrible decision & votes to rescind emergency zero-bail."

His colleague on the other side of the Bay, Mano Raju, the San Francisco Public Defender attempted to rally opposition to the plan on Twitter, " we must tell @CalCourts

NOT TO END the Emergency \$0 Bail Schedule! They created EBS to protect public health in the pandemic. W/a raging pandemic & millions of ppl protesting police brutality, now is NOT the time to jail more ppl 4 low-lev offenses & exercising rights."

But to no avail. The key to addressing the COVID crisis in the jails was reduction of jail population. Chesa Boudin last week declared that their efforts reduced the jail population in half.

Truth be told, the change will not impact counties like San Francisco, where the DA earlier this year effectively ended cash bail anyway.

But counties like Alameda, Sacramento and Yolo, figure to see increasing jail populations.

"Now, it's time to really deal with some of the impacts of that emergency bail schedule and the court closures," said Yolo County Assistant Chief Deputy District Attorney Melina Aiello to KCRA 3.

She said, "The problem was this was imposed on every single county in the state that counties were taken out of the conversation and the ability to craft their own responses."

But the Sacramento Public Defender's office put out a different statement:

"There is still a great deal of uncertainty regarding the potential spread of the [coronavirus]. For health reasons alone, it is not prudent to repopulate our jails. We hoped that this emergency bail schedule would spark a broader discussion about over incarceration in Sacramento County. Other California counties are considering adopting the emergency bail schedule as their standard bail schedule.

"This measure is in the best interest of the community and consistent with evidence-based practices related to over incarceration and recidivism. Recent studies on incarceration suggest that communities are less safe when there is excessive pre-trial incarceration. The permanent adoption of the emergency bail schedule could be a factor in reducing recidivism in Sacramento."

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Criminal Justice News/ Commentary

San Francisco DA Expands Support For Victims of Police Violence

While the District Attorney's office provides a range of services for victims of crime, they were unable to provide services for victim's of police violence. But on Tuesday, San Francisco DA Chesa Boudin put forward a new policy

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Video Footage Show Police Arresting and Attacking Journalists at Protests, Including Sacramento

At George Floyd protests across the nation, journalists from various local and international news outlets are falling victim to police brutality and arrests while covering these news stories.

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Law Enforcement Caught on Video Slashing Tires at Minneapolis Protests

Minneapolis police are currently under fire after the grisly murder of George Floyd – now, law enforcement officers in the area are in hot water again after video surfaced showing officers slashing tires of the cars near protests.

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Judge Restricts Use Of Force On Protesters In Denver After Violent Incidents

Police officers have taken extreme measures against people protesting police brutality in Denver, Colorado, leading a District Court Judge to order an injunction restricting the use of force against protesters.

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Des Moines Police Violently Pepper Spray Residents, Baby in Elevator

During protests in Des Moines, police officers have repeatedly attacked peaceful protesters with pepper spray, using unnecessary levels of force and emergency protocol to deal with picketers protesting

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Defendant will Escape Homelessness, Reunite with Family and Seek Mental Health Help

The criminal justice system is designed to punish people for their bad acts, and encounters with the system are dreadful for most and come with long lasting consequences, court experts say.

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Poem: Rise up Defenders of Justice! Rise up!

On May 19, Walter Barton became the first person executed in the US in over two months, convicted of killing an 81 year old acquaintance nearly three decades ago. But the Innocence Project and others believed him wrongfully convicted. The Midwest Innocence Project believed that the

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Photos from Sacramento BLM Public Defender Event

A Poem from Sacramento Assistant Public Defender Allison Williams

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

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Melissa Mark-Viverito, born in Puerto Rico, has been a councilmember in New York City, representing areas of the Bronx for several terms, and she is running to replace longtime House of Representatives incumbent Jose Serrano.

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Subject: Everyday Injustice - The End of Zero Bail? Why Now? Major Court Win Against ICE; Yuba County and Mesa Verde Detention Centers Population Cut In Half

Date: Wednesday, June 10, 2020 at 7:00:50 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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LA County Public Defenders tweeted: "There has been no rise in crime and the public is demanding change. Rescinding the emergency bail schedule would place our attorneys, our clients, and the public at significant risk of exposure to [#COVID19](#)."

Everyday Injustice Newsletter - June 10, 2020

Yolo DA Continues to Push Against Zero Bail

Yolo DA Continues to Push Against Zero Bail

by David Greenwald

For two weeks now we have been tracking the rise of COVID in the California Prisons through our dashboard. We are in the process of making plans to extend the tracking to the jails - and as the judicial council appears ready to end zero bail even as COVID-19 cases are rapidly rising again in California and in at least 19 states total.

One of the major discussions that has taken place over the last two months in the criminal justice reform circles has been the need to reduce jail and prison populations. That has been made even more clear when you couple overcrowded prisons and jails with the potential for COVID to roll through unchecked.

Inability to socially distance, substandard health care, lack of resources, and an aging and vulnerable population sets itself up as a potential mass death trap.

That's why reformer like SF's DA Chesa Boudin has been speaking out consistently over the last two months for release and reduction.

As he pointed out on Friday: "Mass incarceration undermines public safety."

"Overcrowded jails and prisons are exactly the type of tinderbox in which COVID-19 and other diseases can spread like wildfire," he added. He believes it is a risk not only to the jail population but also, given the churn and the staff coming and going, to the whole community. "So what we did was we listened to the advice of public health officials."

As the LA Times pointed out two weeks ago the zero bail changes "makes perfect sense" as it "keeps jails from filling up with suspects who haven't been convicted of anything and who pose little danger to the public if they are sent home with instructions to come to court on the appointed date."

Moreover, "the order allows them to detain suspects, just as before, if they can convince a judge that releasing the person would pose an unacceptable risk to public safety."

And the bottom line: crime is not going up as a result of this. Chesa Boudin pointed out how few people have committed crimes prior to their original release date.

On the other end of the reform spectrum, Yolo County DA continues to send out press releases, "Two more individuals previously released from custody as a result of California Judicial Council's Statewide Emergency "0" Bail Schedule were charged with new crimes. The "0" Bail Schedule became effective April 13, 2020, in response to the COVID-19 pandemic."

The number released who have committed new crimes is believed to be around 14 or less than five percent of the overall numbers released though we do not have exact figures at this point.

The Yolo DA notes, "Thirty-year-old Woodland man, Clifford Garrison, was arrested on May 22, 2020, for negligent discharge of a firearm and was released on \$0 bail. "

He was then re-arrested a week later on May 31, for allegedly felony evading a peace officer with reckless disregard and driving under the influence. He was released again on \$0 bail. The Yolo County District Attorney's Office filed two complaints. The first alleging the negligent discharge of a firearm; the second alleges felony evading with reckless disregard and driving under the influence.

The DA notes: "Due to the court setting dates out 4-5 months out, Garrison's arraignment is set on November 3, 2020."

Melinda Alello, his Assistant Chief Deputy DA, in a CalMatters article, argued, an “important issue not fully considered by this policy is that some individuals have mental health and/or addiction issues that drive their criminal behavior. When these individuals are in custody their needs can be assessed, treatment can begin, and they can be transferred to treatment facilities.”

She added, “Immediate release precludes us from connecting these individuals with the services necessary to address their issues and prevent recurring criminal conduct. This does nothing to protect our community, potential victims or the offenders themselves.”

But nowhere in her op-ed does she acknowledge the other side of the story here - the real danger to public safety if jail populations are not shrunk.

Nowhere does she acknowledge the advice of public health professionals.

And most important, nowhere does she or Jeff Reisinger her boss, acknowledge, that the actual rate for re-offending is less than five percent. I don't want to discount her concerns about getting the right treatment - that's a clear flaw in the system, but that's a flaw that existed long before Zero bail.

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Criminal Justice News/ Commentary

Judicial Council Considers Ending Emergency Bail Schedule

The Judicial Council of California is considering ending its temporary emergency rules governing the emergency bail schedule. The move comes as California begins a phased re-opening and the courts are beginning to restore

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Major Court Win Against ICE; Yuba County and Mesa Verde Detention Centers Population Cut In Half

A federal judge – already not happy with the government's responses to a lawsuit critical of COVID-19 protection for immigration detainees – Tuesday ok'd a preliminary injunction to a myriad of lawyers

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NYPD Arrest Black Food Delivery Man, Journalist, Man Watching Protests From His Home

The New York Police have been recorded arresting a black food deliveryman and a man for observing protests from the front step of his home in the midst of massive peaceful

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Video Footage Shows San Jose Police Officer as Aggressor on Multiple Occasions During Protests

As police officers from the San Jose Police Department have patrolled at peaceful protests in Downtown San Jose, multiple video footages show Officer Jared Yuen as the primary aggressor against protestors,

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Video Supports Cincy Protestor Claims of Abuse, and Denied Without Water, Food, Toilet Facilities for More Than 10 Hours

Protestors arrested for breaking the 9 p.m. curfew here are charging – and video tends to support their claims – that they were abused and denied food, water and toilet facilities for more than 10 hours while they

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Photos from Sacramento BLM Public Defender Event

A Poem from Sacramento Assistant Public Defender Allison Williams

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Breaking Down COVID-19 in CDCR Facilities 6.09.20

As of June 9th, CDCR facilities have reported 3,019 COVID-19 cases and have tested 21,255 individuals. More than 160 new cases have been reported since Friday. There have been 12 deaths in California Institute for Men, in Chino,

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Defendant Given Short Furlough to Visit Doctors – PI's \$\$ Demands Also Issue

Defendant John Clayton Dunham had battled cancer before, and he was frightened. At a pretrial hearing here Friday in Yolo County Superior Court before Judge Timothy Fall, Assistant Public Defender Monica Brushia recounted his story of how the cancer had reappeared

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Sacramento Court Watch

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Subject: FOR IMMEDIATE RELEASE: Federal Judge Orders Government to Maintain Emergency Protections Which Have Decreased Population at Two California ICE Detention Centers by More Than Half

Date: Tuesday, June 9, 2020 at 10:55:49 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

Attachments: PI Order.pdf

FOR IMMEDIATE RELEASE: June 9, 2020

CONTACT:

Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

Federal Judge Orders Government to Maintain Emergency Protections Which Have Decreased Population at Two California ICE Detention Centers by More Than Half

SAN FRANCISCO — This afternoon a federal judge granted a preliminary injunction in response to a class action legal challenge by immigrants detained at two California immigration detention centers where conditions are rife for the spread of COVID-19.

Having already issued a series of individual release orders to reduce population levels, the Court ordered ICE to “at a minimum, lock in place the safety improvements achieved in recent weeks.” The two facilities, Mesa Verde Detention Facility in Bakersfield and the Yuba County Jail in Marysville, currently hold 200 people, which is less than half the population at the time the case was filed on April 20. The facilities held 427 people at the facilities on April 25.

Judge Vince Chhabria of the U.S. District Court of Northern California in this order criticized ICE’s “obstinance” in opposing release of individuals “on a blanket basis” in “positions that are downright irrational, not to mention inhumane.”

“Release to me has meant everything; a person can’t stay healthy, can’t stay safe in there,” said Livia Pinheiro, who was released May 26. “My girlfriend is still detained; she’s suffering and she’s also at high risk. I want to be part of that fight for her, the same way people fought for me.”

The order provided that, “ICE’s conduct and attitude towards its detainees at Mesa Verde and Yuba County Jail since the pandemic began have shown beyond doubt that ICE cannot currently be trusted to prevent constitutional violations at these particular facilities without judicial intervention.”

“In my final days there, I had just had an operation, and the jail put me inside a dirty cell in which I didn’t have water,” said Jose Luis Lopez Guevara, a 78-year-old who underwent heart surgery in ICE custody, and who the Court ordered released over ICE’s opposition. “There are still so many people in the jail, suffering in the same conditions, and they must be released too.”

Judge Chhabria also noted that ICE has provided at least one misrepresentation to the court. Contrary to ICE’s assertions that it was quarantining people transferred into the two facilities, ICE transferred at least two people from a facility with dozens of confirmed COVID-19 cases and released them directly into dormitories.

A coalition of legal organizations is representing the plaintiffs, including the San Francisco Public Defender’s Office, the American Civil Liberties Union Foundations of Northern California and Southern California, the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, and the law firms of Lakin & Wille LLP and Cooley LLP.

Quotes from Co-Counsel

“Today a federal court confirmed that ICE cannot be trusted to protect the health and safety of those in its custody,” said Mano Raju, the elected Public Defender of San Francisco, and co-counsel in the litigation. “We are pleased with the decision, and our Immigration Unit will not stop fighting until every person is released from these inhumane conditions.”

“The Court’s order lays bare ICE’s utter disregard for both the law and the safety of people in its custody,” said Bree Bernwanger of the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area. “The need for court intervention is a sign of systemic failure: we cannot trust law enforcement agencies to protect the value of human life.”

“This result represents a major step toward protecting our clients from COVID-19 and shielding the healthcare systems in surrounding communities,” said Martin Schenker, Cooley LLP partner. “ICE must not remain indifferent to the health of detainees under its control.”

“Today’s decision affirms a truth our clients have lived with for months: ICE cannot be trusted to responsibly address the deadly threat of COVID-19 to immigrants in its custody,” said Jordan Wells, staff attorney at the ACLU of Southern California.

“Judge Chhabria rightly rejected the government’s assertions that district courts lack the authority to remedy ICE’s constitutional violations and release individuals during a life-threatening pandemic. That is plainly false,” said Judah Lakin of Lakin & Wille LLP.

“This order is a critical first step in keeping in place the protections that our clients have fought hard for, and we will continue that fight alongside them,” said Angélica Salceda of the ACLU Foundation of Northern California.

###

Subject: Everyday Injustice - Public Defenders Across the Country March For Defending Black Lives;
Congressional Leaders Propose Police Reforms

Date: Tuesday, June 9, 2020 at 7:00:09 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

"For decades, we have stood between our clients in the Black community and this jailhouse. Now more than ever, we need support from the Mayor and our city leaders to continue the fight against the injustice that is now plain as day to many, but has been clear to us all along," said SF Deputy Public Defender Niki Solis.

Everyday Injustice Newsletter - June 9, 2020

Congressional Democrats Unveil Police Reform Package

by David Greenwald

On a day when Joe Biden announced he would not support calls to defund the police, congressional Democrats led by Karen Bass, pushed forward a strong reform package.

"No, I don't support defunding the police," the presumptive Democratic presidential nominee said on Monday. But he said, "I support conditioning federal aid to police based on whether or not they meet certain basic standards of decency and honorableness. And, in fact, are able to demonstrate they can protect the community and everybody in the community."

Meanwhile Karen Bass, Cory Booker, Kamala Harris and Jerrold Nadler introduced what they are calling the Justice in Policing Act of 2020.

Bass, who chairs the Congressional Black Caucus said on Monday, "What we are witnessing is the birth of a new movement in our country with thousands coming together in every state marching to demand a change that ends police brutality, holds police officers accountable, and calls for transparency."

Senator Kamala Harris said, "America's sidewalks are stained with Black blood. In the wake of George Floyd and Breonna Taylor's murders, we must ask ourselves: how many more times must our families and our communities be put through the trauma of an unarmed Black man or woman's killing at the hands of the very police who are sworn to protect and serve them?"

She added, "As a career prosecutor and former Attorney General of California, I know that real public safety requires community trust and police accountability. I am proud to join my colleagues in introducing this historic legislation that will get our country on a path forward."

Senator Cory Booker stated, "America has a serious and deadly problem when it comes to the discriminatory and excessive policing of communities of color - and that policing exists within a system that time and again refuses to hold police accountable for their brutality. For too long, this has been

accepted as a cruel reality of being black in this country."

He said: "That ends today with the landmark Justice in Policing Act which, for the first time in history, will take a comprehensive approach to ending police brutality."

The Justice in Policing Act of 2020:

Prohibits federal, state, and local law enforcement from racial, religious and discriminatory profiling, and mandates training on racial, religious, and discriminatory profiling for all law enforcement.

Bans chokeholds, carotid holds and no-knock warrants at the federal level and limits the transfer of military-grade equipment to state and local law enforcement.

Mandates the use of dashboard cameras and body cameras for federal offices and requires state and local law enforcement to use existing federal funds to ensure the use of police body cameras.

Establishes a National Police Misconduct Registry to prevent problematic officers who are fired or leave on agency from moving to another jurisdiction without any accountability.

Amends federal criminal statute from "willfulness" to a "recklessness" standard to successfully identify and prosecute police misconduct.

Reforms qualified immunity so that individuals are not barred from recovering damages when police violate their constitutional rights.

Establishes public safety innovation grants for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just and equitable public safety approaches.

Creates law enforcement development and training programs to develop best practices and requires the creation of law enforcement accreditation standard recommendations based on President Obama's Taskforce on 21st Century policing.

Requires state and local law enforcement agencies to report use of force data, disaggregated by race, sex, disability, religion, age.

Improves the use of pattern and practice investigations at the federal level by granting the Department of Justice Civil Rights Division subpoena power and creates a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.

Establishes a Department of Justice task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.

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Criminal Justice News/ Commentary

Yolo Public Defenders Bear Witness To Local and National Victims of Police Violence in BLM March

For 8 minutes and 46 second Yolo County Public Defender Tracie Olson read out the names of victims of police killings. When the time elapsed, she reminded her colleagues and community members that had gathered for

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Sacramento Public Defenders Rip Racist Court System in George Floyd Rally Monday

In a dramatic and unprecedented move, the Sacramento County Public Defender Office Monday held a demonstration against police violence and unequal treatment of people of color in the court system, joining

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‘The Next Civil Rights Movement:’ San Francisco Public Defender Joins Offices Around Nation

"I know this is the next Civil Rights Movement," said San Francisco Deputy Public Defender Jacque Wilson about the George Floyd protests erupting around the country – Monday, the San Francisco Public

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Footage Shows Police Officers Boxing in – ‘Kettling’ – Protestors Before Curfew

Viral videos show police officers in various cities preventing protestors from leaving protest areas, forcing mandated curfew violations. In response to the massive protests, resulting from George Floyd's death at the hands of a Minneapolis officer,

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Suffolk County DA Rachael Rollins Calls Out ‘Bad’ Cops and Prosecutors After Death of Floyd

Suffolk County District Attorney Rachael Rollins addressed Boston protestors and the press in front of the Massachusetts State House in Suffolk County, calling out both police and prosecutors for failing to make bad

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Everyday Injustice Podcast Episode 69 – Wife of Walter Barton Speaks Out

On May 19, Walter Barton became the first person executed in the US in over two months, convicted of killing an 81 year old acquaintance nearly three decades ago. But the Innocence Project and others believed him wrongfully convicted. The Midwest Innocence Project believed that the

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Breaking Down COVID-19 in CDCR Facilities 6.08.20

As of June 8th, CDCR facilities have reported 3,011 COVID-19 cases and have tested 20,979 individuals. More than 150 new cases have been reported since Friday. There have been 12 deaths in California Institute for Men, in Chino,

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San Francisco Court Watch

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Sacramento Court Watch

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Everyday Injustice - Podcast

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Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Subject: PRESS RELEASE: SAN FRANCISCO PUBLIC DEFENDERS HELD A DEMONSTRATION IN SOLIDARITY WITH PUBLIC DEFENDERS ACROSS THE COUNTRY CALLING FOR RACIAL JUSTICE AND AN END TO POLICE BRUTALITY

Date: Monday, June 8, 2020 at 9:26:12 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 8, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

SAN FRANCISCO PUBLIC DEFENDERS HELD A DEMONSTRATION IN SOLIDARITY WITH PUBLIC DEFENDERS ACROSS THE COUNTRY CALLING FOR RACIAL JUSTICE AND AN END TO POLICE BRUTALITY

SAN FRANCISCO - On Monday, June 8, the San Francisco Public Defender’s Office held a demonstration to speak out against a system that has failed to hold police accountable for violence against our communities. This was part of a nationwide day of solidarity where at least 70 public defender offices held independent demonstrations for racial justice in unity with the Black Lives Matter movement.

The San Francisco demonstration was organized by the Racial Justice Committee of the San Francisco Public Defender’s Office and took place on the steps of the San Francisco Hall of Justice. The hour-long demonstration included speakers from the office and the community, followed by a demonstration where public defenders laid down or took a knee for 8 minutes and 46 seconds to commemorate the amount of time a Minneapolis police officer knelt on George Floyd’s neck, killing him. Demonstrators held signs with pictures of people who have been killed by police and chanted their names.

The event was emceed by Deputy Public Defenders Kwixuan Maloof and Rebecca Young. Speakers from the Public Defender’s Office included Chair of the Racial Justice Committee Niki Solis, Deputy Public Defender Phoenix Streets, and San Francisco’s elected Public Defender Mano Raju; and from the community, Founder of Wealth & Disparities in the Black Community Phelicia Jones.

“For decades, we have stood between our clients in the Black community and this jailhouse. Now more than ever, we need support from the Mayor and our city leaders to continue the fight against the injustice that is now plain as day to many, but has been clear to us all along,” said Deputy Public

Defender Niki Solis.

“The criminal legal system’s abject failure to hold police accountable for their unjustified acts of excessive force and perpetual violations of the constitutional rights of people of color fosters the type of arrogance we see in Derek Chauvin’s face as he snuffs out George Floyd’s life,” said Deputy Public Defender Rebecca Young. “Until people with the power to hold police accountable start doing so, communities of color will continue to distrust police and politicians. Public defenders have long understood the problem. Hold police accountable for their abuses of power. If it were happening to your child, this is what you would want.”

“These avoidable and tragic deaths at the hands of police are just one point of a system in need of deep structural reform, which not only includes police violence, but also dishonesty and other misconduct for which police officers rarely face any discipline or accountability,” said Public Defender Mano Raju. “Communities of color routinely face bias and structural obstacles to fairness in this system. Our work as public defenders makes us inextricably linked to the Black Lives Matter movement because we have to relentlessly advocate for those we represent in an attempt to overcome these obstacles to equal justice.”

###

Subject: Everyday Injustice - Is Defunding the Police a Movement Sweeping the Nation; Continued Coverage of Police Violence

Date: Monday, June 8, 2020 at 7:00:23 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We committed to dismantling policing as we know it in the city of Minneapolis and to rebuild with our community a new model of public safety that actually keeps our community safe," Council President Lisa Bender said yesterday.

Everyday Injustice Newsletter - June 8, 2020

We Have Heard About Progressive Prosecutors - But What About Sheriff's

by David Greenwald

We have been punishing the movement for progressive prosecution and re-thinking criminal justice issues for some time. But in this time of consideration of defunding the police (see my commentary from this morning on the website), we should also consider another path forward - progressive sheriffs.

I got to listen to Sheriff Jerry Clayton for the first time in the discussion on their role in COVID-19 Decarceration (see article below).

He said at the outset that he likes to be invited to these discussions with prosecutors like Chesa Boudin and Stana Deberry (who spoke at our event last October) because there is no comprable space for Sheriffs. He has found himself as the lone wolf.

But guess what, listen to him and he speaks the language of reform.

He sees the problem of racism in policing and throughout society.

He could be describing my county when he talks about Washtenaw County, home of Ann Arbor and the University of Michigan. It is slightly bigger than my county, Yolo County home of Davis and UC Davis - but the fundamentals are similar.

He describes his county as "progressive in a lot of issues not necessarily as it relates to race – there is a lot of inequity in our county. And I think the danger in a progressive county like this is, we fool ourselves into thinking that the progressive nature that we hold transcends all issues and we have to be honest and it doesn't."

That has been my experience in Yolo County. Except that unlike Washtenaw, our sheriff is a right wing Trump supporter - who has packaged himself a little more progressively. We also have a very traditional law and order DA in Yolo County.

In 2018, a public defender nearly knocked off that DA. Washtenaw County has Eli Savit who is running for DA against a more traditional DA.

Sheriff Clayton not only sees the problem of race - but over incarceration.

The county has 350,000 people with a relatively small jail – 400 people.

"But even at 400 people, it has always been on my mind that a large percentage of the people don't need to be in that jail," he said. "Most of the people in our jail – they're not a threat."

"They should only be in our jail, if they present a public safety threat," he said. "We should be able to assess those people and get the rest out."

Sheriff Clayton said, "COVID-19 has been the catalyst to move others in our system to reduce the population." Their capacity if 400, average daily population is 350, and their current population is 152.

"The immediacy of being able to reduce our population as quickly as we did, really allowed us to create the kind of housing plan where we could at least start to implement the type of social distancing that the CDC recommends," he said.

The Sheriff also said he wrote the judge "that I support all of your decisions with respect to releasing people just so that I would give them some backing so if something went wrong they could say the sheriff on board with our decision making criteria."

Eventually, he said, COVID-19 will pass and "the question is how do we continue the momentum."

He noted a couple of things. For one, blacks represent only 6 percent of the population but 29 percent of those incarcerated. He also said that the third most common offense that caused someone to be incarcerated in their county was "driving while their license was suspended."

Their recommendation was to make the charge a civil rather than a criminal offense. And also, to not have a license suspension be an add-on to a charge that has nothing to do with driving in the first place.

"We owe to ourselves to not let it go back to the way it was, when COVID-19 ceases to be the global pandemic," he said. Deflection, diversion, re-entry he said are the keys to keeping people out of the system.

Pretty heady stuff and love hearing it from a Sheriff. I think we need a few of Sheriff Clayton's across the country.

Thanks for reading.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Why Disbanding or Defunding the Police Isn't As Crazy As You Think

Yesterday the Minneapolis City Council announced their intent to defund and dismantle the city's police department. Some of my friends on social media see it as the end of the world. But I will argue here that this is a

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Prosecutors and Sheriff Talk About Decarceration During the COVID Pandemic

On Friday, the Pretrial Justice Institute Hosted a Discussion on the role of the prosecutor and sheriff in COVID-19 Decarceration. Miriam Krinsky from Fair and Just Prosecution called COVID-19 “a ticking time bomb”

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Caught on Camera: Police Attack Protestors with their Vehicles

Among rubber bullets and pepper spray, some police forces are using their own modes of transportation as a weapon against protestors during the George Floyd protests.

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Police Destroy Medical Supplies and Water Bottles Amid Protests

Videos from the George Floyd protests show police officers in Asheville, NC, and Columbus, OH viciously destroying demonstrators' medical supplies and plastic water bottles in the third day of demonstrations here in response to the death of George Floyd.

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High Bail for Man Who Assaulted Mom, Great Grandfather

A man suffering from mental illness who has been in and out of residential treatments since high school and assaulted two of his family members – his mother and great grandfather – was hoping to be released on bail Friday in Sacramento County Superior Court here.

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Gun Enhancement Change Potentially Saves Defendant 25 Years to Life

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Police Open Fire on Peaceful Protestors in Contra County City of Clayton

Footage shows police officers opening fire on young, peaceful protestors in the East Bay suburb of Clayton for curfew violations. The scene has been repeated throughout the state of California, from Sacramento

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Former Cop Arrested in Attack on Two Maryland Women Posting Anti-Police Brutality Posters

A now-viral video surfacing here shows a man—later identified as a former police officer—pulling up on a bicycle to attack two women who were posting anti-police brutality posters. The biker also rammed his bike into the man recording into the incident.

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Police Shooting in Vallejo Leads to AG Investigation into Troubled Department

For years civil rights attorney John Burris has been trying to get the California Attorney General's office to investigate the Vallejo Police Department—which has seen an unusually large number of officer-involved shootings

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San Francisco Court Watch

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Subject: MEDIA ADVISORY: TODAY - SF PUBLIC DEFENDERS TO HOLD A DEMONSTRATION IN SOLIDARITY WITH PUBLIC DEFENDERS ACROSS THE COUNTRY CALLING FOR RACIAL JUSTICE AND AN END TO POLICE BRUTALITY

Date: Monday, June 8, 2020 at 2:58:42 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

A reminder -

FOR IMMEDIATE RELEASE: June 6, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

****MEDIA ADVISORY****

SAN FRANCISCO PUBLIC DEFENDERS TO HOLD A DEMONSTRATION IN SOLIDARITY WITH PUBLIC DEFENDERS ACROSS THE COUNTRY CALLING FOR RACIAL JUSTICE AND AN END TO POLICE BRUTALITY

WHAT:

San Francisco Public Defenders will hold a demonstration to speak out against a system that has failed to hold police accountable for violence against our communities. This is part of nationwide movement of public defender offices that will be holding independent demonstrations in solidarity. We do this for racial justice. We do this because Black Lives Matter.

There will be speakers, a performance, and a demonstration - where public defenders will lie down or take a knee for 8 minutes and 46 seconds - to commemorate the amount of time a Minneapolis police officer knelt on George Floyd’s neck, killing him.

WHEN:

Monday, June 8th
12:00-1:00pm

WHERE:

Hall of Justice – Front Steps
850 Bryant St., San Francisco

LIVESTREAM:

- Facebook: San Francisco Public Defender's Office
- Instagram: @sfpublicdefender

###

Subject: MEDIA ADVISORY: SF PUBLIC DEFENDERS TO HOLD A DEMONSTRATION IN SOLIDARITY WITH PUBLIC DEFENDERS ACROSS THE COUNTRY CALLING FOR RACIAL JUSTICE AND AN END TO POLICE BRUTALITY

Date: Saturday, June 6, 2020 at 6:25:07 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 6, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

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12:00-1:00pm

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Hall of Justice – Front Steps

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###

Subject: Everyday Injustice - Brutal Police Case in Buffalo, ACLU Demands Sacramento, Other Communities Rescind Curfews

Date: Friday, June 5, 2020 at 7:00:57 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Their lawful efforts to stop excessive force by law enforcement have been met, at times, with excessive force and now a curfew that improperly curtails their constitutional rights," said Shilpi Agarwal, a senior attorney at the ACLU of Northern California Foundation.

Everyday Injustice Newsletter - June 5, 2020

Videos Across the Country Emerge Showing Police Brutality

by David Greenwald

We are going to have so many videos to go over in the next few weeks it is going to be difficult to get them the attention that they deserve. But the video out of Buffalo, though not a fatality is particularly disturbing.

A 75 year old man is walking down the street, head down and walks toward the advancing police.

After he stops in front of them to talk, an officer yells, "push him back" three times; one officer pushes his arm into the man's chest, while another extends his baton toward him with both hands.

The police officer shoves him down. He loses his balance and flails backwards. His head hits the ground. He is seen motionless and bleeding.

I am not sure what is more disturbing here - the fact that the officers look at him and walk away or the fact that the police claim he tripped when he was clearly shoved.

"Police say a 5th person was arrested during a skirmish with other protesters and also charged with disorderly conduct. During that skirmish involving protesters, one person was injured when he tripped & fell."

As the New York Times report, "Fury among online supporters of the protests was heightened by the

police department's initial claim that the man "tripped and fell," a description at direct odds with the video."

The Mayor said the man is in serious condition. Two police officers were suspended without pay on Thursday night.

Governor Andrew Cuomo of New York condemned the actions of the officers in a statement late Thursday night.

"The incident in Buffalo is wholly unjustified and utterly disgraceful," Governor Cuomo said. "I've spoken with City of Buffalo Mayor Byron Brown and we agree that the officers involved should be immediately suspended. Police officers must enforce — NOT ABUSE — the law."

The Mayor said, "After days of peaceful protests and several meetings between myself, police leadership and members of the community, tonight's event is disheartening."

In Atlanta six officers that pulled out and tased two college students were charged with a slew of charges.

"I agree with Mayor [Keisha Lance] Bottoms and I agree with our police chief, Erika Shields, when they both have conveyed in so many separate ways that the conduct in this incident — it is not indicative of the way that we treat people in the city of Atlanta," Fulton County, Ga., District Attorney Paul Howard told reporters Tuesday.

But we have seen this all over - many photos with officers taking a knee but then many videos of gratuitous and largely unnecessary excessive force and pettiness. What happened in Buffalo was completely unwarranted and petty.

Thanks for reading.

Thanks for reading.

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Criminal Justice News/ Commentary

ACLU Demands Sacramento, Other Communities Rescind Curfews

Earlier this week, the Southern California ACLU filed a lawsuit to stop the city of Los Angeles from imposing a curfew. On Thursday, the Northern California ACLU sent a letter to the Mayor and City Council, requesting that they

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California Leaders Discuss COVID and the Need to Reduce Prison Populations

While concerns about the conditions of prisons and jails were aired prior to the current pandemic, COVID-19 has raised those stakes to me the potential that even a minor arrest or incarceration will lead to death in California's jails

[Read More](#)

SF Protestors Demand Police Reform following George Floyd Murder

Thousands of protestors marched through San Francisco's central neighborhoods Wednesday afternoon, sending a powerful message about solidarity in a time of crisis. In the wake of George Floyd's murder

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Community-Based Alternatives to Policing in California

In the recent wake of the death of George Floyd, people all over California have taken to the streets, and helped push the Assembly Appropriations Committee to introduce the C.R.I.S.E.S. Act, AB 2054

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Moment of Silence after Prosecutor Reads Victim Statement Aloud to Defendant

A Sacramento man listened as a prosecutor read a statement written by the victim during judgment and sentencing in Department 60 of Sacramento County Superior Court Thursday.

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No 'Love' Tops Yolo County Mental Hearings Roundup

In the first in a series of mental health hearings in Yolo County Superior Court here Thursday, Juanita Beatrice Love had no “love” for her attorney Zachary Malinski. After a give and take between the two, Love was released

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Man Stabbed Boyfriend after Cat-Calling Girlfriend; Another Man Waived Scythe at Stranger

During remote arraignments at Sacramento Superior Court this week, a man was given a seven-year sentence for assault with a deadly weapon and great bodily injury after he cat-called a woman from his car and

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Breaking Down COVID-19 in CDCR Facilities 6.04.20

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Yolo County Court Watch

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No ‘Love’ Tops Yolo County Mental Hearings Roundup

In the first in a series of mental health hearings in Yolo County Superior Court here Thursday, Juanita Beatrice Love had no “love” for her attorney Zachary Malinski. After a give and take between the two, Love was released

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Sacramento Court Watch

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Moment of Silence after Prosecutor Reads Victim Statement Aloud to Defendant

A Sacramento man listened as a prosecutor read a statement written by the victim during judgment and sentencing in Department 60 of Sacramento County Superior Court Thursday.

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Man Stabbed Boyfriend after Cat-Calling Girlfriend; Another Man Waived Scythe at Stranger

During remote arraignments at Sacramento Superior Court this week, a man was given a seven-year sentence for assault with a deadly weapon and great bodily injury after he cat-called a woman from his car and

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Everyday Injustice Podcast Episode 68: Melissa Mark-Viverito Runs for Congress in the Bronx

Melissa Mark-Viverito, born in Puerto Rico, has been a councilmember in New York City, representing areas of the Bronx for several terms, and she is running to replace longtime House of Representatives incumbent Jose Serrano.

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Everyday Injustice Podcast Episode 67 – Mimi Rocah Westchester DA Candidate

Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Subject: Everyday Injustice - COVID Cases Explode in CDCR; San Francisco Moves to Not Hire Dirty, Dangerous Cops

Date: Thursday, June 4, 2020 at 7:00:40 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“Across the nation, we have seen the repeated failures of our legal system to hold police accountable for the violence, abuse, and even murders committed against people of color and especially Black people,”
Chesa Boudin.

Everyday Injustice Newsletter - June 4, 2020

ACLU Sues Minneapolis Law Enforcement After Aggressive Riot Tactics Targeted Journalists

By Dominique Kato

MINNESOTA - On Tuesday, The ACLU of Minnesota filed a class-action lawsuit on behalf of journalists who have been tear-gassed, pepper-sprayed, shot in the face with rubber bullets, threatened and arrested by law enforcement without cause, while covering protests over the police murder of George Floyd.

On Monday May 25, 2020, George Floyd, a Minneapolis citizen, was murdered by an officer of the Minneapolis Police Department, Derek Chauvin. Floyd was pinned down on the street, becoming unresponsive while Chauvin knelt on Mr. Floyd's upper back and neck. Two officers aided in holding him down, and another stood by. All four officers have been fired by the City and Chauvin has been charged with second-degree murder and manslaughter.

Due to the videos of this incident spreading across social media thousands of people gathered across the country to protest and mourn Mr. Floyd's murder. These protests have led to the escalation of unlawful force deliberately targeting reporters and protesters. The lawsuit holds that the actions brought on by law enforcement are in violation of the First, Fourth and Fourteenth Amendments. The lawsuit demands a temporary restraining order, an injunction to stop law enforcement from attacking and targeting journalists, and damages compensation for the plaintiff.

The Minnesota ACLU, Fredrikson & Byron P.A. and Apollo Law LLC are suing the City of Minneapolis,

Minneapolis Chief of Police Medaria Arradondo, Lieutenant of Minneapolis Police Department Robert Kroll, Minnesota Commissioner of Public Safety John Harrington, Minnesota State Patrol Colonel Matthew Langer, and John Does, unidentified individuals who committed the acts specified in the brief. Jared Goyette et al. v. City of Minneapolis et al. was filed in the U.S. District Court in the Minnesota District.

The Plaintiff Jared Goyette, a freelance journalist, brought this action on behalf of other similarly situated people, members of the news media, who will in the future watch and record protest activity and the conduct of law enforcement officers on duty. The Plaintiff Class is defined as, "All members of the news media who intend to engage in news gathering or reporting activities in Minnesota related to the protest activities that followed the death of George Floyd and the law enforcement response to those protests."

Count one of the lawsuit argues there has been a violation of the First amendment which protects freedom of speech, freedom of religion, freedom of assembly, freedom of the press, and right to petition. They allege the defendants retaliated against journalists for participating in a constitutionally protected activity. They noted the defendant's retaliation is "part of a pattern or practice of unconstitutional conduct that is certain to continue absent any relief." The lawsuit notes that the Plaintiff class reasonably fears retaliation in the form of chemical agents, unlawful seizure, and excessive force and that there is a need for more police training.

Count two of the lawsuit alleges there has been a violation of the Fourth Amendment which protects people from unlawful searches and seizures. They claimed that the plaintiff class were seized by defendants when the officers terminated their freedom of movement and when they arrested and detained them. As a result of these acts the lawsuit states, "Defendants acts were objectively unreasonable and constituted unlawful seizure and excessive force." Further, they note that they did not commit any crime since members of the media are exempt from curfew orders and permitted to cover protests outside of restriction times, nor did they pose a threat to anyone.

Count three of the lawsuit alleges a violation of the Fourteenth Amendment stating that the Due Process rights were violated when Defendants arrested members of the Plaintiff Class without probable cause and deployed chemical agents without warning. The Due Process clause declares that states may not deny any person "life, liberty or property, without due process of law." They further noted that the Plaintiff Class fear further violation in the future if they continue to do their jobs.

[Click here to read the full article](#)

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Criminal Justice News/ Commentary

San Francisco Moves to Not Hire Dirty, Dangerous Cops

Peace officers with a known history of serious police misconduct cannot be hired by the San Francisco Police Dept or the San Francisco Sheriff's Dep. under a revolutionary resolution introduced here by SF

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Breaking Down COVID-19 in CDCR Facilities – Biweekly Update

The findings overwhelmingly suggest that COVID-19 is going undetected, untested and neglected in several CDCR facilities. The staggeringly high positive test rates at Chuckawalla State Prison and Avenal State Prison raise

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South SF Protests Rage On – 1 Today – in the Wake of George Floyd's Murder

The sound of fireworks cracking and paint cans spraying filled the Bay Area streets this week, following the tragic death of George Floyd. George Floyd's death has sparked nationwide protests

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Peaceful Demonstration in Oakland Highlights Youth Activism, Community Solidarity

An estimated 15,000 people gathered in front of Oakland Technical High School on Monday, June 1 to join the nationwide protests in response to the recent killing of George Floyd, an unarmed Black man, by Minneapolis police.

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Guest Commentary: Biden-Bernie 'Unity Task Force' Makes Dispiriting Criminal Justice Reform Picks

In an attempt to unite the centrist and progressive wings of the Democratic Party, presumptive 2020 presidential nominee Joe Biden and runner-up Bernie Sanders put together six "unity task forces" to shape policies, with the

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Subject: Everyday Injustice - Black Caucus Talks About Struggles and Reform Efforts; A PD Talks About the Complicity of DAs in Police Brutality

Date: Wednesday, June 3, 2020 at 7:00:36 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Assemblymember Shirley Weber: "This country has taught itself to hate African Americans. The death of George Floyd is a brutal illustration that we have not come to terms with that."

Everyday Injustice Newsletter - June 3, 2020

ACLU: Curfew Order Exceeds State's Authority

In a letter yesterday to LA County, the ACLU urged them to rescind or restrict their curfew order.

Here's a key excerpt:

We respectfully request that you, in your capacity as Chair of the Board of Supervisors, rescind or substantially restrict the Curfew Order adopted on May 31 and re-issued on June 1 and June 2, 2020. The Order in its present form is neither authorized by state statutory law nor consistent with the United States Constitution, including the Constitution's prohibition on restrictions of speech and assembly, its protection for the freedom of movement, and its most basic notice requirements. We recognize that in the last few days some individuals have damaged and stolen property in areas where many others have engaged in peaceful protests, but that unlawful conduct cannot justify a state of emergency in the entire county that effectively places over 10 million people under house arrest for twelve hours every evening and morning. The Constitution does not permit the County to order such a sweeping restriction on free speech and travel across a county of 10 million people to address a few localized attacks on property.

The Curfew Order Exceeds the State's Authority Under Govt. Code § 8634

The Order exceeds state statutory authority because it extends far beyond any emergency it seeks to address. The state and its subdivisions have authority to order a curfew to address a genuine “local emergency.” Govt. Code § 8634. In its first clause, the Order states that it responds to threats to persons and property arising from “civil unrest in the County,” see Curfew Order cl. 1, which presumably refers to the protests against police violence that have taken place in certain parts of the County over the last few days. However, so far as we are aware protesters in Southern California have threatened no person’s life, and damage to property has occurred only in commercial districts in a few isolated regions. Nonetheless, the Order applies throughout the entirety of Los Angeles County’s 4,751 square miles, and to nearly all of its 10 million residents. See Curfew Order ¶ 4 (listing nine narrow exemptions). It therefore applies in numerous regions where no protests of any kind have occurred, let alone protests threatening life or property. While it is conceivable that a “local emergency” could encompass all of LA County – such as perhaps after a severe earthquake – protests or damage to property in a few isolated locales do not give rise to an emergency in the entire County.

The Curfew Order Violates the First Amendment

The Order also violates the First Amendment. The “principal function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.” *Texas v. Johnson*, 491 U.S. 397, 408–09 (1989) (citation and quotation marks omitted). The Order dramatically restricts free speech by entirely suppressing all demonstrations occurring after 6pm.

Full letter here:

https://www.aclusocal.org/sites/default/files/aclu_social_lacurfew_20200602_demand_ltr.pdf

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California Legislative Black Caucus Reacts to George Floyd's Death

The California Legislative Black Caucus offered sobering words for Californians on Tuesday during a press conference, but also the hope of change for the future.

"When you have spent the vast majority of three decades

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The Connection between Police Brutality and Wrongful Convictions

On May 25th, George Floyd, a 46-year old Black man, was killed by police after an officer kneeled on his neck for nearly nine minutes. Floyd's life and future is one of many taken unjustly by police brutality. Between 2013 and

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Guest Commentary: Meet You at the DA's Office

In this moment, we appropriately unleash our anger and frustration at police departments across the country for their continued brutality, violence and harassment imposed upon black people. But to best honor George Floyd, we

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Guest Commentary: Biden-Bernie 'Unity Task Force' Makes Dispiriting Criminal Justice Reform Picks

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To: valerie.ibarra@sfgov.org

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Chesa Boudin: "The case never should have been filed. I personally went to court to dismiss it today and I have already implemented policy changes—more to come—to ensure that we won't file that kind of case in the future."

Everyday Injustice Newsletter - June 2, 2020

What Makes Floyd's Killing So Explosive?

by David Greenwald

The question I was answering all day on Monday was what made the death of George Floyd different. After all, we have seen officer involved killings from Michael Brown and Eric Garner in 2014 to ones like Laquan McDonald, Tamir Rice, Philando Castille and locally Stephon Clark.

We had riots in 1992 after the officers acquitted in the Rodney King shooting were acquitted. There were limited riots in Ferguson after the death of Michael Brown. "Hands up, Don't Shoot," "I Can't Breathe" and of course "Black Lives Matter" have become rallying cries.

But there is something different?

I don't think it is one thing.

First of all, I think in Minneapolis, the black community has probably not gotten over the acquittal of the officer who killed Castille in 2016.

Just like one reason I think Sacramento is so bad right now is that the black community has unresolved

anger over the lack of accountability for the death of Stephon Clarke and before him other officers.

The truth is, in just about every major city there is a dead black man at the hands of police officers whose case was not properly handled.

Second, after being kept inside for two months during the COVID-19 pandemic, people were restless and wanted to get out of their homes.

Third, the COVID-19 pandemic has disproportionately hit people and communities of color and there has been a failure to reconcile that.

Fourth, the economy has collapsed and again that has disproportionately hit people and communities of color.

Finally there is the Trump factor. Instead of being a voice of calm and unity, he has fanned the flames.

"These THUGS are dishonoring the memory of George Floyd, and I won't let that happen," he tweeted. "Just spoke to Governor Tim Walz and told him that the Military is with him all the way. Any difficulty and we will assume control but, when the looting starts, the shooting starts. Thank you!"

The NY Times reported yesterday, that protesters were dispersed with tear gas so Trump could pose at a church.

"He did not pray," said Mariann E. Budde, the Episcopal bishop of Washington. "He did not mention George Floyd, he did not mention the agony of people who have been subjected to this kind of horrific expression of racism and white supremacy for hundreds of years."

Meanwhile Houston Police Chief told the president to keep his mouth shut if he couldn't be constructive.

After nearly four years of Trump who has if nothing else ratcheted up the rhetoric and divide in this country, the situation was ready burst and it has.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Things Got Worse on Sunday Night – Much Worse

With the nation up in arms over the killing of George Floyd at the hands of Minneapolis police officers, a video emerged in San Francisco this weekend showing of an SFPD officer using the same deadly tactic, kneeling on the

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Guest Commentary: Why Do We Police Protests against Police Violence?

Wouldn't it be safer and smarter to just let our citizens and people express themselves and not pit them against already trigger-happy, testy, easily insulted armed cops whose careers and jobs are being called into question?

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Bay Area DAs Call on State Bar to Prevent Elected Prosecutors from Accepting Money or Endorsements from Law Enforcement Agencies

Amidst the national protests in light of the death of George Floyd to end police brutality and institutionalized racism, four Bay Area district attorneys have asked the State Bar of California to instate a new

[Read More](#)

33 Candidates Vow to Cut the NYPD Budget by \$1 Billion

On Monday, Janos Marton, a civil rights attorney and candidate for Manhattan District Attorney, released a letter urging candidates running for office in 2021 to promise not to take campaign funds from law enforcement unions,

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Michigan DA Candidate Eli Savit Protests Police Brutality

A police officer here was caught on camera punching an unarmed black woman, and a Washtenaw County District Attorney is speaking out against it, and suggesting the prosecutor may be biased in favor of the police.

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Yolo Man Threatens To Burn Down Entire Street Where Stalker Victim Lived

Myisha Jones, facing a preliminary hearing Tuesday in Yolo County Superior Court, changed her plea from not guilty to no contest to the charge of violating giving false identification to a police officer.

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Sacramento Woman Bursts Out in Frustration During Arraignment in Sacramento

A woman said she wanted to be released and did no crime while denying consent to proceed with her arraignment remotely in Sacramento Superior Court – she also said she didn't want to talk to anyone, even the Court Commissioner, complaining they were bullying her.

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Date: Monday, June 1, 2020 at 9:02:40 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: June 1, 2020

CONTACT: Valerie Ibarra – San Francisco Public Defender's Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

SF PUBLIC DEFENDER MANO RAJU CALLS FOR MAJOR REFORMS AFTER VIDEO SURFACES SHOWING SFPD OFFICER WITH KNEE ON TEENAGER'S NECK

The country is mourning after a Minneapolis police officer murdered George Floyd, an unarmed Black man accused of a nonviolent offense. What happened to George Floyd is happening all over the United States with miserable regularity. Anyone paying attention can see that our country is plagued by police use of excessive force and violence, especially against communities of color.

In fact, on Saturday, my office learned of a video of an SFPD officer using the same deadly tactic, kneeling on the neck of an immobilized Black teenager.

On January 25, 19-year-old Kajon Busby was thrown to the ground by three SFPD officers who had been called to a verbal dispute between Kajon's mother and the next door neighbors. Officer Valle kneeled on Kajon's neck and back, pinning him face down on the sidewalk while her partners handcuffed him. Valle continued to use her knee to put pressure on Kajon's neck and head for nearly a whole minute after he was cuffed. In the video, Valle can be heard attempting to explain the violence by telling the cameraman, "We told you to leave, but you didn't want to," as if that fact, if true, justified this violence. All three officers then misrepresented the events in their reports, Valle claiming she put her knee on Kajon's back only, and the two others attempted to omit Valle's violent

conduct altogether.

Police who abuse their power should not be wearing a badge. While oversight and early intervention is important, it means nothing if there is rarely any meaningful disciplinary action or change. A massive overhaul of our policing system is needed, and it must be driven by the wisdom of the communities most impacted by systemic abuse.

The time for incremental reform in the SFPD has long passed. Therefore, we are calling on the Police Commission and Chief Scott to do the following now:

1. Issue a general order to the department forbidding any officer from applying pressure on a person's neck and head while a person is on the ground. This new policy comports with SFPD's policy against other potentially deadly detention holds such as chokeholds or hobbling. This policy must be made explicit and take effect immediately.
2. Make the use of potentially deadly detention holds a form of misconduct that leads to immediate termination.
3. Make systemic reforms the top priority of the Police Commission, requiring that the Commission agendaize only reform measures and discipline matters, and that the SFPD devote adequate personnel to implement the remaining California DOJ recommendations pursuant to the Collaborative Reform Initiative without further delay.
4. End the two-tiered system of justice: speedily investigate officers accused of violent and/or dishonest misconduct. Investigations that take months and sometimes years - while the offenders continue to act under the color of the law - endanger those who bear the brunt of the abuse and empower the abusers.
5. Increase investments in alternatives to policing. Our over-reliance on law enforcement to respond to every call for help in our communities has led to more violence and over-incarceration. Instead, we must invest in other forms of social support and respond to crises by assessing needs and providing the necessary support. The systems currently in place are not the only options - we can build something different. Diverting funds from policing to community-based and trauma-informed approaches is the first step of many needed to help ameliorate the devastating effects that over policing has had on communities of color.

Further, I ask the Police Commission and Chief Scott to join us in a coalition to work to identify and enact statewide legislative reforms, including amending provisions of the Public Safety Officers' Procedural Bill of Rights that impede the swift termination of officers who abuse their authority - for example, by accelerating the administrative appeals process.

I am heartened by Chief Scott's recent statement condemning the police murder of George Floyd and by the Chief's desire to implement anti-bias measures. However, the current pace of reform is neither rooting out violence and racism in SFPD, nor protecting our community members equally, nor holding violent or dishonest police accountable. San Francisco deserves better.

##

REFERENCES:

Video surfaces among George Floyd death fallout showing SFPD kneeling on a man's neck – SF Examiner –
May 30, 2020: <https://www.sfexaminer.com/news/video-surfaces-amid-george-floyd-death-fallout-showing-sf-police-kneeling-on-mans-neck/>

SFPD Collaborative Reform Phase II Report from the California Department of Justice, March 4, 2020:
<https://oag.ca.gov/system/files/attachments/press-docs/Final%20Hillard%20Heintze%20Phase%20II%20Report%20for%20the%20San%20Francisco%20Police%20Department-1.pdf>

Subject: Everyday Injustice - Things Got Worse on Sunday Night – Much Worse; See Our Local Coverage

Date: Monday, June 1, 2020 at 7:01:25 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Sam Stanton tweeted: "I have never willingly left the scene of a news story because of personal peril in my 38 years in the business. But when my editor ordered me to leave tonight, I did it."

Everyday Injustice Newsletter - June 1, 2020

Is This the End of the American Experiment in Democracy?

by David Greenwald

It is sobering to wake up in the morning and and see what transpired in the dead of the night - none of it

is good. Read tweets from veteran reporters in Sacramento who were ordered by their editors to leave the scene.

As veteran news reporter Sam Stanton tweeted: "I have never willingly left the scene of a news story because of personal peril in my 38 years in the business. But when my editor ordered me to leave tonight, I did it."

It's a pretty sobering situation. Six days into a riot - usually calmer heads are prevailing. Then again usually the person in the White House is going into the Oval Office, putting on the appropriate attire and somberly addressing the nation.

Instead, the President bunkered down in the White House - itself under seige and fired off more angry tweets that shed might heat than light.

This year has been something for the ages. I'm not sure we fully appreciate the magnitude of what we are seeing right now.

For all of the strangeness of the last four years - it appeared that the country might survive - divided and frayed - but survive. How strange it seems now that the most normal thing that has happened this year was that the President of the United States was impeached but not convicted.

It turns out that may be the highpoint for all involved.

It is really dangerous to try to predict what is going to happen this year. After all, nothing has been predictable. As late as February, I don't think most people in this country were that concerned about the specter of COVID - and yet by mid-March most of the country was shutdown and we prepared for a public health emergency.

Things never seemed normal. Protests emerged about the lock down - you can argue fanned a bit by the president who was maybe a bit more concerned about the impact of the economy on his presidential chances than the impact of several hundred thousand deaths.

The protests by and large worked. Fearful of the collapse of civil government or perhaps the prospect of revolt - governors started opening the states before public health officials felt such a move was wise.

We still really do not know what the implications are of those decision - the media is focused more on the riots and protests - understandably so - but we also know that Friday had more new cases in California than ever before.

You think you know what's going to happen in November? You were probably wrong four years ago, but think about this - last week at this time, you had know idea that George Floyd would be killed by police. Something horrible but not outside of the ordinary.

What was outside of the ordinary was the reaction to that - protests that became sustained riots and riots that have gotten worse and more widespread, not better.

Everyone who is looking at polling right now - remember George Floyd and how the unusual event can emerge out of nowhere and change the entire landscape.

Reading the political tea leaves - does this benefit the President? On the one hand, taking the world's eyes off his handling of COVID and possibly the economy is probably a plus. But it's hard to argue law and order when the world spirals out of control on your watch.

Are we doomed? I'm not going there yet. But let's just say, I don't think contemplating it is so absurd at the moment.

Thanks for reading.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Things Got Worse on Sunday Night – Much Worse

If there was hope that calmer heads would prevail on Sunday – that hope was shattered – literally – by another night of chaos in what is rapidly becoming the most serious threat to civil government in the history of our this nation.

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Cooler Heads Prevail – Barely – in Woodland

A Woodland protest organized by a group of young people drew nearly 150 people at its peak across the street from the Yolo County Courthouse. The protest drew among others Supervisor Gary Sandy and Supervisor-elect

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Tensions High in Davis as City Issues a Statement of Unity

There was a brief standoff as police in riot gear from the Davis Police Department and CHP blocked access to I-80 on Sunday afternoon. Earlier the City and Police Department issued a statement...

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Guest Commentary: Powerful Profound Solutions to Quell the Turbulent Waters and Navigate Away from a Looming Social G Revolutionary War

On Friday Night, the 29th, it was a peaceful and profound protest demonstrating injustice not just by police but by horrifically unfair criminal charges—or none at all to those who committed unspeakable crimes.

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SF Woman Who Threw Dog to Its Death Granted New Trial by Appellate Court

A California Appellate Court has granted Wakeen Best, who was previously found guilty of animal abuse, burglary, and vandalism, to a new trial on grounds that the trial court erred in denying her Faretta Motion to represent herself at trial.

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'The Partnership' For Domestic Abuse Survivors

Chesa Boudin, San Francisco District Attorney, California Governor Gavin Newsom, and Airbnb have partnered to support domestic abuse survivors. The partnership is also a collaboration with The California Partnership To End Domestic Violence

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Sacramento Woman Bursts Out in Frustration During Arraignment in Sacramento

A woman said she wanted to be released and did no crime while denying consent to proceed with her arraignment remotely in Sacramento Superior Court – she also said she didn't want to talk to anyone, even the Court Commissioner, complaining they were bullying her.

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Subject: FOR IMMEDIATE RELEASE/PRESS STATEMENT: SF PUBLIC DEFENDER MANO RAJU CALLS FOR MAJOR REFORMS AFTER VIDEO SURFACES SHOWING SFPD OFFICER WITH KNEE ON TEENAGER'S NECK

Date: Monday, June 1, 2020 at 6:16:28 PM British Summer Time

To: Ibarra, Valerie (PDR)

Subject: Everyday Injustice - Central Park and Floyd; Sac Pays For Sheriff's Mistakes; First Post COVID-19 Jury Trial Wraps Up in Sacramento
Date: Friday, May 29, 2020 at 7:15:08 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Carson Wentz: "Being from North Dakota, I've spent a large part of my life surrounded by people of similar color, so I'm never gonna act like I know what the black community goes through or even has gone through already."

Everyday Injustice Newsletter - May 29, 2020

Central Park Video...

by David Greenwald

It is interesting that we now have three pretty accute incidents that frame around race. The killing of George Floyd in Minneapolis. The killing of Ahmaud Arbery in Georgia. And the video in Central Park that emerged this week of Amy Cooper who called the police on Christian Cooper on May 25 after he asked her to leash her dog.

Eliza Orlins, a public defender who is running for Manhattan DA had op-ed in the Washington Post this week.

She writes: "That viral video circulating of a white woman calling the police on a black man in New York's Central Park on Monday was sadly all too familiar. The privilege that the woman in the video sought to weaponize with her 911 call is real — and the system that enables it is overdue for reform."

When Christian Cooper asked her to leash her dog in an area where that's required, she warns him, and in fact, threatens him, that she's going to call the police to falsely report that "there's an African American man threatening my life," which she then does: "Please send the cops immediately," she pleads into the phone.

Orlins notes as a public defender this is all too familiar.

She writes: "A white person calls the police on a black man. The police arrive and take the side of his white accuser, refusing to believe his version of events. He is arrested and arraigned. An outrageous bail amount is set. His family can't afford to buy his freedom. He gets sent to Rikers Island, where he sits for days, months or sometimes years.

"Eventually, his case is resolved in some way — either because the charges are dismissed or because he decides to plead guilty to a lesser charge. In the meantime, he may have lost his job, his home, his children or some combination of the three."

Christian Cooper avoids this fate but as Orlins writes: "the elements of the problem are plain to see."

She notes that usually there is a 911 call.

She writes: "In cases I've taken to trial, the district attorney has offered recordings of "hysterical 911 calls" as evidence of my clients' guilt, urging the jury to "just listen to the fear in her voice," saying, "You can tell she can sense a threat," and asking questions such as, "Why would she lie?" All too often, it works."

As someone who has been covering cases in courts for a decade - we see these 911 calls used as evidence all the time. No one ever questions whether they are contrived by the caller though.

And as Orlins points out: "usually, there is no video."

As she further notes: "Under normal circumstances, these stories from our criminal punishment bureaucracy can be devastating."

"A spurious accusation in a park could mean a death sentence," she writes noting the danger from COVID but forgetting the case of Kalief Browder who was arrested for stealing a backpack, taken to Rikers, traumatized and eventually committed suicide.

But she does recognize the nexus between Cooper and George Floyd, "all of this assumes the police don't show up and deliver the death sentence on the spot. By now anyone who chooses to needlessly report a person of color to police has heard the litany of names such as George Floyd, the African American man who died just Monday after a Minneapolis police officer was filmed pinning Floyd's neck to the ground with his knee."

This is a profound observation.

I was especially moved though by the insight of Carson Wentz on the death of George Floyd. Carson is a white QB with the Eagles but more notably, grew up in a predominantly white community in North Dakota.

"Can't even fathom what the black community has to endure on a daily basis," Wentz wrote. "I don't understand the society we live in that doesn't value all human life."

He added, "Being from North Dakota, I've spent a large part of my life surrounded by people of similar color, so I'm never gonna act like I know what the black community goes through or even has gone through already."

That comment delivered in the tragedy of Floyd's death, could just as easily apply in the case in Central Park.

Thanks for reading.

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Criminal Justice News/ Commentary

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First Post COVID-19 Jury Trial Wraps Up in Sacramento

Jeffrey Powell's nearly three-month long trial on five counts of burglary wrapped up Thursday, and apparently became the first trial in the post COVID-19 period to finish in Sacramento County Superior Court.

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Guest Commentary: 'Miami-Style Smart Justice' Is an Ugly Parody of 'Progressive'

The National District Attorneys Association is the main professional body for American prosecutors, and like the Fraternal Order of Police, it is retrograde when it comes to justice. The organization has fear-mongered about youth

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Court Holds That SB 1437 Does Not Apply to Attempted Murder Convictions

A California Appellate Court held that the SB 1437, which amended the felony murder rule and the natural and probable consequences doctrine, does not apply to attempted murder, while the matter is currently still pending

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Breaking Down COVID-19 in CDCR Facilities 5.28.20

As of May 28th 2020, CDCR facilities have reported 1,220 COVID-19 cases and have tested 11,940 individuals. There have been 9 deaths associated with the California Institute for Men (CIM), located in Chino in San Bernardino

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis Measures in the SF Jails

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Subject: Everyday Injustice - Vanguard Launches COVID Dashboard From Jails and Prisons; Protests Erupt Over Floyd Death
Date: Thursday, May 28, 2020 at 6:55:05 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Mayor Jacob Frey: "We are reeling, and I understand the anger and pain, and we need the public's help in keeping the peace tonight. We need that in order to get through this together."

Everyday Injustice Newsletter - May 28, 2020

Vanguard Launches COVID Dashboard for CDCR

Yesterday we launched the first step of a project that will allow people to track COVID-infections in California prisons and jails. The first step was launched yesterday - with a dashboard of California prisons. The second step will be with jails and other facilities which we hope will come shortly.

The project was developed by Aparna Komarla.

The California Department of Corrections & Rehabilitation (CDCR) publishes a daily update on COVID-19 testing & confirmed cases in its 35 state prisons and facilities. This project collects, analyzes and reports on CDCR data to draw attention to coronavirus infection trends in particular facilities, and also break-down numbers for cities and counties of interest.

The first dashboard provides COVID-19 infection and testing information as of May 27th, 2020 in 35 state prisons and facilities under the jurisdiction of CDCR.

Across California, CDCR facilities have reported 1,216 confirmed COVID-19 cases and have tested 11,807 individuals. There have been 9 deaths associated with the California Institute for Men (CIM), located in Chino in San Bernardino County.

Sacramento County houses two CDCR facilities – Folsom State Prison (FSP), located in Represa and Sacramento State Prison (SAC), located in Folsom. FSP has reportedly tested 155 individuals, however there are zero positive cases. SAC has tested 80 individuals and similarly reports zero positive cases.

There are zero confirmed cases in CDCR facilities located in Marin County, Solano County, Sacramento County, Amador County & San Joaquin County.

These will be published daily around 2 pm Pacific Time in the Afternoon.

To see the dashboard: <https://www.davisvanguard.org/2020/05/breaking-down-covid-19-in-cdcr-facilities/>

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Groups Use Cuomo to Stop “Empty Gestures” and “False Hope” Regarding COVID-19 in Prisons

The Release Aging People in Prison Campaign (RAPP) along with several other criminal justice groups are against New York State’s current efforts to protect incarcerated individuals from COVID-19 and call on the

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Subject: Everyday Injustice - "I Can't Breathe" - Another Eric Garner Moment; Plus a Vanguard Exclusive from Sac on Homeless Enforcement

Date: Wednesday, May 27, 2020 at 7:00:50 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Minnesota Police Officer: "He's talking, so he's breathing."

Everyday Injustice Newsletter - May 27, 2020

Minnesota Police Killing Brings Back Protests and Anger Over Treatment of Black Men by Law Enforcement

by David Greenwald

For awhile after a slew of police killings and protests brought investigations, use of force changes and

body worn cameras it seems that the number of incidents had declined. But over the last few months we have seen a resurgence of police incidents and shootings, the latest may top them all.

The authorities acted quickly when video surfaced showing a black man in custody indicating that he could not breathe.

In a scene reminiscent of Eric Garner's 2014 death, the video shows Floyd telling the police officers that he couldn't breathe as they held him face down on the ground with a knee on the back of his neck for around five minutes.

Floyd says, "Please, man. I can't breathe."

The officer then kneels on his neck even as Floyd complains of stomach pains and then begins to lose consciousness.

Bystanders are heard telling the officers to let him up and check his pulse. As bystanders shout their concern, one officer says, "He's talking, so he's breathing."

The video shows him stop talking, he grows limp, being loaded onto the stretcher and taken away.

Mayor Jacob Frey announced the firings on Twitter, saying "This is the right call."

Floyd's death is under investigation by the FBI and state law enforcement officials.

Mayor Frey on Facebook apologized to the black community for the treatment of 46 year old George Floyd, who worked security at a restaurant.

"Being Black in America should not be a death sentence. For five minutes, we watched a white officer press his knee into a Black man's neck. Five minutes. When you hear someone calling for help, you're supposed to help. This officer failed in the most basic, human sense," Frey posted.

The situation harkens back to the case of Eric Garner, put in a chokehold, famously said that he could not breathe. The pleas were ignored and he ultimately went into arrest and died.

What is interesting personally is that a former Vanguard employee, her brother was hit with multi-tasers by the local police. He begins to complain that he can't breathe, the cops dismissively say almost the same thing, if you can talk, you can breathe.

Within a minute, he begins throwing up, going into convulsions and he ends up dying.

The police need to re-think this. Does it occur to them that the measure of being able to breathe might not be determined by the ability to talk? Is this a lack of medical training? That it is possible that a person can still talk even if you are not getting enough air to their brain.

The senselessness of this encounter is mindboggling. Police responded to a call of a man suspected of forgery.

The police said the man was found sitting on top of a blue car and "appeared to be under the influence."

"He was ordered to step from his car," the department's statement said. "After he got out, he physically resisted officers. Officers were able to get the suspect into handcuffs and noted he appeared to be suffering medical distress."

Something went wrong here - terribly wrong and the cops did not handle this properly.

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Criminal Justice News/ Commentary

VANGUARD’S Exclusive Look at Homeless Lawsuit Against City/County of Sacramento, Police Chief & Sheriff to Stop ‘Sweeps’ that Violate County/CDC Guidelines

The city and county of Sacramento continue to ignore CDC COVID-19 guidelines and orders of the Sacramento County Health Officer by conducting unlawful sweeps and rousts – all over the county, and as recently as Tuesday morning – charged an extensive,

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Guest Commentary: Cop’s Memorial Day Killing of Black Man Encouraged by Local DA Culture

Minneapolis, Memorial Day 2020. A Black man’s head lies on the asphalt, and the white Minneapolis police officer holds an upright position, with his knee snugly pressed against the first man’s neck. The cop slowly chokes the life

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Supreme Court Affirms Ohio Judge’s Order

to Release Medically Vulnerable Incarcerated People

On May 26, 2020, the Supreme Court refused the Trump Administration's request to block a lower judge's trial ruling to release over 800 medically vulnerable incarcerated people from the Elkton Federal Correctional Institution in

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Court Reverses Denial of Petition for Release as SB 1437 Continues to Be Found Constitutional

The Fourth Appellate District, Division Three, reversed the trial court's denial of the defendant's Penal Code section 1170.95 petition, a petition to dismiss a murder conviction, due to finding that SB 1437 did not violate the

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Former Georgia Death Row Prisoner Is Released after 43 Years for a Murder He Did Not Commit, Due to New DNA Evidence

Johnny Lee Gates is set free, 43 years after being sentenced to death in Georgia for a murder he has steadfastly maintained he did not commit. More than 40 years after he was convicted and sentenced to death

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Community Leaders Ask District Attorney Candidates Their Visions for Public Safety Beyond Mass Incarceration

On May 22, Working Families, a progressive grassroots political party working to build a multiracial movement of working people to transform America, hosted a webinar with community leaders, asking DA candidates from across the

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My View: "I, Walter 'Arkie' Barton, am innocent and they are executing an innocent man!"

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis Measures in the SF Jails

As we near two months into this pandemic and resulting shelter-in-place orders, I want to thank you for your continued efforts to keep people safe inside of the jails. We appreciate the measures you have adopted to move toward the recommended social distancing guidelines.

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Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Subject: Everyday Injustice - Alameda Sheriff's Offer Distorted Picture of Santa Rita; Lawsuit To Release Vulnerable Prisoners Filed Against Shelby County Jail

Date: Tuesday, May 26, 2020 at 7:01:14 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Zero bail is a fail when it comes to public safety, that is the opinion of officials at one Bay Area detention facility. Those officials told KRON4's Haaziq Madyun releasing inmates has lead to a recent spike in crime." - Report from KRON in San Francisco.

Everyday Injustice Newsletter - May 26, 2020

Media Again Picks One-Sided Reports to Illustrate Problems with Zero Bail

By David Greenwald

Over the last several weeks, we have shown how Yolo County DA Jeff Reisig is cherry-picking data on recidivism and ignore other data that shows the overall recidivism rate thus far is quite low.

Now it's Alameda County doing the same thing, and KRON Channel 4 giving a very one-sided report. As we know from our webinar last week, Yolanda Huang filed a lawsuit at Santa Rita because of how bad the conditions are there.

Yet programs to release inmates is being called a failure by the Sheriff's Department and reported by KRON without a counter-balance.

"Zero bail is a fail when it comes to public safety, that is the opinion of officials at one Bay Area detention facility," they report. "Those officials told KRON4's Haaziq Madyun releasing inmates has lead to a recent spike in crime."

"We're catching people with guns, with stolen vehicles and we're turning them around and releasing them out the door, hours later and they're doing it again," Alameda County Sgt. Ray Kelly said.

They are now saying, "some of those former inmates are responsible a recent crime wave in the East Bay."

How do they know this? Have they studied the data? Analyzed it? Or are they simply arguing correlation equals causation?

"At least in Alameda County we are seeing a lot of car thefts, we're up to three, four, five vehicle pursuits a day, just in the Sheriff's Office jurisdiction, burglaries and thefts are through the roof," Sgt. Kelly said.

He added, "Since we have been dealing with the pandemic we have been keeping track of re-offenses. We've had over 50 people be rearrested. We have one individual leading the pack probably national with seven re-arrests."

But while they provide 50 people rearrested – they fail to provide out how many and KRON does not seek to find out.

KRON does note: "Inmate advocates in favor of zero bail due to COVID-19 see it differently because of what they say is the high risk of infection in the often overcrowded conditions. However Santa Rita officials say the jail has been transformed to accommodate inmates with COVID-19."

"The jail is a safe space to weather the COVID-19 pandemic. 24-hour access to health care. There is a specific area of the jail that is designated for COVID-19 positive individuals," Sgt. Kelly said. "The majority of those individuals are quarantined in there. They have the same services and activities. they get extra medical care provided to them. All of the patients that have had COVID-19 have recovered."

They mention advocates, but where is the quote or interview with them.

One of those might be Alameda County Public Defender Brendon Woods. Yesterday he tweeted that Santa Rita is the fifth largest jail in the nation and yet only two people in custody have tested positive for COVID-19.

"Early releases & [#zerobail](#) helped to prevent massive outbreak. Jails & prisons everywhere need to [#LetThemGo](#) to save lives," he tweeted.

Meanwhile, Yolanda Huang last week disagreed with the steps taken by the jail to protect inmates.

Huang, who has filed numerous suits challenging conditions in jails long before COVID-19 came onto the scene, said jails “provide the minimum to keep (inmates) alive. That’s it,” noting that inmates don’t even get a splint when their bones break.

Then there are the types of conditions for people who test positive for COVID.

“They get yanked out and put into solitary confinement, and get one hour a day out,” said Huang, explaining that those sick prisoners have to stick their head out of the door tray slot to have a nurse take their temperature.

Her investigation that led to the federal action also found that even shivering inmates, who have the virus, are limited to one blanket unless their attorney is persistent at harassing the jail to get another blanket, the Vanguard reported last week.

She added that deputies, according to reports she’s getting from Santa Rita inmates, are “not practicing good habits. They do not change gloves from housing to housing unit. There’s quite a big spread (of COVID-19) in Santa Rita....the jail treats it like it’s no big deal.”

But of course the people watching the report by KRON would get nothing on this side of the story.

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Criminal Justice News/ Commentary

SF Memorial Day Car Protest Targets Senator, ‘Serious Failures of U.S. Foreign Policy’

Protests are few and far between since mid-March when California and most states issued stay-at-home orders to try to blunt the killing machine known as COVID-19 – the new protest “strategy” has now become the “caravan protest.”

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Lawsuit To Release Vulnerable Prisoners Filed Against Shelby County Jail

With the election of Mike Schmidt as Multnomah County District Attorney confirmed on May 19, a new era should be dawning in Portland, Oregon. Succeeding Rod Underhill, a Democrat who staunchly supported the death penalty and

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Minnesota Adopts Eyewitness ID Law to Prevent Wrongful Convictions

Melissa Mark-Viverito, born in Puerto Rico, has been a councilmember in New York City, representing areas of the Bronx for several terms, and she is running to replace longtime House of Representatives incumbent Jose Serrano.

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Sheriff ‘Lying’ about Sacramento Jail Conditions and COVID-19, Charge Inmates and Prisoner Advocates Sunday at ‘Die-In’

If comments here Sunday by medical professionals, community leaders, and those inside the Sacramento County main downtown jail are to be believed, the 2020 Pandemic known as COVID-19 is about to

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Community Leaders Ask District Attorney Candidates Their Visions for Public Safety

Beyond Mass Incarceration

On May 22, Working Families, a progressive grassroots political party working to build a multiracial movement of working people to transform America, hosted a webinar with community leaders, asking DA candidates from across the

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City and County Must Leave Homeless Alone, Orders County Health Officer – Homeless Union Doesn't 'Trust' Officials, Still Plans to File Lawsuit

Homeless advocates hailed the Sacramento County Health Officer's new guidelines revealed late Friday that mirrored federal CDC recommendations requiring local officials not to "cite, clear or relocate encampments,

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Guest Commentary: Woodland Police Killed My Brother and I Will Not Be Silenced

February 8, 2017 is the day that forever changed my life, the day that cops killed my big brother, Michael Barrera. He was only 30 years old. As my first friend in life, the person that knew me better than I knew myself, my protector, it's

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My View: "I, Walter 'Arkie' Barton, am innocent and they are executing an innocent man!"

The question out of Missouri this is week is one of the most fundamental we can ask in the criminal justice system—did we just execute an innocent man? And perhaps more importantly—why? That is the question that keeps running through my head. What's the rush?

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Subject: Vanguard Premium Newsletter: Planning Commission to Examine Measure J Renewal; Travesty of DP in Missouri

Date: Saturday, May 23, 2020 at 1:56:25 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Judge Michael Wolff, wrote: "How could Barton have perpetrated the kind of violent, forceful attack that killed Ms. Kuehler and walked away quite unstained by the effort?"

Vanguard Premium Morning News - May 23, 2020

Davis Vanguard

Opening Thoughts

It's a Good Idea To Ask Questions About the EPS Report

Like any fiscal analysis, the EPS analysis of the Aggie Research Campus now Davis Innovation and Sustainability Campus, relies on a lot of complicated assumptions and decisions about how to model.

While I think the city and probably the project applicants would prefer to see one number, the reality is that a range of estimates is probably more appropriate.

A good approach to looking at the analysis is one taken by a subcommittee of the Finance and Budget Commission. They met following the FBC meeting on ARC two weeks ago and will meet again on Wednesday with a full battery of questions for EPS and City Staff.

Indeed their questions illuminate something kind of odd overall with the city – it is not completely clear how and where the city is getting its employment figures.

The question asked by the subcommittee for example: “We would like to ask EPS to review the data around number of City of Davis employees as it appears that the number is inflated by UC Davis employees working on campus which is outside the city limits. If this number is inflated then we would ask for the model to be re-run with a more accurate persons served calculation, See Table B-2.”

Looking at Table B-2, we see that they estimate number of employees at 27,897. Clearly that includes UC Davis employees. Recall earlier this week, using the CAFRA numbers they listed 35,900 total city employees, with 24,629 being employed by UC Davis.

But there are some oddities even there. For example, there aren't 24 thousand employees even on the UC Davis – Davis campus. That 24 thousand figure appears to include about 13 thousand employees on the Davis campus but also 11 thousand at medical center.

It makes it difficult to analyze things of this sort when the data is murky at best. But the subcommittee is correct to ask questions, gain clarity.

The approach I would question would be a comment from Alan Pryor on the Vanguard this week. He made a series of criticisms about the EPS report, drawing the conclusion: “I disagree that ARC will provide more net revenue to the City.”

He is certainly entitled to that opinion. But some of the basis for that opinion is questionable.

For example, he argues that the assumptions are “based on the rosier sets of assumptions we have ever seen from EPS for a city project.”

But then he makes a major error when he writes: “The EPS report assumes grossly inflated office rents/leases (i.e. \$2.92/sq ft/mo) which is far in excess of regional average office rent/lease values (\$2.15/sq ft) which 36% increase justify inflated land and building value estimates which justify inflated property tax revenues and receipts.”

The problem is that when they analyze commercial rents, EPS sets the rent at \$2.92 for Office but \$2.33 for Flex and R&D space.

Alan Pryor argues that the average for the region is \$2.15 per square foot. Their two Davis examples one

on Drew and one on Second Street find rent at \$2.21 to \$2.37 per square foot which seems in line for what we would expect rent to be in Davis compared with the region. How they get to \$2.92 is that they assume that the lease type will be Full Service Gross rather than Triple Net (which they assume for R&D).

They explain that Full Service Gross includes taxes, utilities and maintenance in the rent which they estimate will add 30 percent to the value. Whereas Triple Net means all of those expenses are paid directly by the occupant.

In other words, they are not making a rosy assumption here. They are simply assuming costs will be included in the rent.

It is understandable that someone might miss this technical explanation. But that's why asking questions rather than jumping to conclusions is the reasonable approach.

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**Planning Commission to Examine Measure
J Renewal**

The Measure J renewal process will continue this week as the issue comes before the Planning Commission. A few weeks ago the council was supportive of moving forward with the process with only what are considered a few minor

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My View: “I, Walter ‘Arkie’ Barton, am innocent and they are executing an innocent man!”

The question out of Missouri this is week is one of the most fundamental we can ask in the criminal justice system – did we just execute an innocent man. And perhaps more important – why?

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Guest Commentary: H.R. 40 (Reparations) Is Not a Symbolic Act. It’s a Path to Restorative Justice

For nearly three decades, my former colleague Rep. John Conyers of Michigan would introduce H.R. 40, legislation seeking to establish a commission to study and develop reparation proposals. Though many thought it a lost cause,

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One publication noted just how bad: “Buzzfeed is cutting staff pay, Vice is cutting benefits, and newspaper giants like Gannett and the Boston Herald are laying off and furloughing workers. On Friday, Vox became the latest outlet to announce cuts with a mix of furloughs, reduced hours and salary cuts.”

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Oklahoma Becomes Third in the Nation to Require Statewide Tracking of Jailhouse Informants

When Oklahoma Governor Kevin Stitt signed a new law cracking down on unreliable jailhouse informants—incarcerated witnesses who testify in exchange for leniency in their own cases – Oklahoma moved ahead of the national curve addressing the use of jailhouse informants.

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Everyday Injustice Podcast Episode 68:

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Date: Friday, May 22, 2020 at 7:05:15 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

Richard Van Zandt, Yolo Public Defender tweeted: "It is with a heavy heart that I must announce, the Yolo County District Attorney's Office is at it again."

Everyday Injustice Newsletter - May 22, 2020

Minnesota Passes a Landmark Eyewitness Identification Law

by David Greenwald

Last Saturday the Minnesota Governor signed into law, bipartisan legislation that will require the adoption of statewide best practices for lineup procedures. The law authored by Republican State Senator Bill Ingebrigtsen and DFL Representative Dave Pinto is a major step forward in protecting against eyewitness misidentification, the leading cause of DNA-based exonerations in the United States.

"At no time should an innocent person go to prison," said co-author Sen. Bill Ingebrigtsen, R-Alexandria, in a statement. "This is just another tool that will help keep that from ever happening. As a former sheriff, I am proud to be part of this initiative."

"We must ensure law enforcement agencies use sound, science-based practices to identify perpetrators," said Rep. Pinto. "Establishing guidelines for eyewitness identification will maximize the reliability of these procedures and better protect the innocent."

“Adopting statewide, scientifically-based lineup practices will protect the innocent and provide law enforcement with more accurate evidence,” said John Kingrey, board co-chair of the Innocence Project of Minnesota who helped write the bill.

Eyewitness misidentification represents nationwide a major problem contributing to wrongful convictions. The Innocence Project cites data that shows that such mistaken identifications account for 71 percent of all wrongful convictions later overturned by DNA.

In Minnesota, according to the Innocence Project, David Sutherland was wrongfully convicted of a 1985 rape in St. Paul. In 2002, DNA proved his innocence and revealed the actual culprit, who could no longer be prosecuted because the statute of limitations had passed.

“The worst situation is a botched eyewitness ID, the most powerful and least reliable form of evidence,” said Senator Latz, a Democrat. “This law will bring more consistency and confidence to criminal investigations and prosecutions, increasing the likelihood that the right defendant faces justice and the innocent person is never charged. As a result, we will all be safer.”

In 2014, the National Research Council convened a taskforce of the nation’s leading eyewitness identification experts – including Professor Nancy Steblay – that issued a set of best practices for preventing mistaken identifications. While some jurisdictions were already using the recommended procedures, a 2016 survey conducted by the Minnesota Police Chiefs Association & Sheriffs’ Associations revealed that half of their agencies had no written lineup policies at all.

The new law standardizes best practices throughout the state by requiring the Minnesota Board of Peace Officers and Standards Training (POST) to develop a model policy and all law enforcement agencies to adopt written procedures that include four key reforms:

- * Using double blind or blinded administration meaning the official conducting the procedure is unaware of the suspect’s identity to prevent suggestiveness. If that is not practical the administrator can use a photo lineup procedure that prevents him or her from seeing which are being viewed by the eyewitness at a given time.
- * Instructing the eyewitness that the perpetrator may or may not be present in the lineup.
- * Selecting non-suspect fillers to place in the lineup who match the eyewitness’s description of the perpetrator.
- * Documenting the eyewitness’s level of confidence immediately after an identification is made.

“The Legislature is to be commended in addressing this important criminal justice reform initiative, especially when you consider what they were able to accomplish due to the pandemic crisis,” said Sara Jones, Executive Director of the Innocence Project of Minnesota.

“I am very pleased to see the eyewitness identification reforms enacted by the Minnesota legislature,” said Nancy Steblay, Ph.D., Professor of Psychology at Augsburg University. “In over four decades of research, eyewitness scientists have come to better understand the fragile nature of memory and the ways in which eyewitness memory can be vulnerable to error. The enacted reforms specify science-based best practices for the collection of eyewitness memory evidence.”

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Criminal Justice News/ Commentary

Commentary: Another Example of the Media Failing to Do Its Job

One of the continuing themes that has been ramped up in California and indeed across the country is the push back by traditional law and order DAs and sheriffs on COVID-based releases from jails and prisons.

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Guest Commentary: Portland, Oregon's Seismic DA Result Demands Our Attention

With the election of Mike Schmidt as Multnomah County District Attorney confirmed on May 19, a new era should be dawning in Portland, Oregon. Succeeding Rod Underhill, a Democrat who staunchly supported the death penalty and

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Everyday Injustice Podcast Episode 68: Melissa Mark-Viverito Runs for Congress in the Bronx

Melissa Mark-Viverito, born in Puerto Rico, has been a councilmember in New York City, representing areas of the Bronx for several terms, and she is running to replace longtime House of Representatives incumbent Jose Serrano.

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Assembly Committee on Labor and Employment Passes AB 2992, Expanding Protections for Victims of Violent Crime

In Assemblymember Shirley Weber's latest press release, the Assembly Committee on Labor and Employment has passed the AB 2992 legislation through a bipartisan vote, which would provide the victims of violent

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Yolo Court Whips through Cases in Thursday Zoom Hearings

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"This is a discussion of COVID-19, its impact on our jails and how it is alerting many in the reform movement that we need to move forward on decarceration. As of now, there are more than 3,200 people in prison in this state who have contracted COVID-19...at least 16 inmates died," Josh Kaizuka

Everyday Injustice Newsletter - May 21, 2020

Another Example of the Media Failing to Do Its Job

by David Greenwald

We had a great event last night talking about COVID and the jails. I also gave a brief presentation on our work as the Vanguard and the need for the court watch project as we start to make plans to expand in LA and implement a ten jurisdiction court watch plan over time.

One of the points I always make is that the media lacks the resources and reporters these days to adequately cover the courts. Well perhaps I give some of the media too much credit.

Last week, we saw the media eat up the story out of the LA Jail spun by the Sheriff down there that inmates were attempting to infect themselves.

A bigger issue that I see is the media simply taking as one critic pointed out - the word of law enforcement and sheriffs and DAs and using it as though it were an objective source. What the media needs to do is approach claims skeptically and look up the data in order to see if an anecdote is an outlier or part of a bigger pattern.

We have been hammering the Yolo DA for the last few weeks for distorting the picture on recidivism among jail releases.

Our Sunday article noted that the Yolo County DA had issued six press releases detailing seven cases where someone released on zero bail, committed a new crime.

But thanks to a presentation by Yolo County Sheriff Tom Lopez, we know that those as of Sunday represented all of the recidivism in Yolo County.

Thanks to the sheriff's presentation before the board of supervisors, we now know that, as of Tuesday, there were only four cases of recidivism in the county out of 117 people who were released.

In the worst-case scenario then, these three additional people committing new crimes, at worst, pushes it to 7 out of 120. That is five percent. Given that the overall recidivism rate is somewhere between 50 and 70 percent, I would say that we are doing fairly well.

But none of the other media seems to understand the need to do this.

KCRA on Monday reported the story of the Yolo DA's office filing multiple felonies against 23-year-old Kenneth Smit.

They report: "He was arrested for auto theft on May 14 and then released under following new guidelines set up by the Judicial Council of California. The guideline, which went into effect April 13, ends cash bail for most misdemeanor and lower-level felonies during the COVID-19 outbreak as a way to mitigate the spread of the virus in county jails."

However, "the DA's office said there are multiple examples of inmates being set free in a game of catch and release."

"This is not a risk-free situation," said Melinda Aiello, assistant chief deputy district attorney for Yolo County.

What they never report is what we reported - five percent.

CBS Sacramento on Monday, "A man arrested in connection to the theft of a U-Haul truck in Sutter County has been released from custody due to the order setting bail for most minor crimes at \$0 over coronavirus concerns."

The Chino Hills newspaper reports that San Bernardino DA Jason Anderson told the Chino Hills City Council Tuesday "that the emergency rule issued by the Judicial Council of California setting bail statewide at zero dollars was "sprung" upon his office with only a week to implement it."

Give that paper and that DA credit. They acknowledge: "He said there have been 446 arrested under zero bail. Of that amount, 31 have been re-arrested."

"That number is less than 10 percent of 446, but it's 31 more than we would like who are having an impact on our law-abiding citizens," he said.

Of course there is another story to tell here - and it's not being told. We are not learning about the success stories. We are not discussing in these articles the risk of leaving people in custody in overcrowded conditions.

Instead, we hear that is 31 more than we would like - instead of we reduced the jail by x-amount which allowed more people to be safe.

The Chino Hills did better but never interviewed anyone who was a proponent of the system. Not a public defender. Not a reformer. So even with better stats, they did not give the public a rounded picture.

That is why we keep hammering on this story.

Thanks for reading.

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Criminal Justice News/ Commentary

VANGUARD'S COVID-19 & JAILS

WEBINAR: Lawyers Paint Dark Picture of the 'Virus' and Jails from Coast to Coast

Lawyers from New York to the San Francisco Bay Area and Sacramento weighed in the murky but deadly subject of COVID-19 in local jails Wednesday night, in what is the first in a series of online "Justice" webinars, sponsored by The Vanguard.

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Missouri Executes First Person Since COVID-19: A Man Who Claims Innocence

In a series of hearings in Sacramento County Superior Court here Wednesday, the talk was mostly about finishing classes, not murder and mayhem. In the end, all of the cases, even those where the court did not have proof of completion

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Everyday Injustice Newsletter - May 20, 2020

"I, Walter 'Arkie' Barton, am innocent and they are executing an innocent man!"

by David Greenwald

by David Greenwald

Why? That is the question that keeps running through my head. What's the rush? The US had not executed anyone since March 5 - pre-COVID. Why rush to execute Walter Barton when there was substantial evidence of innocence?

The Innocence Project last year identified 18 people proven innocent and exonerated by DNA testing in the United States after serving time on death row last year. But the worst part of that is we really don't know how many actually innocent people have been executed.

I believe Cameron Todd Willingham is one of them. This weekend I finished my read of David Dow's "Autobiography of an Execution" - Dow is anything from a "shouting lunatic, and the farthest thing from a bleeding-heart abolitionist" the New York Times book review noted and yet, he was pretty convinced that his client executed at the end of his book was innocent.

In the case of Barton - this is no proof of innocence. But the evidence is there to cast doubt on guilt - serious doubt. Last week we learned that three jurors involved in his original 2006 trial now express "misgivings" about their convicted based on the new blood spatter evidence.

"At his trial, a prosecution expert argued the three small bloodstains were the result of spatter resulting from blows to the victim," according to one account. But a new crime scene analyst believes that if Barton had killed the victim, whose throat was cut, he would have been covered in blood not with small blood stains on his clothing.

"The jury foreman said he would have been "uncomfortable" recommending the death penalty based on the new evidence," the Kansas City Star reported.

Shouldn't that have been enough to pause things and make sure we are not executing an innocent man?

I get it - this took a long time. The case was tied up for years with mistrials, appeals and two previously overturned convictions.

The Missouri Supreme Court narrowly upheld his conviction in 2007, with multiple judges dissenting.

One dissenting judge, Michael Wolff, wrote: "How could Barton have perpetrated the kind of violent, forceful attack that killed Ms. Kuehler and walked away quite unstained by the effort?"

Then there was the ABA, who called on the Governor to issue an execution reprieve.

The ABA cited "unprecedented limitations on effective representation" due to the coronavirus pandemic. In Barton's case, coronavirus restrictions have made it difficult for his attorneys to investigate the new evidence, the group wrote.

They cited the case's "troubling history" and "lingering doubts around guilt," and called on the Governor to commission an inquiry board to review Barton's conviction and sentence.

In a letter to Parson on Friday, The Innocence Project, the Midwest Innocence Project and the MacArthur Justice Center echoed this call for an independent inquiry.

It noted Barton's conviction "rests entirely upon evidence now known to be two of the leading causes of wrongful conviction: incentivized jailhouse informant testimony and blood spatter evidence, an infamously unreliable forensic 'science.'"

"The evidence against Mr. Barton has always been weak and circumstantial—so weak it took the state five tries over the course of 15 years—to convict and sentence him to death," the Innocence Project

wrote. "Just two pieces of evidence were used to secure Mr. Barton's conviction, both of which have now been fatally undermined."

Meanwhile the state Attorney General's office said that the evidence was not new and did not suggest that no reasonable juror would vote to convict him.

That standard is way too high - especially in a death penalty case. The new evidence should have a reasonable likelihood of changing the outcome of a trial. Unlike a wrongful conviction case where the individual is still in custody - in this case, you can't bring the executed back. We should be sure - reasonable people are not.

So again I am left to wonder, why are we executing this guy? What is the compelling reason? We have seen enough of these cases proven to be wrongful convictions over the years that we should be reluctant to execute when there is any doubt that the guy did it - and in this case that doubt is sufficient that if he had a trial today, he would not have been convicted beyond a reasonable doubt.

It should be noted the last execution was also a fiasco. Nathaniel Woods was executed in Alabama after Supreme Court denied a stay and Alabama Gov. Kay Ivey refused to step in and stop the lethal injection.

Advocates had argued Woods, who was convicted in the murder of three police officers in 2004, did not directly take part in the slayings and should have his execution delayed.

The decision came after Alabama Gov. Kay Ivey reviewed the letter requesting a reprieve from the death sentence, but said she would allow the execution to proceed.

Neither of these executions seemed necessary and both call into question the ability of the criminal justice to get decisions right.

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Everyday Injustice Newsletter - May 20, 2020

Another Huge Win For the Progressive DA Movement

By David Greenwald

Mike Schmidt became the latest reform-minded candidate to run on a progressive platform against a

status quo candidate and win. He won in Multnomah County – home of Portland.

It was not even close. The 39 year old Schmidt defeated his establishment opponent, a 45 year old assistant US attorney by a 3 to 1 margin – 76 to 24 percent.

“The message from Multnomah County voters was loud and clear: They are ready for major reform in our criminal justice system,” Schmidt said late Tuesday. “Tonight we celebrate a new era for our criminal justice system, but tomorrow the real hard work begins.”

John Legend made a very late endorsement on Monday. He tweeted that Oregon Criminal Justice Commission executive director Mike Schmidt “is the clear choice for Multnomah County District Attorney.”

“I believe we need major reform in our criminal justice system,” Schmidt said last week.

He added, “When you look at the fact that our director of corrections and even our county sheriff have said over and over that our jails and prisons are our largest homeless shelters, our largest drug and alcohol treatment facilities, our largest mental health treatment facilities ... it starts to really become evident that we need to do something different.”

This was an interesting campaign, because unlike in some jurisdictions where the establishment candidate has tried to repackage in reformer-lite clothing, Ethan Knight ran as an establishment candidate.

“I’m absolutely the establishment candidate if that means the candidate with the most support from first-responders, the most support from the legal community and from folks who’ve done this work,” Knight said. “Now, having said all that, there are certainly aspects of what is generally been described as the reform movement that I’m supportive of.”

He also said, “I don’t believe we need to tear the entire system down. I think we can agree there are changes we need to make, but there’s also a lot that we do well.”

“I think the justice system, at its best, is a fair system that is divorced from politics and political whims and those who may be reacting to entirely different forces in society and culture,” he said. “It’s based on treating everyone equally and fairly.”

Meanwhile it appears Schmidt won by speaking the language of reformers – stop targeting people of color, holding police accountable, treating kids like kids, ending mass incarceration, decriminalizing sex work, drugs and homelessness. Although both candidates advocated for ending cash bail and making it easier for convicted felons to expunge their records after living crime-free for five years.

It is interesting to see just how far this movement has progressed in just three years. In 2017, people like Larry Krasner stunned the establishment with a key victory, but in 2018, most of the reformer lost. That momentum has picked back up as we saw Chesa Boudin pick up a huge victory in San Francisco last November – last June, Tiffany Caban nearly won in Queens.

We have been interviewing progressive prosecutors across the country. Here is our compendium from March and we have since interviewed a bunch more: <https://www.davisvanguard.org/2020/03/listen-to-our-everyday-injustice-progressive-prosecution-podcasts/>

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Subject: Tonight Zoom Discussion: COVID-19, Jails, and Why We Need Criminal Justice Reform
Date: Wednesday, May 20, 2020 at 6:12:51 PM British Summer Time
From: David M. Greenwald
To: undisclosed-recipients;
BCC: valerie.ibarra@sfgov.org
Attachments: Covid-FORUM.jpg

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Hey everyone - this event is tonight... you do need to RSVP to Dani (dcsilva@davisvanguard.org) if you plan to attend. The event starts 6 pm pacific time. Event is open to attorneys.

Vanguard Court Watch Presents:
COVID-19, Jails and Why We Need Criminal Justice Reform



Manhattan DA Candidate
Janos Marton



Civil Rights Attorney
Yolanda Huang



Sac Ast. Public Defender
John Stoller



Sacramento Attorney
Michelle Spaulding



SF Dep. Public Defender
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Subject: Everyday Injustice - US Court Reverses Stay in Missouri DP Case; Todd Spitzer Opposes Zero Bail
Date: Tuesday, May 19, 2020 at 7:01:12 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"After considerations, it is hereby ordered and adjudged that the stay of execution is hereby vacated and the case is remanded in accordance with the opinion of this Court," the Court Granting the Execution on Barton

Everyday Injustice Newsletter - May 19, 2020

New Orange County DA Proving Not To Be a Reformer

By David Greenwald

In 2018, Orange County DA Tony Rackauckas facing serious questions about his handling of the informant scandal was challenged by former Republican Assemblymember Todd Spitzer, who promised to clean up the office. Spitzer would prevail in the election, denying Rackauckas in his bid for a sixth term as Orange County DA.

Immediately it seemed Orange County was back in scandal crisis. This time after revelations, again stemming from the work of Public Defender Scott Sanders, that 70% of Orange County's deputies hadn't booked evidence on time – 27 percent of the deputies waited a month or longer and some never booked it at all -even as they told their superior they had.

That is a big problem because you now have cases where the evidence has lost its chain of custody and in some cases that evidence will have to be thrown out and that could mean cases thrown out, the guilty could have to go free in some cases.

Worse yet there was a failure to notify defendants about the problems with the evidence against them – that is a Brady Violation and violations of the right to a fair trial. We are talking thousands of cases.

Todd Spitzer claims the sheriff had never told him about the problems. The Sheriff has said Spitzer should have been aware of the issue because the D.A.'s office was notified when the internal audit was launched in 2018.

But this isn't just about the handling or mishandling of the evidence scandal. Todd Spitzer simply is not a reformer.

This weekend, he had an op-ed in the [Orange County Register](#), pushing back against zero bail.

"Now is not the time for social justice experiments like \$0 bail," he writes.

He writes, "The California Judicial Council, a little-known state entity that controls the entire court system,

decided to use the COVID-19 crisis to implement its views on pre-trial release. In doing so, its members put public safety at risk.”

Indeed he notes that the voters will have a chance to approve SB 10, the bill that ended cash bail in California and replaced it with a risk-assessment system after an initiative qualified in November to overturn the law.

Writes Spitzer, “Voters will decide if ending bail makes common sense for public safety. We have a lot of examples why this is now highly questionable.”

The craziest thing he writes though regards Orange County Sheriff Don Barnes – the same person responsible for overseeing the evidence scandal.

He writes, “Orange County Sheriff Don Barnes has taken proactive steps to protect the health and safety of jail staff including implementing all safety measures mandated by the Centers for Disease Control.”

So we are to trust Don Barnes to ensure the safety of those held in custody when he can’t even ensure that his office properly processes evidence.

Spitzer continues: “While the initial urgent need to reduce jail population was an important and necessary assertion, the Judicial Council unnecessarily and dangerously mixed its socially progressive goals of ending bail into these emergency rules.

“That social agenda has exploited this pandemic as an excuse to empty jails and prisons across the nation in order to justify such measures as keeping with protection of the public. Rule 4’s misuse has exposed the ruse.”

Like other counties – Spitzer points out examples of people who have been released who have re-offended within days. Of course nowhere does he cite the overall recidivism which in most counties has been less than five percent.

Spitzer then blames the situation on Commissioner Joseph Dane, who he accuses of failing “to properly consider the risk to public safety when ordering release, instead making a record totally relying on the pandemic and Rule 4 as his authority.”

Concludes Spitzer: “We didn’t need an experiment to tell us what we already knew: when you let criminals out of jail, they will commit more crimes”

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Criminal Justice News/ Commentary

Guest Commentary: California Strips Incarcerated People of Complaint Rights during Pandemic

In September last year, the Prison Law Office, a nonprofit working for incarcerated people in California, sent a letter to Warden Molly Hill of the California Institution for Women, a state prison outside of Los Angeles. It complained that one

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Execution Reinstated for Innocent-Claiming For Missouri Man After Court Vacates Stay

Missouri is maintaining their scheduled execution of 64-year-old Walter Barton for today after his stay of execution petition, granted on May 5, 2020, was vacated two days ago.

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Two Men Accused of Robbing Two Chainsaws Are Charged With Grand Theft

Two Yolo County men are being charged for allegedly stealing two chainsaws from a local arborist, the chainsaws valued at \$2150 in total. During a preliminary hearing, defendants Brian Ronald Martin and Christopher Michael

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To: valerie.ibarra@sfgov.org

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“It has long been said that a society’s worth can be judged by taking stock of its prisons,” Justice Sotomayor wrote. “That is all the truer in this pandemic, where inmates everywhere have been rendered vulnerable and often powerless to protect themselves from harm. May we hope that our country’s facilities serve as models rather than cautionary tales.”

Everyday Injustice Newsletter - May 18, 2020

Stay Granted in Missouri Case

Last week Missouri was set to execute 64 year old Walter Barton. Barton was convicted of the first-degree murder of an 81-year-old woman, Gladys Kuehler, and sentenced to death. The murder occurred in 1991 at a trailer park.

As we reported last week, new concerns have arisen regarding a key piece of evidence that led to his conviction.

"A new revelation in the blood splatter stain that was found on Barton's clothing suggests that the blood was transferred onto his clothing after Barton and the other witnesses found the victim. A blood splatter expert also said that the assailant would have far more blood on his clothing than Barton had," the Vanguard reported.

The motion for stay of execution argues the Court "is empowered to issue a stay of the execution scheduled for May 19, 2020," arguing that a key statute applies "where a § 2254 petition is pending and has been brought in a timely fashion, and the scheduled execution does not provide adequate time for the Court to consider the merits of the petition for habeas relief."

The court in granting the stay, notes, "briefing on the petition for habeas corpus relief and motion for stay of execution was complete on Monday, May 11, 2020. The petition for habeas corpus relief, filed in this Court on May 4, 2020, within a week after the Missouri Supreme Court's ruling on April 27, 2020..."

The court rules, "the Court requires more time to consider the merits of the claims beyond the 15 days available in this case between the filing of the habeas petition on May 4, 2020, and the scheduled execution on May 19, 2020."

The key issue here is that in 2015, Barton's attorney asked a crime scene analyst to examine the evidence.

The analyst found that the stains on Barton's clothing were not consistent with typical impact stains. Instead, they are believed to be transfer stains from when Barton's shirt touched the existing bloodstains.

This was all contradictory to what was initially testified to in 1993.

We also noted that in 2009, three years after Barton was sentenced to death, the National Academy of Sciences released a report that found conclusions made by bloodstain pattern analysts are generally "more subjective than scientific," stating that there are "[enormous uncertainties]."

Upon hearing about these findings, three jurors from the original jury that convicted him said that the new revelations would have affected their deliberations. They signed affidavits confirming their statements, calling the new evidence "compelling." The jury foreman also said that, based on the evidence, he would have been "uncomfortable" recommending the death penalty.

But the system has not availed itself to overturn the conviction.

Indeed on April 27, the Missouri Supreme Court denied Petitioner's February 3, 2020 petition for habeas corpus relief.

However, this stay will at least allow the US District Court to consider this new evidence and whether it warrants a new trial.

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Criminal Justice News/ Commentary

ACLU Files Lawsuits on Behalf of Terminal Island and Lompoc Prisoners

The ACLU of Southern California among others has filed a class action lawsuit on behalf of incarcerated people at two facilities – Terminal Island and Lompoc. COVID-19 has swept through the federal prisons in Lompoc and on Terminal Island like wildfires.v

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Gascón States Excessive Force Case Needs ‘An Independent Advocate,’ Not a ‘Multi-Million Dollar Pawn’

LA District Attorney candidate George Gascón criticized the current DA’s approach to excessive force cases among officers in the Los Angeles Police Department (LAPD), especially in regard to an excessive force case in Boyle Heights

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Judge Sentences Man Who Confessed to Therapist of Downloading Child Pornography

In Yolo County Superior Court, a man was sentenced to four years after admitting to his therapist and parole officer that he downloaded over 600 explicit photos and videos of minors

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Friday Arraignments: An Uppercut, Corporal Injury/Elder Abuse, Restraining Order Violation and Threats to Neighbors

In a string of arraignments here in Sacramento County Superior Court on Friday, a man allegedly uppercut his girlfriend and threatened to shoot up her home; another was charged with corporal injury and elder abuse

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Sunday Commentary: Yolo DA Continues to Present Anecdotes on Zero Bail

Every time the Yolo County DA has put out a press release on someone committing a new crime after being released, they have failed to put the story in proper context. Nowhere do they let the media or the readers know that these cases represent less than five percent of all released.

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Justice Sotomayor Writes Scathing Objection to Handling of COVID Matter by Texas Jail

On May 14, the Supreme Court denied two Texas incarcerated's request for a reinstatement of a trial judge's order instructing corrections officials to take steps to protect prisoners from COVID-19, to which Justices Sotomayor and

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Everyday Injustice Newsletter - May 15, 2020

Supreme Court Will Not Step Up To Protect Those Incarcerated

by David Greenwald

On Thursday, the US Supreme Court refused to hear a request from two inmates at a Texas geriatric prison. The brief order was unsigned, but in a powerful statement, Justice Sotomayor joined by Justice Ginsberg.

In the suit, the inmates at the geriatric prison allege that their facility failed to protect them from the dangers of Covid-19.

The district court had heard testimony that was "unrebutted" regarding the "imminent dangers faced by the inmates, some of whom have already died." In addition, it heard testimony about the facility's lackluster efforts to keep the illness from spreading and "the facility's inexplicable failures amounted to deliberate indifference for its elderly inmates in violation of the Eighth Amendment."

Justice Sotomayor notes the high bar for overturning it, and notes, "Under the circumstances of this case, where the inmates filed a lawsuit before filing any grievance with the prison itself, it is hard to conclude that the Fifth Circuit was demonstrably wrong on this preliminary procedural holding."

Nevertheless, Justice Sotomayor writes separately to "highlight the disturbing allegations presented below."

The facility at issue (the Pack Unit) houses about 1,200 inmates, more than 800 of whom are 65 or older and risk of COVID-19 spread is "particularly high."

On April 11, 2020, one inmate, Leonard Clerkly, was transferred to the hospital because of difficulty breathing, a symptom the hospital linked to Covid-19. He was pronounced dead mere hours later.

However despite attempting to implement what would seem to be reasonable guidelines, the court "heard unrefuted testimony that, despite the prison's claim of enhanced cleaning measures, its cleaning protocol in practice remained virtually the same."

Further, "The facility's failures to comply with its own safety protocol became even clearer after Clerkly's death."

As the Justice notes, despite the fact that the man had difficulty breathing and died only a few hours after being transported to the hospital, the prison "made no representations" to the District Court that "they identified Mr. Clerkly as symptomatic, evaluated him for potential COVID-19 infection, or isolated or treated him for COVID-19 at any point before his transport to the hospital on the day of his death."

In fact, the prison "did not implement further precautionary measures until three days after Mr. Clerkly's death."

"It has long been said that a society's worth can be judged by taking stock of its prisons," Justice Sotomayor wrote. "That is all the truer in this pandemic, where inmates everywhere have been rendered vulnerable and often powerless to protect themselves from harm. May we hope that our country's facilities serve as models rather than cautionary tales."

Judge Ellison having heard this evidence, ordered prison officials to undertake some 14 measures to combat the spread of the virus. The three judge panel of the US Court of Appeals for the Fifth Circuit in New Orleans, blocked the order ruling that he had exceeded his authority.

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Criminal Justice News/ Commentary

New Courthouse ‘Normal’ – Sacramento Courthouse Now Requiring Mandatory Temperature Checks & Masks

When will “live” – as opposed to “virtual” live-streamed-on-Zoom – hearings, including trials, resume at the Sacramento County Superior Court?

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Missouri to Carry Out First Execution Since COVID-19 on Man Despite New Evidence of Innocence

Despite the fact that many states postponed lethal injections amidst the coronavirus pandemic, Missouri is maintaining their scheduled execution of 64-year-old Walter Barton on May 19, 2020.

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Sentencing Project Talks Strategies On Reducing Incarceration During COVID-19

The Sentencing Project recently hosted a Zoom to talk about current COVID-19 decarceration strategies used across the nation, ranging from mobilizing jail releases to providing personal protective equipment.

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Domestic Violence Continues During Shelter In Place– Two Men Charged with Corporal Injury, Another Accused of Assault with a Deadly Weapon

During remote arraignments here in Sacramento County Superior Court Thursday, three out of four cases were for domestic violence – two men allegedly punched and strangled their girlfriends, another hit his wife’s car with his

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Commentary: Yolo DA Continues to Cherrypick Bad Cases

Data rather than anecdotes should be driving public policy decisions during this COVID-19 crisis. And yet, what we have seen from the Yolo County District Attorney, in the form of press releases, has been a relatively steady stream of anecdotes apparently aimed at laying the ground work for an argument against the Judicial Council’s zero bail policy.

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COVID-19, Jails and Why We Need Criminal Justice Reform



Manhattan DA Candidate
Janos Marton

Civil Rights Attorney
Yolanda Huang

Sac Ast. Public Defender
John Stoller

Sacramento Attorney
Michelle Spaulding

SF Dep. Public Defender
Jacque Wilson

May 20 at 6 pm PDT
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Vanguard Court Watch Presents: COVID-19, Jails and Why We Need Criminal Justice Reform

Join Us for a roundtable discussion of COVID-19, the jails and why we need criminal justice reform - Wednesday, May 20, 2020 at 6 p.m./Pacific.

This is a discussion by invite only to lawyers in Sacramento, Yolo, San Francisco Bay Area, and other NorCal locations.

The COVID-19 pandemic has forced the issue of criminal justice reform onto the forefront of the discussion - mass incarceration and pretrial detention have collided with the reality of COVID-19 putting people – from inmates to guards and defense lawyers - in harm's way and forcing us to debate the question of who needs to be in jail.

In a discussion moderated by Sacramento Attorney Josh Kaizuka and hosted by the Vanguard, we have five attorneys from across the region and the nation who are heavily involved in this issue.

Janos Marton is a civil right attorney in New York who is running for DA in Manhattan and was involved previously in the closed Rikers movement.

Yolanda Huang is a San Francisco Bay Area civil rights attorney who recently filed a lawsuit in federal court in San Francisco to force the jail in Alameda to protect incarcerated individuals from COVID-19.

John Stoller is an Assistant Public Defender in Sacramento who has filed numerous suits attempting to gain release of inmates from Sacramento county jails to allow for safer conditions.

Michelle Spaulding is a private attorney in Sacramento who represented several sick incarcerated clients - they went public about conditions, which Michelle has called a "horror."

Jacque Wilson is a Deputy Public Defender in San Francisco, two of his brothers are in prison, one with COVID, and he is working to get them released.

The discussion takes place at 6 pm pacific time on Wednesday, May 20. To register email: dcsilva@davisvanguard.org

--

David M. Greenwald
Executive Director
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Subject: Everyday Injustice - Discussion Looks at COVID Response by LA DA Ahead of November Election;
Yolo DA Continues to Cherrypick Bad Cases

Date: Thursday, May 14, 2020 at 7:10:10 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

George Gascon: "Crime has not gone up... We need to make sure that we do not go back to where we were."

Everyday Injustice Newsletter - May 14, 2020

Media Botches LA Jail Story

by David Greenwald

One of the more interesting facets of the Los Angeles jail story is the lack of critical coverage by the media - most of whom simply picked up the LA Sheriff's press release and/ or press conference and covered it uncritically without any counterweight.

I happened to be on a webinar yesterday on media coverage during COVID-19, and LA Times reporter Robert Greene pointed out, on Monday the Sheriff released video that purported to show that there were inmates that were infecting themselves in order to win early release.

"Unfortunately a lot of news outlets took what the sheriff said and ran with it," he said. "You'll see a lot of reports that take the sheriff's assertion on face value. There was a scheme to infect themselves, purpose of that scheme was to get release from jail or to join in a lawsuit."

"These are all assertions from the sheriff - none of them have been verified independently," he said.

He pointed out, "If you look at the video yourself - and I encourage you to do that - it seems to me what you will find is not necessarily proof of a scheme of inmates to infect themselves, what you'll find is the Sheriff's utter inability to have social distancing in jail."

Even though he said, "the sheriff has reduced the number of jail inmates by something like 9000, nevertheless, they're still housed in dorm areas or common areas where a person is not able to socially distance himself or herself from others."

The sudden rise in COVID-19 in the jail, he surmised, "has at least as much to do with the practices in the jail as it does with some purported scheme."

The sheriff said, "until that point he was successful at keeping COVID-19 out of the jail." He said, "Think about it, how can a bunch of inmates infect each other by circulating an infected cup that an infected person drank from if there was no infections there in the first place."

He found that the video shows something really astounding, "that there really is no social distancing in

the jail despite the reduction in the number of inmates."

Law Professor John Pfaff pointed out something else important, "When they put out these articles, they quote law enforcement as objective relayers of facts on the ground."

He argued, "Law enforcement is not an objective stater of facts. They are a politically invested interest group that's found their traditional approach to law enforcement under sustained attack and they are pushing back relentlessly."

As I pushed this story yesterday - people do not seem to be wrapping their mind around the simple fact that the video is not proof of a plot and the real problem here is that there is no social distancing - my guess is that if we got the videos for the last month we will see no social distancing in the same area - this was not simply a one or two time anomaly.

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Criminal Justice News/ Commentary

Commentary: Yolo DA Continues to Cherry-pick Bad Cases

Data rather than anecdotes should be driving public policy decisions during this COVID-19 crisis. And yet, what we have seen from the Yolo County District Attorney, in the form of press releases, has been a relatively steady stream of anecdotes apparently aimed at laying the ground work for an argument against the Judicial Council's zero bail policy.

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Commentary: Does LA Sheriff's Story Add Up About Intentional Infection at Jail?

With challenger George Gascon headed to a runoff against incumbent Jackie Lacey in November in LA's District Attorney race, the discussion is ramping up on what the DA's office needs to do to save lives during the COVID-19 discussion – but while George Gascon participated in the LA Justice

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Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Albany County DA candidate Matt Toporowski plans victim support through Restorative Justice program

"Knowing that justice is not achieved merely putting a convicted person behind bars," Matt Toporowski, the progressive Democratic candidate for Albany County District Attorney, announced plans this week to implement a Restorative Justice program that will empower survivors of crime and reduce recidivism rates.

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis Measures in the SF Jails

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Subject: Everyday Injustice - LA Sheriff Story on Intentional Infection Questioned; Sac Sheriff Rails Against COVID Precautions

Date: Wednesday, May 13, 2020 at 7:05:35 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Robin Steinberg: "this is exactly the kind of distraction that we see being raised in the media when somebody gets bail and then something bad happens – no one talks about the 9000 people who got released who went home to their families and their families were able to thrive and they went back to their jobs and did better."

Everyday Injustice Newsletter - May 13, 2020

Yolo DA Continues to Cherrypick Bad Cases

by David Greenwald

Since April 20, Yolo County DA Jeff Reisig has put out five press releases that depict four cases where an individual was arrested, released on zero bail, and then committed a new crime. In that time, the DA has put out a total of ten press releases - so half his press releases have related to this subject.

Based on this you would think that the zero bail and jail population reduction are an abysmal failure. In fact, Yolo County Sheriff Tom Lopez gave a presentation to the Yolo County Board of Supervisors on Tuesday and apparently those are the only four cases of recidivism in the county. That is out of 117 people who were released.

The upside of course is that the zero bail fees have helped to further reduce the jail population. The Sheriff reported yesterday that the lowering of bail has meant 92 people have been released reducing the jail population overall by nearly one third.

The detention facility in Yolo County is small. It has a 455 inmate maximum capacity. By March 9, that population was 291. Now it is down below 200 at 173. Only one of the inmates released early due to COVID was rebooked on new charges.

The bottom line according to the Sheriff is that the zero bail - which he opposed in an op-ed last month - is not resulting in a large number of new charges.

There is nothing unique about Yolo County - we have been covering jail issues across the country and we have noticed that there is scant attention paid to the many successful people who have been released and huge attention on the few that have committed a new crime.

On May 7, the Yolo DA put out a press release that 32 year old Vladimir Moscaliuc has been charged with attempted carjacking by the Yolo County District Attorney's Office. He was arrested the first time on April 29 - on a technical violation basically and released the same day. He then committed a new crime a week later.

But what the DA didn't point out again was that he was only the fourth such case.

This is not an isolated phenomena.

Robin Steinberg a former public defender who founded the Bail Project speaking at a virtual event in LA last night remarked, "this is exactly the kind of distraction that we see being raised in the media when somebody gets bail and then something bad happens – no one talks about the 9000 people who got released who went home to their families and their families were able to thrive and they went back to their jobs and did better."

Earlier she pointed out, "don't get distracted by the cherry-picking of the bad cases - the person arrested three times in one day under the zero bail policy type stories. These are exceptions and they obscure the larger story of the human costs of jailing people because they can't pay bail - and they obscure the successes of the overwhelming majority of the people who return to their families and their communities, have better life and better cases outcomes when they're out."

But the DA in Yolo - as is the case elsewhere - is only focusing on the negative. It's too bad. There are probably some good stories to tell that are positive.

Thanks for reading.

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Warned of COVID-19 Jail Threat, Sacramento Sheriff Rails Against Precautions Even As Inmates Get Sick

Sacramento County Sheriff Scott Jones can't say he wasn't warned that he should take profound steps to stop COVID-19 from raging through the county's jail, as it has torn through New York City, the U.S., and the world.

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Commentary: Does LA Sheriff's Story Add Up About Intentional Infection at Jail?

The story made headlines across the country – LA Sheriff Alex Villanueva had a press conference on Monday to present what he claims is video evidence that the inmates plotted to spread COVID-19 in the jail.

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Everyday Injustice Podcast Episode 67 – Mimi Rocah Westchester DA Candidate

Mimi Rocah is a former Assistant United States Attorney in the Southern District of New York, serving from February 2001 until October 2017.

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Bill Against Discrimination During Jury Selection Process Passes California Assembly Judiciary Committee

The Assembly Judiciary Committee passed AB 3070 through its first phase of California's legislative process. On May 11, 2020, an 8 to 3 committee vote pushed further along a bill that aims to end discrimination in the jury selection process of California.

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Man Released After 27 Years for Wrongful Conviction of Three Counts of Attempted Murder

Los Angeles County man Quintin Morris, who was sentenced three life sentences plus 12 years for three counts of attempted first-degree murder in 1994, was granted clemency 27 years after his wrongful conviction.

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Bail Lowered But Not Eliminated For Man Who Allegedly Threw Rock

An in-custody defendant appeared Friday in Yolo County Superior Court, and was charged for throwing a rock at someone on his street – but the defendant argued he was defending himself after the victim “kicked him in the nuts”.

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Subject: Everyday Injustice - Boudin, Rollins and Garza on COVID and Our Broken Justice System
Date: Tuesday, May 12, 2020 at 7:15:20 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Chesa Boudin: "We have taken steps to prevent (its spread) and thus far it has been successful. The number one thing we did and I wish the President of the United States would have done this from the beginning, we have listened to and followed the advice of public health officials."

Everyday Injustice Newsletter - May 12, 2020

Jail Inmates Reportedly Purposefully Try to Infect Themselves

by David Greenwald

The weird story out of LA comes from their Sheriff who claimed that two groups of inmates at the LA County Jail apparently attempted to themselves with the coronavirus by sharing water and a mask, and within two weeks 30 prisoners tested positive.

The Associated Press reports that there was surveillance video from two units in the jail which " captured inmates in one unit sharing a container of hot water and others in a second unit sniffing a mask."

He also said, "the inmates used hot water to try to raise their temperatures just before a nurse checked them."

"The sheriff said the inmates mistakenly believed that if they were infected they would be freed."

What do we make of this? Some of our more conservative readers used this as example to apparently argue against policies of jail release.

It is actually not clear that this actually worked.

"He said there's no evidence the mask or water container came from an infected inmate, and the prisoners may have just been trying to spread the virus if they had it."

One of the readers said: "It doesn't take Einstein to figure out that inmates will purposely try to infect

themselves or others if they know it will lead to the releasing of prisoners. The video shows just that."

That may well be - no one will deny that some will attempt to manipulate the system.

However, I think this points out a few other things.

First, this is not actually a way out of jail. They are not releasing people with COVID - in fact it may be just the opposite.

Second, the reason that this worked is that the jail official failed to do social distancing.

Third, we know that there are serious problems all over the country. Many of the biggest COVID hotspots are jails and prisons. We have seen the reports from Rikers and Ohio and even parts of LA - this is not a manufactured problem. It is a real one and it was very predictable.

Rachael Rollins said that in order to flatten the curve, in order to beat COVID-19, we need to do the two things that public health officials recommend, social distancing, not being in groups of ten, and extreme hygiene – "the worst place you can be in the world is in a jail or a prison, where overwhelmingly individuals have a six by eight cell, an open toilet with no seat covering" – "This is an awful situation pre-COVID-19 adding that it is intolerable."

All this story illustrates is that the jail officials in LA were too slow to protect themselves and the public from the spread of this disease.

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Criminal Justice News/ Commentary

COVID and Our Broken Justice System

Since the onset of the COVID-19 pandemic, criminal justice reformers have been hustling to get people out of jails and prisons. On Monday, Real Justice held a discussion with DA's Chesa Boudin (San Francisco) and Rachael

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Rachael Rollins Moves to Vacate 64 Guilty Pleas Following Drug Lab Scandal

Suffolk County District Attorney Rachael Rollins has asked the state's Supreme Judicial Court (SJC) to vacate guilty pleas of 64 people facing drug charges who pleaded guilty to 91 drug charges after test results revealed the substances were not illegal drugs.

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Everyday Injustice Podcast Episode 65 – St. Louis Prosecutor Kim Gardner

Kim Gardner was elected chief prosecutor in St. Louis in 2016. Since then she has been taking on the system – the first black circuit attorney in St. Louis, in January she filed a federal civil rights lawsuit that accuses the city, the city's police union and others of a coordinated and racist conspiracy aimed at forcing her out of office.

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Subject: Everyday Injustice - Will Ronnie Long Get Justice After 44 Years? Confirmed COVID-19 Case in Sac Jail

Date: Friday, May 8, 2020 at 6:25:08 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Isn't that appalling to justice?" Chief Judge in North Carolina

Everyday Injustice Newsletter - May 7, 2020

There Will Be No Justice in 44 Year Old Wrongful Conviction Case - Only Questions

by David Greenwald

One of the "good" things about the COVID-19 situation is the ability to cover cases on the other side of the country - and listening to the hour long oral arguments from North Carolina was illuminating to say the least.

Ronnie Long was convicted of rape in 1976 and remains in prison on a life sentence 44 years later.

The case hinged on questionable eyewitness testimony and a dishonest police investigator who lied and who withheld evidence.

Judge Keenan said, "Please don't ignore what I see to be the elephant in the room here, Detective Isenhour lied on the stand, he did perjure himself."

To me the most telling exchange came at the end between Chief Judge Roger Gregory and the state's attorney Phillip Rubin.

"You talk about there's no chance... that this would have made a difference," he said. But he pointed out that during the trial the prosecutor said that not only is the victim's testimony accurate, "but totally consistent with every piece of physical evidence existed – that's what the prosecutors told the jury. That was not true."

When he started to dither, the Chief Judge pressed, "that's a yes or no answer."

He acknowledged, "Your honor I don't think that was fully accurate, but if I may explain..."

"The answer is no it wasn't," Judge Gregory said. "We're talking about justice and looking back some 44 years." He walks through the evidence withheld and the inconsistencies. "Isn't that appalling to justice?"

Rubin responded, "I don't think so because I can put it in context for you." He said, "All of the evidence in this case is consistent with his guilt. I would take a very different view of this case if it wasn't."

He added, "There is nothing shown that actually exonerates Mr. Long."

This is the problem that we face in a microcosm. Questionable identification, lack of physical evidence, and the investigator either lied or whatever Mr. Rubin said - I'm not sure how what he said actually soften the blow.

Long has been in there 44 years - an appallingly long sentence even if he perpetrated this crime, especially in light of the lack of the evidence in this case.

After listening to this hearing I will say this - this is not justice. Ronnie Long will never get justice here. He has been robbed of 44 years by an all white jury and a dishonest police officer and the system has limited to no ways to correct it.

We need to change the way we look at wrongful convictions and figure out something better. I hope the court does the right thing, but this system is broken.

Thanks for reading.

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Criminal Justice News/ Commentary

Wrongly Convicted Man Gets a Hearing Before the Fourth Circuit After 44 Years

After 44 years, Ronnie Long, convicted and many people, including Jamie Lau from the Duke Project for the Innocence believe wrongly convicted on bad eye witness evidence, finally got a hearing before the full Fourth Circuit Court of Appeals on Thursday.

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Confirmed COVID-19 Case in Sac Jail; Court Filing Suggests Poor Inmate Conditions, Sickness

News reports late Thursday confirmed that at least one inmate at a Sacramento County jail has had a positive COVID-19 test – but THE VANGUARD has learned there may be other coronavirus patients in the county jails, where inmates are not being given protective equipment, like masks, and are living in squalid conditions

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The ACLU Demands Mass COVID-19 Testing of All Prison Employees and Incarcerated Populations

The ACLU is demanding the immediate testing of all prison employees and all incarcerated populations to limit the spread of COVID-19. The demand comes shortly after the ACLU partnered with scholars to create a model of what the effects of COVID-19 could have on incarceration facilities.

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Death Penalty of Defendant in 2001 Homicides of Three Teenage Boys Upheld by Supreme Court of California

The justices of the Supreme Court of California reviewed a direct appeal from the appellant, Alfred Flores, III, who was convicted of three counts of first-degree murder and sentenced to death, and upheld the Superior Court's conviction.

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One Defendant Charged with Threatening to Commit a Crime Resulting in GBI Given Pretrial Release, Another Given \$5,000 Bail for Protective Order Violation

The Sacramento Superior Court chose to allow pretrial release for a defendant charged with threatening a crime resulting in great bodily injury, and gave another defendant charged with violating a protective order in a domestic violence case \$5,000 bail.

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Two Sacramento County Men to be Released on Probation Following 'No Contest' Pleas

On May 7, 2020, the Sacramento Superior Court heard two settlement hearings for two Sacramento men. Both men submitted pleas of no contest and were subsequently granted probation.

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Everyday Injustice Podcast Episode 66 – Matt Toporowski Runs for Albany DA

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Subject: Everyday Injustice - A Discussion on Closing Jails and Prisons; Big Day of Giving - Double Your Donation to the Vanguard
Date: Thursday, May 7, 2020 at 7:00:12 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Inez Bordeaux, who is working to close jails in St. Louis, said, "I don't really believe that the criminal justice system can be reformed. How do you reform a system that knows that injustices are happening and does nothing to correct them?"

Everyday Injustice Newsletter - May 7, 2020

**BIG DAY OF GIVING - DOUBLE YOUR IMPACT -
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Over the years, we have expanded our criminal justice reporting to

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Criminal Justice News/ Commentary

A Discussion on Closing Jails and Prisons

Closing jails and prisons goes beyond simply closing down a building. If done right, it means changing the laws so that fewer people end up incarcerated—an important issue in a system of mass incarceration, but now with the proliferation of COVID in our jails and prisons, a matter of literal life and death.

[Read More](#)

Defendant Hope for Sympathetic Judge Doesn't Work Out – Case Ongoing

Igzabihair Yamakosi no doubt had hoped a sympathetic judge would rule in Sacramento County Superior Court here Wednesday that his prior run-ins with the law could be forgotten, and he could move forward fighting what he and his family believe are unjust charges he currently faces.

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Police Pursuit of One for an Alleged Stolen Vehicle Ends with Two Suspects

On May 22, 2019, defendant Tyrell Cousins and a woman surrendered to police officers after being chased for an allegedly stolen vehicle. When Cousins was allegedly first fleeing from the police, he had dived out of a stolen Chevy as it moved at around 10 miles per hour. Police chased him on foot after he was seen jumping a fence alone into a nearby apartment complex.

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Man Who Stole Phone from Friend Accepts Plea Deal of Two Years in State Prison

Defendant Victor Osborne accepted a plea deal here in Sacramento County Superior Court Wednesday after being accused of attempting to have sex with a friend in a parking lot before taking her iPhone last December.

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Subject: Re: Quote

Date: Thursday, May 7, 2020 at 5:58:37 PM British Summer Time

From: Goossen, Carolyn (PDR)

To: Raju, Manohar (PDR), David M. Greenwald

CC: Auyong, Angela (PDR), Ibarra, Valerie (PDR)

Hi David!

Here is a quote from Mano: "The San Francisco Court Watch program has provided a critical presence in courtrooms that may otherwise never be observed by the public. By keeping watch on our legal system, and mentoring students and everyday citizens to become thoughtful journalists, SF Court Watch adds a unique and valuable service by engaging the public in the discussion of justice."

Thanks!

Carolyn

From: "Raju, Manohar (PDR)" <manohar.raju@sfgov.org>

Date: Thursday, May 7, 2020 at 8:53 AM

To: "David M. Greenwald" <info@davisvanguard.org>

Cc: "Goossen, Carolyn (PDR)" <carolyn.goossen@sfgov.org>, "Auyong, Angela (PDR)" <angela.auyong@sfgov.org>

Subject: Re: Quote

Hi David:

Meet Carolyn. She supervises our PIO Valerie and is one of our Policy Directors. It will be better to work through them for quotations, etc.

Thx!

Sent from my iPhone

On May 1, 2020, at 9:04 AM, David M. Greenwald <info@davisvanguard.org> wrote:

Hey Mano - I was wondering if you could send me the quote on our work with SF Court Watch.
Thanks.

On Mon, Apr 20, 2020 at 8:31 AM David M. Greenwald <info@davisvanguard.org> wrote:

Thanks Mano.

On Sat, Apr 18, 2020 at 11:58 AM Raju, Manohar (PDR) <manohar.raju@sfgov.org> wrote:

Yes for sure

Sent from my iPhone

On Apr 18, 2020, at 8:17 AM, David M. Greenwald <info@davisvanguard.org> wrote:

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Hi Mano -

Need a small favor, we are putting, together a funding requesting and I was wondering if I could get a quote from you on our work in SF Courts.

Thanks in advance.

David

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Sent from Gmail Mobile

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Sent from Gmail Mobile

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Sent from Gmail Mobile

Subject: Get Your Donation Matched! Support the Vanguard on Big Day of Giving
Date: Thursday, May 7, 2020 at 5:05:18 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Your donation on Big Day of Giving is Crucial to Keeping the Vanguard going

Vanguard Premium Morning News - April 23, 2020

Davis Vanguard

Opening Thoughts

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Subject: Everyday Injustice - Violent Arrest in Manhattan This Week Leads To Questions When Armed Protesters To Get No Resistance

Date: Wednesday, May 6, 2020 at 6:30:24 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"That our client should have a summit with the officer is not going to happen until after the officer is punished and disciplined. He has to acknowledge, the department has to acknowledge (what happened)," Civil Rights Attorney John Burris.

Everyday Injustice Newsletter - May 5, 2020

Facial Recognition Bill Passes Over Objections from the ACLU

by David Greenwald

Back in February Assemblymember Ed Chau introduced a bill that would allow private industries and the government to use face recognition technology to track individuals in California.

But civil liberties groups like the ACLU object to the technology and this week urged arguing that face recognition has the potential to harm people of color and immigrants by violating civil rights and liberties. Organizations also argued that this proposed bill is only trying to capitalize on the COVID-19 public health crisis.

AB 2261 states that such approved facial recognition technology would "improve security, provide individuals with efficient identification experiences, locate missing or incapacitated persons, identify victims of crime, and keep the public safe." The bill goes so far as to suggest that such technology will

prohibit “uses that threaten our privacy, our democratic freedoms, and our civil liberties.”

On Tuesday, despite opposition from the ACLU and a letter from 55 civil rights organizations, public health and technology scholars condemning AB 2261, the measure passed the privacy committee.

Matt Cagle, Technology and Civil Liberties Attorney with the ACLU of Northern California said: "The ACLU of California was disappointed to see AB 2261 advance out of the Privacy Committee today and we urge the Appropriations Committee to reject this bill.

"Members of the Privacy Committee rightfully acknowledged concerns with the serious shortcomings of this bill that would not protect Californians from invasive facial recognition.

"This technology risks the health and safety of the Californians already most impacted by this pandemic. Now is not the time for costly legislation that could make it harder for people to find work, buy food, or care for their loved ones.

"We will continue our fight against this bill and urge the Appropriations Committee to prioritize bills that protect and support Californians rather than bills that spread a discriminatory technology that make us less healthy and safe."

The ACLU believes that facial recognition technology has been used to “oppress religious minorities and discourage free expression.”

Similarly, public health scholars opposed the bill and technology by maintaining that the diversion of public health resources into the development of intrusive technology will “define public health outcomes for decades to come.”

Thanks for reading.

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Commentary: Violent Arrest in Manhattan This Week Leads To Questions When Armed Protesters To Get No Resistance

The video has gone viral, all over the news and social media of a man in New York where the video shows the officer approach an African American man, he has his taser drawn, then hits him, and throws him to the ground.

[Read More](#)

After COVID-19 'Break,' Law That Would Restore Affirmative Action Passes Committee

Assemblymember Shirley N. Weber (D-San Diego) – fresh off major police reform victories the last legislative session – pushed through two key measures Tuesday through committee on just the state legislature's second day back from a COVID-19 pandemic break.

[Read More](#)

Congresswoman Ayanna Pressley Demands Immediate Decarceration Efforts in Five States

On May 5, 2020, Congresswoman Ayanna Pressley of Massachusetts' Seventh Congressional District published a letter addressed to the governors of California, Illinois, Massachusetts, New Jersey, and New York demanding governor-granted clemency and release of incarcerated

[Read More](#)

Man Arraigned, Pleads "No Contest" the Same Day; Woman with No Pants Who Threatened Customers Gets Short Jail Term and Stay Away Order from Dollar Tree

A woman accused of wearing only a shirt but no pants who threatened employees at a Dollar Tree store dodged longer jail time here Tuesday when a Sacramento County Superior Court Commissioner opted to sentence her to a short sentence and probation..

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis

Measures in the SF Jails

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From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“That our client should have a summit with the officer is not going to happen until after the officer is punished and disciplined. He has to acknowledge, the department has to acknowledge (what happened),” Civil Rights Attorney John Burris.

Everyday Injustice Newsletter - May 5, 2020

Virginia is Beginning to Reform Their Draconian System

By David Greenwald

Over the last several months we have interviewed two prosecutors in Virginia as well as covered a wrongful conviction and the laws in the state are draconian to say the least. Not only does Virginia lack parole – which means that people cannot be released prior to the expiration of their sentence, unlike in most states, the threshold for a new trial is absurdly high.

However, in April, House Bill 974/Senate Bill 511, sponsored by Delegate Charniele Herring (D-Arlington) and Senator John Edwards (D-Roanoke) was signed into by Governor Ralph Northam.

The law removes restrictions in the writ of actual innocence law that have made it nearly impossible for wrongfully convicted people to obtain relief.

“This is a seismic shift for exonerating innocent Virginians,” said Shawn Armburst, Executive Director of the Mid-Atlantic Innocence Project, which is dedicated to overturning wrongful convictions in Virginia, Maryland and Washington, D.C. “Many of our clients have been denied justice for so long under these laws, and now they can finally live up to their potential to overturn wrongful convictions and reveal the truth.”

Darnell Phillips has been among those impacted by the previously restrictive writ of actual law. He was

released after spending 27 years in prison and then lobbied the state asking lawmakers to fix the law.

“After so many decades, testifying at the Capitol was the first time anyone from the Commonwealth of Virginia ever really listened to my side of the story. When I heard the law passed, I never felt so good. Now I have a fair shot at proving my innocence.”

In 1990, Phillips was convicted of raping a 10-year-old girl in Virginia Beach. In 2001, DNA testing of hair evidence excluded Phillips but his petition for relief was rejected on procedural grounds.

The Innocence Project notes, “Over a decade later, DNA testing on additional items recovered by the Virginia Beach Police Department also excluded Phillips, and the victim stated that she had not actually been able to identify her attacker and only identified Phillips because of lies told by the police. “

Despite this evidence, the Virginia Supreme Court rejected his writ of actual innocence in 2018.

Their basis was that the DNA testing was conducted at a private laboratory and the court did not believe the new information met the high standard of proving “clear and convincing” evidence of innocence.

“These legislative changes represent a major step in much-needed post-conviction criminal justice reform in Virginia. We are optimistic about increased access to justice for the wrongfully convicted in the Commonwealth,” said Deirdre M. Enright, Director of the Innocence Project Clinic at University of Virginia Law School.

Under the old law, only four people have been granted relief under the Writ of Actual Innocence law since it was created in 2004.

The new law would remove hurdles to allow innocent people to overturn wrongful convictions by:

1. **Removing the one-writ limit:** Previously people were limited to filing one writ of actual innocence based on non-biological evidence, even if new exonerating evidence was discovered at a later date. The new law removes the one writ limit to allow courts to consider new non-biological evidence of innocence when it becomes available.
2. **Removing bar on guilty pleas:** Despite the fact that 1 in 10 DNA exonerees in the United States pleaded guilty to crimes they did not commit, the writ of innocence excluded people who entered plea agreements. The new law removes this restriction to allow people to apply whether they pleaded guilty or were convicted at trial.
3. **Creating a more reasonable burden of proof.** Previously, Virginians were required to prove by “clear and convincing evidence” that no juror would have found guilt beyond a reasonable doubt. The new law changes the burden of proof to “preponderance of evidence” which is in line with the majority of other state laws regarding newly discovered evidence.

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Criminal Justice News/ Commentary

Civil Rights Firm Files Claim After Deputy Beats 14 Year-Old After Flavored Cigar Incident

A prominent Bay Area civil rights firm filed a claim – the precursor to filing a federal civil rights complaint – with the Sacramento Sheriff’s Dept. Monday over the brutal beating that one of its deputies, identified as Brian Fowell, inflicted on a small, 14-year-old boy last week.

[Read More](#)

Guest Commentary: Death in San Leandro

I live in Oakland California about 3 miles from San Leandro California. San Leandro is what some call a “bedroom community” to Oakland. It’s a City where restrictive covenants and land use permits were used to stop Black people from moving from Oakland to San Leandro.

[Read More](#)

Face Recognition Bill Opposed by ACLU of California

On May 4, 2020, 55 civil rights organizations, public health and technology scholars condemned AB 2261, a face recognition bill, as harmful to Californians by its ability to disproportionately affect minority communities.

[Read More](#)

Second District Court of Appeals Instructs Los Angeles County Superior Court to Continue Previously Denied Resentencing Petition

The California Second District Court of Appeal hears an appeal in which two defendants were denied resentencing under Senate Bill 1437 and section 1170.95 of the Penal Code for a gang-related crime involving a firearm in 2006.

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Sacramento Man Denied Release After Alleged Violent Actions

In the Sacramento County Superior Court, the judge denied a defendant reduced bail and release based on his multiple counts of violent crimes.

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Man Caught with \$77,000 Cash and Illegal Firearms Arrested

A man was allegedly found with illegal firearms and \$77,000 in cash from his illegal sale of marijuana. The defendant was charged with illegal firearm possession and transportation. His bail was maintained at \$580,000 because of his prior strikes and the sophistication of his marijuana operation.

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California Judicial Council: "However, courts are clearly high-risk places during this pandemic because they require gatherings of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement, and juries in numbers well in excess of what is allowed for gathering under current executive and health orders."

Everyday Injustice Newsletter - May 4, 2020

COVID-19 Hotspots Can Teach Us A Lot - Prisons and Jails in the Hotzone

The New York Times breaks down the hotspots for COVID-19. Looking at it, it makes us wonder if we

could not forge a better strategy to contain the outbreak without crippling the economy.

Looking at the top 10 -

Marion Correctional Institution — Marion, Ohio 2,343
Pickaway Correctional Institution — Scioto Township, Ohio 1,661
Smithfield Foods pork processing facility — Sioux Falls, S.D. 1,095
Trousdale Turner Correctional Center — Hartsville, Tenn. 1,037
Cook County jail — Chicago, Ill. 970
U.S.S. Theodore Roosevelt — Guam 969
Cummins Unit prison — Grady, Ark. 911
Tyson Foods meatpacking plant — Logansport, Ind. 900
Lakeland Correctional Facility — Coldwater, Mich. 824
G. Robert Cotton Correctional Facility — Jackson, Mich. 673

What do we see here...

SEVEN of the top 10 are prisons or jails.

Two of them are meat packing plants.

One is the aircraft carrier in Guam.

And the deadliest outbreaks have been in nursing homes and long-term care facilities.

The pattern there is clear - someone gets sick, it spreads due to the necessity of close contact, and soon it wipes out large numbers of vulnerable people.

The New York Times reports it has "identified more than 6,800 nursing homes and other long-term care facilities across the United States with coronavirus cases."

More than 118,000 residents and staff members at these facilities have contracted the virus, and 19,600 have died.

Writes the Times, "That means more than a quarter of the deaths in the pandemic have been linked to long-term care facilities. Older people and those with underlying health problems are most vulnerable to Covid-19, making the consequences of a nursing home outbreak especially devastating."

Not on the top 10 are churches - but they have the same factor and we have seen some clusters there.

How much of this is preventable? A huge number on the top 100 list are prisons and jails. Reformers have been warning officials that these are ripe breeding grounds for the spread of the disease: tight quarters, poor access to health care, and a vulnerable population.

Nursing homes are a huge part of the death toll. I worry particular given my grandmother who is 105 living in a facility in Florida - but they have managed through screening and conscientious efforts to keep their facility COVID-free.

It is possible. The top 500 clusters on the NY Times list account for 60,000 cases. But they also account for a high percentage of the deaths. Figuring out how to deal with close quarter facilities with vulnerable populations might take a huge edge off this pandemic.

Thanks for reading.

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Criminal Justice News/ Commentary

Defendant Forces Rare ‘Real’ – Not Zoom – Prelim Hearing to be Held in Sacramento Court

It’s rare, but a defendant in Sacramento County Superior Court refused to have her preliminary hearing held via the video streaming service Zoom this past week,

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Everyday Injustice Podcast Episode 66 – Matt Toporowski Runs for Albany DA

Matt Toporowski is running for DA in Albany, NY. A current defense attorney and former prosecutor, he is challenging the incumbent DA in the Democratic primary, scheduled for June 23.

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Guest Commentary: RJI Recommendations for Countries Responding to Covid-19 in Prisons & Jails

On March 27th, RJJ issued a press statement on covid-19 urging justice systems globally to respond to the extreme public health threat of covid-19 by addressing overcrowding of prisons while releasing targeted offenders who present the least risk of re-offending

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California's Fourth District Court of Appeal Strikes Down on Misinterpretation of \$0 Bail Schedule

Confusion over the interpretation of Emergency Rule 4, which establishes a statewide Emergency Bail Schedule, was addressed as petitioners challenge the consistency of an order in San Diego County Superior Court's implementation of the rule.

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Man Accepts Plea on Stalking Charge, Must Complete 24 NA Meetings

On May 1, 2020, the defendant, Javier Cobian Davalos, accepted a plea agreement which required him to plead no contest to a stalking felony.

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Live Court Hearings Create Communication Issues in Sacramento Court

With the switch to virtual courtrooms in response to COVID-19, the Sacramento County Superior Court faces increasing communication issues between attorneys and their defendants.

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Sunday Commentary: Should Shaun Moore Have Been Released?

It was a bizarre case to begin with. Shaun Moore, 40, made headlines locally when he was arrested for allegedly stealing a COVID-19 test sample from a Davis hospital. He is facing charges in Yolo County. At arraignment two weeks ago, the DA tried to argue that he should be denied bail.

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My View: Dan Wolk's Appointment to Judge Further Skews Yolo's Bench

Even before this week, Yolo County's bench seemed out of step with the rest of the state. For the last 13 years, according to various media sources, California's bench has become more diverse—more women, more people of color. Not Yolo County.

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis Measures in the SF Jails

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"I do not know if Rodney Reed is guilty or innocent, but the harm done by executing a potentially innocent man is immeasurable," Joe Gonzales wrote. "There is no harm in taking our time to ensure we get it right."

Everyday Injustice Newsletter - May 1, 2020

Should Shaun Moore Have Been Released?

by David Greenwald

Shaun Moore made headlines locally when he was arrested for allegedly stealing a COVID-19 test sample from a Davis hospital. Facing charges in Yolo County, California, the DA tried to argue that he should be denied bail.

He was charged with two felony counts and one misdemeanor, which are attempted possession of a restricted biological agent, second-degree burglary and petty theft by false pretenses.

During the hearing in Mid-April, the Yolo County District Attorney's Office argued that Mr. Moore "poses a great risk to public safety" due to leaving the sample unattended which "poses a risk of death and bodily injury."

They argued that he should be considered an exception to the California Judicial Council's Emergency Order Rule 4.

Judge David Rosenberg ruled Mr. Moore to be released on his own recognizance but to be given a GPS monitor and ordered to stay 100 feet away from Sutter Davis Hospital.

The judge reasoned: "I suspect this particular defendant has some mental-health issues that have to be sorted out, and I would invite the public defender to determine Mr. Moore's (mental) competence."

After his release, he was ordered to be supervised by the probation department and wear a GPS tracking device.

Now he has been rearrested and charged with petty theft and sexual battery - both misdemeanors.

We don't have the details of either crime, though petty theft is a misdemeanor in California and misdemeanor sexual battery could be touching someone on the rear or a woman on the breasts in an unwanted way.

The DA is of course using the incident as we reported yesterday to argue against the zero bail ruling by the Judicial Council.

But it seems to us that this case far from calling into question the zero bail rule, actually calls into question the criminal justice system that has an approach of detain or release without providing the people being released with the necessary tools.

In another situation, Manhattan DA candidate Janos Marton made a key point, "If people are being released at the foot of the Rikers Island bridge with a metro card and the clothes on their back, we shouldn't be shocked if not everyone has a great outcome. Getting people on their feet has to be part of the equation, for everyone's benefit."

Yolo County's public defender notes, "If a large number of people released from jails and prisons re-offend, then we as a community have created a system that can be described as nothing less than a complete failure."

In this case, Judge Rosenberg suspected there were mental health issues at play, instead of having the resources to get Moore the resources he needed, he was put on the street on supervision.

This is not an argument for pretrial detention. In fact, I would argue bail is patently unfair as well. A wealthy person arrested for the same thing as Shaun Moore would still be out on the street while the poor person would be behind bars, at risk for COVID-19 and other problems.

We need a better option here. The answer is not pretrial detention, it is better access to services.

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Criminal Justice News/ Commentary

Are These Stay at Home Orders Constitutional? Experts Say Yes For the Most Part

There have been lawsuits filed, there have been a lot of complaints, mainly from the right, but concerns as well from the left about the constitutionality of the stay at home orders. But most legal experts believe that government has broad authority in emergencies to issue emergency orders.

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Judge Won't Lower Bail for Sick Inmate Who Talked About Poor Jail Conditions

A Sacramento County Jail inmate who went public about 10 days ago in an exclusive jailhouse interview with THE VANGUARD about COVID-19-like symptoms suffered by those incarcerated inside county facilities was denied reduced bail Thursday, even though his accuser recanted, and he continues to have health issues.

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Criminal Justice Leaders File Brief In Effort to Condition Public Safety Funding In Cooperation With Immigration Enforcement

Over sixty criminal justice leaders including 36 elected prosecutors from 24 states around the nation have filed an amicus curiae brief in the United States Court of Appeals for the Seventh Circuit.

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A Riverside County Judge's Interpretation of the Criteria of Compassionate Releases Questioned

The Fourth District Court of Appeal in California reconfirmed the requirements for "compassionate releases" after being brought aware of the statute's violation in the case of the People vs. Torres.

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Two Zoom Court Hearings Leave Defendants Jailed – Both Have Medical Problems That Delayed Proceedings

In the first case, one defendant, (no first name available) Anderson, is clinically bipolar and not taking his medication, according to court records that acknowledged he'd missed three hearings. Judge Kevin McCormick wouldn't continue with his hearing until he can be present.

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Everyday Injustice Newsletter - April 30, 2020

Yolo's DA Continues to Push Back on Zero Bail

by David Greenwald

When Yolo County DA Jeff Reisig ran for reelection in 2018, it was the first time he challenged since his initial win in 2006. He managed to convince the local editors that he was among the more progressive DAs in the state, even though at that time he was eclipsed by his own challenger, Public Defender Dean Johansson, but also by candidates around the state – Noah Phillips in Sacramento, Diana Becton in Contra Costa, Pamela Price in Alameda, and Genevieve Jones-Wright in San Diego. Of those only Becton won and Reisig managed to hang onto his office by the skin of his teeth.

He has since been thoroughly surpassed across the nation, but even at the time, he had opposed every single reform in the state of California including Prop 47 which reduced cases to misdemeanors, he has fought every single petition for SB 1437 (Felony Murder Reform) and he has been a strong opponent of bail reform.

During the COVID crisis, we have not heard much from him. But now in the last three weeks, he has put out four press releases highlighting people released under the Judicial Council's zero bail ruling who have re-offended.

There was a bizarre case in Yolo County a few weeks ago. On April 15, a 40 year old man, Shaun Moore was nearly denied bail after being charged with stealing a COVID-19 sample from Sutter Davis Hospital and impersonating a federal employee for the Centers for Disease Control and Prevention.

Judge David Rosenberg ruled Mr. Moore to be released on his own recognizance but to be given a GPS monitor and ordered to stay 100 feet away from Sutter Davis Hospital.

Judge Rosenberg stated, "I suspect this particular defendant has some mental-health issues that have to be sorted out, and I would invite the public defender to determine Mr. Moore's (mental) competence."

And of course, he reoffends. He was released on April 15, and three days later, he allegedly committed petty theft in West Sacramento. And then allegedly committed sexual battery in Woodland.

The DA's office apparently does not believe in innocent until proven guilty, they write: "Three days later, on April 18, Moore committed a petty theft in West Sacramento. And on April 20, Moore committed a sexual battery in Woodland. Moore is currently being held at the Yolo County jail. Moore was in court today and his supervision violation was addressed with bail being set at \$10,000. "

As Eli Savit, candidate for DA in Michigan pointed out in our article earlier this week: "it's important to focus on numbers right now, and not anecdotes."

He noted, "That's true, particularly, because the purpose of COVID-related releases is to ensure that people never get sick, and never die. That kind of stuff just doesn't make headlines: you never see a headline about someone continuing to be healthy, or staying alive."

Jason Williams, a councilmember in New Orleans running for Prosecutor in Orleans Parish, added, "A lot of people we're talking about getting out, wouldn't spend a whole lot of time in jail in the first place."

So, he said, "why would we want to keep them in there, risking them getting infected and then coming back out into the community and reinfecting others."

But the Yolo County DA clearly wants to play this game – highlighting all of the cases of people who were released and re-offended, ignoring the many who didn't, and ignoring the fact that most of those people would have been out a few months later anyway.

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Criminal Justice News/ Commentary

Flavored Cigar Leads Now-Reassigned Rancho Cordova Cop to Brutalize Teen; Viral Video Seen by Millions, Including Celebs, Politicians

A small flavored cigar. That's what 14-year-old Elijah Tufono allegedly had been given by an adult Monday, and it led to his vicious beating by a police officer.

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Federal Court Considers Releasing ICE Detainees from Mesa Verde, Yuba County Detention Centers, Criticizes Government's Inaction

A U.S. District judge here Wednesday – rejecting the government's argument for a delay – granted an emergency order for a temporary restraining order to require ICE to identify

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SF Public Defender Expresses Concern Over Ongoing Public Health Crisis

Measures in the SF Jails

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Missouri Supreme Court in the Process of Deciding a Prosecutor's Role in Reversing Wrongful Convictions

The Missouri Supreme Court is currently considering a motion filed by St. Louis Circuit Attorney Kim Gardner for a new trial for Lamar Johnson on the basis of wrongful conviction.

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A Burglary Case and a Narcotics Case Are Given \$0 Bail

On April 29, 2020, a burglary case and a narcotics case received \$0 bail. In response to the COVID-19 pandemic, the California Judicial Council released Court Emergency Orders on how to

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Investigator Questioned During Assault with a Gang Enhancement Hearing

In response to COVID-19, courthouses have been transferring hearings online to continue with proceedings. On April 29th, 2020, via Zoom-live streamed on the Sacramento Superior Court Channel on YouTube, a hearing was held for an assault charge with a gang enhancement.

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Youth in Juvenile Detention Centers at Higher Health Risks for COVID-19

Youth in juvenile detention centers during the COVID-19 pandemic are deprived of social contact with family members and are at a higher health risk than the general youth populations.

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Everyday Injustice Podcast Episode 63 – Jodie Sinclair and Her Book ‘Love Behind Bars’

In 1981, Jodie Sinclair was a journalist visiting the Angola Prison in Louisiana to do a story on the newly-reinstated death penalty. She met Billy Sinclair

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From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: 4.29.20 Letter from Public Defender Raju to Sheriff Miyamoto re COVID19.pdf, AG GC 8658 Info Bulletin.pdf

Hi David,

Your article on recidivism was awesome, by the way!

Just wanted to bring this latest letter to your attention.

1. 4/29/20: Letter from SF Public Defender Mano Raju to Sheriff Paul Miyamoto on the Ongoing Public Health Crisis Measures in SF County Jails
2. 4/14/20: Bulletin from the CA Attorney General Regarding the Sheriff's Authority During COVID-19

It's also posted on our website along with the other letters our office has sent to other agencies.

<http://sfpublicdefender.org/news/2020/04/covid-19-san-francisco-public-defenders-office-responds/>

Hope you are well,
Val

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Date: Wednesday, April 29, 2020 at 7:01:14 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"I do not know if Rodney Reed is guilty or innocent, but the harm done by executing a potentially innocent man is immeasurable," Joe Gonzales wrote. "There is no harm in taking our time to ensure we get it right."

Everyday Injustice Newsletter - April 29, 2020

The Making of Yolo County as a California Backwater...

By David Greenwald

If you look at Governor Newsom's judicial appointments overall on Tuesday – you would applaud them. In fact, the last two Governors have greatly diversified the bench overall.

In March of 2019 after Governor Jerry Brown stepped down, a survey found that for the 13th straight year, California's judicial bench has grown more diverse, according to new data released by the Judicial Council.

Governor Brown's appointments, including the nearly 200 appointments made in his final year in office: women accounted for more than half of those appointees, and 41% identified as non-white.

In an article in March of this year, Governor Newsom continued that trend, last year, his first, he appointed a majority of women and nonwhites to the bench.

That continued on Tuesday. Governor Newsom appointed 14 people to the bench – 8 women and just two white males.

The problem in Yolo County however is that for some reason, that diversity is not trickling here. For those not aware, Yolo County (where I reside) is the home of UC Davis and sits about 15 minutes away from the State Capitol on the other side of the Sacramento River. It is small, but increasingly diverse with a majority Latino population.

The bench in Yolo County after the appointment of Dan Wolk on Tuesday – 9 men, two women one of whom is Latina.

How does this happen?

The problem is very clear – five of the last six appointees were white males.

In 2008, Governor Arnold Schwarzenegger appointed employment lawyer Samuel McAdam. In 2010, he appointed, Dan Maguire, who was his deputy legal affairs secretary.

In 2012, Janene Beronio, one of the two women on the bench, was elected when retiring Judge Mock stepped down at the end of his term.

In 2015, Governor Brown appointed Sonia Cortes, the first Latina to be judge in Yolo County.

In 2018, he appointed Tom Dyer and Peter Williams, both of whom were attorneys in his administration.

Now in 2020, Governor Newsom appoints Dan Wolk, the former Mayor of Davis and the son of State Senator Lois Wolk.

Why has Yolo County become the place to stick political appointees? At least in the case of Dan Wolk, he grew up in Davis and lived in Yolo County most of his life except for going to college. But several of the appointees were Sacramento residents who were clear political favors.

Being next to the Capital is apparently to Yolo County's detriment. For a long time, the bench in Yolo was not only white and male but it was dominated disproportionately by Republicans. But that is slowly shifting.

Dan Wolk's appointment means there are now five Democrats on the bench – Dave Rosenberg who was also a political appointee back in 2003 by Gray Davis. He was the Governor's large fundraiser before being elevated to the bench as the Governor was being recalled, and now the four most recent appointments – Cortes, Williams, Dyer and now Wolk.

Still with all due respect to the last three appointments, Yolo County deserves better than to get a rash of political appointments with little regard to the overall lack of diversity of its bench.

Contrast that to San Francisco which in March elected three progressive women to its bench. It is hard to imagine two more different judicial environments – and given the notion of equal justice under the law and the fact that the vast majority of criminal defendants in Yolo County are black and brown, a disproportionate number mind you, it would seem that a bench more reflective of the population demographics would be more fair.

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Criminal Justice News/ Commentary

Former Davis Mayor Wolk Appointed Judge in Yolo County

The vacancy created back in 2018 by the retired of Judge Janet Gaard has been filled by a familiar face for Davis residents, as Governor Newsom on Tuesday appointed Dan Wolk, a former Davis Mayor, to the vacant judge position

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[Guest Commentary: Recipe for Disaster –](#)

'Unmasking' Yuba County Jail's Response to COVID-19

As communities worldwide fight to contain a pandemic that has brought entire nations to a standstill, many detention facilities' responses remain woefully inadequate.

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Constitutionality of SB 1437 Reaffirmed in Second District Court of Appeals

Despite the Ventura County District Attorney's arguments that SB 1437 is unconstitutional in that it conflicts with Propositions 7 and 115, the Second District California Court of Appeals finds that SB 1437 is constitutional and does not impose on the two propositions in the case of the People v. Bucio.

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Everyday Injustice Podcast Episode 64 – Joe Gonzales, Bexar County DA

Bexar County, Texas, Criminal District Attorney Joe Gonzales took office in January of 2019 on a pledge to reform the office, restore public confidence, and make the office more accountable to the voters.

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Deputy District Attorney Motions to Make Jails an Extension of the Court

On Monday, April 27, the Yolo County Superior Court received a motion to designate a space within the Monroe Detention Center as an extension of the court. The court is now considering if this is a viable option, given the current COVID-19 pandemic.

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Several Men Were Deemed Public Threats to Alleged Victims of Their Crimes and the Public

During virtual court arraignments, several men's bail amounts have been deemed exceptions to the California Judiciary Court's emergency rule and were not set to \$0.

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District Attorney Brings Up Victim Impact Statements During Live Court Hearings

A new UC Davis student organization held its first general meeting on April 28, 2020. This new organization aims to educate students on the flaws of the criminal justice system and advocate for reformative legislation.

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After Long Battle, Public Defender Successfully Secures Release of Transgender Client from ICE Detention

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Subject: Everyday Injustice - Michigan Prosecutor Candidate Talks About Jail Releases; Constitutionality of SB 1437 Reaffirmed in Second District Court of Appeals

Date: Tuesday, April 28, 2020 at 7:00:26 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Many of the most urgent relief measures have failed to reach the most impacted and vulnerable to the virus, particularly low-income workers, the poor and unhoused, Black and indigenous communities of color, the undocumented community, and incarcerated people," said the coalition.

Everyday Injustice Newsletter - April 28, 2020

Focus on Numbers Right Now, Not Anecdotes

by **Eli Savit**

DA Candidate, Washtenaw, Michigan

In general, I think you need to always start with the baseline. No system is 100% perfect: people re-offend. Some people re-offend after serving a jail or prison sentence. Others re-offend after being

released on cash bail. Still others re-offend after being charged with a crime, but released on their own recognizance. And so on.

What we know is that the system we have doesn't prevent recidivism--so any response to COVID-19 should be measured against that baseline.

And so we need to measure the recidivism rates for people released due to the COVID-19 pandemic against the recidivism rates for similar cohorts. Let's say, for example, that a jurisdiction traditionally holds people on a cash bond if they're arrested for drug-related crimes. Let's also assume that, to stop the spread of COVID-19 in jail and in the community, that jurisdiction decides to release those people without bond pending trial.

What I'd look at is a comparison between (a) the recidivism rates of those charged with that particular type of crime in "normal" times; and (b) the recidivism rates of those charged with that particular type of crime during the pandemic, and who were released. We need to be realistic here: the recidivism rate isn't going to be zero in either cohort. But if the rate is roughly comparable (or lower) for people released without bond during the pandemic, that's almost certainly a success, because we're preventing the spread of the virus behind bars--and saving lives.

The same is true for people who are released from prison because, e.g., they're elderly. You want to compare the recidivism rates among that group to the general recidivism rate among people who are released when they're older. And for people who you're releasing because they're near the end of their sentence, I think the relevant window would be whether they commit a crime during the period before their sentence was otherwise to end.

It's important to focus on numbers right now, and not anecdotes. That's true, particularly, because the purpose of COVID-related releases is to ensure that people never get sick, and never die. That kind of stuff just doesn't make headlines: you never see a headline about someone continuing to be healthy, or staying alive. But it's a real benefit—and one that targeted releases are meant to ensure. And keeping people alive—even if it doesn't make headlines—should be all of our focus right now.

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In the days and weeks immediately following the rise of the COVID-19 pandemic, the criminal justice system, fearing a major human rights disaster, pushed for an expedited release of large classes of people being held in custody—particularly low level offenders deemed not to be a threat.

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COVID-19 Safe Car ‘Direct Action’ Targets Local, State, Federal Officials, Demanding Permanent Change

Sacramento City Police vehicles for hours flanked and followed more than 50 cars full of protestors – the COVID-19-safe way to protest for the time being – as they targeted state, federal and local lawmakers, urging them to make changes to help residents not just now during the

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Strongly Contested Preliminary Hearing in Drug, Child Endangerment Case Ends With Both Defendants Losing

It was a strongly contested preliminary hearing here in live-streamed Zoom Sacramento County Superior Court Monday – many preliminary trials are not too adversarial – but a full morning of testimony, Judge Ernest Sawtelle overruled protests from defense lawyers to hold two defendants to stand trial.

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No-Shows in Sacramento Court Create Delays in Justice System

Despite the newly instated live-stream hearings, some defendants are still unable to make court appearances due to medical reasons amid the pandemic.

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District Attorney Brings Up Victim Impact Statements During Live Court Hearings

During one defendant's sentencing in the Sacramento County Superior Court, the issue of victim impact statements was brought up by a District Attorney, given the virtual courtroom set up.

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Jacquelyn Esser is running for DA in Honolulu, Hawaii. She was born and raised in Phoenix, Arizona and moved to Hawai'i in 2000 to attend the University of Hawai'i at Mānoa. She graduated in 2004 with a bachelor's degree in Business Management and earned a law degree at the University of Hawai'i William S. Richardson School of Law.

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Eli Savit, DA Candidate in Michigan: "it's important to focus on numbers right now, and not anecdotes."

Everyday Injustice Newsletter - April 27, 2020

Jail Release Working in San Francisco

by Chesa Boudin

We have seen low recidivism rates for those whom we have early released in San Francisco. But the true measure of our success is whether we can avoid a COVID-19 outbreak in our jail. The spread of COVID-

19 in our jail would endanger not just those who are incarcerated but would put the hundreds of people who work in our jails, as well as the communities to which they return, at risk as well.

Recidivism is a reality in our justice system. That often reflects our failure to address the underlying reasons why someone commits offenses—because of mental health struggles, addiction, trauma, or poverty, for example. In San Francisco, 75% of the people booked into jail are mentally ill or struggling with drug addiction—or both. One of my priorities as DA has been to expand the services and treatment available to those who commit crimes and to address the underlying problems leading to the offenses.

As we have worked to reduce our jail population, our goal is to connect those we release with as much support as possible to address the roots of their struggles and avoid recidivism. We have been able to connect people we are releasing with services to set them up for success. For example, we identified a woman in custody on a misdemeanor who was facing a high-risk pregnancy. With the help of our reentry partners, we released her to a prenatal facility. But we need continued resources to be able to provide help to all who need support.

What we have done in San Francisco is working. We have succeeded at reducing our jail population by almost 50% while also keeping the public safe. Our crime rates are down, which validates the careful approach we have taken in determining which people to release from custody. We are confident the public is safer because of the actions we have taken to reduce our jail population.

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Criminal Justice News/ Commentary

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Sacramento ‘Cancel Rents’ Car Rally Joins Dozens Nationally in Protest

Car protests that “respect” social distancing are becoming quite the norm in the Capital City now – over the past several weeks, at least four car “rallies” have scooted through mostly abandoned city streets here.

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Netflix’s The Innocence Files: Arrest, Convict, Move on to the Next

The final segment of Netflix’s The Innocence Files spotlights yet another major cause of wrongful convictions—prosecutorial misconduct—by following the stories of three exonerated men.

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Sunday Commentary: Dealing with Wrongful Convictions and the False Allegations of Rape in the Me-Too Era

I grew up in the 80s and early 90s at a time when society was just recognizing the prevalence of sexual assault and rape. It was my generation that became sensitized to the concept of “date rape” and disgusted by the re-traumatization of women that occurred particularly when they accused an acquaintance of forcing them into unwanted sex.

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THE VANGUARD Asks SF Courts to Allow Press Access to Courtroom Proceedings

THE VANGUARD – similar to consumer groups demanding remote access to the courts on a federal level – last week officially requested that the Superior Court of San Francisco County also open up its courtroom proceedings to the public via remote technology.

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Sacramento Superior Court Moves to Try Co-Defendant Grocery Outlet Robbery

On April 21, the Sacramento County Superior Court found that the prosecution presented enough evidence to move to a trial for two individuals charged with the robbery of a Grocery Outlet store.

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"If you're afraid or you don't have the money to bail out of jail, don't commit a crime," Riverside County Sheriff Chad Bianco.

Everyday Injustice Newsletter - April 24, 2020

Riverside Sheriff Latest to Stand Against Zero Bail and Jail Releases

The Judicial Council has given the direction but already we have seen in a number of counties in California which have less progressive leadership pushback. First, we covered Sacramento DA Anne

Marie Schubert and her refusal to grant jail release.

Then it was Yolo County with both the Sheriff and the DA.

Now we have a story out of Riverside County down in Southern California, to the east of Los Angeles.

"It's ridiculous and the people should be outraged," says Riverside County Sheriff Chad Bianco.

He told a Palm Springs NBC Affiliate: "If you're afraid or you don't have the money to bail out of jail, don't commit a crime."

He told the TV station that "this move was purely political because those left to implement it were left out of the conversation."

In language similar to Yolo County Sheriff Tom Lopez, Sheriff Bianco said, "no one consulted me about the status of my jail ... if they would have it would have a resounding, no we don't need this zero bail."

The judicial council responded, "A judge still has discretion to deny or raise bail if they find good cause the defendant is a threat to public safety and conditions can be placed on a defendant's release."

Inevitably when you release large numbers of people from custody, you will have some that re-offend.

Opposition to these releases will of course point to cases where an individual does re-offend.

That's what happened this week with Yolo County DA Jeff Reisig, an opponent of bail reform and other criminal justice reforms.

He sent out a release about a Woodland auto theft suspect who was released from Yolo County Jail under California's emergency zero-bail order. The man found himself back in custody on multiple felony charges this week, including allegations that he stole two more cars, using one to lead police on a high-speed pursuit.

Yolo County Public Defender Tracie Olson noted, "while it's not a perfect system, it's the lesser of two evils, with the primary evil being keeping scores of poor people in jail just because they're too poor to pay money to get out."

She added, "I think it's telling that no one talks about the rich person who posts bond and then reoffends. That certainly happens, too."

And from our perspective, they point to the few people that reoffend and ignore the many who don't, who are able to keep their jobs and stay safe.

As ABC reports, "After 44 years in prison, man dies of the coronavirus 24 days before release: William Garrison was in prison for 44 years for a killing committed during a home invasion when he was 16. The 60-year-old was finally preparing for release from prison in Michigan when he contracted the novel coronavirus. He died 24 days before his scheduled release date."

Realistically is Garrison more a of threat if they release him a month or two sooner?

Janos Marton, who is running for DA in Manhattan told us, "There will be instances where people released break the law, parole, or conditions like house arrest. In this moment we must distinguish between people who harm or seek to commit harm to others, and other types of offenses we can deal with in the community."

He also pointed out, "If people are being released at the foot of the Rikers Island bridge with a metrocard and the clothes on their back, we shouldn't be shocked if not everyone has a great outcome. Getting people on their feet has to be part of the equation, for everyone's benefit."

Thanks for reading.

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Criminal Justice News/ Commentary

‘Spit Bag’ Arrest of Frail Black Youth Leads to Lawsuit against City of Sacramento, Private Companies

On April 21, 2019 – a little more than a year after unarmed Stephon Clark was gunned down by Sacramento city police in his grandparent’s backyard, spawning militant protests and costing taxpayers millions of dollars from lawsuits – city police put a “spit bag” over the head of a frail 11-year-old Black youth.

[Read More](#)

Top New Orleans Prosecutor Loses Immunity over His Illegal Jail Threats

The city’s top prosecutor learned that the murdered young man was the boyfriend of the woman’s daughter. So he had investigators call the woman to find out what she knew. When the investigators did not get the responses they wanted, the prosecutor sent her several missives, ordering her to come to his office.

[Read More](#)

New York Raised the Age of Criminal Accountability from 16 to 18: The Efforts It

Took and Progress Made So Far

New York's first annual report by the state's Raise the Age (RTA) Implementation Task Force reveals various efforts made at state, local and community levels to ensure the smooth implementation of the RTA law.

[Read More](#)

Everyday Injustice Podcast Episode 63 – Jodie Sinclair and Her Book 'Love Behind Bars'

In 1981, Jodie Sinclair was a journalist visiting the Angola Prison in Louisiana to do a story on the newly-reinstated death penalty. She met Billy Sinclair

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ACLU of Connecticut Files Lawsuit Requesting the Release of At-Risk Incarcerated People

A federal class-action lawsuit was filed by the American Civil Liberties Union (ACLU) of Connecticut on behalf of those incarcerated in state prisons and jails and in efforts to protect these individuals from COVID-19.

[Read More](#)

Economic Crimes Unit to Be Established in San Francisco to Protect Workers' Rights

On Apr. 21, 2020, San Francisco District Attorney Chesa Boudin announced the launch of a new "innovative" unit within the District Attorney's office to protect workers' rights.

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San Francisco Court Watch

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CA ICE Centers Sued over COVID-19 Threat; Court Asked to Immediately Release 400+ Immigrant Detainees

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Subject: Everyday Injustice - The Case of Franky Carrillo; Shot While Protesting ICE; Man Denied Petition For Resentencing
Date: Thursday, April 23, 2020 at 7:00:49 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“The prevailing epidemiological models largely fail to take into account our incarceration rates and the complete absence of social distancing in our jails which is why we had to build our own model,” said Lucia Tian, chief analytics officer, ACLU.

Everyday Injustice Newsletter - April 23, 2020

The Case of Franky Carrillo

by David Greenwald

In 2012, I got a chance to watch Ellen Eggers, a state public defender talk about Franky Carrillo, who was just freed after nearly 20 years of being wrongly convicted. It was so impressive we had Ellen Eggers, Franky Carrillo and Linda Starr from the Northern California Innocence Project among the speakers at our second annual event in July of 2012.

Franky was a classic case of misconduct by the sheriff's deputy but eyewitness misidentification.

What went wrong? There was a driveby shooting that left a man dead and it was in front of witnesses and deemed to be gang-related. The problem is that it was on a roadway that was dark and no one really saw the shooter.

The Innocence Files documentary did a good job of showing the exact problem. Sheriff's Deputy Craig Ditsch - himself part of the notorious quasi-law enforcement gang at that time, the VIPers, mishandled the identification as he questioned Scott Turner.

After viewing hundreds of photos, Turner recognized Franky Carrillo as someone he thought was an aspiring gangmember. Based on that, five other individuals identified Franky as the shooter.

The DA at the time thought she had a solid case - six people after all identified Franky.

But it was all based on poor technique by the Sheriff who made all of the classic mistakes of not doing a double blind identification.

The classic part of the post-conviction hearing was getting the judge to agree after everyone had basically recanted to go out and see if he could see the shooter's face under similar conditions.

As Ellen Eggers told it, and unfortunately this part did not make the documentary, she was with the DA and after witnessing the drive by, his response, "you can't see shit."

Eventually the DA in this case was a bit more creditable than some and realized that they could not morally justify keeping Franky Carrillo in prison. He agreed to concede the case and not attempt to retry him.

Eye witness identification really is problematic and this case actually underscores that problem - lighting conditions matter. But even under ideal conditions, the ability of people to identify someone they don't know in a traumatic and fast moving incident is over-estimated by the legal system and as a result, misidentification is one of the leading causes for wrongful convictions.

Thanks for reading.

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Criminal Justice News/ Commentary

MY STORY: I was shot in my car while protesting treatment of immigrant detainees by ICE

What follows is a first-person account by Susan Pelican, a 78-year-old RN and midwife, and long, long time resident of Yolo County, of her experience protesting while socially-distancing. Her car protest took place weeks ago, and it was non-eventful...except for her getting shot. She's doing fine. But her report is nonetheless fascinating

[Read More](#)

Man Convicted of Second-Degree Murders and Gross Vehicular Manslaughter Denied Petition for Resentencing

The Fifth District Court of Appeal affirmed the judgment of the Kern County Superior Court which denied the petition for resentencing of a man convicted of two counts of second-degree murder and one count of gross vehicular

[Read More](#)

Netflix's 'Innocence Files' Continue with Limitations of Human Memory

The second subseries of Netflix's The Innocence Files focuses on two wrongful convictions caused by mistaken witness identifications. Episode four and five investigate the case of Franky Carillo who was convicted of a gang-related drive-by shooting that resulted in the death of Donald Sarpy

[Read More](#)

ACLU Model Shows Failure To Reduce Prison Populations Will Lead To Higher COVID-19 Death Toll

The findings of the new epidemiological model indicate that COVID-19 could claim the lives of approximately 100,000 more people than current projections stipulate if jail populations are not dramatically and immediately reduced.

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Date: Wednesday, April 22, 2020 at 7:00:12 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Hundreds of lives are at stake. The systemic crisis at Mesa Verde and YCJ must be resolved at a systemic level. And it must be resolved quickly" - court pleading.

Everyday Injustice Newsletter - April 22, 2020

COVID-19 Has Disproportionate Impact on Communities of Color

by David Greenwald

Early on in the epidemic some suggested that COVID-19 knew no color or boundaries - but the more we

have learned, the less that turns out to be true. While we have seen wealthy and powerful people get COVID-19 - the people most impacted by this are those least able to socially distance, who cannot work for home, who are on the frontlines of the struggle and who lack health care to be able to intervene early in the progress of the illness.

"COVID-19 is not a great equalizer," Aimee Alison, President of She The People said on Monday. In fact, structural racism continues to perpetuate health and other disparities in communities of color during this global pandemic.

Congresswoman Chu said, "Communities of color are clearly some of the ones that are most impacted by the virus—but they are some of the people deemed most essential."

She noted that they "disproportionately are represented in fields like health care, grocery stores and transportation, meaning they're putting themselves at risk for our sake." She said, "These same communities are also some of the most vulnerable."

She noted that, with adequate testing, there will be less need to quarantine. But she noted even here there are problems for communities of color, who often lack separate rooms to be able to quarantine at home and protect their families.

"We need to ensure that we have ways that people can recover in our lowest-income minority communities," she said.

Representative Ayanna Pressley pressed the CDC to release data on racial and ethnic data on COVID-19 which showed tremendous disparities.

"History has shown us that our communities of color disproportionately bear the brunt of all of our nation's biggest crises in large part because our government has consistently and historically left so many of its people behind," she said.

She added, "This pandemic has exposed these painful truths, but it didn't create it."

California Governor Gavin Newsom on Tuesday met via conference call with members of the California Legislative Black Caucus (CLBC).

"It was a productive conversation," said CLBC Chair, Assemblymember Shirley N. Weber, Ph.D. "Our primary concern is that African Americans in California contract and die of the virus at higher rates. The Governor listened and committed to work with us to collect data on the disparate impact of the COVID virus on our community."

Weber said CLBC members expressed their concern that statewide school closures through the fall will widen the achievement gap for students of color.

"We cannot have these students out of school for six months and think everything is going to be okay," she said. "The Caucus made it clear to the Administration that we need to work together on a statewide plan for recovering the instruction they've lost. They - and we - will pay a high price if we do not approach this problem with commitment and innovation."

"We are in a crisis and it is hitting our community particularly hard," Weber said. "The CLBC will continue to engage the Administration on issues that affect our community - healthcare, jobs, K-12 recovery, small businesses, etc. We need the Black community to listen to health experts, stay home, practice social distancing. and stay engaged to make sure our voices are heard."

Testing will be a key and the Senate put \$25 billion in for testing - a good start but probably not nearly enough.

Thanks for reading.

-- MEDIA IS EXPERIENCING EXTINCTION LEVEL EVENTS

***** WE NEED TO RAISE \$30,000 More *****

So far, we have raised \$19000 - I figure we need about \$31,000 more to get us through six months. Anything you can do to put a dent in that is much appreciated.

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SCOTUS Finds Non-Unanimous Jury Verdicts Unconstitutional

The US Supreme Court ruled on Monday that non-unanimous jury verdicts in Oregon and Louisiana are unconstitutional. Louisiana and Oregon have been the only two states to allow non-unanimous verdicts, as a result of racially motivated legacies.

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Man Almost Denied Bail After Allegedly Stealing A Potential COVID-19 Sample and Abandoning It In Near a Pharmacy

A man was almost denied bail after being charged with stealing a COVID-19 sample from Sutter Davis Hospital and impersonating a federal employee for the Centers for Disease Control and Prevention employee.

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Date: Wednesday, April 22, 2020 at 6:13:06 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: cres@davisvanguard.org

<http://sfpublicdefender.org/news/2020/04/detained-immigrants-file-class-action-lawsuit-against-ice-demand-immediate-releases-from-extremely-unsafe-conditions-during-global-pandemic/>

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

From: cres@davisvanguard.org [mailto:cres@davisvanguard.org]
Sent: Wednesday, April 22, 2020 10:06 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: URGENT presser today re: ICE detainees

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Thanks. Because now I'm wondering what's up. Thank you and sorry to be a pest. :)

Right now I'm watching and covering Zoom prelims in Sacramento - are u doing that down there?

Thanks,

Cres

On 4/22/2020 9:41 AM, Ibarra, Valerie (PDR) wrote:

> I'll let IT know, but from my end, when I look at the web page (not as an admin), it's all there. Thanks.

>

> -----Original Message-----

> From: cres@davisvanguard.org [mailto:cres@davisvanguard.org]
> Sent: Wednesday, April 22, 2020 9:05 AM
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> Subject: Re: URGENT presser today re: ICE detainees

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> On 4/22/2020 8:35 AM, Ibarra, Valerie (PDR) wrote:
>> Thanks for letting me know. Looks like it wasn't loading properly.
>> Have you checked it since?
>>
>> Sent from my iPhone
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>>> On Apr 21, 2020, at 11:30 PM, "cres@davisvanguard.org"
>>> <cres@davisvanguard.org> wrote:
>>>
>>>
>>> this is what it looked like later tonight.
>>>
>>> <cbbhodjlpbdplej.png>
>>> On 4/21/2020 11:25 PM, cres@davisvanguard.org wrote:
>>>> Could be going nuts, but FYI, when you first sent that link it had
>>>> all the info, from the recording to participants, etc. As promised.
>>>>
>>>> Guess what, it's not there now (11 p.m.)? Same link but info not at
>>>> bottom.
>>>>
>>>> Luckily, finished my piece, although I did want to see if I could
>>>> get a still pix off the video.
>>>>
>>>> In any case (and yes, I closed my browser and tried it again and
>>>> again), please let me know what happened. :) (In between my job at
>>>> the Bee and the Capitol, I edited a computer magazine so all things
>>>> computers interest me).
>>>>
>>>> Thanks,
>>>>
>>>> Cres
>>>>
>>>> On 4/21/2020 9:19 PM, Ibarra, Valerie (PDR) wrote:
>>>>> No problem. Will do! Thank you for your work.
>>>>>
>>>>> Sent from my iPhone
>>>>>
>>>>>> On Apr 21, 2020, at 6:50 PM, "cres@davisvanguard.org"
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>>>>>
>>>>>
>>>>> Thanks. :) Forgot I could have just gone to your page. :(
>>>>>
>>>>> Please add me to the press list when you can, too.
>>>>>
>>>>> Take care, stay safe.
>>>>>
>>>>> Cres
>>>>>
>>>>>> On 4/21/2020 5:53 PM, Ibarra, Valerie (PDR) wrote:
>>>>>> Hi Cres,
>>>>>>
>>>>>> Everything you need is in here: docs and link to the press
>>>>>> conference video with the names of all the participants in the
>>>>>> video description.
>>>>>>
>>>>>> <http://sfpublicdefender.org/news/2020/04/detained-immigrants-fil>
>>>>>> e
>>>>>> -class-action-lawsuit-against-ice-demand-immediate-releases-from
>>>>>> -extremely-unsafe-conditions-during-global-pandemic/
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>>>>>> Sent from my iPhone
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>>>>>>>
>>>>>>> Valerie,
>>>>>>>
>>>>>>> I was on the presser today from the Vanguard - Sacramento
>>>>>>> bureau. Can you shoot me the follow-up release and info
>>>>>>> (including the
>>>>>>> recording)
>>>>>>> AND most importantly the actual filing???
>>>>>>>
>>>>>>> I'm trying to get a story out today. Thanks,
>>>>>>>
>>>>>>> Cres
>>>>>>>

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Subject: RE: URGENT presser today re: ICE detainees
Date: Wednesday, April 22, 2020 at 5:41:41 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: cres@davisvanguard.org

I'll let IT know, but from my end, when I look at the web page (not as an admin), it's all there. Thanks.

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

From: cres@davisvanguard.org [mailto:cres@davisvanguard.org]
Sent: Wednesday, April 22, 2020 9:05 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: URGENT presser today re: ICE detainees

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Date: Wednesday, April 22, 2020 at 4:35:36 PM British Summer Time
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To: cres@davisvanguard.org
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Subject: Re: URGENT presser today re: ICE detainees
Date: Wednesday, April 22, 2020 at 7:29:56 AM British Summer Time
From: cres@davisvanguard.org
To: Ibarra, Valerie (PDR)
Attachments: cbbhodjlphbdplej.png

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April 21, 2020

DETAINED IMMIGRANTS FILE CLASS ACTION LAWSUIT AGAINST ICE, DEMAND IMMEDIATE REFORM OF UNSAFE CONDITIONS DURING GLOBAL PANDEMIC

Lawsuit Also Defends First Amendment Right to Hunger Strike Over Dangerous Conditions

SAN FRANCISCO – Immigrants detained at the Mesa Verde Detention Facility and the Yuba County Jail by Immigration and Customs Enforcement (ICE) last night, asking the federal district court to order reforms to address unsafe conditions which endanger their health and lives in the midst of the COVID-19 pandemic.

There are more than 400 individuals detained by ICE at Mesa Verde and Yuba County Jail. While some of these individuals are in response to legal challenges, this is the first class action filed on behalf of the detainees.

“Social distancing is impossible here,” says Brenda Ruiz Tovar, a 31 year old mother who is

prevailed in her immigration case – twice – because the federal government has appealed an outbreak here, we will all catch it.”

Javier Alfaro, a 39-year-old father detained at Mesa Verde, said, “I learned about social distancing. Even if the authorities had told us about social distancing though, it doesn’t seem like distancing here.”

Immigrants at both of these facilities generally sleep in packed dormitory rooms on bunk beds. They use shared bathrooms, shoulder to shoulder with someone at the next sink and meals in crowded cafeterias, and are not provided resources for adequate sanitation and health care.

People detained at Mesa Verde held a hunger strike last week challenging their continued detention. They faced retaliation from detention center authorities who threatened to deny them access to food and water if they continued their hunger strike. This case also challenges the illegal retaliation against those protesting these conditions.

A coalition of legal organizations is representing the plaintiffs, including the San Francisco Public Defender’s Office, the ACLU of Northern California and Southern California, Lawyers’ Committee for Civil Rights (LCCR) of Cooley LLP.

“Despite consensus among public health experts that these conditions will lead to an outbreak, ICE failed to take necessary steps to protect the health of the people detained,” said San Francisco attorney Bree Bernwanger. “We will continue to watch our clients suffer in these outrageous conditions—we have to use whatever legal tools we can to get them out of here.”

“Our clients are trapped,” said Bree Bernwanger, senior staff attorney at the Lawyers Committee for Civil Rights. “The conditions of their detention are likely to cause a devastating outbreak, but ICE is refusing to take any steps to protect the health of the people.”

“Everyone in these facilities faces a risk of death because of how tightly they are packed together,” said the ACLU of Northern California. “ICE must immediately reduce the number of detainees so that they can be safe.”

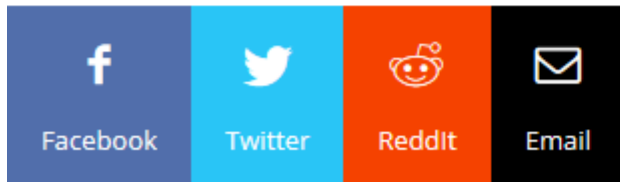
[Home](#) [Clients](#) [Public](#) [Media](#) [Careers](#) [Contact](#)

“ICE has remained obstinate in its resistance to meaningfully reduce the populations at Mesa Verde and the other facilities. The hundreds of people in here have a right to be safe and to be treated with dignity.”

LLP. ICE'S actions unnecessarily place hundreds of people in harm's way in a manner that is unconstitutional."

"People on the inside of ICE facilities have not been waiting for courts and lawyers to intervene. King, they have been organizing to call attention to their awful conditions and the need to work with the ACLU of Southern California. "This lawsuit supports the leadership of these hunger

Like 0



Previous article

COVID-19 – San Francisco Public Defender's Office Responds



Office of the Public Defender

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Date: Wednesday, April 22, 2020 at 5:45:27 AM British Summer Time
From: cres@davisvanguard.org
To: Ibarra, Valerie (PDR)

Oh, forgot to ask you to say hi to fellow NLGer Emi - I was the co-founder in Sac about 2012 after I left the ACLU board here. :)

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I'm trying to get a story out today. Thanks,

Cres

Subject: URGENT presser today re: ICE detainees

Date: Wednesday, April 22, 2020 at 12:56:29 AM British Summer Time

From: cres@davisvanguard.org

To: valerie.ibarra@sfgov.org

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Valerie,

I was on the presser today from the Vanguard - Sacramento bureau. Can you shoot me the follow-up release and info (including the recording) AND most importantly the actual filing???

I'm trying to get a story out today. Thanks,

Cres

Subject: Everyday Injustice - Yolo DA Attacks Zero Bail; EXCLUSIVE: Is COVID-19 Lurking in Sacramento Jails?
Date: Tuesday, April 21, 2020 at 6:50:11 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Aimee Alison: " Contrary to what many have been saying, COVID-19 is not the great equalizer. In fact, structural racism continues to perpetuate health and other disparities in communities of color during this global pandemic."

Everyday Injustice Newsletter - April 21, 2020

Yolo DA Already Attacking Zero Bail Based on Single Case

by David Greenwald

The good news out of Yolo County is that we received word that they were broadcasting court proceedings from Department 1 - the only open criminal adult department - live.

However, over the weekend, Yolo County Sheriff Tom Lopez pushed back against the zero bail order noting, , "Unfortunately, the efforts of this office and the efforts of our public safety partners throughout Yolo County are not being considered as decisions at the state level are made and imposed upon us."

The sheriff writes, "Effective Monday, April 13, the California Judicial Council instituted a new emergency order mandating \$0 bail for most misdemeanors as well as nonviolent felonies, while also mandating the release of other, potentially dangerous, pretrial inmates. We are concerned about the consequences that the blanket release of inmates will have here in Yolo County."

Like clockwork, the Yolo DA pounced on an apparent example of a man released as a result of the Zero Bail schedule, who was then arrested on auto theft charges, looting during a state of emergency, and violation of a shelter order.

The Yolo DA's office writes in their press release: "Woodland man Jacob Dakota James has been charged with multiple felonies by the Yolo County District Attorney's Office after being arrested by Woodland police on April 18, 2020, following his release from custody. James was released as a result of California Judicial Council's Statewide Emergency "0" Bail Schedule, which was adopted on April 6, 2020, in response to the COVID-19 pandemic."

They write that he had pending multiple felony charges after being released from custody in Yolo County on April 9. He committed additional felonies on April 13, and on April 18, at which time he was arrested again by Woodland police.

These types of cases will in fact happen. DA Chesa Boudin back in December as he was prepared to take office and end cash bail knew at that point that someone who was released would commit a crime and there would be blowback.

But he pointed out that those reports will not talk about all the people released who did not commit new crimes. They will not talk about the people who were able to keep their jobs, their homes, and their families together.

During this COVID-19 emergency, many vulnerable people who have been incarcerated have been released and most have not gone on to commit multiple felonies. Most are able to shelter in place, and not have to be exposed to dangerous conditions in our jails and prisons.

Moreover, bail as Yolo County Public Defender Tracie Olson pointed out, is inherently unfair.

She told the Vnaguard, "Two people are charged with the exact same crime. One is rich. One is poor. One pays money in order to go home. The other stays in jail. That's our current bail system and one of the causes of mass incarceration."

As SF Public Defender Manu Raju recently put it, "It is always unjust that some people are held in jail simply because they cannot afford to purchase their freedom. Reducing the number of people held pretrial solely because they can't afford bail will allow court resources to be used more effectively and ensure California continues to flatten the curve."

Once again, Yolo County DA Jeff Reisig shows himself to not be a reformer - and in fact - an opponent of change in the criminal justice system. He has taken one example to attempt to discredit the judicial council's policy that for the most part has worked well for clearing the jails and reducing jail populations.

Thanks for reading.

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The Davis Vanguard - founded in Davis in 2006 - runs a court watch now in San Francisco, Sacramento and Yolo Counties. We have a weekly podcast featuring wrongful convictions, progressive prosecutors and much more. And we cover national criminal justice issues on a daily basis.

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Criminal Justice News/ Commentary

EXCLUSIVE: Is COVID-19 Lurking in Sacramento Jails?

Is COVID-19 lurking inside Sacramento County's two jails? County officials say no, but former and current inmates suggest something else.

[Read More](#)

SCOTUS Finds Non-Unanimous Jury Verdicts Unconstitutional

The US Supreme Court ruled on Monday that non-unanimous jury verdicts in Oregon and Louisiana are unconstitutional. Louisiana and Oregon have been the only two states to allow non-unanimous verdicts, as a result of racially motivated legacies.

[Read More](#)

Situation in California Prisons Precarious as First COVID Death Occurs at CDCR

The California Department of Corrections and Rehabilitation (CDCR) today announced an inmate from California Institution for Men (CIM) in San Bernardino County passed away at an outside area hospital from what appears to be complications related to COVID-19.

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Two Men Denied \$0 Bail Due to Protective Orders

Two men did not receive \$0 bail due to protective order violations, with one receiving \$20,000 bail for allegedly ignoring a domestic violence stay-away order and another being denied release after returning to his parents' home to allegedly retrieve his mail and important documents.

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Sacramento Courtroom Sets Reduced Bails With One \$0 Bail Case

In the Sacramento County Superior Court, defense attorneys argue for bail reductions, citing the potential risk of spreading COVID-19 in prisons. Two weeks ago, the Judicial Council of California

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San Francisco to Close County Jail 4

Legislation introduced by Supervisor Sandra Lee Fewer to the Board of Supervisors will close County Jail 4, a maximum-security facility, by November 21.

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Man Almost Denied Bail After Allegedly Stealing A Potential COVID-19 Sample and Abandoning It In Near a Pharmacy

A man was almost denied bail after being charged with stealing a COVID-19 sample from Sutter Davis Hospital and impersonating a federal employee for the Centers for Disease Control and Prevention employee.

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Everyday Injustice - Podcast

[see our podcasts](#)

Everyday Injustice Podcast Episode 61 – Former Alameda DA Candidate Pamela Price Talks About Police Accountability

Jacquelyn Esser is running for DA in Honolulu, Hawaii. She was born and raised in Phoenix, Arizona and moved to Hawai'i in 2000 to attend the University of Hawai'i at Mānoa. She graduated in 2004 with a bachelor's degree in Business Management and earned a law degree at the University of Hawai'i William S. Richardson School of Law.

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Everyday Injustice Podcast Episode 59 – The Wrongful Conviction of Anand Jon Alexander

Anand Jon Alexander was a rising star in the fashion industry in 2007 when he was arrested and ultimately convicted of one count of rape and many counts of lesser sexual offenses. Although there were no injuries on anyone and he had no history of violence, he was sentenced to 59 years to life in prison.

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[Unsubscribe valerie.ibarra@sfgov.org](mailto:unsubscribe.valerie.ibarra@sfgov.org)

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Subject: Copy of pleading re: ICE detainees

Date: Tuesday, April 21, 2020 at 6:46:41 PM British Summer Time

From: cres@davisvanguard.org

To: valerie.ibarra@sfgov.org

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V,

Just got off the zoom presser...where can I get a copy of the pleading that you've filed? (I looked on the SF site but didn't see it yet).

Thanks,

Cres Vellucci, Sacramento Bureau Chief

Subject: FOR IMMEDIATE RELEASE: DETAINED IMMIGRANTS FILE CLASS ACTION LAWSUIT AGAINST ICE, DEMAND IMMEDIATE RELEASES FROM EXTREMELY UNSAFE CONDITIONS DURING GLOBAL PANDEMIC; Lawsuit Also Defends First Amendment Right to Hunger Strike Over Dangerous Conditions

Date: Tuesday, April 21, 2020 at 5:01:30 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

For Immediate Release: April 21, 2020

CONTACT:

San Francisco Public Defender's Office (628) 249-7946 (cell) Valerie.Ibarra@sfgov.org

ACLU SoCal Communications, 626-755-4129 (cell) communications@aclusocal.org,

ACLU NorCal (415) 621-2493(cell) press@aclunc.org

DETAINED IMMIGRANTS FILE CLASS ACTION LAWSUIT AGAINST ICE, DEMAND IMMEDIATE RELEASES FROM EXTREMELY UNSAFE CONDITIONS DURING GLOBAL PANDEMIC

Lawsuit Also Defends First Amendment Right to Hunger Strike Over Dangerous Conditions

SAN FRANCISCO – Immigrants detained at the Mesa Verde Detention Facility and the Yuba County Jail filed a class action lawsuit against Immigration and Customs Enforcement (ICE) last night, asking the federal district court to order the immediate release of people in detention from fundamentally unsafe conditions which endanger their health and lives in the midst of the global coronavirus pandemic.

There are more than 400 individuals detained by ICE at Mesa Verde and Yuba County Jail. While a federal district judge has ordered the release of some individuals in response to legal challenges, this is the first class action filed on behalf of everyone detained at these two facilities.

“Social distancing is impossible here,” says Brenda Ruiz Tovar, a 31 year old mother who is detained at Yuba County Jail even though she has prevailed in her immigration case - twice - because the federal government has appealed the decision. “We are crammed together. If there is an outbreak here, we will all catch it.”

Javier Alfaro, a 39-year-old father detained at Mesa Verde, said, “I learned about ‘social distancing’ from watching the news in the detention center. Even if the authorities had told us about social distancing though, it doesn’t seem like there would be any way to practice social distancing here.”

Immigrants at both of these facilities generally sleep in packed dormitory rooms on bunk beds bolted to the floor only a few feet from each other. They use shared bathrooms, shoulder to shoulder with someone at the next sink and arms length from the next stall. They line up to get meals in crowded cafeterias, and are not provided resources for adequate sanitation and hygiene.

People detained at Mesa Verde held a hunger strike last week challenging their continued detention in unsafe conditions amid this pandemic. They faced retaliation from detention center authorities who threatened to deny them access to commissary food unless they broke the hunger strike. This case also challenges the illegal retaliation against those protesting these conditions.

A coalition of legal organizations is representing the plaintiffs, including the San Francisco Public Defender's Office, the ACLU Foundations of Northern California and Southern California, Lawyers' Committee for Civil Rights (LCCR) of the San Francisco Bay Area, Lakin & Wille LLP, and Cooley LLP.

"Despite consensus among public health experts that these conditions will lead to an outbreak of the deadly coronavirus, ICE has consistently failed to take necessary steps to protect the health of the people detained," said San Francisco Public Defender Mano Raju. "We cannot sit and watch our clients suffer in these outrageous conditions--we have to use whatever legal tools we have to protect them."

"Our clients are trapped," said Bree Bernwanger, senior staff attorney at the Lawyers Committee for Civil Rights. "There is no question that the conditions of their detention are likely to cause a devastating outbreak, but ICE is refusing to do the one thing that could prevent it: release people."

"Everyone in these facilities faces a risk of death because of how tightly they are packed together," said Bill Freeman, Senior Counsel at the ACLU of Northern California. "ICE must immediately reduce the number of detainees so that they can achieve the necessary social distancing and be safe."

"While social distancing is now ubiquitous in all corners of American society, and government authorities have been ordering reductions in prison and jail populations throughout the country, ICE's detention centers remain a glaring aberration," said Martin Schenker, a partner at Cooley LLP.

"ICE has remained obstinate in its resistance to meaningfully reduce the populations at Mesa Verde and Yuba," said Judah Lakin of Lakin & Wille LLP. "ICE's actions unnecessarily place hundreds of people in harm's way in a manner that is not only irresponsible, but also plainly unconstitutional."

"People on the inside of ICE facilities have not been waiting for courts and lawyers to intervene. In the tradition of Gandhi and Martin Luther King, they have been organizing to call attention to their awful conditions and the need to release them," said Jordan Wells, a staff attorney with the ACLU of Southern California. "This lawsuit supports the leadership of these hunger strikers on the inside."

###

Subject: MEDIA ADVISORY: Major Legal Action To be Announced To Combat COVID-19 Spread in California ICE Detention Centers

Date: Tuesday, April 21, 2020 at 1:09:08 AM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: April 20, 2020

CONTACT: Valerie Ibarra – San Francisco Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

***** MEDIA ADVISORY *****

Major Legal Action To be Announced To Combat COVID-19 Spread in California ICE Detention Centers

WHAT:

A coalition of attorneys representing individuals detained by ICE will hold a press conference along with a man recently released from ICE custody, family members of people incarcerated by ICE, and medical experts to announce a major legal action against ICE. The coalition of attorneys are from the San Francisco Public Defender’s Office, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, ACLU Foundations of Northern & Southern California, Lakin & Wille LLP, and Cooley LLP.

WHEN:

Tuesday, April 21, 2020 from 10:00-10:30am

WHERE:

Via Zoom meeting –

<https://zoom.us/j/93926224448?pwd=ZUo4MGwrZit4WWNXWlA5YlBHMWwFUQT09>

Meeting ID: 939 2622 4448

Password: 191919

One tap mobile: +16699006833,,93926224448#,,#191919# US (San Jose)

Phone: 1(669)900-6833; Meeting ID 93926224448#; #; Password: 191919#

WHO:

Charles Joseph, recently released from the Mesa Verde Detention Center in Bakersfield, CA, following a legal challenge

Family members of people recently or currently in immigration detention

Medical Experts

Bree Bernwanger, Senior Staff Attorney at the Lawyers Committee for Civil Rights (LCCR) of the San Francisco Bay Area

Emi MacLean, Attorney at the San Francisco Public Defender's Office

Angelica Salceda, Attorney at ACLU Northern California

##

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - We Will Sue To Open Up the Courts to the Public; Sheriff Opposes Zero Bail; Podcast with Hawaii Progressive Prosecutor Candidate
Date: Monday, April 20, 2020 at 7:00:16 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We don't do secret proceedings in this country," said David Snyder, executive director of the San Francisco-based First Amendment Coalition.

Everyday Injustice Newsletter - April 20, 2020

We Need Public Eyes on Courts - We Are Planning To Sue in Two California Counties To Force It

by David Greenwald

We have been covering extensively and almost exclusively the courts in Sacramento. We seem to be the only media doing so.

But a more troubling occurrence is that court is proceeding without the ability of the public or the media to observe.

The San Jose Mercury News reports: "Alameda, Contra Costa, San Mateo and Santa Clara counties are all utilizing remote video hearings during the current state of emergency but none currently have a mechanism for routine public observation."

We were told that in Yolo County, home of Davis, there are empty court rooms. There is no family, no public and no press allowed. And yet the court is proceeding.

The same is occurring in San Francisco.

"We don't do secret proceedings in this country," said David Snyder, executive director of the San Francisco-based First Amendment Coalition. "The U.S. Supreme Court has made clear that the best way to ensure courts aren't abusing their tremendous power is to allow the public, press and defendants' families to watch what courts are doing."

We have decided to intervene.

On Thursday, attorneys for the Vanguard, sent a letter to Judge Garrett Wong, Presiding Judge in San Francisco.

Dear Judge Wong:

I am writing on behalf of the People's Vanguard, a news media outlet that reports on the courts in San Francisco and advocates on behalf of the public in respect to the public's right to access information ("Vanguard").

My client requests to exercise its public right to be present during criminal proceedings that take place within the San Francisco Superior Court system (the "Court"). Currently, due to the C-19 outbreak, there is no public access to any Court civil or criminal proceeding.

There appears to be no protocol in place for my client and members of the public to attend Court proceedings remotely.

The technology to allow public access is inexpensive and easy to effectuate. Although an accessible video feed would be ideal, the public could attend hearings telephonically via a muted telephone line. Using a muted telephone line, the public could dial into and listen in on proceedings without interrupting those proceedings.

My client realizes the difficulties of respond to the C-19 crisis. However, due to the ease of setting up a system where members of the public could listen in on hearings allows you to remedy the problems associated with denying the public access to criminal proceedings, my client insists that The People's Vanguard, and the public the Vanguard serves, be provided the means to remotely access Court criminal hearings as they are taking place.

Today, our attorney will send a similar letter to Judge Sam McAdam in Yolo County.

Our intention will be file a lawsuit by the end of the week in both courts if we do not get a reasonable accommodation.

Thanks for reading.

SPONSOR OUR 10th ANNUAL FUNDRAISER

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Homeless Union Charges Sacramento Local Govt Misleading About Response to COVID-19 Threat to Unhoused

While the city and county of Sacramento have banked millions of dollars to help the homeless during the COVID-19 pandemic, the Sacramento homeless union has informed THE VANGUARD

[Read More](#)

Monday Morning Thoughts: Yolo Sheriff Opposes Zero Bail Order – Does Explain Why

I have been surprised for how long local Yolo County officials have stayed out of what has become a national discussion, practiced at each local level about criminal justice reform.

[Read More](#)

Situation in California Prisons Precarious as First COVID Death Occurs at CDCR

The California Department of Corrections and Rehabilitation (CDCR) today announced an inmate from California Institution for Men (CIM) in San Bernardino County passed away at an outside area hospital from what appears to be complications related to COVID-19.

[Read More](#)

Netflix’s “Innocence Files” Opens With Bite Mark Evidence Leading to Wrongful Convictions

Jacquelyn Esser is running for DA in Honolulu, Hawaii. She was born and raised in Phoenix, Arizona and moved to Hawai'i in 2000 to attend the University of Hawai'i at Mānoa. She graduated in 2004 with a bachelor's degree in Business Management and earned a law degree at the University of Hawai'i William S. Richardson School of Law.

[Read More](#)

My View: Disgraced Forensic Dentist Goes

[on the Attack on Innocence Files](#)

The Netflix series, the Innocence Files, tracks three stories over nine episodes. The first three focus on the story of Levon Brooks and Kennedy Brewer. Those who have read Radley Balko's book are well familiar with this story and the story of Michael West.

[Read More](#)

[Guest Commentary: Courage in the Time of COVID-19](#)

From CPDA - During these bewildering times, leaders at all levels are being asked to think in ways never imagined. Courage is a quality that does not always rise to the surface during challenging times. Taking the known road, waiting for others to act first

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[San Francisco to Close County Jail 4](#)

Legislation introduced by Supervisor Sandra Lee Fewer to the Board of Supervisors will close County Jail 4, a maximum-security facility, by November 21.

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[Man Almost Denied Bail After Allegedly Stealing A Potential COVID-19 Sample and Abandoning It In Near a Pharmacy](#)

A man was almost denied bail after being charged with stealing a COVID-19 sample from Sutter Davis Hospital and impersonating a federal employee for the Centers for Disease Control and Prevention employee.

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[Witness Recants But Man With COVID-19 Symptoms Still Held on Felony Counts](#)

Despite the victim of a domestic violence complaint recanting her testimony Wednesday here in Sacramento Superior Court during a live stream preliminary trial, Judge Steven Gevercer ruled that Frederick Garner – whose attorney said he was suffering from fever and flu – should be bound over for trial.

[Read More](#)

Sacramento Judge Schedules Releases for the Majority of Incarcerated People over Zoom Court Hearings

With the switch to virtual courtrooms, the Sacramento County Superior Court has been releasing more incarcerated people amid the coronavirus pandemic in an attempt to keep the county jails emptier in case COVID-19 gets loose in them.

[Read More](#)

Everyday Injustice - Podcast

see our podcasts

Everyday Injustice Podcast Episode 60 – Arlington Prosecutor Parisa Tafti

Arlington Virginia Commonwealth Attorney Parisa Dehghani-Tafti was elected overwhelmingly in November after stunning incumbent prosecutor Theo Stamos by a 52-48 margin.

[Read More](#)

Everyday Injustice Podcast Episode 59 – The Wrongful Conviction of Anand Jon Alexander

Anand Jon Alexander was a rising star in the fashion industry in 2007 when he was arrested and ultimately convicted of one count of rape and many counts of lesser sexual offenses. Although there were no injuries on anyone and he had no history of violence, he was sentenced to 59 years to life in prison.

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Subject: Everyday Injustice - Public Defenders Push For Zero Bail Release; SF Has First COVID Case in Jail; Podcast interviews Former Alameda DA Candidate Price
Date: Friday, April 17, 2020 at 7:00:57 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Mano Raju: "While we knew it was nearly inevitable the virus would make its way into the jail, I am still deeply concerned to learn today that an incarcerated person in the San Francisco County Jail system tested positive for Coronavirus."

Everyday Injustice Newsletter - April 17, 2020

New Report Invites Governors To Utilize Clemency Powers To Slow COVID-19

By Murcel Rahimi

COVID-19 continues to spread across the nation into jails and prisons. [A report](#) published by The Justice Collaborative Institute in collaboration with Data for Progress challenges governors to make full use of their executive power to release larger numbers of people from detention in order to create less crowded conditions in the face of the pandemic.

Nearly 3 in 4 Americans have now been ordered to stay home and remain indoors, while many states have ordered non-essential businesses to close. Due to their population levels, many state prisons are unable to comply with CDC hygiene standards and are accelerating the pandemic. People who are incarcerated are more likely to have chronic health conditions than the general public. Incarcerated people tend to age faster than the general population, and their physiological age outpaces their chronological age by anywhere from 7 to 10 years, according to the report.

Nearly every state constitution permits the governor or a board of pardons to grant clemency to incarcerated people. This can be done through a couple of different ways:

Commutation- to shorten a custodial sentence, usually to time served.

Reprieve- temporary suspension of a sentence; it does not affect the amount of time served, but rather allows recipients to resume their sentences at a later date.

Furlough- allows a person to serve a portion of his or her sentence outside a prison or jail.

Compassionate Release- an umbrella term for mechanisms that release individuals “when terminal illness, advanced age, sickness, debilitation, or extreme family circumstances” outweigh continued imprisonment.

“Our political leaders have ample tools at their disposal to avoid humanitarian disaster in prisons and jails, but they must act now,” said Ben Notterman, a fellow at the NYU School of Law Center on the Administration of Criminal Law and a co-author of the report.

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Public Defender Pleading Uses Experts, COVID-19 Threat to Justify Release of Non-Violent Inmates on Zero Bail

Not one, but several Sacramento Superior Court judges this week acknowledged “that 150-page motion” – it’s actually “only” 144 pages with exhibits – the Sacramento County Public Defender Office produced to argue the Sacramento County District Attorney

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Everyday Injustice Podcast Episode 61 – Former Alameda DA Candidate Pamela Price Talks About Police Accountability

Pamela Price ran for DA in Alameda County, home of Oakland in California but was unsuccessful in 2018 in knocking off incumbent Nancy O'Mally.

[Read More](#)

First Confirmed Case of COVID-19 in San Francisco County Jail Prompts Public Defender to Ask for Increased Efforts

In response to the first confirmed case of coronavirus in an incarcerated person in the San Francisco County Jail system, San Francisco Public Defender Mano Raju calls for increased efforts to keep people out of jails,

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Netflix's "Innocence Files" Opens With Bite Mark Evidence Leading to Wrongful Convictions

The first 3 episodes of Netflix's The Innocence Files question the validity of forensic science with three cases of wrongful convictions caused by the admissibility of bite mark evidence.

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Subject: PRESS STATEMENT: SF Public Defender Mano Raju's Statement on First Confirmed Case of Coronavirus Case in SF Jail

Date: Thursday, April 16, 2020 at 9:00:23 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: April 16, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

*****PRESS STATEMENT*****

San Francisco Public Defender’s Statement on First Confirmed Case of Coronavirus in San Francisco County Jail

“While we knew it was nearly inevitable the virus would make its way into the jail, I am still deeply concerned to learn today that an incarcerated person in the San Francisco County Jail system tested positive for Coronavirus. This is the exact scenario my team has fought day in and day out to avoid by reducing the jail population. That this confirmed case comes after a substantial jail population reduction demonstrates why we have not been content to rest on the tremendous work done thus far, and why we continue to fight for people to be released.

It is vital that the jail population reduction work not only continue but accelerate. Despite the reductions in the jail population, multiple strangers still share sinks, toilets, and bunk beds. These conditions prevent social distancing and proper hygiene and continue to be dangerous for everyone living or working inside the jails.

I recognize the work that has already been done across multiple city agencies in an effort to prevent the spread of COVID-19 in our jail system, but any positive test poses a direct threat to the safety and security of the jail population and makes clear that more must be done. We need to continue taking preventative measures to prevent the spread of the virus, rather than waiting for the situation to get worse. This must not be a repeat of what happened at MSC South, San Francisco’s largest congregate homeless shelter.

For this reason, I am calling on the courts and the Sheriff to continue releasing as many individuals from the jail as possible and to ensure that all people who remain are provided personal protective equipment, adequate cleaning supplies, soap, hand sanitizer, and information that will help them remain healthy. Those housed in our jails deserve to be safe and treated with dignity both during their incarceration and upon release. This is also why my office has worked hard to ensure that every one of

our clients released is met with support and the safest available place to go.

I am also calling on the Human Services Agency and the Department of Public Health to immediately implement the Board of Supervisors Ordinance passed this Tuesday requiring that the City procure 8,250 additional private hotel rooms for people without homes. This ordinance includes the requirement that hotel rooms be provided to people coming out of our jail system who have no place to go, and we must make those rooms available as soon as possible.

Finally, I am calling on the San Francisco Police Department to continue reducing the number of people being arrested and booked into the jail. Today's news, combined with the state-wide Emergency Bail Schedule implemented this week, means that we should completely cease arresting and booking people on misdemeanors and low-level felonies. Under the Emergency Bail Schedule, these offenses now require zero dollar bail amounts, meaning people booked on these charges will be immediately released from the jail. Therefore, police should move to a cite-and-release system for all of these offenses, since they will be released regardless.

This is a do-or-die situation, requiring aggressive and urgent action across all our city departments. We cannot afford to be reckless with the lives of anyone in our community - especially those most at risk and least able to protect themselves. We must keep going. This virus does not discriminate.”

- Mano Raju, San Francisco Public Defender

###

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Dynamic Progressive Prosecution Panel Illustrates Inequities in System; Court Coverage Shows On Ground Challenges

Date: Thursday, April 16, 2020 at 7:00:19 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Mano Raju: "The most effective way to protect people from COVID-19 continues to be releasing them from jail and allowing them to safely isolate."

Everyday Injustice Newsletter - April 16, 2020

COVID Presents Opportunities For Reform

One of the upsides of COVID-19 is that by forcing everyone to go to video meetings, we get to see things we might not have in the old world. And so what probably would have been a local discussion with some interesting candidates for prosecutor yesterday, ended up as an event we could all watch.

Make no mistake - COVID-19 is a huge tragedy. And in some ways it was an avoidable tragedy.

But in other ways it is an opportunity - an opportunity to do what we should have done before.

As Eli Savit - who we had previously interviewed on a [podcast](#) - pointed out, "The coronavirus crisis has shown a light on a lot of the inequities in our society and a lot of the things that we are doing wrong... I think we need to learn from this crisis."

And he's right - in so many ways.

"It is beyond the pale right now to arrest someone into a jail," he said "which is a petri dish for the virus and to hold them for a small, low level, quality of life offense. A crime for which they don't really pose a threat to the community."

"I'm hopeful that if any good can come out of this crisis, it's that we can learn from this, we can recognize that what we've been told about what public safety demands for so many years is just not true," he said. "We can start to build a fairer and more equitable justice system."

Eli Savit added that they need to listen to the public health experts, who have recommended that we decarcerate our prisons.

What they are telling us right now, he said, "It is imperative that we decarcerate our prisons."

In fact, our article today shows that the distinguished publication, the New England Journal of Medicine is calling for "decarceration" and yes they are using that term.

"We believe that we need to prepare now, by "decarcerating," or releasing, as many people as possible, focusing on those who are least likely to commit additional crimes, but also on the elderly and infirm," doctors wrote in a paper published in the prestigious New England Journal of Medicine.

Janos Marton added, "it raises fundamental questions about what's broken about our current criminal justice system that a lot people... are reluctant to admit."

"What is the public safety reason to keep someone who is 70 years old in prison?" he said noting a lot of studies that people's public safety risk goes down significantly when they hit 40 years old.

"There are 170 clemency requests sitting on the governor's desk who have done at least 30 years of prison time," he said. "There is no public safety argument for 113 or 114 to be kept behind bars."

This is a key point that both Janos, who was also a guest on our [podcast](#), Eli Savit and the third guest, Melba Pearson a candidate in Miami Dade all made - decarcereate.

There are people being held in prison and jail who are not threats. They are not threats to public safety.

As Janos Marton pointed out, "for a whole lot of people, there are active better choices out there than jail and prison."

Eli Savit argued that the criminal justice system is "arbitrary" and that it is "impervious to study or research or any sort of introspection about whether what we are doing is actually working."

He said, "We do things in the criminal justice system without any sort of data or theory to back it up."

For those of us watching the Innocence Files on Netflix this week, that is a lesson that gets hammered home as we watch the testimony of forensic dentist Michael West, whose untested theories have sent countless innocents to prison.

What is clear is that Eli Savit, Melba Pearson and Janos Marton are all young leaders that could become dynamic forces for criminal justice reform.

Thanks for reading

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This fundraiser - our tenth annual - helps to fund our operations and put interns into the court room to shine a light on misconduct and mass incarceration.

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Criminal Justice News/ Commentary

Progressive Prosecutor Candidates Discuss Decarceration and the Justice Reform Amid COVID-19 Threats

Can the end result of the global pandemic thrat of COVID-19 be a fairer and more equitable justice system? That's what prosecution candidates from across the country – Janos Marton from Manhattan, Melba Peearson from Miami-Dade, and Eli Savit from Michigan talked about in a panel discussion Wednesday

[Read More](#)

Yuba County ICE Car Protest Called 'Essential' Activity Amid COVID-19 Fears

Nearly 50 "socially-distanced" vehicles from throughout Northern California loudly and persistently honked car horns as they circled the controversial Yuba County Jail here Tuesday for more than an hour, calling for the immediate release of ICE detainees.

[Read More](#)

COVID-19 in U.S. Prisons Can Have a Global Impact; Doctors Call For Decarceration to Reduce COVID-19

Implications

Doctors share knowledge on the implications of the threat of COVID-19 in jails and prisons on incarcerated populations and the world and how to flatten the curve for incarcerated populations and called for decarceration of the inmate population in order to combat the spread of the disease through vulnerable incarcerated populations.

[Read More](#)

Sacramento Law Enforcement Promises to Now Crack Down on COVID-19 Scofflaws

The State Judicial Council mandated last week, under an emergency COVID-19 order, that counties in California empty out their jails – but Sacramento law enforcement threatened Wednesday to maybe toss people in jail for “reoccurring or blatant violations” of state and county health orders to “stay-at-home” during the coronavirus pandemic.

[Read More](#)

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Subject: Everyday Injustice - SF To Shut Down Jail 4; Incarcerated Person Describes Corcoran
Date: Wednesday, April 15, 2020 at 7:01:18 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Mano Raju: "The most effective way to protect people from COVID-19 continues to be releasing them from jail and allowing them to safely isolate."

Everyday Injustice Newsletter - April 15, 2020

Inside Looking Out - From an Incarcerated Person at Corcoran

An incarcerated person at Corcoran, who we have been working with for the last decade because he is not only wrongly convicted, but also eligible for relief at least partially under 1437 wrote us last week about the conditions at Corcoran. He called yesterday to say that they remain free of the virus, but concerned about the lack of precaution by the guards.

From the incarcerated person...

I am currently housed at the Substance Abuse Treatment Facility at Corcoran (SATF). We have been on a quarantine program for a week now. They are trying to keep the gathering of crowds but its not really working as they still play basketball and soccer as (well as) other sports.

How we will get sick is that someone who works here will bring it in.

I'm on F yard which houses 900+ inmates in 3 buildings called blocks

So far this yard has no confirmed COVID-19 cases. Yet!

We heard of one on G-yard but not yet confirmed.

The staff won't tell us anything. On 4-4-20 they sent 100 inmates across the street to old Corcoran SHU. This place is in no way ready for what's coming. There will be no way for them to deal with this when it happens.

We are all worried about the future. We watch the news every night and see it surrounding us and can do nothing.

I have been keeping a journal and writing down the spread in the counties in and around the prison. The prison is located in Kings County which at this time has only 5 cases of COVID-19. But three other counties that surround Kings are Tulare - 107, Fresno - 108 and Kern at 225 as of 4-5-20.

This prison has over 7000 inmates on 7 yards.

This is a powder keg just waiting for a match.

I'm really worried about what's coming. Not so much of the illness, but about the care that won't be coming. They still let people wander around not even thinking about the consequences of their actions.

Thanks for reading...

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Several arraignments ended with the defendant's bail set to \$0 with the exception of two cases where the defendants had been deemed a public safety risk. Due to the California Judicial Council's new emergency bail policy, offenders' bail can be set to \$0 in order to reduce the population of incarcerated

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Man Allegedly Imprisons Wife in Car Following Prior Domestic Battery Incident

A woman denied domestic abuse claims in court after making a statement to the police that her husband physically assaulted her and damaged her car.

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Subject: Legislation to close CJ4 - being introduced at BOS 4.14.2020
Date: Tuesday, April 14, 2020 at 10:27:47 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: 'David M. Greenwald'
Attachments: Legislation to Close CJ4 - being introduced at BOS 4.14.2020.pdf

Valerie Ibarra
Public Information Officer
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Subject: PRESS STATEMENT: SF Public Defender Mano Raju on Board of Supervisors Legislation to Close CJ4
Date: Tuesday, April 14, 2020 at 8:52:33 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: April 14, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

*****PRESS STATEMENT*****

San Francisco Public Defender Mano Raju’s Statement on the Board of Supervisors Legislation to Close CJ4

“After months of collaborating with Supervisor Fewer’s office and community partners on the legislation to close County Jail 4, I am proud that it will be introduced at the Board of Supervisors meeting today.

County Jail 4 has been a known public health risk for decades: it has been deemed seismically unsound, people are crammed together in tiny cells, and sewage sometimes backs up into sleeping areas.

The COVID-19 pandemic has raised these urgent concerns to an emergency level. Social distancing and safe “sheltering-in-place” is impossible in conditions where multiple strangers must share one toilet, one sink, and sleep on shared bunk beds. While all congregate living spaces within the jails raise concerns during this pandemic, County Jail 4 has always been by far the worst.

My office will continue our work to improve conditions inside the jails, while also fighting for people to be released. The most effective way to protect people from COVID-19 continues to be releasing them from jail and allowing them to safely isolate. Our efforts to release as many people as possible from our jail system has helped reduce the population to 40 percent below the average daily population.

I also want to make clear that there has been a steady decline in crime, arrests, and jail bookings in San Francisco even before the pandemic began. Because of our low levels of crime, and the shrinking jail population, I am confident that we can close this jail without investing in building another jail or sending people out of county.

The COVID-19 crisis has shined a light on just how important it is for us to be looking at all of our systems, including our public safety systems, through a public health lens. I believe that now, more than ever, we have both the responsibility and the opportunity to reexamine our response to harm and the needs of our community with more dignity and care.”

##

Valerie Ibarra
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Subject: FOR IMMEDIATE RELEASE: Public Defender Mano Raju Says “Zero Bail” measure is critical tool to prevent spread of COVID-19 in jails throughout the state

Date: Monday, April 13, 2020 at 10:41:56 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: April 13, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (618)249-7946 – Valerie.Ibarra@sfgov.org

LINK: <http://sfpublicdefender.org/news/2020/04/public-defender-mano-raju-says-zero-bail-measure-is-critical-tool-to-prevent-spread-of-covid-19-in-jails-throughout-the-state/>

*****PRESS RELEASE*****

Public Defender Mano Raju Says “Zero Bail” measure is critical tool to prevent spread of COVID19 in jails throughout the state

Today’s Emergency Bail Schedule implementation means people should be released from jails throughout the state starting at 5pm

San Francisco --- On April 6, the Judicial Council of California voted to implement a set of 11 emergency rules to help address the COVID-19 crisis. Those measures included an Emergency Bail Schedule, effective today, which will eliminate cash bail for misdemeanors and most low-level felony

offenses with the goal of safely reducing jail populations across California.

The Emergency Bail Schedule applies to people currently held in jail pre-trial, and anyone arrested on the applicable offenses while the emergency rule is in place. The emergency bail schedule outlines 13 exceptions, allowing money bail to be set according to local bail schedules for people arrested for serious or violent felonies, domestic violence, DUIs, and several other offenses.

“I applaud the implementation of the Emergency Bail Schedule, and the Judicial Council’s recognition of the vital role courts play in safely reducing the number of people in jails across California. People forced into congregate spaces like jails are at risk of serious illness and death, and we need to release as many people as we can across the state” said San Francisco Public Defender Mano Raju. “It is always unjust that some people are held in jail simply because they cannot afford to purchase their freedom. Reducing the number of people held pretrial solely because they can’t afford bail will allow court resources to be used more effectively and ensure California continues to flatten the curve.”

“Due to these statewide changes, we should see an increase in people released from jails throughout the state starting today. Local jurisdictions are required to apply the new bail schedule to every person in pretrial custody and every newly arrested person at 5:00 p.m. today,” said Raju.

“Furthermore, police departments throughout the state should cease arrests immediately for offenses now carrying a \$0 bail amount, and should instead move to a cite-and-release system in order to save critical law enforcement resources and reduce exposure to officers, jail staff, and citizens who would otherwise be brought to jail, booked, and immediately released with an order to return to court at a future date,” said Raju.

“My office and many others have been fighting for years to end money bail because it is a wealth-based system that does not center public safety. Though it has taken an international public health crisis to get us here and the remaining money bail system is still discriminatory and ineffective, this is a big step in the right direction,” said Raju. “Our community is grateful.”

##

Emergency Rules are here: <https://jcc.legistar.com/View.ashx?M=F&ID=8234474&GUID=79611543-6A40-465C-8B8B-D324F5CAE349>

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Subject: Everyday Injustice - Sacramento Judge Calls Zoom Court Hearings ‘Brave New World’; Senator Wiener in Podcast Talks About Wrongful Conviction Legislation

Date: Thursday, April 9, 2020 at 7:01:11 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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“Wrongful convictions cause concentric circles of harm: to the wrongfully convicted and their communities, to the crime victims who were told a false story and face re-traumatization, to the jurors who unwittingly participated in the injustice, and to the integrity of the system as a whole,” Chesa Boudin

Everyday Injustice Newsletter - April 9, 2020

For the Wrongly Convicted - They're Not Even Supposed to Be

There in the First Place

by David Greenwald

There has been a lot of focus in the last month about the need to release low level offenders from the custody of our jails and prisons in the wake of the threat of COVID-19. I join with those who argue that this is a golden opportunity to change the way we handle custody situations - because if we are going to argue that these people should not be in custody now and represent a low level threat to society, we can argue that two months ago and six months from now.

However, at the same time, there is another class of people who we need to address - those people who should not be in prison in the first place because they are innocent of the crimes charged.

In the last week, in our podcast series, we have highlighted some of the most egregious injustices you can imagine.

First, we had the story of Joann Parks who in 1989, her three small children were killed in a fire. Instead of being able to mourn the loss of those precious young lives, she instead had to fight for her own - and in 1993 she was convicted of murder and sentenced to life without parole.

The problem is that the evidence that she set an arson and killed her kids is based on extremely flawed science. And after having her latest appeal rejected in 2018, she had her sentence commuted by Governor Newsom on March 27.

Second, we have the case of Ronnie Long who was convicted of rape by an all-white jury in 1976. He has spent 44 years in prison based on flawed eyewitness identification by the victim, now deceased and evidence that was withheld by police that showed that the physical evidence did not match his.

Today, we have a podcast where we interview Senator Scott Wiener, a state representative in California, who has introduced legislation, SB 938 that would give judges more discretion to not allow expert testimony that is flawed.

SB 938 is sponsored by the California Innocence Project, the Loyola Project for the Innocent, and the Northern California Innocence Project.

And tomorrow, we have a podcast interviewing attorney Tim Milner and Clemency Advocate, Amy Povah from the Can-Do Foundation about the case of Anand Jon Alexander,

The former fashion designer has been sentenced to 59 to life for rape in a case marred by the withholding of key exculpatory evidence and that blatantly appealed to racial prejudices.

You can catch those and our entire Everyday Injustice series of podcasts here: <https://soundcloud.com/davisvanguard> (see below for links to all three recent podcasts).

Thanks for reading

SPONSOR OUR 10th ANNUAL FUNDRAISER

I am writing you today to see if you would be interested in sponsoring our event - August 13 - **Mark Godsey from the Ohio Innocence Project** will be speaking in Davis.

The Davis Vanguard - founded in Davis in 2006 - runs a court watch now in San Francisco, Sacramento and Yolo Counties. We have a weekly podcast featuring wrongful convictions, progressive prosecutors and much more. And we cover national criminal justice issues on a daily basis.

This fundraiser - our tenth annual - helps to fund our operations and put interns into the court room to shine a light on misconduct and mass incarceration.

Among our early sponsors: [SF DA Chesa Boudin](#), [the California Innocence Project](#), [Obie Anthony](#), [the Jeffrey Deskovic Foundation](#), [UC Davis](#) and [UC Davis Law School](#), and the [San Francisco and Yolo County Public Defenders Offices](#).

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Criminal Justice News/ Commentary

Sacramento Judge Calls Zoom Court Hearings 'Brave New World'

The recent State Judicial Council emergency order lengthening timelines for most court hearings appeared to be the shadowy, but dominating issue this week in Sacramento Superior Court Judge Lawrence Brown's virtual courtroom.

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Everyday Injustice Podcast Episode 58: Senator Wiener Discusses Wrongful Conviction Legislation

In February, Senator Scott Wiener introduced new criminal justice reform legislation, Senate Bill 938. This bill would amend the standards used for evaluating expert testimony and forensics in court pre- and post-conviction. Faulty forensic and scientific evidence

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The Supreme Court Denies To Hear Texas Man's Appeal of Biased Trial

On April 6, the Supreme Court denied a writ of cert to one of the Texas Seven who claims an unfair trial after discovering that the judge who sentenced him to death is racist.

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Groups Renew Calls for Governor Cuomo to Grant Emergency Clemencies

Groups renew calls for Governor Cuomo to grant emergency clemencies and for the parole board and state prison system to adopt community demands.

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Philadelphia DA Urges Governor to Use Reprieve Powers to Curb the Spread of COVID-19 in Prisons

On Wednesday, District Attorney Larry Krasner called on Governor Tom Wolf to use his power to pardon incarcerated people, especially those with compromised immune systems, in the hopes of stopping the spread of COVID-19 in Pennsylvania communities.

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San Francisco Court Watch

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Transitioning into the Electronic Court System

The COVID-19 pandemic has momentarily transformed California's criminal justice system; some argue that this change is exactly what is needed for the 21st century, while others argue that it violates the right to confront one's accuser.

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Everyday Injustice - Podcast

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Subject: For Immediate Release: Federal Judge orders ICE to release four detained immigrants at risk of serious illness or death from COVID-19 infection
Date: Thursday, April 9, 2020 at 6:43:33 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)
Attachments: 2020.04.08 TRO Order.pdf

For Immediate Release: April 9, 2020

Media Contacts:

San Francisco Public Defender's Office – (628) 249-7946 – Valerie.Ibarra@sfgov.org

ACLU – (415) 621-2493 – press@aclunc.org

Attachment: Court Order

*****PRESS RELEASE*****

Federal Judge orders ICE to release four detained immigrants at risk of serious illness or death from COVID-19 infection

SAN FRANCISCO – On April 8, 2020, a federal judge ordered the release of four immigrants detained in two ICE detention centers in California on the grounds that their age and medical conditions make them especially vulnerable to the potentially fatal COVID-19 infection.

“None of these [individuals] is in a position to meaningfully limit his exposure to COVID-19 while at Yuba or Mesa Verde,” Judge Chesney affirmed in a ruling Wednesday.

The judge’s decision came in response to a lawsuit filed by the ACLU Foundations of Northern California and Southern California, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, the San Francisco Public Defender’s Office, and Lakin & Wille LLP.

“Immigration detention is unnecessary generally, but now with COVID it is putting people at risk,” said Shelly Clements, the wife of Charles Joseph, one of the plaintiffs ordered released. “I feel blessed that my husband is coming home.”

Collectively the four plaintiffs suffer from a range of serious medical conditions, which the CDC has identified as placing people at a particularly high risk of contracting this highly contagious disease.

Salmon Medina Calderon has been diagnosed with diabetes. He has lost all of the vision in one eye and 70 percent in the other. Gennady V. Lavrus also has diabetes that requires insulin injections. Charles Joseph suffers from severe asthma. J. Elias Solario Lopez, 82, has a history of hypertension and kidney disease.

“This decision is an important step,” said William Freeman, senior counsel at the ACLU Foundation of Northern California. “The stakes for the release of detained persons are at an all-time high as the threat of the COVID-19 outbreak places them at an elevated risk of serious ailments or death.”

San Francisco Public Defender Manohar Raju said that, “The judge recognized that releasing vulnerable immigrants because of the COVID pandemic is urgent, constitutionally mandated, and in the interest of public health. Immigrants in ICE detention centers should be released immediately. It is unfortunate we had to resort to the courts for this relief. ICE should be doing this on its own.”

“ICE’s abysmal response to COVID-19—including its intransigent refusal to heed public health experts and release as many detainees as necessary—violates the Constitution,” said Jordan Wells, an attorney with the ACLU Foundation of Southern California. “Worse, it risks human life and threatens to exacerbate the pandemic. We are relieved for those who the Court ordered ICE to release. And we will continue fighting for everyone unsafely languishing in ICE prisons.”

Bree Bernwanger, senior staff attorney at the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, issued the following statement: “Our brave clients have shown that while the rest of world takes unprecedented safety measures in the face of a global pandemic, ICE has endangered their lives by continuing business as usual. But in this decision, the Court recognized that no immigration policy is

more important than protecting human life.”

Judah Lakin of Lakin & Wille LLP, issued the following statement: “ICE’s refusal to change its policies and practices during this pandemic is not only disheartening, but clearly unconstitutional. We will continue to fight not only for the remaining plaintiffs in our lawsuit, but the greater incarcerated population at large.”

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Cell: 628.249.7946
www.sfpublicdefender.org/media

Subject: FOR IMMEDIATE RELEASE:

Date: Wednesday, April 8, 2020 at 11:39:16 PM British Summer Time

FOR IMMEDIATE RELEASE: April 8, 2020

CONTACTS:

Valerie Ibarra – San Francisco Public Defender’s Office – (628)249.7946 – Valerie.Ibarra@sfgov.org

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Subject: Everyday Injustice - State Judicial Council Drops Bail to Zero for Most in Move to Blunt COVID-19
Date: Tuesday, April 7, 2020 at 7:00:41 PM British Summer Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Yolo County Public Defender Tracie Olson put it: "It took a worldwide health crisis to lower bail to amounts that public defender clients can afford, which is \$0 in most misdemeanor and low-level felony cases."

Everyday Injustice Newsletter - April 7, 2020

Will This Moment Prove to Be a Blip or a Revolution?

by David Greenwald

The focus right now in the criminal justice reform movement - getting people out of prison and jail who don't need to be. But for people like me, the key question is - if we can do this now, why can't we do this in six months? A year?

We interviewed Eric Gonzalez, the DA of Brooklyn last week, who spoke about his efforts to reduce the number of people behind bars during this public health crisis.

But it was Farhadian Weinstein, his office's general counsel who made an even more important point: "If we consider it safe to release certain prisoners now, why not a few months ago?"

Mr. Weinstein argued this is something more, "a dire warning to confront uncomfortable truths about our prisons and their populations that predate the virus."

"Mass incarceration is a policy that makes no sense," says Lauren-Brooke Eisen, the director of the justice program at the Brennan Center, a public policy institute. "This moment proves we don't need to have jails and prisons bursting at the seams."

Indeed what this crisis is forcing us to confront is the question of who absolutely needs to be in custody because they truly represent a public safety risk and who doesn't.

Ms. Eisen continued, "We're seeing really important changes that we hope district attorneys and correctional departments will continue to push for once this pandemic is over."

But it is slow and uneven progress. On Sunday in California, a federal court while sympathetic to the issue denied a request to order releases arguing that they lacked the authority.

Then yesterday, the California Judicial Council issued a statewide emergency order setting bail at \$0 for most misdemeanor and low-level felony offenses, in an effort to empty jails and limit the spread of COVID-19.

The interesting thing about this - the silence of the DA's. They didn't oppose it. But other than Jackie Lacey, who is facing a November runoff who issued a laudatory - if ironic - statement, we saw no DA's in the mainstream of California's prosecutors who said anything about it.

As Yolo County Public Defender Tracie Olson put it: "It took a worldwide health crisis to lower bail to amounts that public defender clients can afford, which is \$0 in most misdemeanor and low-level felony cases."

The key question will be - now that we can show that the world doesn't end with the elimination of bail in most low level cases, can we finally just end the practice and can we finally get to the point where we clear our jails and prisons of people who don't need to be there?

We have a moment in time where change can occur - we will see what happens.

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Criminal Justice News/ Commentary

**State Judicial Council Drops Bail to Zero
for Most in Move to Blunt COVID-19**

Progressive reforms sought for decades – the dissolution of bail to minimize the number of incarcerated in jails, and consideration for those facing eviction and foreclosure by monied landlords and banks – were made possible, at least for now

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Reaction to the Judicial Council Reducing Bail to Zero

It was a highly anticipated move by the California Judicial Council and while we captured some reaction from across the state – but interestingly enough, other than Jackie Lacey

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Courthouse Balance of Privacy and Transparency, COVID-19 Safety and Sanitation

Even the judge wore a mask—complying with new recommendations to wear “face coverings” to combat COVID-19—as Sacramento County Superior Court preliminary hearings began again Monday for the first time in weeks.

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Transitioning into the Electronic Court System

The COVID-19 pandemic has momentarily transformed California’s criminal justice system; some argue that this change is exactly what is needed for the 21st century, while others argue that it violates the right to confront one’s accuser.

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Over 100 Advocate Groups across the United States Call for the Suspension of Juvenile Fees and Fines

In response to the health and economic crisis presented by the COVID-19 pandemic, a collection of national, regional, and state organizations have called for an immediate nationwide moratorium of juvenile “fines, fees, and paying negative consequences for nonpayment.”

[Read More](#)

Fashion Line Profits to Go to National Cash Bail Network Fund in Response to COVID-19

With the coronavirus pandemic expanding, many prisons across the nation are working to release eligible incarcerated individuals to prevent the further spread of the virus.

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Subject: Everyday Injustice - 9th Circuit Turns Down Suit to Release Incarcerated People; Podcast: DA Gonzalez discusses Rikers and Pretrial Release

Date: Monday, April 6, 2020 at 7:00:32 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We take no satisfaction in turning away Plaintiffs' motion without reaching the important question of whether Defendants have implemented constitutionally adequate measures to protect the inmates of California's prisons from the serious threat posed by this unparalleled pandemic. But we are bound by (federal law) to reach this conclusion," 9th Circuit Court.

Everyday Injustice Newsletter - April 6, 2020

Federal Court Refuses To Act, New Solution Could Be Cutting Bail For Low Level Offenses

by David Greenwald

The bad news over the week, as reported by the Vanguard and other entities, a federal court refused to act to release prisoners - despite being sympathetic to their plight.

"We are living in unprecedented times. The spread of COVID-19 is a global crisis, a crisis that is

heightened in the most vulnerable groups among us. One such group is before us today," acknowledged the federal judges, who according to Cres Vellucci, "almost sounded despondent when they said the brief filed was beyond the court's jurisdiction."

He added, "The judges seemed to take no pleasure in turning down the COVID-19 plea."

"We take no satisfaction in turning away Plaintiffs' motion without reaching the important question of whether Defendants have implemented constitutionally adequate measures to protect the inmates of California's prisons from the serious threat posed by this unparalleled pandemic. But we are bound by (federal law) to reach this conclusion," wrote two judges in the response.

In response, San Francisco DA Chesa Boudin told the Vanguard, "If we forget about the people who work in prisons and jails or those who are incarcerated there we will lose to COVID-19 and we will lose ourselves. Mass incarceration makes us less safe - that is more clear in the midst of this pandemic than ever."

Meanwhile the AP reports California leaders are scheduled to hold an emergency meeting on Monday including a proposal to hold criminal and juvenile proceedings by video or telephone in order to ensure that defendants are not held in custody without timely hearings.

"During the COVID-19 pandemic, trial courts must protect defendants' constitutional rights to have the assistance of counsel and to be personally present with counsel, and at the same time take steps to protect the health of defendants, judicial officers, court staff, counsel, and all those who are required to be present in court," a report prepared for the meeting said.

Alameda County Public Defender Brendon Woods posted on Facebook: "Last week we were able to get our Court's bail schedule changed to \$0.00 for most misdemeanors & \$0.00 for all felonies with a max of 4 years or less in prison with some exceptions. Bail will be \$500 for misdemeanor probation violations & \$5,000 for felony probation violations."

If the judicial council acts as expected, those provisions could become statewide.

As Farhadian Weinstein, the general counsel of the Kings County District Attorney's Office pointed out in a New York Daily News op-ed on Wednesday, "for those of us in law enforcement, we must recognize it as something more — a dire warning to confront uncomfortable truths about our prisons and their populations that predate the virus."

The critical point here: "If we consider it safe to release certain prisoners now, why not a few months ago?"

In short - while these changes are emergency changes, they may well pave the way for more lasting reform if they prove to work.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Tulare DA Pushes Back Against Governor Commutation

Tulare DA Tim Ward is the Secretary-Treasurer of the conservative California District Attorneys Association. A little over a week ago, California Governor Gavin Newsom announced he was granting 5 pardons and 21 commutations.

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Sympathetic Federal Court Panel Can't Release COVID-19 Threatened State Prisoners

Just as a Sacramento Public Defender Office motion was rejected by Sacramento County Superior Court in an attempt to stop a COVID-19 surge by releasing incarcerated from county jails, a federal court panel late Saturday tossed out an emergency plea to release potentially tens of thousands

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NY Politicians Disagree with New NY Bail Rollback

On Apr 2, 2020, New York Governor Andrew Cuomo passed

a budget bill that included a controversial change to the state's bail law. Since Jan. 1, 2020, the New York state bail law eliminated cash bail for most misdemeanors and felonies; only extremely violent crimes were subject to cash bail.

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Philadelphia District Attorney and Public Defender's Offices Work towards Reducing Population of Incarcerated

District Attorney Larry Krasner and Public Defender Keir Bradford-Grey released a statement in Philadelphia urging courts to reevaluate sentences for release to prevent the spread of the Coronavirus in facilities.

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National Lawyers Guild Opposes Cities' Move to Stop Providing Records because of COVID-19

Cities in California – claiming they are already bogged down with the cost of fighting the COVID-19 pandemic – are now urging the governor to suspend numerous state laws because they're simply too busy to do the work.

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Sacramento Public Defender Asks Appeal Court to Intervene, Release County Jail Inmates because of COVID-19 Threat

In what could be described as a bold, desperate attempt, the Sacramento County Public Defenders Office has filed an "emergency request" with the 3rd District Court of Appeal, asking for the release of nearly 1,700 people confined in the Sacramento jail system, according to the pleadings made available to THE VANGUARD Friday.

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Video Arraignments Continue in Sacramento Court; Sanitation Practices Still Being Tested

"This hearing is being conducted remotely through the interactive video conferencing app Zoom," judges said aloud on camera from the mostly empty Sacramento County Superior Courtroom – the phrase that was repeated prior to each arraignment throughout the week.

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San Francisco Court Watch

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SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

To ensure that the incarcerated people in San Francisco's juvenile detention facilities are protected from COVID-19, Public Defender Manohar Raju has written a letter to Chief Juvenile Probation Officer Katherine Miller asking for the release of those eligible.

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Subject: Everyday Injustice - DA Gonzalez discusses Rikers and Pretrial Release; Podcast Features Ronnie Long's 44 years

Date: Friday, April 3, 2020 at 2:44:30 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"It's always been a hell hole," Eric Gonzalez said bluntly.

Everyday Injustice Newsletter - April 3, 2020

If We Can Release Them Now - We Shouldn't Have Had Them in To Begin With

by David Greenwald

Criminal justice reformers have been accused more than a few times in the past month of trying to exploit the COVID-19 crisis in order to get policy changes we wanted anyway.

That is certainly one way to look at it. I look at it somewhat differently however. We have a problem - over-incarceration and poor jail conditions and COVID-19 is making it worse. Far worse. Far more deadly.

On Wednesday, for example I spoke with a woman whose ex-husband is in jail in Sacramento, bad and life threatening health conditions and they want to treat it with a laxative. The guy doesn't have COVID-19, but just as the 22 year old who hung himself on Rikers Island in 2015 after sitting in solitary for two years for stealing a backpack, this guy doesn't deserve to die over the low level offense and the delayed justice in Sacramento.

As Brooklyn DA Eric Gonzalez told me yesterday, "Rikers has always been a hell hole."

But now, there is a movement to actually do something about it.

A good op-ed appeared in the Daily News on Wednesday by Farhadian Weinstein, the general counsel of the Kings County District Attorney's Office.

As he points out, " for those of us in law enforcement, we must recognize it as something more — a dire warning to confront uncomfortable truths about our prisons and their populations that predate the virus."

The critical point here: "If we consider it safe to release certain prisoners now, why not a few months ago?"

He notes: " For years, those of us working to address mass incarceration — advocates, legislators, progressive prosecutors — have focused on reducing incarceration by reducing the number of people who enter the prison system in the first place."

But as he argues, " as the pandemic shows all too clearly, we must also take on the back end — and release people whose incarceration is unnecessary and unjust."

This is exactly right. For years we have been fighting the front-end battle of mass incarceration. And we should have. We were over- arresting, over-charging, and over-sentencing people who were not really threats to society.

I started this because of one case - a man who is innocent was sentenced to 378 years in prison. Ironically now, his habeas hearings are being delayed in part due to this crisis.

The first major case we covered showed exactly the problem with the system. A man stole a \$3.99 bag of shredded cheese from a local grocery store. He had a long long long list of priors but all of them were petty theft variety.

Back in 2010, you could charge someone accused of petty theft with a prior with a felony and he became eligible for 25 to life under California's three strikes law. The judge finally struck one of the strikes but he still got sentenced to nearly 8 years.

So that end was easy to point out and address. The back end, releasing people who are accused of minor or non-dangerous offenses has been pervasive but now for the first time - we are having a conversation.

Many have said that there will be a "revolution" of sorts because of the COVID-threat. It may be in the prisons and pretrial custody situation that we finally see that change.

Thanks for reading.

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Criminal Justice News/ Commentary

Brooklyn DA Discusses Rikers Island, Calls For Releases

The latest news out of New York is grim, but the situation on Riker's Island is grim with soap and space in short-supply, and as of Thursday evening, according to one media account, at least 231 incarcerated people along with 223 staff members having tested positive for COVID-19.

[Read More](#)

California Supreme Court Affirms LA Death Penalty Decision

On April 2, 2020, the Supreme Court of California affirmed the Los Angeles County Superior Court's denial of James Michael Fayed's death penalty appeal.

[Read More](#)

NY Senate Corrections Chair Addresses Measures Taken To Protect Incarcerated People Amidst COVID-19 Crisis

With over 100 positive cases of COVID-19 in prison facilities in New York state, there are concerns that not enough is being done to protect incarcerated persons and guards in New York prisons.

[Read More](#)

Everyday Injustice Podcast Episode 56 – Duke Wrongful Conviction Clinic Discusses Ronnie Long

Ronnie Long has served nearly 44 years in prison for a crime he did not commit. He was arrested in 1976 on trespass charges, charged and later convicted of rape, sentenced to 80 years and has been in prison for more than 40 years despite evidence of an unfair trial and that he was wrongly convicted.

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SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

To ensure that the incarcerated people in San Francisco's juvenile detention facilities are protected from COVID-19, Public Defender Manohar Raju has written a letter to Chief Juvenile Probation Officer Katherine Miller asking for the release of those eligible.

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Man Allegedly Imprisons Wife in Car Following Prior Domestic Battery Incident

A woman denied domestic abuse claims in court after making a statement to the police that her husband physically assaulted her and damaged her car.

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In 1989 she was a young mother who lost her kids in a tragic fire. Except the investigators at the time, using archaic methods, determined that it wasn't a tragic fire, it was arson and therefore murder and on the basis of this evidence, Ms. Parks was sentenced to life in prison.

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Subject: Re: Davis Vanguard article: SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

Date: Thursday, April 2, 2020 at 11:46:01 PM British Summer Time

From: Lee, Patricia (PDR)

To: Ibarra, Valerie (PDR), PUBDEF-Managers

This is great press! Just FYI I will talk more about it on our Monday 4:00 call re our juvenile justice partners meeting today to set up an "Amnesty Court" to clear juvenile arrest and bench warrants.

Thx,
Patti

From: "Ibarra, Valerie (PDR)" <valerie.ibarra@sfgov.org>

Date: Thursday, April 2, 2020 at 3:33 PM

To: PUBDEF-Managers <PUBDEF-Managers@sfgov.org>

Subject: Davis Vanguard article: SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

<https://www.davisvanguard.org/2020/04/sf-public-defender-calls-for-the-release-of-eligible-youth-in-juvenile-detention-facilities/>

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Davis Vanguard article: SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

Date: Thursday, April 2, 2020 at 11:33:48 PM British Summer Time

From: Ibarra, Valerie (PDR)

To: PUBDEF-Managers

SF Public Defender Calls for the Release of Eligible Youth in Juvenile Detention Facilities

<https://www.davisvanguard.org/2020/04/sf-public-defender-calls-for-the-release-of-eligible-youth-in-juvenile-detention-facilities/>

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To: PUBDEF-Managers

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Cell: 628.249.7946

Subject: Everyday Injustice - Our Exclusive Coverage Takes You Inside Prisons and Jails and a Video Court Hearing in Sacramento

Date: Thursday, April 2, 2020 at 6:50:07 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"They wouldn't test us – we're dead," Corcoran State Prison Incarcerated Person

Everyday Injustice Newsletter - April 2, 2020

Yolo DA is Worried About Gouging - Progressive Prosecutors About People Dying in Jails and Prisons From COVID-19

by David Greenwald

Fearing a human rights disaster, progressive prosecutors from across the country like San Francisco's Chesa Boudin and many others have stepped up to take the unusual step of urging states to release people from jails, prisons and immigration detention centers.

"Our country's jail and prison populations have exploded over the last few decades, a result of people being prosecuted more often for less serious behavior; an increase in the severity of sentences imposed; and our cash-based pretrial detention system, which keeps hundreds of thousands of people in jail prior

to any determination of guilt and merely because they can't afford to pay bail," a letter signed by 31 prosecutors read.

They write: "The result of these practices is overcrowded jail, prison and immigration detention facilities that force people together in close quarters without access to proper hygiene or medical care, sometimes living barracks-style in gyms or other open spaces, breathing the same recycled air for up to 23 hours per day. These conditions are fertile ground for the spread of a virus like COVID-19."

Chesa Boudin tweeted, "If we forget about incarcerated people we'll lose to the virus and we'll lose ourselves."

SF DA's office tweeted, "In San Francisco we reduced the jail population by 25% since the emergency was declared. We must avoid the tragedy unfolding in NY where my dad is incarcerated. Crime rates are plummeting. Public health and public safety demand reducing jail and prison populations. Immediately."

Philadelphia's District Attorney's office tweeted: "The greatest challenge at this moment, both for community and government, is to effectively respond to all health threats — especially those that can be just as deadly as the pandemic."

Even Cyrus Vance, no reformer tweeted on Tuesday: "On 3/18 we consented to the release of 173 "parole violators" to limit the spread of COVID-19, and protect incarcerated NYers and correctional staff alike."

Sacramento's DA tweeted, "We're all in this together" as they published a Youtube statement by DA Schubert on the public health crisis.

The Yolo DA is not worried about vulnerable jail populations. They have tweeted just three times since March 20 - twice warning of price gouging and once saying that its Citizens Academy has been cancelled.

DA Jeff Reisig's own twitter, which we are blocked from has nothing since 2018. The only recent press release from the office - on price gouging.

While the rest of the criminal justice world has been alarmed by all sorts of developments and pushed for policy change and reform - the Yolo County DA is apparently, checked out.

Thanks for reading

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Criminal Justice News/ Commentary

Vanguard Exclusive: Incarcerated People Describe Current Conditions, Lack of Health Care in Prisons and Jails

The Vanguard spoke on Wednesday to an incarcerated person located at Corcoran State Prison, a maximum security prison located in Kings, County.

[Read More](#)

COVID-19 Threat Forces Sacramento Courts to Open Via Teleconference Only – Only Minor Hiccups Reported

Sacramento County Superior Court ramped-up – some might say that might be too strong a word – its operations Wednesday afternoon for the first time since COVID-19 forced the closure of the courthouse weeks ago.

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Mayor and City of Sacramento Charged With Violating CDC, Governor ‘Shelter-in-Place’ Orders

The Sacramento Homeless Union, its president Crystal Sanchez and the California Homeless Union/Statewide Organizing Council are on a collision course with Sacramento Mayor Darrell Steinberg.

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To ensure that the incarcerated people in San Francisco’s juvenile detention facilities are protected from COVID-19, Public Defender Manohar Raju has written a letter to Chief Juvenile Probation Officer Katherine Miller asking for the release of those eligible.

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New York Defense Groups Denounce

Governor Cuomo's Reversal of Bail Reform

A number of New York defense groups released a statement together, advocating against the return of the state's cash bail system – a threat posed by the state government's forthcoming budget.

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Story of Joann Parks Wrongly Convicted of Arson Murder

In 1989 she was a young mother who lost her kids in a tragic fire. Except the investigators at the time, using archaic methods, determined that it wasn't a tragic fire, it was arson and therefore murder and on the basis of this evidence, Ms. Parks was sentenced to life in prison.

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Everyday Injustice Podcast Episode 53 – Boulder DA Michael Dougherty

Michael Dougherty came to Boulder from Manhattan and worked as a deputy in the DA's for nearly twenty years before being appointed in 2018 to replace the long time prosecutor. He then won on his own. He now is running to be elected to his first four-year term.

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Subject: RE: Thanks! + Changing the word "inmate"?
Date: Wednesday, April 1, 2020 at 8:24:02 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Sounds great. Thanks for the update.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Wednesday, April 01, 2020 12:23 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Danielle Silva <dcsilva@davisvanguard.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: Re: Thanks! + Changing the word "inmate"?

Changed it, but will have to wait an hour or so to tweet it for the changes to take hold.

On Wed, Apr 1, 2020 at 12:15 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Truly appreciate your attention and flexibility on this, and your work overall!

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Wednesday, April 01, 2020 12:13 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Danielle Silva <dcsilva@davisvanguard.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
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Sorry - I will make a note of that for the future as well. Will change the title and tweet it out again.

On Wed, Apr 1, 2020 at 12:10 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi David,

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I was about to retweet the article when the word “inmate” was brought to my attention as a word that our office, and by resolution of the City, we’re trying to phase out. I know it’s a tough habit to break and certainly a word that has been used as a convenient term. We would welcome you and your writers to consider adopting it going forward, especially as it relates to Court Watch. I hope all of you are well in the midst of all this. Look forward to connecting again soon!

Best,
Val

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Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

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Sent from Gmail Mobile

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Sent from Gmail Mobile

Subject: Re: Thanks! + Changing the word "inmate"?
Date: Wednesday, April 1, 2020 at 8:23:18 PM British Summer Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
CC: Danielle Silva, Wilson, Jacque (PDR)

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Subject: RE: Thanks! + Changing the word "inmate"?
Date: Wednesday, April 1, 2020 at 8:15:26 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
CC: Danielle Silva, Wilson, Jacque (PDR)

Truly appreciate your attention and flexibility on this, and your work overall!

From: David M. Greenwald [mailto:info@davisvanguard.org]
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To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
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CC: Danielle Silva, Wilson, Jacque (PDR)

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Subject: Thanks! + Changing the word "inmate"?

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From: Ibarra, Valerie (PDR)

To: info@davisvanguard.org

CC: Wilson, Jacque (PDR)

Hi David,

Thanks so much to the Vanguard for picking up on the letter we sent to Newsom offering some expertise and solutions for reducing the prison population statewide. Great article by Lea Barrios:

<https://www.davisvanguard.org/2020/04/sf-district-attorney-and-public-defender-unite-to-release-inmates-amidst-covid-19/>, but *we were wondering if it would be possible to change the title of the article by removing the word "inmates" and changing it to "incarcerated people."*

I was about to retweet the article when the word "inmate" was brought to my attention as a word that our office, and by resolution of the City, we're trying to phase out. I know it's a tough habit to break and certainly a word that has been used as a convenient term. We would welcome you and your writers to consider adopting it going forward, especially as it relates to Court Watch.

I hope all of you are well in the midst of all this. Look forward to connecting again soon!

Best,

Val

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - State to Release 3500; Unique ICE Protest in Sac; Podcast of Governor's Commutation

Date: Wednesday, April 1, 2020 at 7:01:00 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We know that Anne Frank didn't die in the gas chambers, but she died of a communicable disease in the crowded and dirty conditions of a detention center," charged Sam Tunick, an organizer with Never Again Action Bay Area. "We don't want to see history repeated – we are doing what we wish bystanders during the Holocaust had done for our ancestors."

Everyday Injustice Newsletter - April 1, 2020

Adapting Court Watch to a World Without Courts For Now

by David Greenwald

For ten years we have been on the frontlines and on the cutting edge. In 2010 we launched our court watch out of Yolo County and became one of the first to do it - and most unique still. There are many court watches, but rather than simply tweeting and videoing on social media, we train college interns on how to write articles and report on what is going on.

The result is that for ten years we have seen first hand the injustice in the court room and our mission is to bring them to light through journalistic techniques.

We have expanded to Sacramento and San Francisco as well and have been able to see that injustice is still happening hidden from the glare of mainstream media and the public.

As Mark Godsey from the Ohio Innocence Project has said - everyone county needs a Vanguard Court Watch.

But with coronavirus and the shutting down of the courts, there are no courts to cover.

What do we do? IMPROVISE. For all my time doing this, the key to progress is improvisation. Find something not working - change it. Find something that works, stick with it.

As we have expanded our criminal justice reform mission, we have expanded what we do anyway.

Last year we have added our podcast series - Everyday Injustice. We have a great podcast today featuring Raquel Cohen of the California Innocence Project - well worth listening to.

Cres Vellucci, a retired Sacramento Bee reporter, has been doing great work covering the frontlines of the battle to release inmates.

And now we have 12 interns who are charged with covering national criminal justice reform - wrongful convictions, mass incarceration, progressive prosecutors, as well as the frontline battle for saving those in jails and prisons.

We had actually moved in that direction earlier this year - assigning interns who didn't get to write court articles to do more national criminal justice issues. But now, we are going full on with it.

It was fun on Monday night, we had our Zoom meeting where we normally meet in our Davis Conference room. We had interns all over the state - Orange County, LA, San Francisco, East Bay, Sacramento and Davis.

Bear with us - there will be a little work in progress. But the breadth of our coverage will be spectacular.

Thanks for reading.

Now we need your help. We are trying to raise \$50,000 to fund us for the next six months. So far we have raised just under \$10,000.

What can you do...

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- b. Paypal to info@davisvanguard.org
- c. Check – Davis Vanguard, PO BOX 4715, Davis 95617

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Criminal Justice News/ Commentary

CA ICE Detention Centers Could Turn Into COVID-19 'Death Camps,' Warn Capitol Car Protestors

COVID-19 could soon turn immigrant detention centers in California into "death camps," warned more than 100 immigrant advocates tucked inside 50-placard emblazoned vehicles Tuesday as they circled the State Capitol as part of a multi-city, car-based direct action calling on the governor to free immigrants from the ICE centers.

[Read More](#)

State Inmates Released Early? May Join Sacramento County Prisoners Getting COVID-19 Break

It looks like thousands of state prison inmates may be getting an "early out" – joining at least 600 and maybe more Sacramento County Jail inmates who have been released early since last week in an effort to combat a potential COVID-19 outbreak in jails and prisons.

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Everyday Injustice Podcast Episode 55 – Story of Joann Parks Wrongly Convicted of Arson Murder

In 1989 she was a young mother who lost her kids in a tragic fire. Except the investigators at the time, using archaic methods, determined that it wasn't a tragic fire, it was arson and therefore murder and on the basis of this evidence, Ms. Parks was sentenced to life in prison.

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SF District Attorney and Public Defender Unite to Release Inmates Amidst COVID-19

To prevent the spread of COVID-19, representatives from the San Francisco District Attorney's and Public Defender's offices have written Gov. Gavin Newsom imploring the state to consider resentencing to release eligible inmates.

[Read More](#)

Federal Court Rules To Release Of Individuals At High Risk OF Contracting COVID-19

The United States District Court for the Middle District of Pennsylvania ruled that immigration officials must immediately release the ten individuals who sued for their release as well as those who remain in the detention facilities.

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Subject: Everyday Injustice - Civil Libertarians, Defense Lawyers Have Concerns About Due Process Rights; Sac Violates CDC Orders with Homeless

Date: Tuesday, March 31, 2020 at 7:00:10 PM British Summer Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Civil Rights Attorney Keith Staten: "The order by the Chief Justice stands to violate rights Guaranteed by the sixth amendment of the constitution in regard to a speedy preliminary hearing for felony offenses and trial. It also expands the time to be brought to court for arraignment from two to seven days. The state of our pandemic and the need to take action to save lives seems to be a justification to delay justice."

Everyday Injustice Newsletter - March 31, 2020

Officials are Failing to Act in Time to Prevent a Calamity in Jails and Prisons

by David Greenwald

Civil libertarians and defense attorneys expressed alarm in California at the Judicial Council directive on Friday that would instead of releasing prisoners would hold them in detention apparently indefinitely - exposing them and the system to a potential deadly outbreak of COVID-19.

California is not alone. One prominent example now comes out of Texas, where on Sunday, Governor Greg Abbott issued an executive order preventing the release of thousands of people from jail.

The Governor acknowledging that COVID-19 "represents a public health disaster" has issued executive orders suspending Texas laws in response to COVID-19, "aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster."

The Governor noted that "several counties are now reportedly considering the broad-scale release of arrested or jailed individuals as a result of COVID-19, including potentially those who have committed felonies, in order to reduce the size of the jail population."

He argues that such release "would not only gravely threaten public safety, but would also hinder efforts to cope with the COVID-19 disaster."

Therefore he ordered that "individuals who pose a significant risk to the community or the victim, or who present a significant risk of flight, should be detained, and Texas judges are legally required and oath-bound to determine bail..."

"As the new coronavirus continues to spread in Texas' two biggest county jails, Gov. Greg Abbott has made it harder" for thousands of people to get out of jails, according to the Texas Tribune.

"In an executive order Sunday, Abbott barred [people] accused or previously convicted of violent crimes from being released from jails without paying bail."

However critics argue that allowing people with the same criminal history to be released "if they have access to cash" is "a distinction that bail reform attorneys argue makes the order unconstitutional."

This decision by the governor to suspend a swath of bail law "comes as advocates and local governments across the country are working together to minimize the population in local jails, where the risk of the new coronavirus is particularly high given poor sanitary conditions and close quarters."

Over the weekend, Harris County jail announced its first confirmed case with another 30 prisoners showing symptoms and as many as 500 who have been exposed.

The Tribune notes: "Health experts have warned that even a minor outbreak in the jail, one of the country's largest, could overwhelm the city's hospitals and pose a risk to the health of the jail's thousands of staff members."

Texas gets singled out here only because the decision was clearly laid out in the Governor's order. But even in California, Governor Newsom has to date not issued a blanket order for release and the state has moved to suspend due process and speedy trial rights.

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COVID-19 Court Closures Extended by CA Supreme Court Chief Justice – Civil Libertarians, Defense Lawyers Have Concerns

Late Monday, California Supreme Court Chief Justice Tani Cantil-Sakauye issued an order that further turned the Superior Court system in the state upside down, sideways and, in effect, off until at least mid-April.

[Read More](#)

Sacramento Violating CDC, Governor ‘Shelter-in-Place’ Orders, Claims Homeless Group; 3 Unhoused Arrested

Three homeless people – in a brave and blatant attempt to abide by the state of California’s “shelter in place” mandate in response the coronavirus pandemic – were nonetheless arrested here just a few miles from the State Capitol late Sunday when they entered a long-abandoned property to find that shelter.

[Read More](#)

Lawsuit Demands Release of Immigrants at Risk of Death from COVID-19

Today, six people detained at Adelanto ICE Processing Center in San Bernardino County with medical conditions that make them highly vulnerable to serious illness and death if infected with COVID-19 filed a lawsuit in federal court against U.S. Immigrations and Customs Enforcement (ICE) calling for their immediate release.

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Everyday Injustice Podcast Episode 54 – Salt Lake DA Sim Gill

Sim Gill, born in India, is the first Indian-American prosecutor in the US and one of only two elected Democrats in the entire state of Utah. He first was elected in November 2010.

[Read More](#)

Governor Commutes Sentences of Four People, Including Subject of Book, Represented by the Innocence Project

Four of these individuals that were granted Clemency were California Innocence Project Clients: JoAnn Parks, Suzanne Johnson, Rodney McNeal, and David Jassy.

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San Francisco Judge Orders 'Video Conferencing' for Foster Youth Visits – Advocates Say Should be Policy Statewide During COVID-19 Crisis

The COVID-19 inspired “stay at home” order in California has had some unintended consequences, and one of them is how long will foster children have to wait to see their parents again. Wednesday

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Subject: Everyday Injustice - Podcast with Boulder, CO Prosecutor on Death Penalty, More; San Francisco Judge Orders 'Video Conferencing' for Foster Youth Visits
Date: Friday, March 27, 2020 at 1:26:17 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"Judge visitation ordered by dependency court judges in San Francisco for all San Francisco dependency court cases will be made available via teleconferencing" - SF Family Court Judge Monica Wiley

Everyday Injustice Newsletter - March 27, 2020

Colorado Officially Ends the Death Penalty

by David Greenwald

This week, Colorado GOVERNOR Jared Polis signed a bill into law making Colorado the 22nd state to end the use of capital punishment. He also commuting the sentences of the three men - all black from the same jurisdiction - still serving sentences on death row.

What would have been unthinkable even ten years ago - has become commonplace.

"Commutations are typically granted to reflect evidence of extraordinary change in the offender. That is not why I am commuting these sentences to life in prison without the possibility of parole," Polis said in a written statement. "Rather, the commutations of these despicable and guilty individuals are consistent with the abolition of the death penalty in the state of Colorado, and consistent with the recognition that the

death penalty cannot be, and never has been, administered equitably in the state of Colorado.”

The decision to sign the death penalty bill was not a surprise - he vowed to do it if it reached the desk.

The commutations were of mild controversy.

He acknowledged there is disagreement among the families of victims, but added “I hope this decision provides clarity and certainty for them moving forward. The decision to commute these sentences was made to reflect what is now Colorado law, and done after a thorough outreach process to the victims and their families.”

At least one victim’s family on Monday expressed disappointment about the news.

18th Judicial District Attorney George Brauchler, whose office handled the prosecution of all three death row inmates, blasted the commutations as political opportunism timed to coincide with a pandemic.

“There’s no rush to commute the sentences of people who have been on death row for one to two decades,” Brauchler said. “If you were looking to bury this horrendous decision, this was the best way to do it.”

Today we run the podcast recorded a few weeks ago with Boulder DA Michael Dougherty.

Mr. Dougherty has been opposed to the Death Penalty for some time.

“I’m strongly opposed to the death penalty, and it should be abolished in Colorado,” Dougherty said. “I don’t believe any state or country should put its citizens to death.”

In testimony to the legislature, Mr. Dougherty said he has not made his stance on capital punishment secret, and has yet to pursue a death penalty case during his time as Boulder DA. He expressed moral concerns about the government sentencing a person to death and possible wrongful convictions

He added, that he also has concerns about the practical hurdles involved in pursuing the death penalty, including the time, resources and appeals involved.

He also said he has not seen any convincing data proving the death penalty serves as a more significant deterrent than life in prison.

You can listen to our discussion of the death penalty as well as mass incarceration, bail reform and restorative justice. See the link below.

Thanks for reading.

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Criminal Justice News/ Commentary

San Francisco Judge Orders ‘Video Conferencing’ for Foster Youth Visits –

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Fired Louisiana Prosecutor Had ‘Whites Only’ Sign in Property He Owned

Jason Brown, who has worked in several parish DA's offices, was accused of using illegal tactics to win at least one case before arriving in Calcasieu Parish, where he was terminated over alleged dishonesty in a continuance motion.

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Listen to our Everyday Injustice Progressive Prosecution Podcasts

Over the course of the last several months, we have spoke to a few dozen progressive prosecution candidates and prosecutors that have already been elected. The discussions have been poignant and telling. While each of the prosecutors is rooted heavily in their own communities, they have a common language of attempting decarceration and racial disparities in the system.

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Subject: Everyday Injustice - Court Wednesday Orders Hundreds Released from Sacramento County Jails
Date: Thursday, March 26, 2020 at 6:00:31 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“Because the parties agree that it is in the best interest of public health to reduce the population of the Sacramento County Jail System...the court finds good cause to order the Sacramento County Sheriff to...release all confined persons...who are serving county jail commitments with 60 actual days or less remaining on their sentence,” read the order signed Wednesday by Sacramento County Superior Court Assistant Presiding Judge Michael Bowman.

Everyday Injustice Newsletter - March 26, 2020

Push to Release Inmates in California As Coronavirus Spreads

by David Greenwald

Yesterday we reported that despite concerns and actions in other states, the Governor of California has not pushed to do a prison release.

This prompted criticism and concern from SF DA Chesa Boudin.

"We know that there are many, many people in state prison who do not pose a danger to the public if released," San Francisco DA Chesa Boudin told the Vanguard on Tuesday.

He pointed out, "There are so many people in prison, however, that keeping them there does pose a serious public health risk in the context of COVID-19. Jails and prisons pose the real risk of becoming major vectors for the spread of disease and I urge the Governor and other District Attorneys to follow the advice of medical professionals and take immediate steps to reduce the jail and prison population."

In fact, the San Francisco DA argues in a lengthy interview with Forbes that COVID-19 probably doesn't end without criminal justice reform.

But events are moving quickly.

Lawyers for prison inmates asked a federal three-judge panel late Wednesday for an emergency order that could force state corrections officials to release thousands of inmates due to the coronavirus pandemic.

The motion seeks "emergency relief to prevent unnecessary irreparable injuries and death that are certain to occur if the COVID-19 virus is allowed to take its natural course in the still-overcrowded California prisons."

"The state must act now if it is to stop the global COVID-19 pandemic from running rampant in its prison system and striking down the most vulnerable people in its custody," the attorneys said in an emergency motion filed late Wednesday. "As Rick Raemisch, the former executive director of the Colorado Department of Corrections, recognized: 'These prisons are bacteria factories. I don't think people understand the gravity of what's going to happen if this runs in a prison, and I believe it's inevitable. You're going to see devastation that's unbelievable.'"

This could more closely align California with states like New Jersey and Iowa.

In New Jersey the stakeholders, which included the AG's Office, Prosecutors, Public Defenders and the state branch of the ACLU, agreed "that the reduction of county jail populations, under appropriate conditions, is in the public interest to mitigate risks imposed by COVID-19."

The ACLU-NJ reports that the "order could impact up to 1,000 people incarcerated in county jails."

The prosecutor still has the ability to challenge "the release of specific individuals where they contend there exist significant risks to the person being released or to public safety."

More on this rapidly breaking news later today.

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Federal Lawsuit Asks Court to Immediately Release COVID-19 Vulnerable ICE Detainees in Yuba County Jail

Yuba County Jail – the scene of hunger strikes and rallies protesting inhumane conditions and mistreatment of immigrants housed here – is one of two ICE detention centers in California targeted in a federal lawsuit calling for the immediate release of 13 immigrants especially vulnerable to COVID-19.

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DUI Jury Trial Closing Statements

A woman was charged with two counts of driving under the influence of alcohol after allegedly side-sweeping a FedEx truck and making a dent in the right hand corner of a Jeep.

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A woman denied domestic abuse claims in court after making a statement to the police that her husband physically assaulted her and damaged her car.

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Sacramento Court Watch

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Sacramento Superior Court – Like the State – Locks Down for the Month. At Least

The Sacramento County Superior Court made official early Thursday evening what everyone from lawyers to judges knew was coming – a total courthouse lockdown through at least March 30, and possibly long after that.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 52 – Virginia Prosecutor Buta Biberaj

Buta Biberaj was elected last year as Commonwealth Attorney in Loudon County Virginia. She ran as the progressive reformer and became the first new top prosecutor in 16 years.

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Everyday Injustice Podcast Episode 50 – Tiffany Caban former Queens DA Candidate

In 2019, Tiffany Caban, a career public defender ran for DA in Queens, NY and came within an eyelash of beating the establishment backed candidate.

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Subject: Everyday Injustice - SCOTUS to Allows States to Ban Insanity Defense; NJ Leads Nation with Progressive Release of Inmates
Date: Tuesday, March 24, 2020 at 5:30:18 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Justice Breyer: "Kansas has not simply redefined the insanity defense. Rather, it has eliminated the core of a defense that has existed for centuries: that the defendant, due to mental illness, lacked the mental capacity necessary for his conduct to be considered morally blameworthy."

Everyday Injustice Newsletter - March 24, 2020

DOJ Seeks New Emergency Powers

by David Greenwald

To the concern of many, during this time of national crisis surrounding the coronavirus, the US DOJ is seeking the authority to delay judicial proceedings.

This, some fear, could allow judges to detain people indefinitely without trial during emergencies.

Some of the language: "may, in the event of a natural disaster, civil disobedience, or other emergency situation requiring the full or partial closure of courts or other circumstances inhibiting the ability of litigants to comply with deadlines imposed by statutes or by the rules of procedure applicable in the courts of the United States, enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for such period..."

As Politico first reported last week, "The move has tapped into a broader fear among civil liberties advocates and Donald Trump's critics — that the president will use a moment of crisis to push for controversial policy changes."

Of course, as Politico notes, the DOJ requests, "are unlikely to make it through a Democratic-led House."

But they are fairly broad encompassing several stages of the legal process including initial arrest, processing of cases, statutes of limitation, and investigation.

Under one proposal, the AG would have the power to ask a judge of any district court to pause court proceedings "whenever the district court is fully or partially closed by virtue of any natural disaster, civil disobedience, or other emergency situation."

"Not only would it be a violation of that, but it says 'affecting pre-arrest,'" said Norman L. Reimer, executive director of the National Association of Criminal Defense Lawyers. "So that means you could be arrested and never brought before a judge until they decide that the emergency or the civil disobedience is over. I find it absolutely terrifying. Especially in a time of emergency, we should be very careful about granting new powers to the government."

"That is something that should not happen in a democracy," he said.

Thanks for reading.

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

SCOTUS Allows States to Bar the Insanity Defense

On Monday in a major turn in the law, the US Supreme Court ruled in favor of the state of Kansas and against a man who argued the state law violated his constitutional rights by refusing him the option of an insanity defense.

[Read More](#)

New Jersey Authorizes Release of 1000 to Prevent Coronavirus Spread

Today the state of New Jersey takes a major step toward relieving a potential human rights crisis by agreeing to release up to 1000 people from its jails—in what is being called the most significant action to date to address the risk of transmission in crowded and poorly maintained jails.

[Read More](#)

Early Release of Some Sacramento County Jail Inmates Urged for Safety of Residents, Jailers and Prisoners

THE VANGUARD has learned that appeals are being made to the Sacramento County Public Defender Office by medical professionals, residents and community advocacy groups demanding the immediate release of 1,000 or more non-violent inmates from Sacramento County jails because of the coronavirus threat.

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San Francisco Court Watch

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DUI Jury Trial Closing Statements

A woman was charged with two counts of driving under the influence of alcohol after allegedly side-sweeping a FedEx truck and making a dent in the right hand corner of a Jeep.

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Yolo County Court Watch

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Man Allegedly Imprisons Wife in Car

Following Prior Domestic Battery Incident

A woman denied domestic abuse claims in court after making a statement to the police that her husband physically assaulted her and damaged her car.

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Sacramento Court Watch

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Sacramento Superior Court – Like the State – Locks Down for the Month. At Least

The Sacramento County Superior Court made official early Thursday evening what everyone from lawyers to judges knew was coming – a total courthouse lockdown through at least March 30, and possibly long after that.

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Subject: PRESS STATEMENT: San Francisco Public Defender Mano Raju Calls for Release of Immigrant Detainees at Yuba County Jail and Mesa Verde Detention Center
Date: Thursday, March 19, 2020 at 8:14:29 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)
Attachments: 2020.03.19_Public Defender Mano Raju letter to ICE Field Office Director David Jennings calling for release of immigrant detainees[2].pdf



FOR IMMEDIATE RELEASE: March 19, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 -
Valerie.Ibarra@sfgov.org

****Press Statement****

**San Francisco Public Defender Mano Raju Calls for Release of
Immigrant Detainees at Yuba County Jail and Mesa Verde
Detention Center**

“All of our incarcerated clients - including our clients in immigration detention centers - continue to be at a heightened risk of being exposed to COVID-19, and my office is fighting every day for their health and safety.

Immigration detention facilities are particularly at risk with regards to spread of infectious diseases because of congregate-style sleeping arrangements, crowding, the proportion of vulnerable people detained, the lack of proper sanitation supplies, and consistently inadequate medical care resources.

Yuba County Jail and the Mesa Verde Detention Center - the two ICE detention centers where most of our immigrant clients are being held - are not equipped to keep detainees or staff safe during this public health crisis. For over forty years, Yuba has been under court-ordered Consent Decree due to its failure to provide detainees with adequate medical care. The Mesa Verde Detention Facility is a privately run, for-profit facility that houses up to 400 non-citizen detainees in congregate settings who are in civil detention.

For these reasons, I sent a letter today to ICE Field Officer David Jennings, requesting the immediate release of detainees from these two locations.

Congress has explicitly granted ICE the authority to release detainees for “urgent humanitarian reasons or significant public benefit.” ICE not only has the authority to exercise discretion and release individuals from custody, but also has routinely exercised this discretion to release vulnerable detainees in the past. Detainees can be released to federally-approved alternatives to detention such as telephonic reporting requirements or even electronic monitoring.

In this crisis, every single detainee held at Yuba and Mesa Verde is vulnerable to contracting and spreading the virus, and should be released from custody and provided opportunities for alternatives to detention immediately. We must take these urgent measures now to protect immigrant detainees, detention center staff members, family members, and the broader community from contracting this virus.”

##

Subject: PRESS STATEMENT: San Francisco Public Defender Mano Raju Calls for Release of Immigrant Detainees at Yuba County Jail and Mesa Verde Detention Center

Date: Thursday, March 19, 2020 at 8:10:18 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 19, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

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Subject: PRESS STATEMENT: San Francisco Public Defender Mano Raju Calls for Release of Immigrant Detainees at Yuba County Jail and Mesa Verde Detention Center
Date: Thursday, March 19, 2020 at 7:37:54 PM Greenwich Mean Time
To: Ibarra, Valerie (PDR)
Attachments: 2020.03.19_Public Defender Mano Raju letter to ICE Field Office Director David Jennings calling for release of immigrant detainees[2].pdf

FOR IMMEDIATE RELEASE: March 19, 2020

CONTACT: Valerie Ibarra - SF Public Defender's Office - (628)249-7946 - Valerie.Ibarra@sfgov.org

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##

Subject: "Prisons Are Known Incubators and Amplifiers of Disease," Making It a High Risk Area for the COVID-19 Pandemic | Davis Vanguard

Date: Monday, March 16, 2020 at 3:48:56 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

<https://www.davisvanguard.org/2020/03/prisons-are-known-incubators-and-amplifiers-of-disease-making-it-a-high-risk-area-for-the-covid-19-pandemic/>

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Date: Monday, March 16, 2020 at 3:48:56 PM Greenwich Mean Time

From: valerie.ibarra@sfgov.org

To: Valerie Ibarra

<https://www.davisvanguard.org/2020/03/prisons-are-known-incubators-and-amplifiers-of-disease-making-it-a-high-risk-area-for-the-covid-19-pandemic/>

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Subject: FOR IMMEDIATE RELEASE: Jury Acquits Mother Charged with DUI after Fleeing Domestic Abuse
Date: Thursday, March 12, 2020 at 5:24:07 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 12, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

Jury Acquits Mother Charged with DUI after Fleeing Domestic Abuse

SAN FRANCISCO -- Yesterday, a jury found Liz Anaya, 31, not guilty of DUI charges that arose when she was fleeing domestic abuse from her partner.

Her attorney, Deputy Public Defender Nitin Sapra, successfully argued that she had not planned on driving that night, but only did so out of necessity to get away from a dangerous situation.

“The circumstances surrounding DUIs are often much more complex than meets the eye. Ms. Anaya was terrified for her life, and was just trying to get away from a violent situation. I am glad that the jury saw this for what it was -- a young mother doing whatever she needed to do to flee an abuser,” said Sapra.

Ms. Anaya had been in an abusive relationship for 4 years. During the trial she shared that her partner had taken control over her life, cutting her off from family, friends and her profession as a hairstylist. The night of February 25, 2019, when he came home, he realized that she had had a drink with their housemate, and he became outraged. He then began to batter her, and she feared that he would beat her as he had done before. She was able to flee her home and drive around the corner, where she turned off the car, put on her hazard lights, and called her son who was on his way home. Meanwhile, her partner called the police and accused her of drunk driving.

Body worn cameras showed that police arrived and talked to her partner for several minutes outside the home before they went looking for Ms. Anaya. They found her in the car with the engine off, but instead of asking her about the domestic disturbance or why she had fled her home, they proceeded with a DUI investigation.

Prosecutors refused to dismiss the case prior to trial.

Ultimately, the jury agreed that, despite having alcohol in her system, she had only driven out of necessity to escape a situation that was more dangerous than her driving a short distance, where she did not injure any person nor destroy any property.

###

Valerie Ibarra

Public Information Officer
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Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: PRESS RELEASE: Public Defender Seeks Immediate Release for People in Jail at Heightened Risk of Coronavirus

Date: Tuesday, March 10, 2020 at 6:34:56 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 10, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – Valerie.Ibarra@sfgov.org – (628)249-7946

****PRESS RELEASE****

Public Defender Seeks Immediate Release for People in Jail at Heightened Risk of Coronavirus

SAN FRANCISCO -- Today, the San Francisco Public Defender’s Office will begin filing motions to seek the immediate release of all clients being held pre-trial in San Francisco county jails who are at heightened risk for illness from coronavirus.

People at heightened risk for the virus include: people over 60, those with heart or lung disease, diabetes, and immunosuppressed individuals who are suffering from cancer, HIV, or autoimmune diseases such as rheumatoid arthritis, lupus, or multiple sclerosis.

“We are taking this action to protect older adults and those with compromised immune systems who are extremely vulnerable right now. People who are incarcerated in jail are already exposed to an unsafe environment. The cramped and unsanitary conditions in jail put the older or immunocompromised population at a much greater risk of contracting and spreading coronavirus,” said Public Defender Mano Raju.

Raju added, “We are committed to working with the District Attorney, the Sheriff, and the courts to identify safe alternatives to pre-trial detention for these individuals.”

In a letter sent today, the Public Defender also asked the Sheriff to assess all sentenced persons in jail to see who is eligible for immediate release on electronic monitoring or work release programs, and to then begin processing their release.

“Given the public health emergency posed by coronavirus, my office is seeking the immediate release of all incarcerated people sentenced to county jail in San Francisco who have less than 6 months left to serve,” said Raju. “These are cases where the court has already decided that it’s safe to release someone into the community, and will be doing so in the very near future. This will help reduce the population on the inside, allowing for recommended

distance between individuals during this public health crisis.”

“Our office pursues all avenues to ensure the safety and wellness of our clients every day. We are asking that the Sheriff, and others with the power to release people, act with similar urgency in the face of his increasingly serious public health crisis,” said Raju.

##

Valerie Ibarra
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Cell: 628.249.7946

Subject: MEDIA ADVISORY: PRESS CONFERENCE CANCELLED 3/9 at 850 Bryant

Date: Monday, March 9, 2020 at 4:37:22 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

Due to public health concerns, this press conference has been cancelled. We apologize for the inconvenience and will let you know if & when it gets rescheduled.

FOR IMMEDIATE RELEASE: March 9, 2020

CONTACT:

Edwin Carmona-Cruz – FREE SF Coalition – 415.652.0663

Valerie Ibarra – SF Public Defender's Office – 628.249.7946

****MEDIA ADVISORY****

SF PUBLIC DEFENDER'S OFFICE TO JOIN THE FREE SF COALITION FOR PRESS CONFERENCE CONDEMNING RECENT I.C.E. ARRESTS AT CALIFORNIA COURTHOUSES

What:

In the wake of community outcry over ICE's arrest of a San Francisco resident in front of the SF Hall of Justice on 3/3, and similar incidents in other parts of Northern California, the FREE SF Coalition and community organizations, with speakers from the San Francisco Public Defender's Office, will hold a press conference Monday that will highlight the region's robust infrastructure of defense for our immigrant communities.

Who:

FREE SF Coalition hosting speakers & organizations:

- Abigail Salazar, FREE SF
- Mano Raju, San Francisco Public Defender
- Emi MacLean, Deputy Public Defender
- Luis Angel Reyes Savalza The Rapid Response Network for Santa Clara County
- Renee Saucedo, Alianza de Mujeres Activas y Solidarias (ALMAS), Graton Day Labor

Center in Sonoma Co.

- Father Richard, Faith In Action Bay Area
- Yolanda Jackson, Bar Association of San Francisco

When:

Monday, March 9, 2020 – 12:00-12:30PM

Where:

San Francisco Hall of Justice (front steps)
850 Bryant Street, San Francisco, CA 94103

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: MEDIA ADVISORY: PRESS CONFERENCE CONDEMNING RECENT I.C.E. ARRESTS AT CALIFORNIA COURTHOUSES - Mon. 3/9 at 12noon 850 Bryant, SF.

Date: Monday, March 9, 2020 at 1:24:30 PM Greenwich Mean Time

From: valerie.ibarra@sfgov.org

To: Ibarra, Valerie (PDR)

BCC: timredmondsf@gmail.com, ddebolt@bayareanewsgroup.com, news@ebar.com, joe.eskenazi@missionlocal.com, SF Bay View, hi@joshwolf.net, tips@sfrist.com, esernoffsky@sfchronicle.com, mbarba@sfxaminer.com, julian.mark@missionlocal.com, m.bajko@ebar.com, sgaiser@smediaco.com, newsroom@baycitynews.com, editor@sfbaytimes.com, editor@eastbayexpress.com, editor@eltecolote.org, sfweekly@smediaco.com, news@sfweekly.com, Michael.toren@gmail.com, newsroom@baycitynews.com, pmatier@sfchronicle.com, Joe.Eskenazi@missionlocal.com, editor@fogcityjournal.com, editor@noevalleyvoice.com, editor@potreroreview.net, SF Bay View, editor@sfrichmondreview.com, editor@singtaousa.com, editor@thewesternedition.com, editor@westsideobserver.com, editors@newfillmore.com, news@sffoghorn.info, emilamok@gmail.com, hknight@sfchronicle.com, portia@chinesenews.com, shawn.huang@chinesenews.com, assignment@singtaousa.com, tfang@asianweek.com, idac@bayareametro.com, lisa.xin@bayvoice.net, liazhu@chinadailyusa.com, mingng119@gmail.com, queweihang@gmail.com, lihui.zhou@epochtimes.com, jingzhe.cao@epochtimes.com, jean.ho@newsforchinese.com, info@pandodaily.com, margarita.argente@philippinenews.com, bernice.yeung@propublica.org, lailakearney@gmail.com, editor@singtaousa.com, assignment@singtaousa.com, flora.xu@singtaousa.com, shiqiao.peng@singtaousa.com, sfbay@epochtimes.com, vnnb@vietnamdaily.com, mdinzeo@courthousenews.com, pamela@skylight.is, info@davisvanguard.org, j.ferrannini@ebar.com, c.laird@ebar.com, vivian.ho@guardian.co.uk, sbollag@sacbee.com, mdinzeo@courthousenews.com, contact@kalwnews.org, news@kpfa.org, andyrubio@hotmail.com, news@chineseradio.com, cantonesedj@chineseradio.com, assignmentdesk@kqed.org, calreport@kqed.org, forum@kqed.org, news@kpfa.org, news@kpoo.com, pshuler@kqed.org, roseaguilar@me.com, Tyche Hendricks, Farida Jhabvala Romero, Ann Garrison, Ann Garrison, bndinsmore@cbs.com, dinsmore@kpix.cbs.com, newsdesk@kpix.com, assignmentdesk@kron.com, news@kpoo.com, assignmentdesk@kqed.org, newstips@foxtv.com, rob.roth@foxtv.com, newstips@nbcbayarea.com, newstip@ktsftv.com, vic.lee@abc.com, hespinosa@abs-cbni.com, jwan@ktsfnews.com, kachan@ktsfnews.com, awong@ktsfnews.com, Theresa.hong@ntdtv.com, Vivian.lan@ntdtvsf.com, ning.han@ntdtvsf.com, wendy.yi@ntdtv.com, jinlu@skylinktv.us, Kenji.Lui@tvbusa.com, sheren.tam@tvbusa.com, noticias14@univision.net, tvespanol@tvespanol.net, Huntington, James, Henry Lee, suzie.liu@singtaousa.com, carolyn.johnson@abc.com, carolyn.tyler@abc.com, carolynsaid@gmail.com, lwhite@kpix.cbs.com, ccnnesrelease@bayareanewsgroups.com, chase.marilyn@gmail.com, cheryl.jennings@abc.com, chin@kpix.cbs.com, chinnie26@gmail.com, cjohnson@bloomberg.net, clima@politico.com, cmarinucci@politico.com, community.affairs@foxtv.com, communityvideofilming@yahoo.com, culle0110@mail.sfsu.edu, cynthia@ebar.com, dakizuki@bayareanewsgroup.com, dan.ashley@abc.com, dan.noyes@abc.com, dan@jweekly.com, DarwinBondGraham@gmail.com, datebookletters@sfchronicle.com, delvecchior@sarchdiocese.org, denise@youthradio.org, dford@kpix.cbs.com, dhorowitz@theguardian.com, dritsher@revealnews.org, druz@peoplepowermedia.org, dsiders@politico.com, editor@eastbayexpress.com, editor@eltecolote.org,

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Goossen, Carolyn (PDR), Gonzalez, Matt (PDR), Raju, Manohar (PDR), Bastian, Alex (DAT), Michael Durand, PUBDEF-Managers

FOR IMMEDIATE RELEASE: March 9, 2020

CONTACT:

Edwin Carmona-Cruz – FREE SF Coalition – 415.652.0663

Valerie Ibarra – SF Public Defender’s Office – 628.249.7946

****MEDIA ADVISORY****

SF PUBLIC DEFENDER’S OFFICE TO JOIN THE FREE SF COALITION FOR PRESS CONFERENCE CONDEMNING RECENT I.C.E. ARRESTS AT CALIFORNIA COURTHOUSES

What:

In the wake of community outcry over ICE’s arrest of a San Francisco resident in front of the SF Hall of Justice on 3/3, and similar incidents in other parts of Northern California, the FREE SF Coalition and community organizations, with speakers from the San Francisco Public Defender’s Office, will hold a press conference Monday that will highlight the region’s robust infrastructure of defense for our immigrant communities.

Who:

FREE SF Coalition hosting speakers & organizations:

- Abigail Salazar, FREE SF
- **Mano Raju, San Francisco Public Defender**
- **Emi MacLean, Deputy Public Defender (attorney for the**
- Luis Angel Reyes Savalza The Rapid Response Network for
- Renee Saucedo, Alianza de Mujeres Activas y Solidarias
- Father Richard, Faith In Action Bay Area
- Yolanda Jackson, Bar Association of San Francisco

man arrested outside of SF Hall of Justice on 3/3
Santa Clara County
(ALMAS), Graton Day Labor Center in Sonoma Co.

When:

Monday, March 9, 2020 – 12:00-12:30PM

Where:

San Francisco Hall of Justice (front steps)
850 Bryant Street, San Francisco, CA 94103

Why:

The FREE-SF Coalition, community organizations, and the San Francisco Public Defender's Office condemn the due process violations conducted by Immigration and Customs Enforcement (ICE) outside of San Francisco’s Hall of Justice this past Tuesday 3/3, when ICE arrested a man who was heading into court for an unrelated matter.

According to the FREE SF Coalition:

This comes after a series of state law violations from ICE in Sonoma and Fresno Counties, and at courthouses across California in its newest attempt to further separate families and instill fear in the immigrant community.

Immigrant rights organizations have created a robust infrastructure of community defense that has

successfully defeated ICE intimidation tactics in the past, and community groups are stepping up organizing efforts in order to do so again. Community members and organizations will continue to uphold our community values of compassion, respect, and love for every individual, regardless of immigration status.

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Subject: FOR IMMEDIATE RELEASE: ALL CHARGES DISMISSED AGAINST EDGEWOOD EMPLOYEE

Date: Friday, March 6, 2020 at 12:10:01 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 5, 2020

CONTACT: Valerie Ibarra – San Francisco Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

ALL CHARGES DISMISSED AGAINST EDGEWOOD EMPLOYEE

SAN FRANCISCO, CA - This morning, all charges were dismissed against Kenneth Ofigho, 31, a former employee of Edgewood Center, who has consistently maintained his innocence after being wrongly accused of inappropriately touching a minor in April 2019.

The charges were dismissed after a lengthy review of all the evidence, including the lack of any DNA evidence, and a witness who was present and did not corroborate the allegations. The court also diligently reviewed over 700 pages of records from Edgewood Center, which describes itself as a facility that helps individuals and their loved ones who struggle with mental illness and behavioral health issues. Ultimately, Assistant District Attorney Lalah Morris dismissed the case due to insufficient evidence to support the burden of proof.

Deputy Public Defender Sylvia Nguyen said, “Mr. Ofigho has been living a nightmare for almost a year and, unfortunately, he will suffer the professional ramifications of these false allegations for years to come despite his innocence.”

Mr. Ofigho had absolutely no contact with the criminal legal system prior to these allegations. Numerous current and former co-workers, along with family and friends, submitted letters of support and offered to testify to his good character.

Ms. Nguyen added, “The presumption of innocence failed Mr. Ofigho from the start. Since these accusations were made, he was taken to jail, later placed on house arrest, lost his job,

and was publicly humiliated by having his name and picture circulated in the news media. Thanks to our team's relentless investigation and persistence in seeking the truth, he has been vindicated and is finally free to move forward with his life."

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Subject: FOR IMMEDIATE RELEASE: SF Public Defender Mano Raju and District Attorney Chesa Boudin
Condemn ICE Arrest Outside San Francisco Criminal Court

Date: Thursday, March 5, 2020 at 5:08:04 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 5, 2020

CONTACT: Valerie Ibarra – San Francisco Public Defender’s Office – (628)249-7946 –
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****PRESS RELEASE****

**San Francisco Public Defender Mano Raju and District Attorney Chesa
Boudin
Condemn ICE Arrest Outside San Francisco Criminal Court**

San Francisco-- On election day, Tuesday March 3, federal immigration agents arrested a San Francisco resident in front of the courthouse steps of 850 Bryant Street as he was entering criminal court for a hearing. ICE agents acted without a judicial warrant and therefore in violation of state law.

The San Francisco Public Defender and the District Attorney have condemned this action, and are calling on ICE to stop making courthouse arrests. Advocates say that this is the first time this type of courthouse immigration enforcement has occurred in San Francisco. Two weeks ago, ICE agents arrested at least 3 people at the Sonoma County Superior Court Campus.

“California law explicitly forbids a civil enforcement agency, including ICE, from making a civil arrest without a warrant outside a courthouse. ICE’s illegal conduct undermines community trust and public safety. This type of action scares people—including victims, witnesses, the accused, or those participating in treatment – and deters them from coming to court,” said San Francisco Public Defender Mano Raju. “San Francisco will not allow such egregious abuse of power to go unchecked; we will provide immediate and zealous representation to anyone subject to such illegal activity.”

“ICE actions in or near our courthouses deters people from accessing our justice system, making us all less safe,” said San Francisco District Attorney Chesa Boudin.

“ICE’s conduct here disturbed and disrupted the entire court,” said Emi Maclean, Deputy Public Defender. “We will stand up to prevent these attacks. The Bay Area has a vibrant network of legal and community advocates who are ready to provide immediate and aggressive defense for immigrants caught up in these kinds of illegal actions.”

Studies have proven that sanctuary cities are safer than non-sanctuary cities. Crime is lower

in sanctuary counties compared with non-sanctuary counties. Victims are also more likely to come forward, and immigrant communities are more likely to participate as witnesses to crimes.

There will be a joint press conference with the San Francisco Public Defender's Office and community organizations on Monday, March 9, at 12pm on the steps of 850 Bryant Street, San Francisco. Details to follow.

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Subject: PRESS STATEMENT: PUBLIC DEFENDER MANO RAJU OPPOSES THE SHERIFF'S PROPOSAL TO MOVE INCARCERATED PEOPLE TO SANTA RITA JAIL

Date: Monday, March 2, 2020 at 11:23:32 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: March 2, 2020

CONTACT: Valerie Ibarra – (628)249-7946 – Valerie.Ibarra@sfgov.org

****PRESS STATEMENT****

**STATEMENT BY SAN FRANCISCO PUBLIC DEFENDER MANO RAJU
OPPOSING THE SHERIFF'S PROPOSAL TO MOVE INCARCERATED
PEOPLE TO SANTA RITA JAIL**

"I am extremely disturbed to learn of Sheriff Miyamoto's plans to move up to 100 people currently held in the San Francisco County Jail to Santa Rita Jail in Alameda County.

Nearly 50 people have died in Santa Rita Jail in the last 5 years, and the jail has been deemed by East Bay Express as "The most dangerous place in Alameda County." Two people have died in custody in Santa Rita since the beginning of 2020 and the causes of death for each have yet to be made public. The second person was a 25-year old with mental health issues who died on February 26.

Transferring people from San Francisco County to Alameda County is not just dangerous, it also undercuts the progress that San Francisco has made to ensure that incarcerated people are treated with basic human respect. Community advocates and families of incarcerated people have fought and won changes to our local laws that improve family connection and increase access to basic necessities in San Francisco County Jails. As of this year, phone calls made by people held in San Francisco County Jails will be made free, and food and basic hygiene products will no longer be marked up beyond cost.

The proposed move will also undermine San Francisco's sanctuary ordinance. Unlike San

Francisco, the Alameda County Sheriff's Department actively collaborates with ICE's deportation machine, which has led to the deportation of countless community members. Moving non-citizen detainees to Alameda will not only jeopardize public safety, but will also lead to the separation of countless San Francisco immigrant families to deportation. We cannot let that happen.

Finally, sending incarcerated people nearly 40 miles away makes it more difficult for family members to visit, and also for attorneys to meet with clients and work on cases to move them forward. It is already difficult for folks who are held at San Bruno jail - this will make it much harder.

While I agree with Sheriff Miyamoto that we need to close County Jail 4 in the Hall of Justice immediately, I believe that we can do so safely and quickly without sending anyone out of county.

The numbers of people in jail continue to be at an all-time low. Today, we have 1,126 people in San Francisco jails, which means that more than 25% of our 1578 bed jail system are empty. If County Jail 4 closed tomorrow, we would still have 1,180 beds in the system-- more than enough beds to house all of the people who are in custody.

Moving people to Santa Rita does not utilize the already available resources we have here in San Francisco. I urge the Sheriff to rescind this proposal, and to work with my office, our law enforcement partners and community organizations to find a new way forward.”

-Mano Raju, Public Defender of San Francisco

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Subject: FOR IMMEDIATE RELEASE: Mother of Mario Woods Administers Oath to SF Public Defender Mano Raju at Packed Community Inauguration
Date: Friday, February 28, 2020 at 11:14:54 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)
Attachments: Mano Raju Oath with Gwen Woods.jpg

FOR IMMEDIATE RELEASE: February 28, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 –

Link with more photos available:<http://sfpublicdefender.org/news/2020/02/mother-of-mario-woods-administers-oath-to-san-francisco-public-defender-mano-raju-at-packed-community-inauguration/>

Mother of Mario Woods Administers Oath to San Francisco Public Defender Mano Raju at packed Community Inauguration

SAN FRANCISCO, CA – On February 27, 2020, in front of a crowd of over 300 people at Brava Theater, San Francisco Public Defender Mano Raju took his oath of office and pledged his service to the community as part of the annual Black History Month Celebration of the Public Defender’s Office.

His oath was administrated by Gwen Woods, mother of Mario Woods, who was shot and killed by San Francisco police in 2015.

Before administering the oath, Gwen Woods, surrounded by a group of mothers who have lost their children to police violence, urged Raju to “stay hopeful” and to remember that the people he and all public defenders serve have a story, and to “hear it.”

Woods, who is from the Bayview in San Francisco, said that she has spent her whole life combatting stereotypes about her community. “Hope runs out because the narrative becomes so redundant. When you grow up in a community where black boys tell you, ‘I’m not going to live to see 25,’ that’s a hopeless society,” said Woods. She implored Raju to, “Let them know they count, they matter.”

Public Defender Raju’s social justice oath emphasized his commitment to serve San Francisco’s most vulnerable communities with an understanding of our shared humanity and pledged to “see all the beauty, power, and potential of each person I defend.”

Raju stated in his speech that, “This shared humanity is why we aggressively litigate our cases and humanize our clients to judges and juries, and why long after the cases are done, we are also fighting to connect our clients with the treatment, employment, and housing they need to stay out of the system

and be with their loved ones and communities.” He further stated that, “Serving clients with the utmost integrity, to me, means rejecting the stereotypes and narratives about who our clients and their communities are, and fighting for their right to be treated with dignity.”

The Black History Month event, hosted by the department’s Racial Justice Committee, also featured speeches by Supervisor Shamann Walton, Youth Commissioner Rome Jones, the rapper Prezi, and numerous public defenders.

Supervisor Walton said, “Having a public defender for the people is imperative. By having a community inauguration, it definitely sheds light on the type of person he is. I am proud and excited that Mano is carrying on the legacy of fighting for justice at the Public Defender’s Office.” Walton noted that Raju is already working with the Board of Supervisors on issues of police accountability.

Deputy Public Defender Niki Solis, Chair of the Racial Justice Committee, said that public defenders are “on the frontier of a civil rights battle” and are uniquely positioned to effectuate change in a system that overwhelmingly incarcerates people of color and disproportionately removes African American children from the home or places them on electronic monitoring. Solis noted, “We call out racism when we see it.”

Youth Commissioner Jones, who serves on the working group helping to rewrite the San Francisco police department’s general orders about bias in policing, noted that Black youth are underrepresented in the conversations where decisions are made, and urged his fellow youth to, “Make them put us in positions to really respect us and hear us out.”

Mano Raju’s Public Defender Oath:

I will be compassionate, relentless, and courageous in the fight for justice.

I will remain committed to racial justice.

I will grow excellence among defenders.

I will honor the brilliance of the intergenerational resilience of our clients and their communities.

I will remember that my representation of individuals will impact their entire family and community, and therefore strive to stay engaged with that family and community.

I will work toward structural changes that contribute to ending the mass incarceration system that has devastated our society for far too long.

I will commit to fighting against unjust and racist immigration laws, to defend all people regardless of their birthplace or immigration status, and to fight mass deportation as vigorously as I fight mass incarceration.

I will keep burning the flame of hopefulness because we know that hopelessness is the enemy of

justice.

I will be willing to see all the beauty, power, and potential of each person I defend.

To watch the program on Facebook live, please visit the San Francisco Public Defender's Office page, [here](#).

#

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Valerie.Ibarra@sfgov.org
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Cell: 628.249.7946

Subject: PRESS RELEASE: Officials Unveiled "Jeff Adachi Way" - new street name to honor late SF Public Defender

Date: Thursday, February 27, 2020 at 1:53:44 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: February 26, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

LINK: <https://sfpublicdefender.org/news/2020/02/city-officials-unveiled-jeff-adachi-way-new-street-to-honor-the-late-san-francisco-public-defender/>

*****PRESS RELEASE*****

**City Officials Unveiled “Jeff Adachi Way”
New Street to honor the Late San Francisco Public Defender**

SAN FRANCISCO, CA – On Wednesday, February 26, 2020, Public Defender Mano Raju, Supervisor Matt Haney, the Adachi family, and community supporters of the late San Francisco Public Defender Jeff Adachi unveiled the new name of the street that runs directly behind the San Francisco Public Defender’s Office, “Jeff Adachi Way.” The singular block of Gilbert Street between Bryant and Brannan Streets will not only honor Adachi’s legacy, but also serve as a daily reminder and motivation to all public defenders who walk across the street to the Hall of Justice every day to fight for the rights of their indigent clients and their families.

San Francisco Public Defender Mano Raju, who was appointed and subsequently elected to the position after Adachi’s passing said, “Jeff Adachi forged a path for so many public defenders to courageously fight for the rights of our indigent clients and stand up to the inhumane failures of the criminal legal system. This street, that we walk every day, being named after him is not just a passive tribute, but will be an active presence for all of us to continue to walk the Jeff Adachi Way in our pursuit of true justice and meaningful reform.”

Supervisor Matt Haney, whose office helped pass the resolution to rename the block said, “Renaming the street that Jeff Adachi walked nearly every working day of the last 30 years is an entirely fitting tribute to his legacy. Jeff inspired multiple generations of lawyers to follow his example; to be fearless, to never waiver in the struggle for equal justice under the law,” says Supervisor Haney. “He was more than just a Public Defender, he was a community organizer that championed the fight to protect the

vulnerable and marginalized.”

Deputy Public Defender Rebecca Young, who advocated for the street to be renamed, added, “It is entirely fitting that the first street in San Francisco to be named after a Japanese American be named for Jeff Adachi, a true champion against the systems that exacerbate prejudice and poverty and in turn feed the jails.”

Jeff Adachi began working at the San Francisco Public Defender’s Office in 1987. His developed a reputation as an phenomenal trial lawyer, which led him to become the Chief Attorney in 1999. He was elected to lead the office in 2002 as California’s only elected Public Defender, a role he served until his passing in February 2019 at age 59. In his tenure, he elevated the office to national prominence as leader for criminal justice reform, human rights, and police accountability. He was a beloved warrior for justice in San Francisco and throughout the country.

#

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Subject: FOR IMMEDIATE RELEASE: JURY ACQUITS DRIVER WHO ACTED IN SELF-DEFENSE WHEN CONFRONTED BY INTOXICATED PASSENGERS

Date: Wednesday, February 26, 2020 at 2:00:23 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: February 25, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628) 249-7946 –

Valerie.Ibarra@sfgov.org

LINK: <https://sfpublicdefender.org/news/2020/02/jury-acquits-driver-who-acted-in-reasonable-self-defense-when-confronted-by-intoxicated-passengers/>

****PRESS RELEASE****

**JURY ACQUITS DRIVER WHO ACTED IN SELF-DEFENSE WHEN
CONFRONTED BY INTOXICATED PASSENGERS**

SAN FRANCISCO, CA – On February, 25, 2020, a jury acquitted a former Lyft driver, Vincent Perrault, 46, of assault charges related to an incident in which he acted in self-defense when confronted in the street by intoxicated passengers whom he asked to exit his car around 2:00am on December 27, 2016, after they were being disruptive and told him to, “shut up and drive.”

Deputy Public Defender Matthew Sotorosen said, “Mr. Perrault has no criminal history and was not looking for a fight when he asked the four passengers to exit his vehicle because it was unsafe for him to drive. The only reason he got out of the car was to close the door that they had left open, but three of them came after him in the street before he could do so.”

Sotorosen called an expert witness who testified that Mr. Perrault had had a “fear response” when three of the passengers came out into the street to confront him after he got out of the vehicle to close the rear passenger door that they had left open upon exiting curbside. After a verbal altercation that involved some shoving, Mr. Perrault ended up hitting the two male passengers each once. One of the men fell back and hit his head on the pavement, which resulted in a herniated disc that later required surgery.

Mr. Perrault remained at the scene and answered questions from the police. There were segments of the body worn camera footage that had no audio, but it did show that the rear passenger door was still open. Police arrested Mr. Perrault that night, but he was released the next day and no

charges were filed at the time.

Charges were only filed almost a year later, by which point Mr. Perrault was living out of state and was unaware of the warrant issued for his arrest in October 2017. He was re-arrested in May 2019, and had to return to San Francisco where public defender Sotorosen got him released pre-trial. However, he was subjected to electronic monitoring for several months, which made it difficult for him to obtain work and caused strain to his family and personal finances.

Sotorosen said, "We certainly take seriously the fact that someone was hurt, but the jury understood that Mr. Perrault had acted reasonably upon a survival instinct by defending himself from the perceived threat of being outnumbered and under attack."

#

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Subject: MEDIA ADVISORY: Unveiling of "Jeff Adachi Way" - new street name to honor late Public Defender on 2/26 at 12pm

Date: Tuesday, February 25, 2020 at 7:50:28 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: February 25, 2020

CONTACT: Valerie Ibarra – SF Public Defender’s Office – (628)249-7946 – Valerie.Ibarra@sfgov.org

*****MEDIA ADVISORY*****

**City Officials Unveil “Jeff Adachi Way”
New Street to Honor the Late San Francisco Public Defender**

WHAT:

San Francisco Public Defender Mano Raju, Supervisor Matt Haney, the Adachi family, and community supporters will unveil the new street sign for “Jeff Adachi Way” in honor of the late San Francisco Public Defender who passed away one year ago.

WHERE:

The intersection of Gilbert and Bryant Streets, one block east of 7th Street.
Gilbert Street, between Bryant & Brannan Streets – now renamed “Jeff Adachi Way” – will be closed off to traffic for the event.

WHEN:

Wednesday, February 26, 2020, from 12:00-12:15pm. (Street closed:11:45am-12:15pm)

WHO:

Mano Raju, San Francisco Public Defender
Matt Haney, Supervisor for District 6
Mutsuko Adachi, Widow of Jeff Adachi
Rudy Corpuz, Founder & Executive Director of United Playaz

#

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Subject: RE: SB 1437 Hearings in SF Media Coverage (Davis Vanguard)
Date: Thursday, February 13, 2020 at 1:07:41 AM Greenwich Mean Time
From: Rodarmel, Danica (PDR)
To: Cox, Brian (PDR), PUBDEF-Integrity

Woooo!

From: Cox, Brian (PDR) <brian.cox@sfgov.org>
Sent: Wednesday, February 12, 2020 8:34 AM
To: PUBDEF-Integrity <PUBDEF-Integrity@sfgov.org>
Subject: SB 1437 Hearings in SF Media Coverage (Davis Vanguard)

Authored by our very own Steph. [Link](#).

Brian Cox | Deputy Public Defender
Public Policy Unit
Office of the Public Defender | City & County of San Francisco
Phone: (415) 575-6401

Subject: SB 1437 Hearings in SF Media Coverage (Davis Vanguard)
Date: Wednesday, February 12, 2020 at 4:34:02 PM Greenwich Mean Time
From: Cox, Brian (PDR)
To: PUBDEF-Integrity

Authored by our very own Steph. [Link](#).

Brian Cox | Deputy Public Defender
Public Policy Unit
Office of the Public Defender | City & County of San Francisco
Phone: (415) 575-6401

Subject: Re: Vision Zero clip
Date: Tuesday, February 4, 2020 at 1:48:41 AM Greenwich Mean Time
From: Danielle Silva
To: Ibarra, Valerie (PDR)
Attachments: image001.png

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Valerie,

Thank you for this information - this is very helpful.

Best,
Danielle Silva

On Mon, Feb 3, 2020 at 5:20 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

<https://sfgov.maps.arcgis.com/apps/webappviewer/index.html?id=fa37f1274b4446f1bddd7bdf9e708ff>





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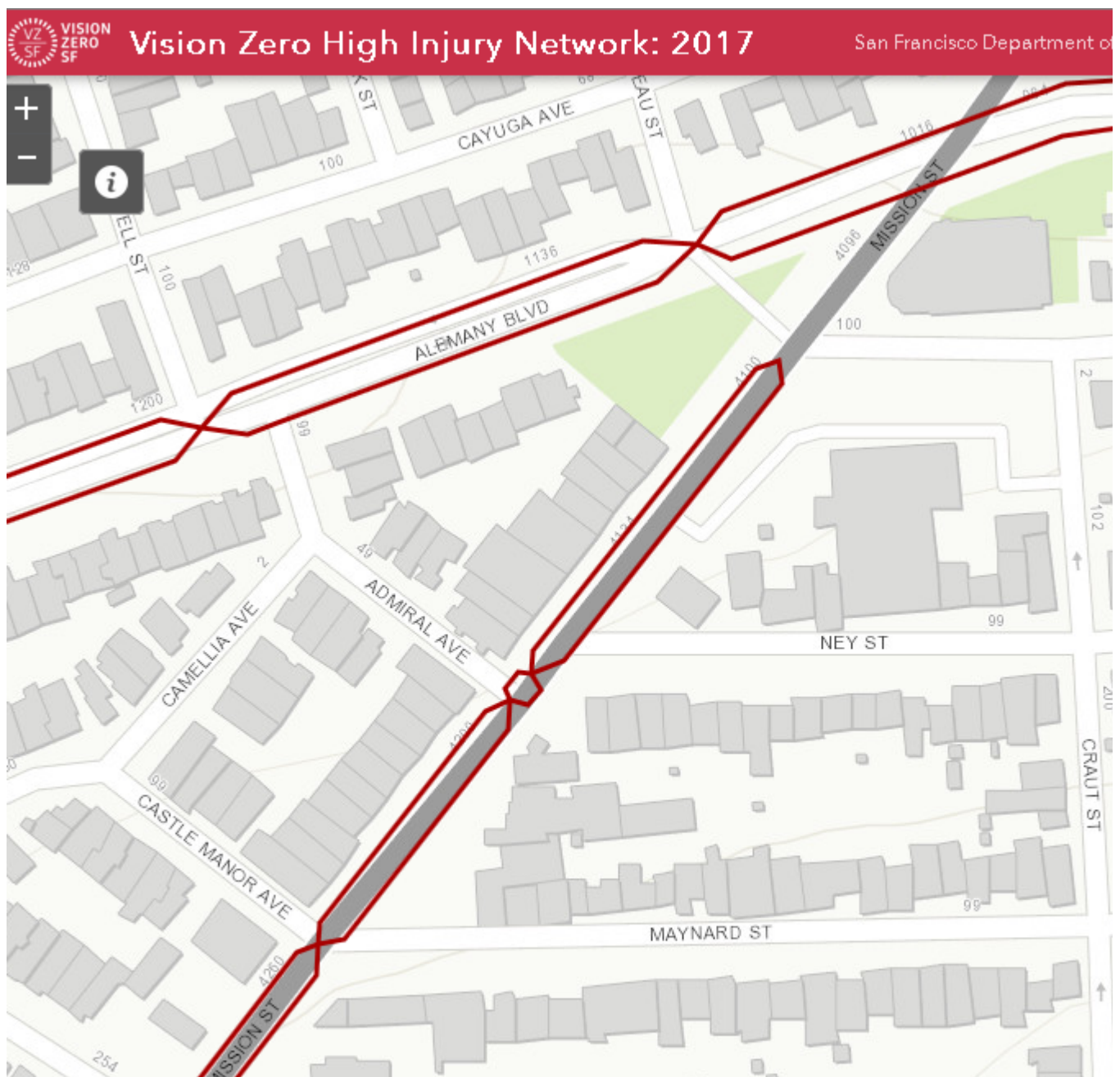
--
Danielle Eden C. Silva
Davis Vanguard Internship Coordinator and Assistant Director
The People's Vanguard of Davis
<https://www.davisvanguard.org/>

Facebook Pages:
Davis Vanguard: <https://www.facebook.com/davisvanguard/>
Davis Vanguard Court Watch <https://www.facebook.com/DVCW2019/>
SF Court Watch <https://www.facebook.com/SF-Court-Watch-577413429452441/>

We're also on YouTube, iTunes and Soundcloud!
<https://www.youtube.com/user/davisvanguard/>
<https://podcasts.apple.com/us/podcast/vanguard-court-watch-podcast/id1474153632>
<https://soundcloud.com/davisvanguard>

Subject: Vision Zero clip
Date: Tuesday, February 4, 2020 at 1:20:01 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: dcsilva@davisvanguard.org
Attachments: image001.png

<https://sfgov.maps.arcgis.com/apps/webappviewer/index.html?id=fa37f1274b4446f1bddd7bdf9e708ff>





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Subject: Questions re: Trammell case (from Davis Vanguard)
Date: Tuesday, February 4, 2020 at 12:40:10 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Johnson, Seiya (PDR)
CC: dcsilva@davisvanguard.org
Attachments: FOR IMMEDIATE RELEASE - Jury Acquits Woman in Tragic Pedestrian Death.doc

Hello Seiya,

Our SF Court Watch affiliates from the Davis Vanguard received the press release about Ms. Trammell's case, and Danielle Silva is working on a story about it. She has some questions here. A couple of them you may not have answers for, but most of them are just clearing up details about the case:

QUESTIONS:

- When did the trial start? How many days did it last? How long did the jury deliberate?
- Were there any other charges?
- What was the prosecutor's argument?
- Did the DA bring any witnesses? Did any officers testify?
- Did the victim's family ever speak on this case? Or give a statement? (They were present for the verdict.)
- Had previous accidents happened at Mission X Ney that ended up in court cases?
- Has the City or Vision Zero addressed this case in particular?

If you possibly have time to respond today, that would be appreciated. She's got a deadline to finish sometime tomorrow.

Please let me know how I can be of assistance. You can email your answers to: dcsilva@davisvanguard.org or if you prefer to speak with her, you can text her first at 650.483.0354 to set up a time to talk.

Thanks so much,

Valerie

Valerie Ibarra
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Cell: 628.249.7946

Subject: FOR IMMEDIATE RELEASE: Jury Acquits Woman in Tragic Pedestrian Death

Date: Monday, February 3, 2020 at 10:50:30 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: February 3, 2020

CONTACT:

Valerie Ibarra, Public Information Officer, SF Public Defender's Office

Phone #628.249.7946

Email: Valerie.Ibarra@sfgov.org

LINK: <https://sfpublicdefender.org/news/2020/02/jury-acquits-woman-in-tragic-pedestrian-death/>

****PRESS RELEASE****

JURY ACQUITS WOMAN IN TRAGIC PEDESTRIAN DEATH

SAN FRANCISCO – On January 31, 2020, a jury acquitted Troylene Trammell, 57, of vehicular manslaughter, finding Ms. Trammell was not negligent. The tragic accident on a March 2017 night took the life of a woman crossing an unregulated crosswalk at Mission and Ney Streets.

Jurors learned that the crosswalk was positioned mid-block, with no signage or traffic lights at the time. The low visibility in that area made it difficult for drivers to see pedestrians. Surveillance video showed that other drivers in front of Ms. Trammel also had not stopped despite a pedestrian in the crosswalk. By the time Ms. Trammell saw the woman, who had almost finished crossing, it was too late. The woman was taken to the hospital where she died hours later.

Deputy Public Defender Seiya Johnson explained that Ms. Trammell has been a pillar of her community in the Bayview, dedicating her life to mentoring disadvantaged youths. She also is the

primary caregiver for her disabled adult sister, who was in the car with her that night. The jurors heard from Ms. Trammell's son and a close friend who testified about her character. They ultimately determined that this was a terrible accident rather than the result of any negligence.

"The jurors were incredibly thoughtful and even presented a note to the judge attached to their verdict, asking if there was anything they could do to make that intersection safer," said Johnson. "This was a very emotional case, and there is no happy ending. A woman lost her life and Ms. Trammell's heart will forever ache for the woman and her family."

#

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Subject: FOR IMMEDIATE RELEASE: FEDERAL JUDGE IN NOR CAL DISTRICT RULED SF IMMIGRATION JUDGE VIOLATED CONSTITUTION WITH UNFAIR BOND HEARING FOR SF HUSBAND AND FATHER

Date: Thursday, January 30, 2020 at 11:36:27 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: January 30, 2020

CONTACT: Valerie Ibarra, Public Information Officer, SF Public Defender's Office – Phone # 628.249.7946

Jennifer Friedman, Deputy Public Defender – jennifer.friedman@sfgov.org

LINK: <http://sfpublicdefender.org/news/2020/01/federal-judge-rules-that-sf-immigration-court-violated-constitution-wrongfully-depriving-san-francisco-father-and-husband-of-a-fair-bond-hear/>

****PRESS RELEASE****

**Federal Judge Rules that SF Immigration Court Violated
Constitution, Wrongfully Depriving San
Francisco Father and Husband of a Fair Bond Hearing**

This ground-breaking decision marks the first time a federal judge in California held that the government must justify detention in initial immigration bond hearings.

San Francisco, California — On January 23, 2020, Federal Judge Edward Davila for the Northern District of California ruled that the government's 2018 bond proceeding for Mario Ixchop Perez, a father and long-time San Francisco resident, violated the constitution. The Federal Court ruled the

inquiry was improper because it wrongly placed the burden on Mr. Ixchop to disprove he was dangerous. The Court ordered a new bond hearing where the government must bear the burden of proving Mr. Ixchop is a danger to the community.

In 2018, an Immigration Judge held that Mr. Ixchop failed to meet his burden of proving he was not a danger to the community based on alcohol related offenses, the last of which occurred in 2015. Since his last arrest in 2015, Mr. Ixchop has completed extensive alcohol rehabilitation, maintained sobriety, and has been a model community member.

Mr. Ixchop's deportation proceedings began in 2014 when, he claims, ICE agents violated the law when arresting him outside a hospital while his wife was giving birth. In 2018, ICE ordered him back into custody due to the 2015 arrest, and Mr. Ixchop turned himself in.

This week's ruling marked the two-year anniversary of Mr. Ixchop's detention. He is currently detained at a for-profit detention center in Aurora, Colorado, separated from his U.S. citizen wife and three children, ages 5, 4, and 2. All live in San Francisco and are struggling financially and emotionally without him.

Jennifer Friedman, Deputy Public Defender with the San Francisco Public Defender's Office, litigated the federal court case. Mr. Ixchop's new bond hearing is set for Friday, January 31 at 1:00 p.m.

STATEMENTS:

Jennifer Friedman, Deputy Public Defender:

"The Northern District of California now joins a growing consensus across the country, ruling that immigration bond hearings violate due process. Mr. Ixchop should be out of custody at home with his family, and this decision gives him a chance to do just that."

Mr. Ixchop Perez, from Aurora Colorado:

"I am pleased that they have granted me a new chance at bond. I want to be released to be with my wife and my three children to support them. I think the judge's decision is fair. After two years of

being detained by ICE, all I'm asking for is another chance."

#

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Subject: RE: Davis Vanguard spent the day in immigration court
Date: Thursday, January 30, 2020 at 8:40:21 PM Greenwich Mean Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), Maclean, Emilou (PDR), David M. Greenwald

Hi Emi,
We meet at 12:15 pm 2/3/20 in the atrium. Can you attend. The meetings are 30 mins. Jacque.

From: Ibarra, Valerie (PDR)
Sent: Thursday, January 30, 2020 10:44 AM
To: Maclean, Emilou (PDR) <emilou.maclean@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: RE: Davis Vanguard spent the day in immigration court

That's a good question, Emi. I'm sending this along to Jacque, who coordinates the Court Watch efforts.
Thank you.

From: Maclean, Emilou (PDR)
Sent: Thursday, January 30, 2020 9:28 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Davis Vanguard spent the day in immigration court

This is great! Are they going to do this more?

Emi MacLean
Deputy Public Defender
San Francisco Public Defenders Office

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Thursday, January 30, 2020 9:11:22 AM
To: PUBDEF-Immigration <PUBDEF-Immigration@sfgov.org>
Subject: Davis Vanguard spent the day in immigration court

FYI - <https://www.davisvanguard.org/2020/01/observations-for-immigration-court-in-san-francisco/>

Valerie Ibarra
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Subject: RE: Davis Vanguard spent the day in immigration court
Date: Thursday, January 30, 2020 at 6:43:44 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Maclean, Emilou (PDR), Wilson, Jacque (PDR)

That's a good question, Emi. I'm sending this along to Jacque, who coordinates the Court Watch efforts.
Thank you.

From: Maclean, Emilou (PDR)
Sent: Thursday, January 30, 2020 9:28 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Davis Vanguard spent the day in immigration court

This is great! Are they going to do this more?

Emi MacLean
Deputy Public Defender
San Francisco Public Defenders Office

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Thursday, January 30, 2020 9:11:22 AM
To: PUBDEF-Immigration <PUBDEF-Immigration@sfgov.org>
Subject: Davis Vanguard spent the day in immigration court

FYI - <https://www.davisvanguard.org/2020/01/observations-for-immigration-court-in-san-francisco/>

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Subject: Re: Davis Vanguard spent the day in immigration court
Date: Thursday, January 30, 2020 at 5:28:18 PM Greenwich Mean Time
From: Maclean, Emilou (PDR)
To: Ibarra, Valerie (PDR)

This is great! Are they going to do this more?

Emi MacLean
Deputy Public Defender
San Francisco Public Defenders Office

From: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Sent: Thursday, January 30, 2020 9:11:22 AM
To: PUBDEF-Immigration <PUBDEF-Immigration@sfgov.org>
Subject: Davis Vanguard spent the day in immigration court

FYI - <https://www.davisvanguard.org/2020/01/observations-for-immigration-court-in-san-francisco/>

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Subject: Davis Vanguard spent the day in immigration court
Date: Thursday, January 30, 2020 at 5:11:22 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: PUBDEF-Immigration

FYI - <https://www.davisvanguard.org/2020/01/observations-for-immigration-court-in-san-francisco/>

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Subject: Rebecca's Amazing Victory covered by CourtWatch

Date: Monday, January 27, 2020 at 6:04:27 PM Greenwich Mean Time

From: Wilson, Jacque (PDR)

To: Young, Rebecca (PDR), David M. Greenwald, Ibarra, Valerie (PDR), Harris, Danielle (PDR), Raju, Manohar (PDR)

<https://www.davisvanguard.org/2020/01/judge-grants-re-sentencing-to-man-in-prison-since-1974-under-sb-1437/>

Shared via the [Google app](#)

Sent from my iPhone

Subject: Everyday Injustice - Jury Awards Stockton Man \$710K; Judge Reject's Yolo DA's Attempt to Deny 1437
Date: Friday, January 24, 2020 at 7:00:45 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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“For years I’ve been fighting to end this discriminatory and unsafe approach to pretrial detention,” District Attorney Chesa Boudin said. “From this point forward, pretrial detention will be based on public safety, not on wealth.”

Everyday Injustice Newsletter - January 23, 2020

Why Bail Reform is Needed

by David Greenwald

In California, bail reform is one of the reforms the legislature which has done so much in the last few years has failed to deliver on. In 2018, the legislature greatly watered down SB 10 to the point where the ACLU felt it could no longer support the legislation.

Even then it got bogged down by legal challenges to the multi-billion bail industry and now a ballot measure that would reverse SB 10. Given everything, this is probably doomed to fail, but other than the greed of the bail industry is there really a reason we need money bail?

When I first learned about bail reform, in about 2012 from the late Public Defender Jeff Adachi, the stunning statistic that depending on the county, somewhere between two-thirds and three-quarters of all people in local jails, in the pre-realignment days, were there awaiting trial.

If you think about that - that means a huge population of people who have been convicted of no crime, who are considered innocent until proven guilty are sitting in custody largely because they lacked money to pay for bail.

This is the injustice of the system. It is the LIE of the bail industry. It means that if I have enough money, I can pay my way to freedom. If I don't have enough money, I sit in jail and watch as the system slowly plays itself out.

Let me make a couple of key points here.

First of all, let us say I have a lot of money like a Jeffrey Epstein or a Harvey Weinstein. If you put a \$1 million bail on me, I can put my 10% down, \$100,000, and be free until trial. And then we can take our sweet time, and delay, delay, delay.

If I'm poor, I might not even have enough for \$25,000 or \$50,000 bail. And then I sit in custody and wait for my case to come up.

At the end of the day, we know two things. First, that money makes the difference for most people being out versus in. And second, very few people are judged risky enough for there to be no bail.

Granted they will often use bail as a way to ensure someone stays in custody, but they aren't supposed to.

Right now is there really a safety issue considered here? Does a millionaire who can afford to put down \$100,000 pose less of a risk than a poor person who can't?

Another point to note is that the system moves slowly. I was just with the family of a person who has been wrongly convicted and in prison over a decade. He is facing a hearing under SB 1437 that could free him. But the entire game is, put it over two weeks. I need more evidence. I need discovery.

Delay, delay, delay. The person in custody is not working, they can't support their families, they can't make rent - they risk jobs, housing, and family. And thus they are under tremendous pressure to plead out to end the insanity and move on with their lives.

The poor thus are hugely disadvantaged in all facets of this because those who can buy freedom do and can afford to wait out the process.

We don't need bail. We need to be able to have reasonable risk assessments and then impose conditions - no conditions, supervised release, and even electronic monitoring and home detention will probably work and for those individuals who are really a risk - bail is not an answer - keep those people in custody.

Now if you show you can't handle being released on OR, then it is time to revisit it but experience has shown, most people will make their court appearances and not get into trouble.

Sometimes the system won't work and someone released will commit a new crime. It is going to happen, but we have to remember that for every one of those are perhaps hundreds of others able to keep their jobs and housing because they were not held pretrial.

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Criminal Justice News/ Commentary

Judge Rejects DA's Attempt to Deny 1437 Hearing, Asks For Briefing on Prima Facie Showing

Judge Paul Richardson rejected a request from Deputy DA Ryan Couzens to rule that the SB 1437 petitions for James Olague and Ernesto Arellano do not qualify for relief under the new felony murder law and over his objections asked for a full briefing on whether there is prima facie evidence that the two would qualify for resentencing under the law that took effect on January 1, 2019.

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Stockton Jury Rejects Officer Testimony, Awards \$710,000 to Black Teen Beat by Police

"Not all superheroes wear capes," said Joseph Green about his legal team late Wednesday after a five woman, seven man jury here awarded him \$710,000 for his claims against the city of Stockton and police officers Robert Johnson and Robert Wong, who participated in his beat down and false arrest at a Stockton convenience store.

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Flawed Evidence and Hasty Execution

Leads to ACLU and Innocence Project Lawsuit Against Arkansas

The shroud of uncertainty behind the execution of Ledell Lee has lead the American Civil Liberties Union (ACLU), Innocence Project, and Arkansas lawyers to sue the State intending to address the errors of the case in the attempt to clear Lee's name and locate the true perpetrator to the crime.

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Stockton Jury Says It Believes Victim of Police Beating in 1st Phase of Civil Rights Suit Decision

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Man Allegedly Beats Woman in Davis Complex Parking Lot before Attempting to Prevent Witness from Calling 911

A man allegedly inflicted violence on his partner and refused to let her exit the vehicle before he attempted to silence the witnesses who tried stopping him.

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Everyday Injustice Podcast Episode 33 – Janos Marton Takes on Longtime Incumbent in Manhattan

Janos Marton is taking on longtime Manhattan DA Cyrus Vance, who has served as DA for over a decade. Marton has led the effort to close the infamous Rikers Island jails, and refers to his opponent as “the city’s leading jailer.”

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"Once LA County voters take a look at Gascón's dangerous record as District Attorney of San Francisco, they'll be frightened," LAPPL's Board of Directors said in a statement

Everyday Injustice Newsletter - January 21, 2020

Didn't Take Long For Chesa Boudin To Get on the Trump Radar

by David Greenwald

When we first met Chesa Boudin last summer, he was still several months away from his election in November - and while he was on the radar of activists and those watching the progressive prosecution movement, his campaign was still relatively obscure in the larger political world.

By the time, he won a very narrow race in November however, he has exploded in stature. To give you one sense for how much, his twitter feed as late as September had just over 2000 followers. This morning it was 23,000 followers - a tenfold increase.

Last May, President Trump went after Suffolk County prosecutor Rachael Rollins who along with Middlesex County DA Marian Ryan filed a lawsuit to block ICE agents from state courthouses.

President Trump proceeded to blast them.

"These are people that probably don't mind crime, they don't mind what's going on," Mr. Trump said. "You look at MS-13, they say in the world there's nothing more evil. These are some very very bad people. To try to protect them, I don't think so."

On January 19, in an op-ed in the San Francisco Chronicle, Kimberly Guilfoyle, national chair of the Trump Victory Finance Committee and a senior adviser to Donald J. Trump for President, called Chesa Boudin "San Francisco's dangerous new DA."

She writes: "Instead of handcuffing criminals, Boudin is handcuffing the prosecutorial process and Lady Justice herself."

She adds, "This dangerous reality is also being peddled by a new brand of Bernie Sanders-endorsed Democrats across the country. And, worse yet, the ideology is seemingly inspired by American communist revolutionaries who gained notoriety during the late 1960s and early 1970s."

Donald Trump Jr. then tweeted: "Great write up by @kimguilfoyle who worked in that office for years and understands the insanity of what's going on in San Fran and CA generally."

But Chesa Boudin was not going to be intimidated and he fired back: "You imprison children and separate families. I won't. You use your power to sow hate and fear. I will use mine to protect the vulnerable and provide safety and justice for all."

That tweet late in the day on January 19 received 1,100 retweets and 7,800 likes.

As Shaun King later tweeted, "You know @ChesaBoudin is getting things EXACTLY RIGHT as District Attorney when Don Jon Junior has to weigh in to complain. This is also how you know @realDonaldTrump & family are not really serious about changing the justice system in serious ways."

Shaun King is clearly right - to be criticized by that crew, you have to be doing something right.

Thanks for reading.

As a programming note, join us tomorrow for our latest podcast features Janos Marton, a leading progressive candidate for DA in Manhattan, who is taking on Cyrus Vance and yesterday just called for Mr. Vance to resign in light of his support for sexual predators like Harvey Weinstein and Jeffrey Epstein.

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Criminal Justice News/ Commentary

Taxpayers Face Escalating Liability as Wrongly Convicted Inmate Sues CDCR for Facilitating Hate Crime

The Vanguard has learned that a pre-dawn 911 call from R.J. Donovan Prison led to an ambulance transporting a high-profile prisoner to Sharp Chula Vista Medical Center (San Diego).

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Immigrant Representation in Court in Doubt as Move to Van Nuys Is Planned

Last week the San Francisco Public Defender's Office put out a press release condemning a Trump Administration decision announcing that the San Francisco Immigration Courts would stop hearing cases of detainees at the Mesa Verde Detention Facility, which houses numerous public defender clients.

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Why So Many Prosecutors Enjoy Uncontested Re-Election

There is so much we don't know about local prosecutors' offices. Despite handling the vast majority of US criminal cases, virtually none of them collect, let alone publicize, data on charging practices, plea bargains and sentencing.

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Everyday Injustice Newsletter - January 21, 2020

Wrongful Case Turns Ugly With Prison Attack

by David Greenwald

One of the probable wrongful convictions cases we have been following is the case of Anand Jon

Alexander. He was a rising star in the fashion design world, but in 2008, a number of young women that he acknowledges having consensual sexual relations with accused him of rape.

What happened next is an almost classic example of everything from prosecutorial misconduct to jury misconduct.

He certainly did not get a fair trial. One key problem at trial, the entire prosecution case hinges on the fact that the alleged victims did not know each other. This was a key point raised by the prosecution at trial. But they failed to turn over evidence in the form of emails and My Space communications showing that these victim not only knew each other, but were conspiring to fabricate a case against Mr. Jon.

But it is also a case, as we reported in September, where the prosecution appealed to very overt racism. In closing arguments, the prosecutor portrayed him as a "dirty" "smelly" foreigner, who had a preference for young white women.

This passed week Anand Jon Alexander has made headlines in papers across the world, but his attorneys filed a lawsuit against CDCR for an attack that happened at Donovan State Prison.

His attorneys are calling this "a grievous assault perpetrated by another inmate" and believe this "was likely a racially motivated hate crime."

Write his attorneys: "The attack caused grave bodily injuries, including multiple stab wounds to his face and right eye (requiring over a dozen stitches at the upper orbital), five facial fractures, a lower orbital floor blowout, sinus and nasal fractures, a deviated septum, a 50% abrasion of the right cornea, long term impairment of his vision and respiration, serious nerve damage, PTSD, psychological collateral damage, ongoing therapy, work, and education restriction."

At least two serious surgeries have been recommended by medical examiners and "they presently cannot rule out permanent damage."

I talked to him from prison yesterday - he and his legal team were actually caught off guard that the prison attack story and lawsuit caught on in the media.

He told me: "While making progress in overturning my wrongful conviction, as well as self help programs, the last thing I wanted to deal with is some sneak attack stabbing , related injuries and long-term effects."

He added, " The way some of those in care and custody- entrusted with my safety, health and security betrayed their obligations left me with no choice but to take fair and proportionate legal action. because this sort of deliberate indifference has cost too many lives already."

And concluded: "They say the caterpillar transforms into the butterfly not because it for randomly chooses to you but because it is too painful to remain caterpillar."

Overall it is very clear that Mr. Jon did not get a fair trial. There are efforts to get him an evidentiary hearing in their Habeas petition or possibly a commutation by the governor.

Thanks for reading.

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LA Police Union Contributes \$1 Million To Anti-George Gascón PAC

The union representing the Los Angeles Police Department has contributed \$1 million to defeat district attorney candidate George Gascón in a high-stakes election to determine who will oversee the country's largest prosecutor's office.

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Attorneys for Anand Jon: "he was the victim of a grievous assault perpetrated by another inmate. It was likely a racially motivated hate crime. The attack caused grave bodily injuries, including multiple stab wounds to his face and right eye..."

Everyday Injustice Newsletter - January 20, 2020

But Does It Really Bend Towards Justice

Today is MLK Day. There are three or four quotes that we will hear all day long and one of them is, "The arc of the moral universe is long, but it bends toward justice."

We are all familiar with the history of civil rights in this country. Having spent much of last year re-reading much on the civil rights movement - I am struck by three key points.

First, I think we greatly under-appreciate the extent to which the movement of reform was met by violence - severe violence and in many cases deadly violence. Think about the response from the white south - firebombs, shootings, kidnappings, beatings.

A point I have made here previously is the extent to which police were complicit not just in the south, but also in the north, in suppressing civil rights for African Americans as well as other people of color - and yet many wonder why the distrust.

Second, the extent to which the FBI under J. Edgar Hoover was not only conducting surveillance but through COINTELPRO was attempting to disrupt the civil rights movement is stunning.

Third, the extent to which the "Southern Strategy" as engineered by Nixon transformed the political system and shifted the political power to Republicans and the south. Overt segregation went away, but the system simply transformed itself.

I think all of this plays out in the current political landscape.

Michelle Alexander's essay this weekend is long but great: <https://www.nytimes.com/2020/01/17/opinion/sunday/michelle-alexander-new-jim-crow.html>

Too much to quote so here are some key points:

"The reality is that, during both the Obama and Clinton years, highly racialized and punitive systems thrived under liberal presidents who were given the benefit of the doubt by those who might otherwise have been critics."

"Many of us saw these presidents as "good people" with our best interests at heart, doing what they could to navigate a political environment in which only limited justice is possible."

She notes: "These systems grew with relatively little political resistance because people of all colors were willing to tolerate the disposal of millions of individuals once they had been labeled criminals in the media and political discourse."

Finally: "If there is any silver lining to be found in the election of Donald Trump to the presidency, it is that millions of people have been inspired to demonstrate solidarity on a large scale across the lines of gender, race, religion and class in defense of those who have been demonized and targeted for elimination. Trump's blatant racial demagoguery has awakened many from their "colorblind" slumber and spurred collective action to oppose the Muslim ban and the border wall, and to create sanctuaries for immigrants in their places of worship and local communities."

So has the arc of the moral universe transformed itself and led toward justice. Certainly in some ways.

But it bears noting the thesis of her New Jim Crow - the idea that mass incarceration constitutes a new system of racial oppression that is every bit as coercive and debilitating as slavery and the original Jim Crow.

What we see under mass incarceration is a huge percentage of particularly black men end up disenfranchised, unable to vote, unable to access housing, and unable to secure quality jobs. The schools to prison pipeline means that many do not have the schooling and the education to break free.

As Ibram Kendi wrote: "Two years after Obama's election, Alexander put the entire criminal justice system on trial, exposing racial discrimination from lawmaking to policing to the denial of voting rights to ex-prisoners."

Ms. Alexander's thesis calls into question whether we have progressed towards justice or merely transformed and sanitized our institutions of injustice.

A great illustration of this might be the criminal justice system in San Francisco. Walk into the Hall of Justice and you would never know that the population of San Francisco was just four percent African American. Why is that? And why have we allowed that to continue?

These are questions that should be addressed on MLK Day - but won't.

Thanks for reading.

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Police Practices Experts Square Off in Excessive Force Suit Against Stockton Cops

Police practices expert witnesses Robert Clark and R.K. Miller – both former cops and both paid thousands of dollars each to opine for clients – disagree on many things.

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Wrongly Convicted Inmate Now Suing CDCR After Being Stabbed By Another Inmate at Donovan

He was once a rising star in the fashion design world, but in 2008, Anand Jon Alexander was convicted of multiple counts of sexual assault and received a life sentence in prison. He is widely believed to have been wrongfully convicted of these crimes.

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Running for Judge in SF

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Punishment without Crime

Duke University hosted a panel on Alexandra Natapoff's Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal. The panel discussed their viewpoints of the book and followed with a short question and answer.

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Immigration Courts Move Bay Area Immigration Cases from San Francisco to Southern California

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Case Against Man Accused of Criminal Threats and Driving Under Influence Continued

A man was allegedly intoxicated over the phone as he was allegedly threatening and tailgating a couple who had left the towing company site.

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Subject: FOR IMMEDIATE RELEASE: San Francisco and Alameda County Public Defenders condemn DOJ decision to remove detention cases out of San Francisco

Date: Friday, January 17, 2020 at 7:56:16 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

For immediate release: January 17, 2020

Contact:

Valerie Ibarra (628)249.7946

Francisco.Ugarte@sfgov.org

Raha.Jorjani@acgov.org

Link:

<http://sfpublicdefender.org/news/2020/01/san-francisco-and-alameda-county-public-defenders-condemn-doj-decision-to-remove-immigration-detention-cases-from-san-francisco/>

****PRESS RELEASE****

Immigration Courts Move Bay Area Immigration Cases from San Francisco to Southern California

San Francisco and Alameda County Public Defenders condemn DOJ decision to remove detention cases out of San Francisco as interfering with their ability to defend detainees, demand transparency and seek a halt to recent decision

San Francisco, Calif. — The Trump Administration announced this week that the San Francisco Immigration Courts would stop hearing cases of detainees at the Mesa Verde Detention Facility, which houses numerous public defender clients.

The decision by the Department of Justice will make it more difficult for San Francisco and Alameda County public defenders to appear in immigration court on behalf of immigrant detainees because those cases will now be heard in Southern California. Until this week, Bay Area immigrants held at the Mesa Verde Detention Center had their cases heard in San Francisco. Now those cases will be heard in a newly constructed courtroom in Van Nuys, Calif. -- nearly 400 miles away.

In recent years, many public defender offices, including Alameda and San Francisco, began providing deportation defense services to indigent immigrants. Despite that, immigration courts made this decision without asking for public defender input and without consulting any of the communities impacted by moving these cases out of the Bay Area.

On January 14, 2019, the Alameda and San Francisco County Public Defenders requested the San Francisco Immigration Court meet with them to discuss moving cases. So far, federal authorities have not responded. The federal DOJ runs all immigration courts.

“Our program has provided vital legal services to hundreds of detainees who were unable to afford a lawyer, and this move will deprive immigrants of legal services they need,” said Francisco Ugarte, head of the immigration unit at the San Francisco Public Defender. “Given our considerable role and the dramatic impact immigration proceedings have on immigrant communities throughout the state, the immigration courts have an obligation to consider our input, involve us in court planning, and meet with vital stakeholders.”

The Department of Justice has not provided a rationale for its decision. There does not appear to be a demonstrable change in the number of immigrant detainees in Northern California. The administration has also constructed a new immigration court in Sacramento, Calif. These new courts were built on the heels of successful efforts in the Bay Area to significantly expand the capacity for removal defense representation before San Francisco’s detained immigration courts.

“Moving cases away from legal resources is a step away from justice rather than a step towards it. The role of public defender offices in protecting due process and access to justice cannot be overstated,” said Raha Jorjani, head of the Alameda County Public Defender’s immigration unit. “We are indigent legal defense experts serving some of the most marginalized members of our communities. Rather than seeking input and getting the benefit of that expertise, the Court chose to lock us out of the process. And we will all lose as a result.”

The Alameda and San Francisco Public Defender offices seek a halt to the Court’s decision to move cases out of San Francisco and continue to seek a meeting with the San Francisco Immigration Court to discuss the upcoming changes and what deliberate steps if any have been taken to protect the due process rights of the individuals directly impacted by these decisions.

#

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Subject: Everyday Injustice - No Mercy; Man Freed After 28 Years Under 1437; Gascon Podcast
Date: Monday, January 13, 2020 at 6:25:09 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Bryan Stevenson: "It was far too easy to convict this wrongly accused man for murder and send him to death row for something he didn't do and much too hard to win his freedom after proving his innocence."

Everyday Injustice Newsletter - January 13, 2020

No Mercy - The State of the Court System Stacked Up Against the Poor and Innocent

by David Greenwald

On Friday, I got to see the local opening of Just Mercy, the movie that depicts Bryan Stevenson and his work in Alabama based on his 2014 book. The movie focused primarily on the wrongful conviction of Walter McMillan and his eventually successful efforts to get him exonerated from death row.

The book Just Mercy played a hugely important role in my work in the court system. In 2015, I read the book as I was flying across the country to go to my grandmother's 100th birthday. Reading about these cases, Mr. McMillan's was just one such case, I recognized that what we were doing in the courts - at the time in Yolo County in California, needed to be replicated in every county across the country.

In most cases, these wrongful convictions occur where no one is paying critical attention to the cases. The media swallow's the prosecution case, doesn't investigate or question the assumptions, the defendants are often poor people of color (though sometimes they are white), they have insufficient assistance of counsel, and they end up not believing they that they would ever be convicted until they are.

Once convicted, the system fights hard to prevent convictions from being overturned. Often there is no mercy at all.

We watched in tears at the scene in which one of Mr. McMillan's friends, a poor black man suffering from PTSD from Vietnam is executed.

His was not a wrongful conviction case - he admitted to planting the bomb that killed people though it seemed he never intended for the bomb to do so.

As Mr. Stevenson writes: "The power of just mercy is that it belongs to the undeserving. It's when mercy is least expected that it's most potent—strong enough to break the cycle of victimization and victimhood, retribution and suffering. It has the power to heal the psychic harm and injuries that lead to aggression and violence, abuse of power, mass incarceration."

There are some other quotes for which Mr. Stevenson has become wellknown.

As he wrote: "It was far too easy to convict this wrongly accused man for murder and send him to death row for something he didn't do and much too hard to win his freedom after proving his innocence."

And of course, "We have a system of justice that treats you better if you're rich and guilty than if you're poor and innocent."

"One of every nine people sent to death row is found to be innocent and exonerated. Would you fly an airline that had that high an error rate?" asks Bryan Stevenson, executive director of the Equal Justice Initiative.

I was stunned to learn that Mr. Stevenson in his 30 year career has freed 130 people from death row. That's a shocking number. What should be even more so however is the difficulty by which that is obtained and the large number of people who will never be freed despite the fact that they were convicted without the benefit of competent legal counsel and on evidence that is shaky at best.

After reading the book in 2015, I was so moved, I made an appointment in San Francisco to talk to Jeff

Adachi, the public defender at the time about expanding the court watch into San Francisco. He was intrigued with the idea, but neither us were ready.

It would not be for another four years when I met with Manu Raju, a few months after the death of my friend, Mr. Adachi, that we would revisit the idea and this time, with the help of Jacque Wilson, the time was right and we have been running a court watch in San Francisco since last June - an eye opening experience which has become even more so, since the election of Chesa Boudin to DA.

The system is changing, but it is still stacked against the innocence. Thousands of people have been exonerated, but many more still languish beyond bars without help and without hope of mercy.

I particularly worry about people like my friend Ajay Dev, who were convicted on the basis of flawed testimony with no physical evidence and thus limited ways to prove their innocence after the fact.

Thanks for reading.

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Criminal Justice News/ Commentary

Man to Be Freed Nearly 28 Years After 1992 Felony Murder Sentence

When San Francisco Judge Brendan Conroy announced that he was granted the motion for re-sentencing under SB 1437, and gave Anthony Scrivani a new sentence of six years rather than the life term he was serving, the man who has served in prison since 1992 broke down in court crying.

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Nearly 200 Rally at Yuba County Jail for ICE Detainees – Japanese Americans Lead Protest

If the rally in Marysville last Saturday opposing immigrant and refugee camps – a loud peaceful event attended by nearly 200 people – is any indication, a “National Pilgrimage to Close the Camps” in D.C. in June will be a protest of major and historic proportions.

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Everyday Injustice Podcast Episode 30 – Former SF DA Gascon Talks LA DA

Candidacy

He is running on a progressive platform. Listen as George Gascon describes why he made the move, discusses his campaign for district attorney in Los Angeles and talks about the strengths and shortcomings of his time in San Francisco as well as his decision not support Suzzy Loftus who was appointed to fill his position, but ended up losing to Chesa Boudin.

[Read More](#)

Sunday Commentary: Yolo DA's Depiction of Parole Denial Dehumanizing and Offensive

A press release by the Yolo County DA's Office and its accompanying Facebook post drew our attention late this week. Under the banner "Child Molester Parole Denied," the DA's office at the same time celebrates the fact that they were able to prevent the release of a man who has served 22 years now after an original 15-year to life sentence and depicts him in dehumanizing terms.

[Read More](#)

Jury Acquits Man after Public Defender Calls Delayed SFPD Investigation & Identification into Doubt

On Monday, January 6, 2020, a jury acquitted Vihn Tran, 38, of felony charges related to a nighttime attack near Union Square in October 2018. Deputy Public Defender Seth Meisels presented evidence undermining the identification of Tran during what Meisels called a poorly run investigation by the San Francisco Police Department.

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Judge Rosenberg Takes Over Attempted Murder Case of Knights Landing and Yolano

The defense submitted a 995 motion along with bail motions that will be heard on February 19, 2020. Department 14 will now handle all case matters of the Gonzales case.

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He is running on a progressive platform. Listen as George Gascon describes why he made the move, discusses his campaign for district attorney in Los Angeles and talks about the strengths and shortcomings of his time in San Francisco as well as his decision not support Suzzy Loftus who was appointed to fill his position, but ended up losing to Chesa Boudin.

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Everyday Injustice Podcast Episode 29 –

Joseph Tully and the State of Collusion

Joseph Tully is a criminal justice attorney out of Martinez who represented among others Paul Fullerton and Heidi Lepp. He is the author of a book called, California "The State of Collusion."

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Subject: FOR IMMEDIATE RELEASE: JURY AQUITS MAN AFTER PUBLIC DEFENDER CALLS DELAYED SFPD INVESTIGATION & IDENTIFICATION INTO DOUBT

Date: Friday, January 10, 2020 at 11:54:23 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

For immediate release: January 10, 2020

Contact: Valerie Ibarra – (628)249-7946 or Valerie.Ibarra@sfgov.org

Link: <http://sfpublicdefender.org/news/2020/01/jury-acquits-man-after-public-defender-calls-delayed-sfpd-investigation-identification-into-doubt/>

****PRESS RELEASE****

JURY ACQUITS MAN AFTER PUBLIC DEFENDER CALLS DELAYED SFPD INVESTIGATION & IDENTIFICATION INTO DOUBT

SAN FRANCISCO - On Monday, January 6, 2020, a jury acquitted Vihn Tran, 38, of felony charges related to a nighttime attack near Union Square in October 2018. Deputy Public Defender Seth Meisels presented evidence undermining the identification of Tran during what Meisels called a poorly run investigation by the San Francisco Police Department.

After a man suffered an unprovoked attack where he was punched, kicked, and robbed of his phone while walking home from work one night in October 2018, the victim ran to police to report the incident, describing the assailant as a slim Vietnamese man, age 25-30. Six months later, police finally reviewed local surveillance video which yielded images of the assailant, and circulated those images to all officers in an internal crime alert bulletin. Sergeant Terence Saw (who was involved in a controversial shooting of a wheelchair-bound man in 2011) claimed that he recognized the man in the surveillance as Tran, a person with whom he had a 5 to 10 minute interaction two months earlier. Officer Kimberly Ng was then assigned as the investigator, and pulled an old photo of Tran to include in the lineup which she presented to the victim at the end of May 2019.

Ng testified that when composing the photo lineup, she chose Asian men with hair similar to Tran's. She did not consider age, build, or specific ethnicity. As a result, Tran was the only man of Vietnamese origin included in the lineup. The victim noted Tran was the "closest," and the only one with a "Vietnamese face," but asked, "What if it's not the guy?" The victim was told not to worry, because police would continue to investigate. That further investigation never materialized, and the District Attorney's office, under previous DA George Gascón, filed charges against Tran.

During testimony, the victim conceded that he was not completely sure Tran was the assailant, and that he had seen another man in a different social setting who looked identical to the assailant.

Meisels called an expert witness who testified to the inherent unreliability of memory and eyewitness identification, and the fallibility of police identification. In this particular case, the gross delay in

presenting a biased lineup to the victim provided much doubt that Tran was the assailant.

“Police investigators did not conduct a timely investigation, and as a result they lost the opportunity to figure out who the real perpetrator was,” Meisels said. “Mr. Tran was erroneously charged because one officer thought he resembled the perpetrator – but a resemblance should be the beginning of an investigation, not the end.”

According to the National Registry of Exonerations, mistaken eyewitness identification is one of the leading causes and contributing factors of wrongful convictions. Thanks to a hardworking public defender and a careful jury, Tran avoided becoming another troubling statistic of a flawed justice system.

#

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Subject: Everyday Injustice - Boudin Sworn in; 1437 Case Arguments Submitted in Yolo

Date: Thursday, January 9, 2020 at 7:20:05 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"Never before in our history have we had so many DAs who are explicitly running on an anti-incarceration message and winning," Nathan Ballard.

Everyday Injustice Newsletter - January 9, 2020

Chesa Boudin Sworn In

by David Greenwald

Rarely does the swearing in of a District Attorney attract a lot of attention. But in an election that everyone in the progressive prosecution movement is watching, Chesa Boudin was sworn in last night as the District Attorney.

While Larry Krasner was the first major breakthrough for the movement, Mr. Boudin is in position perhaps to surpass Mr. Krasner in part because of San Francisco's place in the overall progressive movement and the reduced chance that California government officials - unlike those in Pennsylvania - would push back.

Last night Mr. Boudin was sworn in by San Francisco Mayor London Breed - an interesting twist in itself as the UC Davis graduate had supported his opponent Suzy Loftus and even appointed her to office when George Gascon stepped down in October.

Mr. Boudin ran on a platform of ending mass incarceration, eliminating cash bail, and tackling racial disparities in law enforcement. He reiterated that commitment before a capacity crowd at the Herbst Theatre.

"Until we distribute opportunities with more equity, until the institutionalization of punishment and retaliation is replaced with the institutionalization of restoration and redemption—until then, we will continue to fail those harmed by crime," he said.

His message last night was simple: "Join me."

He told the crowd: "Join this movement. Join us in rejecting the notions that to be free we must cage others, that to seek justice we must abandon forgiveness, that to empower our protectors requires tolerating excessive force, that to be safe we should put the mentally ill and addicted in cages, and that jails and prisons should be the primary response to all of our social problems."

"Our work will yield the most comprehensive restorative justice program in the country," Mr. Boudin said. "Restorative justice saves lives. I know this because it saved mine. Victim services, especially for limited-English speakers and marginalized communities, is a critical and under-resourced part of the criminal justice system."

"We know there is a balance between justice and fairness and I appreciate that Chesa Boudin appreciates that balance," Mayor London Breed said. "He knows that we need so desperately to reform our criminal justice system. But we don't have to do so at the expense of keeping our community safe."

Making a surprise appearance was US Supreme Court Justice Sonia Sotomayor.

"Your personal strength and commitment to reforming and improving the criminal justice system is a testament to the person you are and the role model you will continue to be for so many," she said. "Chesa, you have undertaken a remarkable challenge today. I hope you reflect as a great beacon to many."

Everyday Injustice will be recording several podcasts today including one with former SF DA George Gascon who is running for DA in Los Angeles. That podcast is expected to be posted on Monday.

Thanks for reading.

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Criminal Justice News/ Commentary

Arguments Submitted on SB 1437 and Special Circumstances in Halloween Case

Originally Judge Richardson was going to move from criminal to family court, but late in December that changed and so the 1437 case involving James Olague and Ernesto Arellano, two of the defendants in the original Halloween Homicide case who were convicted of a 2002 double murder

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Man Charged With Grand Theft Felony In Preliminary Hearing After Failing To Respond to An Officer

A man rented an \$8,000 stump grinder and utility trailer for 24 hours and failed to respond to an officer almost two weeks after the items had been stolen from him, according to the preliminary hearing.

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Ex-Fiancee Calls 911 As Man Allegedly Swerves Off the Road With Child In Back Seat

A man allegedly cut through multiple lanes of traffic after his ex-fiancee called 911, ending an argument filled car-ride from Reno with a child in the back seat.

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SF Public Defenders File Restraining Order against I.C.E.

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Everyday Injustice Podcast Episode 28 – Meet Eli Savit Washtenaw County’s Progressive DA Candidate

Eli Savit is an attorney, a law professor, and a former public-school teacher. A former law clerk to Justice Ruth Bader Ginsburg, Eli currently serves as the City of Detroit’s senior legal counsel, where he leads criminal-justice reform work for Michigan’s largest city.

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Subject: Everyday Injustice - Boudin Likely to Get a Free Reign in SF; BLM Founder Targeted by Sac DA

Date: Wednesday, January 8, 2020 at 7:05:11 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

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"Never before in our history have we had so many DAs who are explicitly running on an anti-incarceration message and winning," Nathan Ballard.

Everyday Injustice Newsletter - January 8, 2020

What Will the Pushback Look Like Against Chesa Boudin?

by David Greenwald

KQED ran a piece this week called, "Can S.F.'s Chesa Boudin Flip the Script for the Nation's Progressive DAs?."

In it, they quote San Francisco Political Consultant Nathan Ballard, a close associated with Governor Newsom.

He told them "the uptick in the number of new liberal prosecutors across the country is notable."

"Never before in our history have we had so many DAs who are explicitly running on an anti-incarceration message and winning," he said.

"But even with the support of a majority of voters, this new class of DAs will still have to work within a framework that might be more resistant to major change. "In other cities and states, state attorneys general are intervening with a more tough on crime law and order approach," said Ballard. "And they are interfering with the DAs' more progressive inclinations.""

As we saw in Philadelphia, in a short term, Philadelphia District Attorney Larry Krasner has remade the office with changes to sentencing recommendations, bail and who to charge.

But his efforts got resistance from police officers, victim advocates and the system itself.

And so in July, Pennsylvania Lawmakers themselves passed a bill - by he Republican legislature and signed by the Democratic governor - "giving authority to the state's attorney general to prosecute certain firearms violations in Philadelphia — and nowhere else in the state. The provision will expire in two years, or just after Krasner's first term ends."

Suffolk DA Rachael Rollins caught the attention of President Trump who called into a Boston radio station to accuse Ms. Rollins of being uninterested in crime.

"These are people that probably don't mind crime, they don't mind what's going on," President Trump

said.

While Nathan Ballard's words of caution are well considered nationally and as we start looking at places outside of where you might consider the hotbeds of progressivism, San Francisco might be the perfect storm to see what exactly can be done in a community likely to embrace progressive reform.

It was a close race. The establishment supported a more traditional DA candidate in Suzy Loftus. In other towns, at other times, her message would have been progressive. But she is cut closer to mold of Kamala Harris and maybe George Gascon than Chesa Boudin, Rachael Rollins and Larry Krasner.

You will see victims groups and police pushback.

But the California legislature that has supported things like use of force changes, and reforms like SB 1421 and SB 1437 is probably not likely to pushback against Mr. Boudin.

The voters in the state have passed things like Prop 47, Prop 64, and Prop 57 over the objections of many traditional prosecutors.

You have Governor Newsom who defied many DA's by putting a moratorium on death sentences.

And you have AG Xavier Becerra, who while we have been critical of him on prosecutorial and police misconduct, has been a thorn in the side of the president on things like ICE and immigration.

This is just not a state likely to implement something like they did in Pennsylvania.

So Mr. Boudin will have as free a hand as local voters are willing to give him and we shall see just how far progressive prosecution can go.

Thanks for reading.

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Criminal Justice News/ Commentary

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The Sacramento County District Attorney's Office has given notice that it may be investigating someone who has been in telephonic contact with the mother of Sacramento Black Lives Matter founder Tanya Faison.

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Queens County DA Reiterates Commitment to Ending Cash Bail After Critics Say She Reneged

After less than a week on the job, Melinda Katz, the newly elected top prosecutor in the New York City borough of Queens, is facing accusations that she has broken her campaign pledge to end all money bail.

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Everyday Injustice Podcast Episode 28 – Meet Eli Savit Washtenaw County’s Progressive DA Candidate

Eli Savit is an attorney, a law professor, and a former public-school teacher. A former law clerk to Justice Ruth Bader Ginsburg, Eli currently serves as the City of Detroit’s senior legal counsel, where he leads criminal-justice reform work for Michigan’s largest city.

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Dev Hearing Postponed Again Until February as Both Sides Attempt to Get Translation of Prison Phone Conversations

It has been over a month since the last hearing on October 28 ended as the petitioner accused Deputy DA Ryan Couzens of hiding the ball with the transcript – and it appears it will be some time longer before the evidentiary hearing in the 10 year old Ajay Dev case continues.

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Eli Savit is an attorney, a law professor, and a former public-school teacher. A former law clerk to Justice Ruth Bader Ginsburg, Eli currently serves as the City of Detroit's senior legal counsel, where he leads criminal-justice reform work for Michigan's largest city.

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Subject: Everyday Injustice - Boudin To Weigh in on Charging Police in 2017 Shooting; Reform Prosecutors Start Taking Office And Battling the Courts
Date: Tuesday, January 7, 2020 at 6:30:07 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"When (police) don't (respect the law) we need an independent district attorney who's willing to enforce the law equally," Chesa Boudin.

Everyday Injustice Newsletter - January 7, 2020

Will New DA Mean Police Accountability

by David Greenwald

On Wednesday, Chesa Boudin will be sworn in as the new District Attorney of San Francisco. One of his big planks was police accountability - now we will find out how serious he is.

During one of the debate, Chesa Boudin said, we need to work with the police, but the police need to respect the law.

"When they don't we need an independent district attorney who's willing to enforce the law equally," he said. He said as DA, he would personally make charging decisions in every officer-involved shooting case.

According to a San Francisco Chronicle article yesterday, he will likely get his chance to make his mark early.

Notes the Chronicle, "Of the five cases Boudin will review when he takes office, one stands out the most: the 2017 fatal shooting of Keita O'Neil by rookie Officer Chris Samayoa, who had just graduated from the police academy and was on his fourth day of a 16-week field training program. The case is being closely watched by legal observers and advocates as a possible test case for the new district attorney, who campaigned on holding law enforcement more accountable."

What separates this case is that the 42 year old Keita O'Neil was unarmed and apparently fleeing when the Officer fatally shot him in the head.

Police Chief Bill Scott at the time, fired Officer Samyoa weeks after the shooting, indicating his belief that the shooting was wrongful.

Of course, police groups argue that the officer was “doing what he was trained to do.” They believe that his dismissal was an overreaction and that “criminal charges would be even more unreasonable.”

The Chronicle notes that he was the only candidate in the race who would have charged the officers in the killing of Mario Woods in 2015.

George Gascon, who will be on the Everyday Injustice Podcast this Thursday, cleared five officers who fired 26 rounds at Mr. Woods.

Use of force expert Ken Williams during the 2016 Justice Summit held by the late Public Defender Jeff Adachi was critical of the handling of the Woods shooting. He told Jeff Adachi, “What you see in the Mario Woods video is shocking.”

He concluded that while Mario Woods “was most likely armed” the officers failed to utilize de-escalation tactics and the space that they had to properly de-escalate the situation before shooting became necessary.

In the video Mario Woods, hit by less than lethal force stands up and puts his hands by his side.

“He’s already been shot” at this point, “by less than lethal force. He’s already been sprayed with mace. Does that mean that the police have to stop trying to negotiate with Mr. Woods?” he asks. “Why didn’t they continue to try to use less than lethal force? That is not something that I’ve heard the police answer.”

Jeff Adachi also asked for an independent investigation.

“I believe this tragedy may have been avoided if the police department was under an active civil rights probe by your office,” Jeff Adachi wrote in a press release. “At the very least, it would have signaled to SFPD officers that their practices were being monitored by an investigation that carried legal consequences.”

Meanwhile the shooting of Mr. O’Neil also caused an uproar in San Francisco. It occurred at the end of the police chaise where he got out and ran toward a pursuing patrol car.

According the Chronicle, “Police released body camera footage from Samayoa’s chest shortly after the shooting that showed the officer drawing his pistol from the passenger’s seat as the cruiser was still moving. A second later, Samayoa opened the side door and fired a single shot through the window, hitting O’Neil in the head as he ran beside the car. Police said O’Neil was unarmed.”

“It would be egregious not to have prosecution,” said Melissa Nold, an attorney representing O’Neil’s mother in a wrongful death lawsuit against the two officers and the city. “This is low-hanging fruit and easy for the district attorney. The officer was fired.”

She added that “if there’s not going to be prosecution on this case, it’s really a bad statement on what the district attorney’s future is going to be like.”

The Chronicle notes that Mr. Boudin will be asked to review four other officer-involved shootings – 2017 nonfatal shooting of Sean Moore, the 2018 killing of Jesus Delgado Duarte, the September shooting that killed a dog and left David Wesser with a hand injury and the another shooting last month of Jamaica Hampton.

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Criminal Justice News/ Commentary

As Reform Prosecutors Take Office, Courts Start Working against Them

A new year means that all the candidates who won local elections in November get sworn in and start doing the work. One such person is Steve Descano, the new Commonwealth's Attorney of Fairfax County—by far the most populous local criminal court jurisdiction in Virginia.

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It's Time for LA's District Attorney's Office to Lead the Way on Decriminalizing Homelessness

Last year, two-term Los Angeles District Attorney Jackie Lacey took a trip to an elementary school in Pacoima where more than 20 percent of all enrolled students are homeless. She said she was touched by a Los Angeles Times story about the school, and thought she should pay the children there a visit.

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Dev Hearing Postponed Again Until February as Both Sides Attempt to Get Translation of Prison Phone Conversations

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Subject: Everyday Injustice - Orange County PD Alleges Sheriff's Deputies Promoted Despite Evidence of Wrongdoing; Podcast Features Progressive Prosecutor Candidate From Ann Arbour

Date: Monday, January 6, 2020 at 6:40:10 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

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"We're saying, 'No more,'" Assemblymember Bonta said at a press conference in October. "No more inhumane treatment of individuals in for-profit, private facilities. No more profiteering on the backs of Californians."

Everyday Injustice Newsletter - January 2, 2020

The Bail Reform Challenge

by David Greenwald

Everyone is pushing for bail reform - but at the same time they are braced for the first time someone is released who then does something horrific. Rape. Murder. Something worse.

When I met with DA Elect of San Francisco, Chesa Boudin, back in December, he knew it was coming. The media will not talk about the people who are released who keep their jobs, keep their homes, aren't forced to take plea agreements to charges that are not provable in a court of law. They will zone in on the guy who got out, who then commits a secondary crime.

In NY - the moment came quickly. Just a few days into Bail Reform. It wasn't a tragic murder or rape, but rather the hate crime.

Assemblyman Simcha Eichenstein of Brooklyn is quoted in local media stating: "They are afraid to walk the streets... So what I am doing with this proposed piece of legislation is, I am focusing on the hate crimes piece only. I think we need to understand that people who are filled with hate should be in a separate category."

Her proposed legislation would "reinstitute cash bail for hate crimes, many of which are included on a list

of crimes no longer eligible for bail under the new law."

And she is not alone. The same publication is reporting, "State Senator Jim Gaughran also has a bill that would go even further, reinstating 52 crimes that were made ineligible for bail. He's also looking to add a dangerousness factor for judges to consider when deciding whether to set bail."

"Unfortunately, the way the bill was ultimately adopted in the budget is that it includes some crimes that I believe really should be crimes that a judge should have the discretion to set bail if he or she determines it is necessary," Senator Gaughran said.

But wait - why? Do people not understand what bail is? Do people not understand that cash bail means that people with money get out, people without money stay in. How exactly does that protect us from hate crimes?

So person who committed hate crime who has money gets out. The person who commits the hate crime who doesn't have money stays in.

How does money mitigate risk to the public? (Remember people who put down money for bail are putting down 10% for the promise to appear - that money is gone whether they are later acquitted or convicted or they commit a new crime).

There is a solution to the problem - if someone is too dangerous to release - don't. You don't need bail to do that. Not sure exactly why people think bail provides protection. It doesn't. It simply discriminates against the poor.

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Criminal Justice News/ Commentary

Orange County PD Alleges Sheriff's Deputies Promoted Despite Evidence of Wrongdoing

In December, the Vanguard reported two audits in Orange County, showed that more than a thousand Sheriff's deputies holding onto evidence for days and sometimes weeks or longer before booking it and a separate audit finding that potentially thousands of items of evidence were missing.

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Sunday Commentary: Washington Post Editorial Board Calls Death Penalty "Unworthy of America"

The death penalty has been in decline in America for a number of years – more and more states are banning it, the number of people executed has dwindled, and the number of states using the death penalty has decreased.

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Subject: FOR IMMEDIATE RELEASE: SF PUBLIC DEFENDERS FILE RESTRAINING ORDER AGAINST ICE FOR TRANSGENDER DETAINEE TRANSFERRED TO TEXAS ISOLATION ON CHRISTMAS NIGHT

Date: Saturday, January 4, 2020 at 12:37:44 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: January 3, 2020

CONTACT: Valerie Ibarra Valerie.Ibarra@sfgov.org or (628) 249-7946

LINK: <https://sfpublicdefender.org/news/2020/01/sf-public-defenders-file-restraining-order-against-ice-for-christmas-night-transfer-of-transgender-detainee-to-texas-isolation/>

*****PRESS RELEASE*****

**SF PUBLIC DEFENDERS FILE RESTRAINING ORDER AGAINST I.C.E.
FOR CHRISTMAS NIGHT TRANSFER OF TRANSGENDER IMMIGRANT
DETAINEE TO TEXAS
WHERE SHE IS BEING HELD IN ISOLATION**

SAN FRANCISCO, CA — On Friday, January 3, 2020 the San Francisco Public Defender's Office filed a Motion for Temporary Restraining Order against Immigration and Customs Enforcement (ICE) and the Yuba County Sheriff's Office with the U.S. Federal District Court, Northern District of California, requesting an immediate hearing on behalf of a female transgender immigrant who was illegally transferred on Christmas night to a remote detention facility in Texas. She has since been detained there in segregated confinement, forced to wear male clothes, and denied the ability to call her lawyer at no cost.

BACKGROUND:

Lexis entered the U.S. as a baby and has resided here since 1979. She was assigned male at birth, yet has struggled throughout her life to understand her identity, chafed at masculine

norms, and sustained verbal and physical abuse from her immediate family into adulthood. In 2018, she was taken into ICE custody, placed in removal proceedings, and has been detained in immigration custody ever since.

In January 2019, San Francisco Deputy Public Defender Hector Vega took on Lexis's case and helped her obtain some critical support she needed, including medical treatment, therapy, legal recognition of her female name and gender, and legal representation in her pending immigration case. *

However, on Christmas night 2019, officials at the Yuba County Detention Center approached Lexis in her cell and misled her to believe that she was being fully released and going home. Instead, Yuba deputies released Lexis directly to ICE, which took her to an airport and forcibly transferred her to a remote detention facility in Texas, where she is now detained nearly 2,000 miles away from her lawyer and community. Lexis was denied the ability to call her attorney prior to arriving in Texas. She has remained in segregated confinement at the Prairieland Detention Center in Alvarado, Texas, ever since, where she has no connections, no support, and no lawyer. ICE continues to punish Lexis, forcing her to wear male clothes, identifying her by her previous name and gender, and refusing to provide her gender reassignment treatment.

The San Francisco Public Defender is challenging ICE's transfer and detention of Lexis as cruel and inhumane, and demands her release in a Temporary Restraining Order filed today with the Northern District of California.

**The San Francisco Public Defender's Office launched a deportation defense unit in 2017 to remedy the lack of right to court-appointed counsel in deportation proceedings.*

STATEMENTS:

Lexis (from Prairieland Detention Center, Texas):

“The conditions of my detention have worsened and have had a huge impact on my mental health and my ability to move forward. I think this has been so cruel to me. ICE and the other officers know how difficult the last 14 months have been for me and yet have had no compassion for the way they detain me and move me around like I mean nothing.”

Hector Vega, SF Deputy Public Defender, Lead Attorney:

“We are gravely concerned for Lexis’s health and safety. The few times that we have been able to talk since Christmas, she has been in tears and asking me to help her come back. This was a callous act from a heartless agency and we demand that ICE release Lexis from custody. She deserves to finally truly express herself and her gender identity with the support of her community. She poses no danger to society and deserves to be released from custody and have her human rights respected.”

Genna Beier, SF Deputy Public Defender, Co-Counsel:

“Lexis bravely began her gender transition while in ICE custody, and yet at every turn the agency has denied her medical care and basic human dignity. ICE’s actions betray a complete lack of humanity and disregard for the law. We stand with Lexis in her fight, we affirm her inherent worth and strength, and we hope that the District Court will mete out some justice.”

#

The mission of the San Francisco Public Defender’s office is to protect and defend the rights of our indigent clients, through effective, vigorous, compassionate, and creative legal advocacy.

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Subject: Everyday Injustice - Private Prison Group Sues California over New Law; Attorney Discusses Capitol Riot Trial
Date: Thursday, January 2, 2020 at 6:30:08 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We're saying, 'No more,'" Assemblymember Bonta said at a press conference in October. "No more inhumane treatment of individuals in for-profit, private facilities. No more profiteering on the backs of Californians."

Everyday Injustice Newsletter - January 2, 2020

Private Prison Industry Strikes Back But Are Private Prisons the Problem?

by David Greenwald

In our article below, GEO Group, filed a lawsuit in federal court challenging AB 32, a new law that would take effect January first banning new private prison contracts in California.

Under AB 32, authored by Alameda Assemblymember Rob Bonta, the state will begin phasing out the use of private prisons – barring the state from keeping overflow inmates in privately-run facilities beginning in 2029.

Currently, according to an October LA Times article, the state houses "about 1,600 inmates in three prisons in Kern and San Bernardino counties, run by the Florida-based GEO Group. Under the new law, California cannot renew those contracts, which expire in 2023, or enter into new ones after this year unless it needs them to keep the prison population under a court-ordered cap."

"We're saying, 'No more,'" Assemblymember Bonta said at a press conference in October. "No more inhumane treatment of individuals in for-profit, private facilities. No more profiteering on the backs of Californians."

The issue of private prisons is actually a lot more complex than you think. Researcher John Pfaff did a lot of data analysis and eventually concluded that private prisons are not a huge driver of mass

incarceration.

His argument, if you want to fight mass incarceration - change your prosecutor.

As one example, a huge part of the increase in incarceration is due to charging decisions by Prosecutors.

He said in an article in the Atlantic, "Roughly speaking, half of this increase in felony filings comes from cases of misdemeanors being charged as felonies."

But it is not private prisons. As he tweeted in April, "Blaming private prisons helps us avoid the real failure at the heart of mass incarceration. It's not the profit motive of a shadowy cabal of financiers."

He adds: "It's a public sector policy failure. And a POLITICAL failure, driven by a punitive electorate—by us."

That doesn't get private prisons off the hook. After all, if you read Shane Bauer's great expose on a southern private prison, you realize that they may not drive mass incarceration, but they are big problems in terms of lack of training, standards, and human rights abuses.

The Marshall Project in September, notes, abolishing private prisons is not a silver bullet. They find, "The vast majority of prisoners are held in publicly run prisons. But the private sector affects their incarceration in different ways."

My view then is that private prisons while they have exerted influence on the system, the public prison unions are probably bigger factors. Moreover, the momentum is now squarely in favor of decarceration.

In short, I would argue focus on civil rights abuses by both private and public prisons, but focus decarceration efforts on prosecution not punishment.

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Criminal Justice News/ Commentary

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2019 Was a Watershed Year in the Movement to Stop Solitary Confinement

Back in 2016, then President of the United States, Barack Obama, called solitary confinement “an affront to our common humanity” and ordered the Justice Department to implement reforms to the practice in U.S. prisons.

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Felipe Rodriguez Exonerated of All Charges in 1987 Queens Murder Case

Today, the Hon. Joseph Zayas of Queens County Supreme Court granted a motion to vacate the 1990 conviction of Innocence Project client Felipe Rodriguez and entered an order dismissing all charges against him. Rodriguez served 27 years in prison before today’s exoneration.

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Everyday Injustice Podcast Episode 26 – 1437 Constitutionality and the Davidson Case

The Harvest Cycle Davidson v. El Dorado County case features two separate questions: the constitutionality of SB 1437 and whether Mr. Davidson was a major participant in a 2016 robbery and thus acted in reckless indifference to human life.

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Insufficient Physical Force, but Sufficient Grounds for Prosecution

A San Francisco resident named Edward Ramirez found himself facing the potential charge of attempted robbery after allegedly trying to steal a female victim’s purse.

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Man to Spend Holidays in Coma – Black Lives Matter Sacramento Wonders if Jail Foul Play is Cause

A Sacramento Black man will be spending the holidays languishing in a coma at the UC Davis Medical Center here – he may have been the victim of a chokehold by Sacramento Sheriff's deputies at the county main Downtown jail, charged Black Lives Matter Sacramento Monday.

[Read More](#)

DA Dismisses Case Where Defense Claimed Sacramento County Jury Pool is Racially Biased

A criminal case here in Sacramento County Superior Court was dismissed in the interest of justice late Friday, about a month after a judge ruled it must go forward despite questions by defense lawyers that Sacramento juries may racially discriminate.

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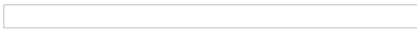
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Chesa Boudin: "I think that the way that gang allegations and enhancements are prosecuted in San Francisco and in much of California, if not the country, are explicitly racist."

Everyday Injustice Newsletter - December 30, 2019

Civil Rights Leaders Announces He Has Stage 4 Cancer

by David Greenwald

John Lewis, one of the last remaining Civil Rights Leaders from the 1960s announced yesterday he has stage 4 pancreatic cancer and will remain in Congress as he gets treatment.

Here is the article we ran in May 2016 when he came to UC Davis give the commencement address at the Law School...

On March 7, 1965, John Lewis was attacked and beaten by Alabama State Troopers as he and a group of protesters attempted to cross Edmund Pettis Bridge in an incident that became known as Bloody Sunday.

Now a 76-year-old congressman since 1987, John Lewis quipped to a large class of Law Graduates at the King School of Law, named for his mentor Dr. Martin Luther King, Jr., that he has been arrested 40 times during the civil rights movement, five since he became a congressman, and he figures he will be arrested again. While his message was upbeat during the address, he told reporters after the commencement that he worries about the nation, going forward, and in particular about the driving factors of dissent in the presidential election.

He said he loved coming to a university like this "where there is so much hope, so much optimism." Congressman Lewis was clearly moved as he described being able to touch the statue at King Hall, made in honor of Dr. Martin Luther, Jr. "If it wasn't for Martin Luther King, Jr., I wouldn't be standing up

here,” he said. “He helped free the black people.”

He told the graduating class, “You’re needed more than before. You must be headlights and not taillights.”

John Lewis described his days with the freedom rides and even before, when he saw signs that separated the white man from the colored man. He said he asked his parents and teachers why, and “they said, that’s the way it is. Don’t get in the way. Don’t get in trouble.”

He said, “But individuals like Martin Luther King, Jr., and Rosa Parks and so many others – it’s time for me to tell you something, I’ve gotten in trouble, big trouble, necessary trouble. As young lawyers, you have a moral obligation, a mission and a mandate to get in trouble, to get involved, to make the world, this little real estate we call earth, a better place for all human kind. You can do it and you must do it.”

“It’s because of the movement, the civil rights, the social justice, the women’s rights, the farmers, the gay rights, the immigrants’ rights that we’ve come a distance,” he said. “But we still have a great distance to go.”

John Lewis continued, “You heard me say I’ve been arrested a few times. Yes. I went to jail. Forty times in the 60s and five more times since I’ve been to congress. I’m probably going to get arrested again some day,” he said. “When you see something that is not right, not fair, not just, you must stand up, speak up, and speak out.”

He told the group of aspiring lawyers that, without lawyers, the civil rights movement would not have been possible. He talked about the colored signs he saw. “Those signs are gone today,” he said, and “the only place our children and their children will see those signs will be in a book. In a museum. On a video.”

“Just a few short years ago, in the states of the Confederacy, many children could not register to vote simply because of the color of their skin,” the congressman said. “There are still forces in America today that are trying to make it harder and more difficult for people to participate in a Democratic process.”

He called the vote “the most powerful non-violent tool we have in a Democratic society, and we must use it.”

John Lewis told the graduates, “I gave a little blood on that bridge to Selma. I had a concussion. I thought I was going to die, I thought I saw death.” But somehow and in some way, they were able to get through, and congress passed the voting rights act. President Lyndon Johnson signed it into law. He said, “We’ve come a distance (as a society). We’ve made a lot of progress, but we’re not quite there yet.”

He told reporters after the commencement that he sleeps well at night and doesn’t have any ill effects from that experience. But he said, “It’s impossible to forget that day when we crossed that bridge – we were orderly, peaceful, there was men, women, and little children. I still cannot understand why Governor George C. Wallace wanted to give the order to the troops. He said that there were men waiting on the other side of the bridge prepared to kill us. I said, brother, do you fear people? And he didn’t have an answer.”

He said it was impossible to forget what happened. “We had a constitutional right to march that day.” While John Lewis expressed a message of optimism, it is clear that he was concerned by the mood of the country. “I worry about this attempt to divide the American people based on race and class and sexual orientation,” he said. “I’m deeply concerned about the future of our country.”

He said, “I said earlier today we need to be headlights and not taillights.” Mr. Lewis noted, “I hear people say we want our country back – do we want to go back or do we want to go forward? Don’t we want to

make progress? Don't we want to continue to bring people together and lay down the burden of class and race?"

He noted that we are a land of immigrants and he quoted A. Phillip Randolph from the 1963 March on Washington: "Maybe our forefathers and foremothers all came to this great land on different ships, but we are all in the same boat now.' That's still true today."

He said that he saw progress in the debate on police tactics. He noted that, in congress, "there's a great deal of discussion in a formal way between Democrats and some Republicans, in the Senate as well as the House, that they need to get a handle as to what is going on with the police departments all around America."

He said that we have to fix it the same way that they had non-violent workshops and discussions during the 1950s and 60s, and he wants to see the community and police officers sit down and talk. "Get to know each other better," he said.

John Lewis said, "I don't know what is happening" in terms of the tone that we seem to have reverted to in recent years, particularly around the presidential campaign.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: New SF DA Aims Sights at Gang Laws 'Infused with Racism'

In 2010, the Vanguard's fledgling Court Watch Project followed a six month Yolo County trial as a group of lawyers, volunteering their time, attacked the West Sacramento Gang Injunction.

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Everyday Injustice Podcast Episode 26 – 1437 Constitutionality and the Davidson Case

The Harvest Cycle Davidson v. El Dorado County case features two separate questions: the constitutionality of SB 1437 and whether Mr. Davidson was a major participant in a 2016 robbery and thus acted in reckless indifference to human life.

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Cash Bail is Being Used as Ransom to Keep People Who Are Poor Behind Bars

Imagine you are one of the 4,000 people arrested every year in Canadian County, Oklahoma, a county with less than 200,000 people. Maybe the police find marijuana in your car during a traffic stop, maybe the police have mistaken you for someone else, or perhaps you can't afford the \$40 per month you owe the court from a different charge.

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Complaints about Police Abuse: Strip Search and Rectal Exam

A federal civil rights lawsuit alleges that police in the village of Oak Lawn, a Chicago suburb, violated a man's constitutional rights by performing illegal searches of his vehicle and person, including strip-searching him and ordering a doctor to perform a digital rectal exam on him.

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Court Bars Police from Using Chokehold on Someone Not Resisting

The 9th District Court of Appeals ruled on Tuesday that police cannot use a chokehold on someone who is not resisting. They ruled that there a "robust consensus" among appellate courts nationwide that such police conduct violates the ban on unreasonable searches and seizures under the Fourth Amendment to the Constitution

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Insufficient Physical Force, but Sufficient Grounds for Prosecution

A San Francisco resident named Edward Ramirez found himself facing the potential charge of attempted robbery after allegedly trying to steal a female victim's purse.

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Man to Spend Holidays in Coma – Black Lives Matter Sacramento Wonders if Jail Foul Play is Cause

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Trische Duckworth helped found Survivors Speak in February 2018. They have heavily focused on wrongful convictions due to Ms. Duckworth's work with the Vesey Family since 2014.

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Subject: Everyday Injustice - BLM-Sac Wonders if Jail Foul Play is Cause of Coma; Latest Podcast Features Survivors Speak;

Date: Thursday, December 26, 2019 at 7:00:23 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Nicole Fortier and Kimbery Buddin-Crawford: "Though Michigan is a particularly bad actor, states across the country continue to apply outdated sentencing laws that keep people locked behind bars for excessively long times. These laws are implemented despite large bodies of research that show that longer prison sentences ultimately do not make our communities safer."

Everyday Injustice Newsletter - December 26, 2019

Reading Sacco-Vanzetti as a Wrongful Convictions Case

by David Greenwald

Over the holiday break, one of my books of reading is the case of Sacco and Vanzetti in 1921, at the height of the red scare and following a series of high profile bombings, Nicola Sacco and Bartolomeo Vanzetti, both Italian-Americans, were convicted of robbery and murder.

Reading this history as a wrongful conviction case - many of the key elements line up with problems of any conviction - reliance on problematic eyewitness identification, bad forensic work on the ballistics, a biased judge who conducts a fundamentally unfair trial, tunnel vision leading prosecutors to ignore more likely suspects, prejudice against the defendants leading to ignoring things like alibi evidence and possible alternative suspects, and a legal system deciding that the rulings were within the trial court's discretion and therefore unwilling to throw out the verdict and order a new trial.

The evidence against the two was thin, but of course they didn't help themselves telling the police a number of lies that were easily disproven and cast suspicion on them - even as the evidence did not align. Mr. Vanzetti would claim that he had simply attempted to avoid naming fellow anarchists and friends.

In the end, there is of course uncertainty in this case, as author Bruce Watson points out in his 2007 account of the cause celebre trial - no one can explain what the two men were up to the night of their arrest and that, "no matter how much one wants to shout their innocence, questions remain."

But looking at this case with fresh eyes knowing what we now do about wrongful convictions - this one lines up rather classically.

They had a myriad of witnesses - some claiming to have seen the men, some changing their story under pressure from investigators and the prosecutor, and others coming out to testify for the defense - in a lot of ways this hinged on eye witness identification and it is here that we see a huge red flag.

As Felix Frankfurter, a future Supreme Court Justice wrote in the Atlantic writes: "The inherent improbability of making any such accurate identification on the basis of a fleeting glimpse of an unknown man in the confusion of a sudden alarm..."

Key evidence for the jury was matching the bullets to a weapon that was owned by Sacco. However, as we now well know, the science of such bullet matches is questionable at best. And even at the time, there was conflicting expert testimony as to whether it was true.

For instance after the fact, one expert said, ""Had I been asked the direct question whether I had found any affirmative evidence what ever that this so-called mortal bullet had passed through this particular Sacco's pistol, I should have answered then, as I do now without hesitation, in the negative."

Prejudice and tunnel vision played a huge role here. The public outcry pushed the Governor of Massachusetts to form a committee to do an inquiry as to whether he should pardon or commute the sentences - it was a highly respected committee that included the Harvard President.

And yet - to no avail.

The Governor for instance demanded to "see documentary evidence on everything," but then discounted the alibi. Mr. Vanzetti, "claimed he had been selling eels during the Bridgewater burglary. Where was the proof?" When told there were 16 witnesses who swore they had bought eels, Governor Fuller responded, "those are Italians. You can't accept any of their words."

I also found the response from the esteemed jurist Oliver Wendell Holmes fascinating - at the last moment, even he, one of the most respected jurists in our nation's history refused to intervene.

"Prejudice on the part of the presiding judge, however strong," he said, did not give him authority "to interfere in this summary way with the proceedings of the State Court."

It was flooring what he said.

He told the attorneys intervening on behalf of the condemned, Sacco and Vanzetti "did not get a square deal," but said he "could not toss aside the separation of state and federal courts."

Later, Justice Holmes's secretary asked him whether justice had been done. "Don't be foolish, boy," Mr. Holmes answered. "We practice law, not 'justice.'"

Change a few of the background details and the Sacco and Vanzetti case fits well with what we see today with wrongful convictions.

As the late Antonin Scalia once wrote, "mere factual innocence is no reason not to carry out a death sentence properly reached."

That may well have summed of the Sacco and Vanzetti case.

Thanks for reading.

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Criminal Justice News/ Commentary

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Across the Country Harsh Sentencing Laws Are Tearing Apart Families and Communities

During the holiday season, in the picturesque town of Petoskey, Michigan, Kimiko Uyeda and her son Marshall celebrate with an annual tradition of selecting a new ornament to add to their tree. Year after year, Kimiko and Marshall add to their collection of ornaments as a part of their tradition.

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Habitual Offender Laws Are Like 'Death Sentences'

At 56 years old, Paul Houser knows he will most likely die in a Mississippi prison. He arrived there in 2007, a year after police pulled him over and discovered he had purchased six packs of cold medicine and four lithium batteries,

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Everyday Injustice Podcast Episode 24 – Nazgol Ghandnoosh Discusses Sentencing Reform

Nazgol Ghandnoosh is a Senior Research Analyst at The Sentencing Project, a nonprofit organization engaged in research and advocacy for criminal justice reform. Nazgol holds a Ph.D. in Sociology from the University of California, Los Angeles (2013).

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"We don't have a fair jury system because we won't spend the dollars to make sure it is constitutionally correct. People should be very, very concerned that our juries are not fair, just and constitutional," Claire White.

Everyday Injustice Newsletter - December 23, 2019

What Can We Do About Yolo's Gender Imbalance

by David Greenwald

Some people automatically assumed that when we ran the story about the lack of women in Yolo County government and on the bench, that the point was to highlight it for the Provenza-Deos race.

But the reality is that we are far more concerned about the judiciary. Last year Governor Jerry Brown - who by the way had a really good track record of appointing women and people of color to the bench - appointed two white men to replace two retiring women.

That threw the gender balance way out of whack - with the breakdown going from 6-4 in favor of men to 8 to 2.

What is most frustrating here is that Governor Brown did more to diversify California's bench than anyone. Women accounted for more than half of his 200 appointments in 2018 and 41 percent were non-white.

In Yolo County however, that number is not so good. Two white men replace two white women. Curiously enough during his tenure as Governor, he named three people to Yolo County's bench - one women who was a person of color. A fourth new judge was elected directly by the voters, also a woman.

Statewide, the Judicial Council surveyed California judges in December 2018 and the change from 2006 to the present is rather remarkable. In 2006, about 27 percent were women, that is now 36%. In 2006, about 10 percent were Latino, Black or Asian. Now that number is about 26 percent.

In a state that is majority-minority that is still not good enough - but it is better.

But Yolo County is still stuck in the dark ages here. This is not a white county. The total population is nearly half people of color. 47.5 percent of the population is white. 31.4% is Hispanic with another 13.6% Asian.

Worse yet, the four judges assigned to criminal court are white males - David Rosenberg, Tim Fall, Paul Richardson and David Reed. That decision was entirely in the hands of presiding judge Sam McAdam who rotated the two women - Sonia Cortes and Janene Beronio off of criminal court while reducing the number of criminal courtrooms from 6 to 4.

There is an expectation that Governor Newsom could appoint someone by the end of this year. That would be good - but we have to hope it would be a woman of color to balance the scales just a bit.

This was entirely preventable. Governor Brown had several quality women candidates and instead he appointed two men from his own administration - these were political appointments, and to make matters worse, neither were Yolo County residents.

Moreover presiding Judge Sam McAdam needed to be more sensitive to the optics of having four white men presiding over criminal matters, the vast majority of whom are young men of color.

How this system corrects itself is going to take some time. A lot of these judges figure to be locked into place for some time. That means in ten to twenty years from now, we could be having the same conversation - if not worse.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: Keeping an Eye on Crime Rates Crucial For Progressive Prosecution Reform

The historic drop in crime rate over the last several decades combined with the disproportionate incarceration in the US compared to the rest of the world has fueled criminal justice reform which has eventually led not only to a change in policies but also a change in leadership.

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A Fair Chance at Opportunity: The U.S. Government Bans the Box

When Rep. Elijah Cummings (D-Md.) reintroduced the Fair Chance Act earlier this year, he said: “This bill would give individuals who are reentering society from prison a fair chance at truly achieving the American dream.”

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Misplaced Outrage Over Kentucky Governor’s Pardons Harms Criminal Justice Reform

News went viral last week after the departing pro-Trump Republican governor of Kentucky, Matt Bevin, pardoned and commuted the sentences of hundreds of prisoners. A torrent of headlines and thousands of tweets decried his decision to release “violent criminals” convicted of all types of heinous and shocking crimes.

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Date: Monday, December 23, 2019 at 5:45:53 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Roberts, Larry (PDR)
Attachments: IMG_4392.JPG, ATT00001.txt, IMG_4396.JPG, ATT00002.txt, IMG_5167.JPG, ATT00003.txt, IMG_5227.JPG, ATT00004.txt

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

From: Wilson, Jacque (PDR)

Sent: Monday, December 23, 2019 7:42 AM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; David M. Greenwald <info@davisvanguard.org>

Subject: CourtWatch Photos

Subject: RE: CourtWatch Photos

Date: Monday, December 23, 2019 at 4:51:09 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Wilson, Jacque (PDR)

Thank you for sending these. I'll see if Larry can find a place for any of them.

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

From: Wilson, Jacque (PDR)

Sent: Monday, December 23, 2019 7:42 AM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; David M. Greenwald <info@davisvanguard.org>

Subject: CourtWatch Photos

Subject: RE: Court Watch/intern photos?
Date: Monday, December 23, 2019 at 3:46:58 PM Greenwich Mean Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), David M. Greenwald

Valerie. This is something I regret we did not do as much as I'd like. I did send some pics. Thanks. Jacque

From: Ibarra, Valerie (PDR)
Sent: Wednesday, December 18, 2019 3:16 PM
To: David M. Greenwald <info@davisvanguard.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: Court Watch/intern photos?

Hello David and Jacque,

We are putting together our annual calendar (yes, it is cutting it down to the wire this year, but Larry and I are confident that we can get it done) and we realized that one of the pages we are working on is about the programs we have to inspire the next generation of legal professionals/public defenders. I'm planning to mention Court Watch and was wondering if either of you happen to have any good photos that you might be willing to let us use for the calendar. It could be anything that shows interns/students/etc.

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: CourtWatch Photos
Date: Monday, December 23, 2019 at 3:42:11 PM Greenwich Mean Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), David M. Greenwald
Attachments: IMG_4392.JPG, ATT00001.txt, IMG_4396.JPG, ATT00002.txt, IMG_5167.JPG, ATT00003.txt, IMG_5227.JPG, ATT00004.txt

Subject: Everyday Injustice - Protests Push Governor Newsom to Pardon Immigrant; Latest Podcast Features Police Auditor
Date: Friday, December 20, 2019 at 7:15:07 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We ask for forgiveness and redemption...to open the governor's eyes to see how he (Joseph) has changed his life...for the governor to take the step to make this truly a sanctuary state," Speakers on the Charles Joseph case

Everyday Injustice Newsletter - December 20, 2019

Programming Notes and a Plea For Help

With the winter break and our court watch programs operating on skeletal staffs without our student interns, the next two weeks will see a scale down of our operations - we will have daily articles still posted at davisvanguard.org, but the newsletter will only operate twice a week:

Monday, December 23
Thursday, December 26
Monday, December 30
Thursday, January 2

Normal Monday through Friday coverage will resume on Monday, January 6

Support our work - become a paid subscriber or a donor:

We have raised around \$4400 in this year end fund drive. But we are winding down with just 12 days left in the year. So we need some help finishing it up - \$1600 to raise.

Three ways to contribute:

(1) Gofundme: <https://tinyurl.com/yyultcf9>

(2) PayPal - go to davisvanguard.org and hit "donate" at the top or send it directly to info@davisvanguard.org

(3) Check - Davis Vanguard, PO Box 4715, 95617

Also, if you are not a paid subscriber - now would be a great time to become one. It costs just \$10 a month. You can sign up here: <http://davisvanguard.org/2017/04/subscriber>

Why become a subscriber? If you appreciate our work - then subscribers are how we pay for our growing staffing, travel, office, and supply costs.

Think about it - think about what the Vanguard brings to this community and consider becoming a paid subscriber.

Thanks for reading. Please help!

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Criminal Justice News/ Commentary

Governor to Play Santa Claus this Holiday to ICE's Grinch? Family of Detained Fijian Hope So

Gov. Gavin Newsom could play Santa Claus to the U.S. Immigration and Border Enforcement (ICE)'s Grinch this holiday season. At least that what supporters of Charles Joseph hope will happen.

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Everyday Injustice Podcast Episode 23 – Michael Gennaco talks about police accountability

Michael Gennaco was hired as the police auditor by the city of Davis in the wake of the Picnic Day incident. Mr. Gennaco is a veteran auditor who has reviewed cases and incidents across the nation.

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Subject: Everyday Injustice - Looking at Crime in 2019 - Good News For SF, Mixed for Philly; Constitutionality and What Reckless Indifference Are Issues in a Key 1437 Case

Date: Thursday, December 19, 2019 at 7:00:26 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Paul Boylan: "Defendant seems to be arguing that he isn't liable for imprisoning his ex-wife because it was the Iranian government that did it, not him. This argument is more than offensive. It is meritless."

Everyday Injustice Newsletter - December 19, 2019

Violent Crime Continues to Fall? National Trends and Good News For San Francisco. Mixed For Philly

by David Greenwald

The Brennan Center's report paints a complex picture: "With the end of the year approaching, trends in crime for 2019 are snapping into focus. They offer some good news, including decreases that offset a spike from 2015 and 2016 in many places. But there are also some reminders of the need for innovative solutions to urban violence."

The data here are critical. Criminal justice reform momentum will only continue as long as crime continues to remain at or near historical levels.

Last week, I met with DA-Elect in San Francisco, Chesa Boudin, the entire movement whether it is bail reform, felony murder rule reform, sentencing reform hinges on the idea that at the very least crime doesn't start to sky-rocket.

Even in San Francisco, while the voters put their faith in a new path forward with Chesa Boudin, the backdrop to the campaign was concern over rising property crime.

Moreover, as Mr. Boudin related to us, changing the bail system is going to mean that someone who got out will end up committing a series crime and ultimately someone will get killed. When that happens there will be huge pressure and pushback over reforms. The question for the movement is going to be whether

the good stuff outweighs the bad stuff.

So watching the data on violent crime, nationally is vitally important.

The Brennan Center points to the long-term trend on murders. From 1960 to 1980, “the murder rate roughly doubled, climbing from 5.1 per 100,000 people to 10.2. After a short dip, murder rates reached their most recent high point in 1991, peaking at 9.8. This increase was not confined to just homicide: rates of crime and violent crime also rose dramatically. In some cities, the trend was even sharper, with New York City experiencing 2,245 murders in 1990 alone, corresponding to a murder rate of more than 30 per 100,000.”

The crime rate then started falling. By 2014, it reached 4.4 per 100,000 – less than half the peak and in places like NYC, it was 90 percent from the peak.

This trend stalled and reserved in 2015 with it going back up to 5.4 – an increase, but nothing like 1980 or 1990.

That led to a lot of concern especially in places like Chicago. Writes the Brennan Center: “Thankfully, though, the new crime wave that some warned was just over the horizon **never materialized**. Violent crime appeared to stabilize in 2017 **and then dropped sharply in 2018**.”

SO now what? Murders declined in Chicago – again. It is not back to 2014 levels, but they have made progress.

In San Francisco, Suzy Loftus focused on property crime, but the data through October shows “significant declines in the number of homicides (down around 18 percent) and reported rapes (down 14 percent) contributing to a roughly 7 percent decrease in violent crimes reported.”

But even better news, “Property crimes are down 5 percent overall, with the number of reported burglaries falling 16 percent. These are small declines, though, considering San Francisco’s relatively high rate of property crime. In 2018, San Francisco’s property crime rate was the third highest among cities with populations of 500,000 or more.”

So even among property crime, San Francisco saw decreases.

Not as good a news for Philadelphia – but not terrible. Given the 2017 election of Larry Krasner and his slew of reforms.

Homicides in Philadelphia were up by 10 percent in 2018 prompting concerns that this was a consequence of his reforms.

However, “through December 1, violence appears to be stabilizing, with violent crime rising by just 4 percent — within the realm of yearly variation. That increase includes a less than 1 percent rise in the number of homicides, though; upticks in robbery and aggravated assault account for most of the increase.”

Moreover, “Philadelphia’s violent crime rate was 909 per 100,000 in 2018, the lowest it’s been since at least 1990. If trends continue, the violent crime rate in 2019 will remain near the bottom of that trend.”

They go further to note: “Critically, relative stability in violent crime trends has occurred even as the jail population dropped.”

The Brennan Center concludes: “It’s too soon to evaluate Krasner’s impact on the city, but these are important data points to consider when evaluating the effect of criminal justice reform policies.”

These are trends we should all be watching as more and more centers engage in criminal justice reform.

Thanks for reading.

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Vallejo: Police Kill With Near Impunity

Since 2010, no Vallejo officer has been disciplined for using deadly force, despite multiple shootings of unarmed people—including a man holding a can of beer. And active police union leaders have been involved in the shooting investigations.

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Yolo County Has Become a “Good Ole Boys Club”

The judicial assignments in Yolo Superior Court were released recently with some revisions over even a few weeks ago and one thing became quite notable – the number of criminal courtrooms has been shrunk from six the current term, down to four.

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Subject: Court Watch/intern photos?

Date: Wednesday, December 18, 2019 at 11:16:00 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: David M. Greenwald, Wilson, Jacque (PDR)

Hello David and Jacque,

We are putting together our annual calendar (yes, it is cutting it down to the wire this year, but Larry and I are confident that we can get it done) and we realized that one of the pages we are working on is about the programs we have to inspire the next generation of legal professionals/public defenders. I'm planning to mention Court Watch and was wondering if either of you happen to have any good photos that you might be willing to let us use for the calendar. It could be anything that shows interns/students/etc.

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Good Ole Boys Network in Yolo; 1437 Motion Granted in San Mateo, Iran Law in California?

Date: Wednesday, December 18, 2019 at 6:40:05 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Paul Boylan: "Defendant seems to be arguing that he isn't liable for imprisoning his ex-wife because it was the Iranian government that did it, not him. This argument is more than offensive. It is meritless."

Everyday Injustice Newsletter - December 17, 2019

Good Old Boys Club

By David Greenwald

We haven't done the math to look at the issue statewide, but at the very least, it is troubling to see just how white and male the Yolo County Bench has become.

The problem began last year, we pointed out that Governor Jerry Brown who was generally lauded for his diverse approach to judicial appointments and rightly so, for some reason decided to put two of his own associates Tom Dyar and Peter Williams on the bench in Yolo County.

Previously he had filled an appointment by placing Sonia Cortes – a Latina woman with a background in civil rights to the bench. But replacing two women retiring with two middle-aged white men was not a good look.

But now the problem has been magnified by presiding judge Sam McAdam putting as the criminal judges – four older white men and pulling the two women that were serving in criminal courts into other areas.

Is there an optics problem here? We asked several people familiar with the Yolo County bench and they had some rather pointed remarks.

This is amplified by the astonishing lack of women in Yolo County Government period. None of the five

board of supervisors are women. None of the three remaining elected positions – County Clerk, District Attorney and Sheriff are women.

Neither are the top administrative positions in the county – Administrator or County Counsel.

The lack of overall diversity is rather astonishing in a county that is majority-minority. Whites are less than 50 percent of the total population. And yet, of the judges just Judge Cortes is Latina. Of the eight elected positions only Jesse Salinas clearly punches the box.

Yolo County becomes even more striking because while this is a small county, it is not a red county. Far from it. It overwhelmingly supported Hillary Clinton in 2016 over Donald Trump.

And it has overwhelmingly supported criminal justice reform – supporting by large margins Prop 47, three strikes reform, even ending the death penalty, Prop 57 and Prop 64 to legalize cannabis.

Longtime district attorney Jeff Reising was nearly defeated in 2018 by Public Defender Dean Johansson. And yet up until last week, Yolo County judges were ruling that SB 1437 was unconstitutional – even David Rosenberg generally considered liberal and appointed by former Democratic Governor Gray Davis.

The bench is still disproportionately conservative – and while some blame falls on Governor Brown for his appointments, the overall bench has been shifting in recent years with three appointments by the recent Democratic Administrations – and a fourth one apparently on the way.

We hope to see a woman who is a person of color for the sake of diversity.

Thanks for reading.

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1170.95 Motion Granted in San Mateo After Man Served 8 Years In Prison

The Superior Court of San Mateo recently granted an 1170.95 motion for a man who plead no contest to felony murder in 2011 and has been in custody for 8 years.

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Does Iran Law Govern California Law? Former Wife Claims Ex-Hubby Had Her Detained in Iran

A case brewing here in Yolo County Superior Court may not be quite the “international incident” that wars are fought over, or fodder for blockbuster films, but then again it may be.

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Subject: Everyday Injustice - Wrongful Conviction Project Launched; Dev Matter Postponed; Sac Sheriff Gets an F
Date: Tuesday, December 17, 2019 at 6:35:11 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Cres Vellucci: "(Sacramento County Sheriff) scored 59 percent (F) on Police Violence, 17 percent (F) for Police Accountability, and 66 percent (D) on Approach to Policing."

Everyday Injustice Newsletter - December 17, 2019

Restorative Justice International and Vanguard to Partner on Wrongful Conviction Project

We are really excited to announce this partnership....

Restorative Justice International (RJI) and the Davis Vanguard will be partnering to launch The Wrongful Conviction Project (WCP). The project will shine a light on wrongful convictions while urging the application of restorative justice to seek systemic reform of our justice system(s). The project will produce joint podcasts on wrongful convictions, work on prosecutorial reform and support public policy changes needed to right the wrong of wrongful convictions.

"We are excited about launching The Wrongful Conviction Project with our partner the Davis Vanguard, an organization we have worked with on many criminal justice reform efforts. We know that there are far too many innocent men and women behind bars who must be exonerated," said Lisa Rea, President, Restorative Justice International. "Restorative justice principles apply to wrongful convictions because all those in the justice system who help to convict and imprison innocent individuals should be held accountable." Ms. Rea continued. "Those who are exonerated after serving time in our prisons are victims of crime."

"We can talk all we want about criminal justice reform, decarceration and prosecutorial misconduct. But for me, restorative justice allows for a fundamental shift from a punishment based system that is fundamentally broken to a system that finds better ways to address and repair harm," said David Greenwald, President, Davis Vanguard.

Restorative Justice International is an association and network advocating for victims driven restorative justice with over 6000 affiliates and members around the nation and globe. RJI works for systemic justice reform based on restorative justice principles to encourage offender accountability, healing of crime victims, as much as possible, and increasing community engagement in the justice system.

The Davis Vanguard is a community-based watchdog and news reporting organization that publishes daily coverage of local government and criminal justice reform. The Vanguard seeks to bring transparency, accountability and fairness to local government and the courts, while promoting social justice and democracy, and adhering to principles of accuracy and fairness in our reporting.

RJI and the Davis Vanguard have worked on issues related to wrongful convictions including supporting legislation to address wrongful convictions in California and nationally and telling the stories of exonerees including Jeffrey Deskovic of the Deskovic Foundation.

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Commentary: Why We Need Sentencing Review Units

On Aug. 1, 2019, the New York Times published an opinion piece speaking in favor of Sentence Review Units and stating all District Attorneys should have one. This article was written by James Forman Jr, a law professor at Yale, and Sarah Lustbader, a senior counsel at the Justice Collaborative.

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Subject: Everyday Injustice - The Need For Sentencing Review; Judge in Yolo Rules 1437 Constitutional, DA's Office May Still Challenge

Date: Monday, December 16, 2019 at 7:15:10 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Joe Kimok: "Our prisons are starting to look like nursing homes. As a result of unnecessarily long prison sentences handed out over the past several decades, Florida taxpayers are spending billions of dollars to continue to incarcerate folks who simply no longer need to be in prison... No one is the same person at 50 that they were at 20. We should bring folks home that are no longer a danger to our community."

Everyday Injustice Newsletter - December 16, 2019

Prosecutors Must Hold Police and Law Enforcement Accountable

By David Greenwald

A few weeks ago, we covered the story from Orange County, where an audit found that sheriff's deputies were not booking evidence upon receiving it and it also, in a random sample, found that evidence missing altogether in cases.

As Scott Sanders put it - at what point did the DA become aware that this was a problem? And what did they do once they learned?

Along similar lines from this summer - July 22, 2019 - an open letter from the Southern California ACLU and allies.

The key: "Jackie Lacey Must Stop Relying on Law Enforcement Officers with Histories of Misconduct, Dishonesty, & Racism to Prosecute L.A. County Residents."

They write: "Precinct reports, officer observations, and police testimony are commonly considered by judges and juries as the strongest pieces of evidence against the accused. But, not only should an officer's word be subject to the same level of scrutiny as that of the general public, growing reports of law enforcement misconduct highlight the danger of formulaically depending on officers to secure a conviction. District Attorney Jackie Lacey can stop this insidious practice of prosecuting cases that hinge upon the testimony of law enforcement officers with demonstrated histories of dishonesty, violence, and racism."

The letter notes as well that Ms. Lacey is building cases based on unreliable law enforcement officers.

They called on this practice to stop noting: " Tainted prosecutions lead to false convictions and make our communities less safe. Relying on the word of an officer who cannot be trusted harms both the victim and the accused, destabilizing families, and compromising the integrity of our criminal justice system."

Police accountability is an underrated function of the DA's office. We think of it in terms of prosecution often. For instance, Sacramento DA Anne Marie Schubert earned the ire of many activists when she declined to attempt to prosecute officers involved in shooting such as the one that killed Stephon Clark or misconduct such as the office who beat jaywalker Nandy Cain.

But what about the de facto justification of bad police practices? That gets far less publicity, but is in many ways just as serious.

As Patrice Cullors wrote in July: "This makes prosecutors one of the only checks on police power. And the system treats them as special: they speak for "the people." They are vested with the unique power to choose whom to prosecute, when, and for what. They are the sole arbiters of the plea bargains in which over 90 percent of cases end."

That represents a huge problem – in over 90 percent of cases, people are convicted without actually testing the veracity of the evidence in a court of law.

As the race for DA heats up in Los Angeles, this figures to become a bigger and bigger issue.

Thanks for reading.

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Criminal Justice News/ Commentary

Sunday Commentary: Why Don't We Have a Sentence Review Unit?

On Monday, Ajay Dev's case will be back in Judge Janene Beronio's Yolo County courtroom. As most who have read these pages for any length of time know, I have long believed that Ajay Dev was wrongly convicted on 76 counts of raping his adopted daughter.

[Read More](#)

Judge in Yolo Rules 1437 Constitutional, DA's Office May Still Challenge

A scheduled hearing on the constitutionality of SB 1437 in front of Judge Sonia Cortés suddenly became easy when the judge noted the rulings of the 4th District Appellate Court on Gooden and Lamoureux, and Deputy DA Melinda Aiello acknowledged that these rulings were binding on the court.

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Los Angeles County D.A. Jackie Lacey Skipped The First Democratic Debate of the Race

Jackie Lacey, the incumbent Los Angeles County district attorney, was a no-show Wednesday night at the first debate for Democratic candidates in the DA race, leaving her opponents free to point out her absence on the dais and on the issues.

[Read More](#)

The Death Penalty in 2019: A Year of Incredible Progress, Marred by Unconscionable Executions

America made big strides in 2019 on its path to dismantle the racist, unfair, and inhumane death penalty. Today, dramatically fewer states permit the death penalty than any time in the modern era, and the number of people on death row is at a 27-year low.

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Insufficient Physical Force, but Sufficient Grounds for Prosecution

A San Francisco resident named Edward Ramirez found himself facing the potential charge of attempted robbery after allegedly trying to steal a female victim's purse.

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Militant Anti-Vaccination Activists Make Headlines, Face Criminal Charges – Lawmakers Seek Restraining Orders

A lobbyist or big money donor is one thing. But state legislators here inside the Capitol Dome have apparently had it when it comes to anti-vaccination advocates, who now find themselves with multiple court dates in criminal court.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 22 – Joe Kimok, Progressive Prosecutor Candidate

Joe Kimok is a progressive candidate running for Broward County State Attorney in Florida. He is one of eight Democratic candidates vying for the August 2020 primary, in a race dominated by the specter of the Parkland shooting and the upcoming death penalty trial for the shooter next year.

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Subject: Everyday Injustice - Reconsidering Who Is Kept In Prison, Prosecutors Can Right Past Wrongs—If Only The System Lets Them
Date: Thursday, December 12, 2019 at 7:10:12 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Nazgol Ghandnoosh: “The growth in the lifer population has outpaced the overall growth in the prison population and it’s happened during a time when crime rates have been falling.... Crime rates are about half the rate that they used to be at in the 1990s... And yet we’ve only begun to make a dent in the number of people incarceration and have made no dent in reducing the lifer population.”

Everyday Injustice Newsletter - December 11, 2019

What we can learn about Wrongful Convictions from the 40s and 50s

By David Greenwald

In my reading, I happened about the book, “The Court of Last Resort” written by lawyer-turned-author Erle Stanley Gradner, most notable as being author of the series Perry Mason.

From the late 40s until the late 1950s, he had put together a group of folks from lawyers to retired police officers, investigators, and other professional experts to do what we would today call post-conviction work – re-investigating the cases of dozens of convicts who claimed that they were innocent long after their appeals were exhausted.

They would publish their articles in a monthly magazine, Argosy for ten years from September 1948 to 1958.

He got remarkable buy-in from authorities – unlike we see today. For instance, he would often get officials to halt or delay executions. In one case, Mr. Gardner writes, “Governor Warren, despite any previous statements he may have made, did the right thing and he did it in a decent manner. He promptly commuted the sentence of the defendant to life imprisonment so that there would be an opportunity for a further investigation.”

They would then often get pardons and commutations from governors, and other cooperation.

Even prosecutors. For instance, Mr. Gardner notes that one attorney general was “one of the most fair-minded attorneys general I have ever met.” He notes that the AG decided that if the defendant had “been improperly convicted it was up to his office to take the responsibility of conducting an investigation, and this was done with vigor and absolute fairness.”

In another case, the prosecutor Gerald O’Brien was said to be “anxious to convict the guilty” but at the same time, just as “anxious to see that the innocent are liberated.”

“If there is any chance that Louis Gross was wrongfully convicted,” O’Brien said, “my office wants to find it out. If Argosy Magazine is conducting an investigation I will join with it and I’ll do everything I can at this end. I’ll start investigating right now.”

How far would he go?

Writes Mr. Gardner, “convinced that Louis Gross was innocent. Thereupon O’Brien did something that is practically without precedent in the annals of prosecution. He himself went into the Wayne County Circuit Court, and before Judge Thomas F. Maher filed, as the public prosecutor, a motion asking that Louis Gross be granted a new trial.” He said, “As Prosecuting Attorney of Wayne County, I believe it is my duty to protect the innocent as well as prosecute the guilty.”

Today – as we know from countless accounts, AGs, DAs and other prosecutors dig in rather than admit a mistake had been made.

I was most impressed with Mr. Gardner’s insight into eyewitness identification and false confessions.

He writes: “It is in the field of eye-witness identification rather than in the field of circumstantial evidence that the most tragic injustices occur.” He even seemed to understand the possibility of contaminated memories: “How much of that identification is predicated upon a recollection of the face of the man who held him up, and how much of it upon the fact that he studied the photograph so carefully that he became familiar with a photographic likeness?”

He doesn’t quite go far enough here - but I was impressed by what was none, at least to some as early as the 1940s and 50s.

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Criminal Justice News/ Commentary

Reconsidering Who Is Kept In Prison: Considering Second Look Legislation

The Justice Collaborative hosted a webinar on Second Look Legislation, methods that offer alternatives to incarceration early or later on in prison sentences.

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Prosecutors Can Right Past Wrongs—If Only The System Lets Them

Lamar Johnson, a 45-year-old man in St. Louis, has sat in prison for nearly 25 years for a murder he has always maintained he didn't commit. And Circuit Attorney Kim Gardner, who now heads the office that prosecuted Johnson in 1995, is championing his case—and his innocence.

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Everyday Injustice Podcast Episode 21 – Dusty Turner Wrongly Convicted in a Bad Virginia System

In 1986, Dusty Turner was convicted of 1st degree murder and abduction and sentenced to 82 years in prison in Virginia – a state lagging behind in criminal justice reform and which has no parole.

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Mentally Ill Man Acquitted in the Attempted Rape of 100-Year-Old Woman

Tiandre Howard Kidd faced charges of burglary, attempted rape, and elder abuse for his crimes alleged against a 100-year-old San Francisco woman. However when the jury returned earlier this week, the jury acquitted him on the main charges while only convicting him of two misdemeanors: battery and elder abuse.

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Arguments Arise On Whether a Defendant Was Illegally Detained

In Department 10 of the San Francisco County Superior Court, a Deputy Public Defender argued illegally held his client due to their lack of reasonable cause.

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Woodland Woman Receives Death Threats in Her Own Home

On the evening of Nov. 17, 2019, a Woodland resident was making dinner when she heard a loud bang outside her house. When she looked out the window she saw her neighbor, John Martinez Rodriguez, standing in her driveway near her car. He allegedly began to yell, "I'm gonna kill you, b****" and also made direct death threats using her name.

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During the preliminary hearing, the alleged victim, who gave his testimony through a Spanish translator, came into court and testified that the defendant suddenly came up from his right side when he sat down on a bench along a hiking trail in West Sacramento with his wife.

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Community Still Skeptical After Sacramento Supes Hire New Sheriff Inspector General

Weeks after the public and at least one other supervisor balked, the Sacramento County Board of Supervisors Tuesday approved the hiring of a new inspector general for the Sheriff's Department, and approved a "memorandum of understanding" to help keep

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Subject: FOR IMMEDIATE RELEASE: Jury finds man who entered Chinatown apartment by mistake not guilty of intending to rape the 99 year-old resident

Date: Thursday, December 12, 2019 at 12:51:33 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: December 11, 2019

Link: <https://sfpublicdefender.org/news/2019/12/jury-finds-man-who-entered-chinatown-apartment-by-mistake-not-guilty-of-intending-to-rape-99-year-old-resident/>

Contact: Valerie Ibarra at the San Francisco Public Defender's Office (628)249-7946 or Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

**JURY SAYS MAN WHO ENTERED CHINATOWN APARTMENT BY
MISTAKE
IS NOT GUILTY OF INTENDING TO RAPE THE 99-YEAR-OLD
WOMAN RESIDENT**

SAN FRANCISCO – On Monday, December 9, 2019, a jury found Teandre Howardkidd, 27, not guilty of intending to rape a 99-year old woman in her Chinatown apartment last New Year’s Eve. The defense presented a neuropsychologist to explain that Mr. Howardkidd was suffering from schizophrenic delusions when he accidentally knocked on the wrong door in his uncle’s apartment building, leading to a series of very unfortunate events.

Mr. Howardkidd went to visit his uncle in Chinatown, only to find the layout confusing because the building had been renovated since he’d last been there. When he knocked on the wrong door and the woman opened it, Mr. Howard Kidd immediately walked into the bathroom to wash his hands, then went into the bedroom where he lay down on the bed.

The 99-year-old resident testified that she went over and grabbed Mr. Howardkidd to pull him off the bed, all the while speaking to him in Chinese. Still delusional, Mr. Howardkidd thought she was making a sexual advance toward him, which led him to pull down his own pants and then reach out for hers. The victim pushed him away and explained that Mr. Howardkidd then just got up and left, never touching her otherwise and never speaking to her. Surveillance video showed that Mr. Howardkidd was in the apartment for approximately four minutes.

Deputy Public Defender Sujung Kim said, *“This situation started off as an honest mistake. Teandre wasn’t there to harm anybody – he was acting and responding through the lens of his mental illness. The jury heard all the facts and knew Teandre did not intend to rape anyone.”*

Although Mr. Howardkidd has an extensive history of accessing emergency psychiatric services in the City, he was released with no follow-up treatment plan or care. Mr. Howardkidd – who has no history of sexual offenses – was acquitted of all felony charges and found guilty of two misdemeanors, including elder abuse for the distress he inadvertently caused.

Ms. Kim added, *“This case has been lumped in with other recent stories about African*

American men committing attacks on Chinese seniors, but it has nothing to do with any other incidents. It is dangerous and unwarranted to use race to associate these unrelated crimes.”

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - SF Cookie Case Grows More Bizarre As It Settles; Reports Finds Failures in California Sheriff's Offices

Date: Tuesday, December 10, 2019 at 6:35:06 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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SF Public Defender Dana Drusinsky: to “punish them for any transgression (such as the cookie incident), does not achieve (the desired) result.” She added, “This is a systemic failure.”

Everyday Injustice Newsletter - December 10, 2019

Judicial Conduct in SF Something Strange

by David Greenwald

The case of Gregory Fields was already high profile after Public Defender Danielle Harris tweeted on

Wednesday and it went viral.

The Deputy DA in the case was eminently reasonable. After public defender Dana Drusinsky laid out her thoughts on releasing her client, the only point of disagreement was one of probation - she wanted it terminated, the judge and DA wanted it to remain until January 2021.

The case became bizarre because of the conduct of Judge Michael Begert.

His questioning of the defendant seemed wholly inappropriate. He asked if he had sanctioned the media exposure that his attorneys apparently sought out after he was discharged from residential therapy due to consuming a cookie and then allowed him to remain but only if he started again with a 30-day detox and 30-day blackout period. He didn't want to be cut off from his family and support system.

The Judge seemed offended by all of this - again strangely since he was in that office and knows how it operates.

He attempted to ignore the requests of Deputy Public Defender Dana Drusinsky when she asked that he address her, not her client. He questioned her claims even though as a collaborative court, she noted that the record of proceedings is not nearly as thorough as in regular criminal courts.

That the judge would react in this way seemed odd from the start. And in many ways, Mr. Fields is a victim here. He chose to go through the drug court program even though he could have been out sooner. He worked hard to clean himself up to get himself out of his situation.

It is one thing if you have someone engaging in conduct that would be detrimental to his continued treatment. It is another thing to punish him for a minor transgression.

As Ms. Drusinsky argued, to "punish them for any transgression (such as the cookie incident), does not achieve (the desired) result."

This is a guy who wanted treatment, the judge acknowledged that treatment options for the indigent were not nearly as good as those available for people with better means. That's a problem and one that the judge might want to focus on rather than seeming hurt when the public defender's office elevates a clear injustice to the court of public opinion.

Ms. Drusinsky is right this is indeed "a systemic failure." One that was made worse by a judge who motivations and actions did not seem to align with the needs of the defendant at this point in time. Thanks for reading.

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Criminal Justice News/ Commentary

San Francisco Man Tossed by Treatment Program for Eating a Cookie, Released on Time-Served in Truly Bizarre Hearing

The case of 42-year-old Gregory Fields gained national notoriety last week when Danielle Harris, the director of public policy at the San Francisco Public Defender's Office, tweeted that Mr. Fields had been terminated from rehab for consuming a cookie.

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39 California Sheriff's Departments Score an F on Violence Alternatives, Accountability, and Approaching Policing

Thirty-nine California Sheriff's Departments scored an 60% or less overall on the California Police Scorecard, an interactive data map that uses information from databases like the California Department of Justice

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A San Francisco Man Is Currently in Jail for Eating a Cookie in Rehab

San Francisco Superior Court Judge Michael Begert is probably feeling lucky that he is not facing reelection for another five years.

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City of Stockton Settles Cop Killing Case with Family for \$395,000

The long, long journey for Dionne Smith-Downs since her 16 year-old son James Rivera Jr. was shot and killed by Stockton police officers nearly 10 years ago came to some closure Friday morning here in U.S. District Court when the City of Stockton agreed to a \$395,000 settlement to Smith-Downs and James Rivera Sr., parents of the teen.

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Everyday Injustice - Podcast

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Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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Subject: Everyday Injustice - Settlement Reached in Stockton Police Shooting; Harris County D.A. Kim Ogg Didn't Deliver on Her Promise of Reform
Date: Monday, December 9, 2019 at 7:05:11 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"At no time during this assault did (Green) push, strike, punch, kick or spit on either officer or do anything that could be construed or interpreted as threatening to be non-compliant...Green cried out for someone to get his mother and Johnson said, 'shut up or I will punch you again' or words to that effect," the lawsuit claims.

Everyday Injustice Newsletter - December 9, 2019

Not So Harmless Error

by David Greenwald

In the seminal 2010 report put out by the Northern California Innocence Project – Kathleen Ridolfi and Maurice Possley found 707 cases of prosecutorial misconduct. In 548 of those 707 cases, “courts found misconduct but nevertheless upheld the convictions, ruling that the misconduct was harmless.”

In these case, the courts rule, “the defendants received fair trials notwithstanding the prosecutor’s conduct.”

As Gabe Newland put it in an article in [the Appeal](#) last month one of the disturbing features of the American criminal system is the legal doctrine of harmless error.

He writes: “appellate judges routinely affirm convictions tainted by legal error whenever they feel confident that the person appealing the conviction is guilty.”

He goes on to argue: “The doctrine receives far less attention than stories about the misbehavior of police and prosecutors, but as one of the most frequently invoked doctrines in all of criminal appeals, it has a profound influence on the behavior of everyone inside our criminal system, including police, prosecutors, defense attorneys, and judges.”

But the magnitude of this problem is enormous.

He cites one study of the California death penalty appeals. It found that “during a 10-year period, roughly 90 percent of death sentences imposed by trial courts were upheld on appeal even though nearly three-quarters were infected by constitutional error.”

In Florida, meanwhile “harmless error,” he argues “may soon decide [the fate of 173 people](#) on Florida’s death row, all of whom were sentenced in a way that the U.S. Supreme Court later decided was unconstitutional. “

Harmless error may sound harmless. But as Mr. Newland notes, the list of things that constitute harmless error are quite expansive anything from the use of illegally seized evidence to illegally coerced confessions.

Wait a second that doesn’t sound like such harmless error.

This becomes a problem when we look at the situation in Orange County. Public Defender Scott Sanders told me last week that there are two different problems emerging as the result of an audit.

The first problem is one of evidence being improperly booked. Instead of booking evidence right away, they waited six to 12 days which means that the evidence is sitting around – under a desk and in a car.

Big deal, you might be tempted to say, but the problem with such evidence is that there needs to be a clear chain of custody. Otherwise, how do we know that the evidence got from the scene of the crime to the police to the courts without being tampered with?

Is it a harmless error to book evidence on day six rather than day one? Moreover, and perhaps more importantly, is the failure of the prosecution to discover this evidence to the defense – the fact that evidence was booked late and its chain of custody in doubt – is that a Brady Violation and therefore the type of harmful error that could cost a case?

To me, the failure to turn over that evidence is absolutely harmful – it fails to allow the defense to impeach the foundational evidence? Moreover, it is harmful because the evidence is now in question – was it collected at the scene or was it tampered with or planted.

It sounds like a harmless error until you recognize the implications of it.

Thanks for reading.

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Criminal Justice News/ Commentary

Monday Morning Thoughts: December 4 Was the 50th Anniversary of the Murder of Fred Hampton

As someone born in 1972, I am too young to remember contemporaneous accounts of the death of Fred Hampton and the trial that ultimately brought some measure of justice in 1982 – 13 years later.

[Read More](#)

Harris County D.A. Kim Ogg Didn't Deliver on Her Promise of Reform

Kim Ogg was elected district attorney of Harris County, Texas, in 2016 on a criminal justice reform platform, but has spent her first term largely pushing the status quo.

[Read More](#)

City of Stockton Settles Cop Killing Case with Family for \$395,000

The long, long journey for Dionne Smith-Downs since her 16 year-old son James Rivera Jr. was shot and killed by Stockton police officers nearly 10 years ago came to some closure Friday morning here in U.S. District Court when the City of Stockton agreed to a \$395,000 settlement to Smith-Downs and James Rivera Sr., parents of the teen.

[Read More](#)

My View: Audit Report Reveals Problems with Davis Policing

The city of Davis efforts at police oversight really began in 2005 and 2006, resulting in the creation of the Police Ombudsman. This occurred nearly a full decade before a national debate on policing started in 2014 over incidents in Ferguson and Staten Island, NY.

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San Francisco Court Watch

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San Francisco Public Defender Responds to D.A. Dismissing Gun Case Against Zarate in Steinle Case

Today, on December 4, 2019, the San Francisco District Attorney dismissed all charges against Jose Ines Garcia Zarate, who was accused of murder and other charges relating to the tragic death of Kate Steinle in July 2015.

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Drug Court Derails SF Man's Recovery for Eating a Cookie

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Yolo County Court Watch

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Woodland Woman Receives Death Threats in Her Own Home

On the evening of Nov. 17, 2019, a Woodland resident was making dinner when she heard a loud bang outside her house. When she looked out the window she saw her neighbor, John Martinez Rodriguez, standing in her driveway near her car. He allegedly began to yell, "I'm gonna kill you, b****" and also made direct death threats using her name.

[Read More](#)

Woman Allegedly Shot Man in the Face Will Face Trial

During the preliminary hearing, the alleged victim, who gave his testimony through a Spanish translator, came into court and testified that the defendant suddenly came up from his right side when he sat down on a bench along a hiking trail in West Sacramento with his wife.

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Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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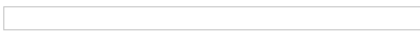
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Subject: FOR IMMEDIATE RELEASE: SF PUBLIC DEFENDERS ASK JUDGE TO RELEASE MAN PUNISHED FOR EATING A LEFTOVER COOKIE

Date: Sunday, December 8, 2019 at 10:29:02 PM Greenwich Mean Time

From: valerie.ibarra@sfgov.org

To: Ibarra, Valerie (PDR)

BCC: timredmondsf@gmail.com, ddebolt@bayareanewsgroup.com, news@ebar.com, joe.eskenazi@missionlocal.com, editor@sfbayview.com, hi@joshwolf.net, tips@sfrist.com, esernoffsky@sfchronicle.com, mbarba@sfexaminer.com, julian.mark@missionlocal.com, m.bajko@ebar.com, sgaiser@sfmediaco.com, newsroom@baycitynews.com, editor@sfbaytimes.com, editor@eastbayexpress.com, editor@eltecote.org, sfweekly@sfmediaco.com, news@sfweekly.com, Michael.toren@gmail.com, pmatier@sfchronicle.com, editor@fogcityjournal.com, editor@noevalleyvoice.com, editor@potreroview.net, editor@sfrichmondreview.com, editor@singtaousa.com, editor@thewesternedition.com, editor@westsideobserver.com, editors@newfillmore.com, news@sffoghorn.info, emilamok@gmail.com, hknights@sfchronicle.com, portia@chinesenews.com, shawn.huang@chinesenews.com, assignment@singtaousa.com, tfang@asianweek.com, idac@bayareametro.com, lisa.xin@bayvoice.net, liazhu@chinadailyusa.com, mingng119@gmail.com, quewei@epochtimes.com, lihui.zhou@epochtimes.com, jingzhe.cao@epochtimes.com, jean.ho@newsforchinese.com, info@pandodaily.com, margarita.argente@philippinenews.com, bernice.yeung@propublica.org, lailakearney@gmail.com, flora.xu@singtaousa.com, shiqiao.peng@singtaousa.com, sfbay@epochtimes.com, vnnb@vietnamdaily.com, mdinzeo@courthousenews.com, pamelas@skylight.is, info@davisvanguard.org, j.ferrannini@ebar.com, c.laird@ebar.com, vivian.ho@guardian.co.uk, sbollag@sacbee.com, contact@kalwnews.org, news@kpfa.org, andyrubio@hotmail.com, news@chineseradio.com, cantonesedj@chineseradio.com, assignmentdesk@kqed.org, calreport@kqed.org, forum@kqed.org, news@kpoo.com, pshuler@kqed.org, roseaguilar@me.com, Tyche Hendricks, Farida Jhabvala Romero, Ann Garrison,

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FOR IMMEDIATE RELEASE: December 8, 2019

RE: Hearing on December 9, 2019

CONTACT: Valerie Ibarra, San Francisco Public Defender's Office
(628) 249-7946 or Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

**PUBLIC DEFENDERS ASK JUDGE TO RELEASE SF MAN
PUNISHED FOR EATING A LEFTOVER COOKIE**

WHEN: Monday, December 9, 2019, at 9am

WHERE: San Francisco Superior Court; 850 Bryant St. – Drug Court – Courtroom 23, 3rd Floor

WHAT: A new Drug Court hearing for Gregory Fields, 42, resident of San Francisco.

On December 4, 2019, The San Francisco Public Defender's Office issued a press release about Gregory Fields, who was disciplined by Drug Court for eating a leftover cookie without asking at his residential treatment program, Harbor Light. Fields is serving 6 months in the county jail for the minor transgression. He was given only two options through SF's Drug Court (one of several Collaborative Courts in San Francisco Superior Court): (a) he could return to Harbor Light only if he would start the program over, which includes a 30-day "blackout" period where he could not contact family or friends – or – (b) serve six months in county jail. Despite staying clean in the interim and finding his own outpatient services, he was not offered any alternatives by case workers or the judge.

<https://sfpublicdefender.org/news/2019/12/drug-court-derails-sf-mans-recovery-for-eating-a-cookie/>

Now, Mr. Fields has requested a new hearing, which will take place on Monday, December 9, exactly one week after he was remanded into custody by Judge Michael Begert.

Mr. Fields's attorney, SF Deputy Public Defender Dana Drusinsky, says the punitive choices given to Mr. Fields show a systemic failure: *"If the court and providers were in fact focused on Mr. Fields's recovery, they would not have locked him up for eating a cookie."*

After the San Francisco Public Defender's Office and our Director of Public Policy, Danielle Harris, spoke out about the issue on Twitter, there has been an outcry of community support and engagement.

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Friday Bonus

Date: Friday, December 6, 2019 at 9:20:11 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Happy Friday, here's what we need...

Everyday Injustice Newsletter - December 6, 2019

If you are enjoying our newsletter... please become a paid subscriber

We are a month into our new newsletter - Everyday Injustice. Very excited by the quick growth in readers. This is my plug to those readers who have not signed up to help us out by becoming monthly donors.

So what we have we been doing? We are running court watches in three counties in California. We are

covering issues of prosecutorial misconduct and wrongful convictions with our weekly podcasts. We just got some funding to track every single 1437 case through California.

There is a lot more that we will be doing. There is a lot more that we can be doing. But we need the funding to hire investigative reporters, full time court watchers and much much more.

Can you help us? Can you afford \$10 a month? If not, how about \$5 or even \$1? Every little bit counts.

We have people giving as much as \$300 per month and as little as \$1. It all helps.

I got a great email yesterday from Mark Godsey, who heads up the Ohio Innocence Project. He wrote: "You are doing great work. I wish your model was copied everywhere."

That was my vision nearly five years ago. This year, we moved into San Francisco. Next year, who knows.

It all starts here. At \$10 a month.

To become a monthly subscriber: <https://www.davisvanguard.org/2019/10/subscriber-injustice/>

Some people want to just make a flat donation - we can accommodate you as well - <https://www.gofundme.com/f/vanguard-end-of-year-fundraiser>

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Subject: Everyday Injustice - A Police Beating in Stockton goes to trial; A Bad Raid in Davis; Kamala Harris's Exit Shows That Prosecutors No Longer Get a Pass

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From: Davis Vanguard on behalf of Davis Vanguard

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"At no time during this assault did (Green) push, strike, punch, kick or spit on either officer or do anything that could be construed or interpreted as threatening to be non-compliant...Green cried out for someone to get his mother and Johnson said, 'shut up or I will punch you again' or words to that effect," the lawsuit claims.

Everyday Injustice Newsletter - December 5, 2019

Yolo Public Defender is the Hero But Who Bears the Burden in the Kidnapping Case?

by David Greenwald

Davis Police Auditor Michael Gennaco presented his finding to the Davis Police Accountability Commission on Thursday evening. There were several troubling and mishandled cases that he highlighted including a raid based on GPS data where a Davis man who taken from his home in the middle of the night at gunpoint based on faulty data placing a murder suspect at the location – when he was found 70 miles away the next day.

The kidnapping case that we highlighted yesterday is interesting. Mr. Gennaco told me privately and said it publicly that even without the bad identification, he believes that the defendant in this case would have been held in custody.

Mr. Gennaco gave a tremendous amount of credit to the work of the public defender in this case – Yolo County Public Defender John Sage (though he was not recognized by name) and largely agreed with me that with less robust representation, this man may very well have been wrongly convicted.

Nevertheless, the identification process, done by an experience Davis Police Sargent – it would appear from the transcript we have to be Sgt. Mike Munoz – was problematic. Given that the young victim, 12 years old at the time, only saw the man through the mask, Sgt. Munoz constructed a line up by placing paper over the six individuals face to reveal only the eyes.

How the victim would be able to identify the “correct” individual in the first place leads one to wonder exactly what kinds of non-verbal cues and conscious and subconscious “suggestibility” the police officer was conveying.

Mr. Gennaco correctly notes that the new law will prevent this – requiring bot the double-blind process as well as the video recording to allow him to better assess what went wrong.

The IPA in his report then writes that he “was concerned about the advisability of even conducting an identification procedure considering the limited opportunity the victim had to view the perpetrator and the fact that he was wearing a mask that covered his nose and mouth. In short, the juvenile victim had scant identifying information upon which to base her identification.”

Mr. Gennaco also makes another critical point. While you can defend this was permissible under state law, any objective observer would know that this was extremely flawed.

And yet... he notes that the DA still introduced the evidence of this identification. And the judge in this case allowed it to stand despite rigorous objections by Mr. Sage.

His point: there were many failures in this case and many of them occurred at the level of DA and Judge which he does not have the purview to oversee.

While Mr. Findlay lost 20 months in this case, but for the work of John Sage, it may have been 20 years or longer.

Thanks for reading.

Thanks for reading.

We Succeeded - but are still raising money in our fund drive...

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Criminal Justice News/ Commentary

Auditor's Report: A Bad Raid in Davis

Last night at the Davis Police Accountability Commission (DPAC) meeting, Michael Gennaco briefly summarized and discussed his first semi-annual report. One of the cases that he summarized came to them in an unusual manner – a claim filed with the city requesting reimbursement for almost \$10,000 worth of damage to the floors of their home.

[Read More](#)

Trial Nears – After Nearly 9 Years – of Stockton Cop Accused of Beating Teen

Nearly nine years after a Stockton City police officer allegedly beat him while his mother was getting gas at a convenience store, Joseph Green – then a 16-year-old African American teen – may get his chance to see the officer in court.

[Read More](#)

Kamala Harris's Exit Shows That Prosecutors No Longer Get a Pass

Kamala Harris dropped out of the race to become the 2020 Democratic presidential candidate on December 3, blaming lack of funds.

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San Francisco Public Defender Responds to D.A. Dismissing Gun Case Against Zarate in Steinle Case

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Defendant Found Guilty of Sexual Battery and Resisting Arrest

In a jury trial, Christopher Luster faced charges of two misdemeanor counts. The first charge was a sexual battery charge. The second charge was for resisting a public officer. These two violations of the law allegedly occurred on Aug. 2, 2018. Jury deliberation took place on Dec. 5, 2019, and concluded with a verdict.

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Sacramento Sheriff Breaking State Law by Cooperating with ICE, Charge Critics; Call for AG Probe and Grand Jury

It's no surprise that Sacramento County Sheriff Scott Jones may well be, as immigration advocates charged Wednesday, breaking California law – he's known to flaunt his authority, and locked out an independent oversight inspector when he didn't like the IG's criticism of his deputies.

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Michael Gennaco: "The IPA is concerned about the advisability of even conducting an identification procedure considering the limited opportunity the victim had to view the perpetrator and the fact that he was wearing a mask that covered his nose and mouth."

Everyday Injustice Newsletter - December 5, 2019

Davis PD and Yolo DA Need to Be Admonished More on Eye Witness Problem in Kidnapping Case

By David Greenwald

Davis' newly hired Independent Police Auditor is correct to be concerned about the eye witness identification practices in the kidnapping case involving a 12 year old girl. It was a frightening case involving a then-junior high student who happened to be a friend of my junior high child at the time. But unfortunately, while the girl was traumatized by the experience, they caught the wrong person.

(See the article below for more details).

When we learned about the dismissal last October – there were several aspects of the case that were troubling. Troubling enough that I forwarded the matter to the Independent Police Auditor. I hadn't heard anything from him until the report came out on Tuesday.

The big problem here: the girl never saw the suspect because he had a mask on. And amazingly, an experience police Sergeant – not just an officer – conducted a photo line up, placed paper over his corresponding areas of the face and had her attempt to identify it.

She picked out a photo of the suspect – surprisingly enough given all the facts of this case – and said it “sort of looks like him.”

Given that it has been proven that he is the wrong person, we have to question how she could have done that even by chance.

There are all sorts of problems with eye witness identification that the auditor points out in his summary of the case. One of the big ones is the need to do a double-blind identification, where the person who conducts the line up does not know who the suspect is in order to prevent conscious or subconscious suggestibility.

The IPA concludes that they were “concerned about the advisability of even conducting an identification procedure considering the limited opportunity the victim had to view the perpetrator and the fact that he was wearing a mask that covered his nose and mouth.”

That is actually if anything an understatement. Once again, we view a case that with less aggressive defense, is a wrongful conviction. You have a scary allegation, a suspect found in the area, and identification from the victim.

As it was Sander Findlay was in custody for an astounding 20 months despite the fact that early on Public Defender John Sage had evidence that his cell phone was not in Davis at all, but at Berryessa – some distance away.

That wasn't enough to get a release or drop the charges, they had to show evidence from his interlock mechanism that he was actually in his car and at that location. Without that diligence, we may be talking about another wrongful. This was written off as a teaching moment and the IPA did not find officer misconduct, but this was a mistake that cost Sander Findlay 20 months of freedom and could have been far worse.

Thanks for reading.

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Criminal Justice News/ Commentary

Davis Police Auditor Admonishes Handling of Eyewitness Identification in Kidnapping Case

In October 2018, the Yolo County DA's Office announced it was dropping charges against Sander Findlay, after holding him in custody for 20 months on kidnapping charges.

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Sacramento Sheriff Breaking State Law by Cooperating with ICE, Charge Critics; Call for AG Probe and Grand Jury

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Yolo County Court Watch

Suspect Skates Away From Officer in Sexual Battery Case

A man that matched the description of the dispatch report skated away from the patrol officer after being stopped for questioning.

[Read More](#)

Spit Mask Leads to Possible Prison Time

The defendant allegedly spat multiple times at Woodland police officers who were called to the scene after a close relative feared for her safety.

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Sacramento Court Watch

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[Unsubscribe valerie.ibarra@sfgov.org](mailto:unsubscribe.valerie.ibarra@sfgov.org)

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Subject: RE: Quick minor correction
Date: Thursday, December 5, 2019 at 5:54:37 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

Excellent. Thank you.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Thursday, December 05, 2019 9:53 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Quick minor correction

Yes. It's updated

On Thu, Dec 5, 2019 at 9:44 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Thank you. Please let me know when the link has been updated. Excited to share it. Vanguard rocks!

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Thursday, December 05, 2019 9:41 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Quick minor correction

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Got it

On Thu, Dec 5, 2019 at 9:38 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Good morning David,

Thanks to you and Cres for covering the press conference yesterday in support of Enrique Nambo who was transferred to ICE by Sac Sheriffs.

Hoping you can make a minor correction before I share the excellent write-up via our social media: *“Her office is filing a complaint later this week claiming Jones’ office broke the law when it handed Enrique Nambo, a Sacramento father, over to ICE Aug. 7 of this year when Nambo was being released after four days in jail for a DUI.”*

Emi Maclean let me know that *“Enrique is filing the complaint,”* not necessarily our office. It’s a detail that will likely be cleared up in the next few days and I can keep you posted on that. For now, however, it’s not us.

Thank you!!
Val

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org

Office: 415.575.4390
Cell: 628.249.7946

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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— George Orwell

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--

Sent from Gmail Mobile

Subject: Re: Quick minor correction
Date: Thursday, December 5, 2019 at 5:52:52 PM Greenwich Mean Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
Attachments: image001.jpg

Yes. It's updated

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Sent: Thursday, December 05, 2019 9:41 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Quick minor correction

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Sent from Gmail Mobile

Subject: RE: Quick minor correction
Date: Thursday, December 5, 2019 at 5:44:43 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

Thank you. Please let me know when the link has been updated. Excited to share it. Vanguard rocks!

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Thursday, December 05, 2019 9:41 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Quick minor correction

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Got it

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Subject: Re: Quick minor correction

Date: Thursday, December 5, 2019 at 5:41:14 PM Greenwich Mean Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Got it

On Thu, Dec 5, 2019 at 9:38 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

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Follow us on Twitter: <https://twitter.com/DavisVanguard>

Subject: Quick minor correction

Date: Thursday, December 5, 2019 at 5:38:03 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: info@davisvanguard.org

Good morning David,

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Valerie Ibarra

Public Information Officer

Office of the Public Defender

City & County of San Francisco

Valerie.Ibarra@sfgov.org

Office: 415.575.4390

Cell: 628.249.7946

Subject: PRESS STATEMENT - SF Public Defender Responds to DA Dismissing Gun Case Against Garcia Zarate
Date: Thursday, December 5, 2019 at 1:42:36 AM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: December 4, 2019

CONTACT: Valerie Ibarra at the San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org or (628)249-7946

LINK: <https://sfpublicdefender.org/news/2019/12/san-francisco-public-defender-responds-to-d-a-dismissing-gun-case-against-jose-ines-garcia-zarate/>

****PRESS STATEMENT****

San Francisco Public Defender Responds to D.A. Dismissing Gun Case Against Jose Ines Garcia Zarate

SAN FRANCISCO – Today, on December 4, 2019, the San Francisco District Attorney dismissed all charges against Jose Ines Garcia Zarate, who was accused of murder and other charges relating to the tragic death of Kate Steinle in July 2015. It took the criminal justice system four and a half years to reach this conclusion, even though, ever since early July 2015, it was clear based on scientific evidence that the shooting was an accident: the result of a single shot ricochet that travelled more than ninety feet.

San Francisco police investigators and crime lab technicians, after conducting an investigation shortly after the shooting, concluded that the case involved a long distance ricochet from a fully loaded weapon with no manual trigger safety. The fully loaded gun had been unsafely stored in the backseat of a federal agent's car near the Embarcadero. The car was burglarized, not by Mr. Garcia Zarate, and somehow the gun ended up under a swivel chair on Pier 14. Mr. Garcia Zarate, homeless, sat down on the chair, picked up a discarded bundle

from under it, and in so doing, accidentally discharged the gun which was wrapped inside the bundle. Only one bullet discharged from the gun. The gun was pointed at the ground, the bullet ricocheted off the concrete floor, travelling ninety feet before hitting Ms. Steinle. All facts in this case were the hallmark of a tragic but accidental discharge of a gun — and indeed, due to the ubiquitous nature of guns in this country, more than one person is killed each day from an accidental shooting.

Even though the prosecution, police, and defense were all aware that these undisputed facts pointed toward factual innocence, the DA nevertheless charged Mr. Garcia Zarate with intentional murder, and aggressively prosecuted him.

Donald Trump, then campaigning for president of the United States, used the case to promote his false narrative about dangerous Mexican immigrants, rushed to judgment, and called on the public to demonize and deport the undocumented. The national press, including CNN, the Associated Press, Washington Post, and Fox News, followed suit — simply repeating Trump's narrative without criticizing it, and without acknowledging that the forensic evidence pointed toward innocence. They sold stories, but they ignored the facts.

But facts do matter, and by the time an independent jury of 12 people had an opportunity to determine guilt or innocence, they unanimously chose innocence on the murder charges as well as involuntary manslaughter. The jury did convict Mr. Garcia Zarate of possessing a gun. However, Mr. Garcia Zarate appealed that conviction because the trial judge failed to instruct the jury that momentary possession constituted a defense to the charged crime. Three independent judges — including a former prosecutor — unanimously held that Mr. Garcia Zarate's conviction should be reversed because he had a valid defense, namely, that he did not know the bundle he picked up contained a gun.

Yet despite these undisputed facts, President Donald Trump and former Attorney General Jeff Sessions have demanded further prosecution of Mr. Garcia Zarate. He now faces federal

charges for gun possession, and is exposed to ten years in prison.

Francisco Ugarte, one of the lawyers on the criminal case, said, “The final outcome in this case exposed Donald Trump’s false and racist narrative about immigration. We were representing an innocent man, whose place of birth and immigration status are irrelevant to the facts of this case. We are absolutely convinced that a federal jury will see through the Trump Administration’s politicized motives in this unjust new case against Mr. Garcia Zarate, and will find him factually innocent of criminal charges.”

Mr. Garcia Zarate was represented by the San Francisco Public Defender defense team of Matt Gonzalez, Francisco Ugarte, Michael Hinckley, Zachary Dillon, Danielle Thompson, and Clare Kane.

The federal trial against Mr. Garcia Zarate is scheduled for January, 2020.

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: FOR IMMEDIATE RELEASE - Drug Court Derails SF Man's Recovery for Eating a Cookie

Date: Wednesday, December 4, 2019 at 11:35:43 PM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

FOR IMMEDIATE RELEASE: December 4, 2019

CONTACT: Valerie Ibarra at the SF Public Defender's Office

Valerie.Ibarra@sfgov.org or (628)249-7946

LINK: <https://sfpublicdefender.org/news/2019/12/drug-court-derails-sf-mans-recovery-for-eating-a-cookie/>

****PRESS RELEASE****

Drug Court Derails SF Man's Recovery for Eating a Cookie

When an SF man was kicked out of a residential treatment program for taking a cookie without asking, Drug Court gave him two choices, go back and start all over again or spend six months in county jail. He chose jail.

SAN FRANCISCO – On Monday, December 2, 2019, Gregory Fields, 42, was remanded to SF County Jail to serve six months because he would rather not start over at Harbor Lights, the residential treatment program that kicked him out for eating a cookie.

Mr. Fields was placed in the residential treatment program through Drug Court while on probation for a 2017 vandalism charge. Harbor Lights requires a 30-day detox followed by a 30-day blackout period where Mr. Fields, who lives with his mother in San Francisco, was not able to contact her or anyone else. Mr. Fields completed both of these challenging phases and was regularly attending meetings and court. However, after a Harbor Lights outing, where they made and handed out lunches to homeless people, Mr. Fields returned and ate one of the leftover cookies without asking. That's when Harbor Lights told him to leave.

Fields immediately called his case worker, who persuaded Harbor Lights to let him stay, but only if he started the program over from the beginning, including the grueling blackout period. Mr. Fields did not want to be shut off from the world again for no therapeutic reason and thus went home to his family.

In the interim, Mr. Fields sought outpatient treatment on his own to maintain his newfound sobriety, including showing up at Drug Court for group meetings run by the SF Department of Public Health, but was turned away. He found another outpatient program for himself and was willing to return to his placement without starting over, but those were not options.

At his next weekly appearance at Drug Court, no other treatment programs were offered. The only alternative offered was six months in SF County Jail. Mr. Fields, who has been clean for over three months, told the judge that he would rather go to jail.

Despite the risk to Mr. Fields's long-term recovery, which ultimately impacts personal and public safety, Judge Michael Begert remanded him into the County Jail to serve six months at taxpayer expense.

“The program’s response was grossly disproportionate to the unauthorized snacking offense, and the court’s response to the low-level rule violation is counterproductive and inhumane,” said Deputy Public Defender Dana Drusinsky, who has seen Mr. Fields’s upward progress over many months. “If the court and providers were in fact focused on Mr. Fields’s recovery, they would not have locked him up for eating a cookie.”

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org

Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Orange County PD Outlines Massive Scandal; Kamala Harris's Criminal Justice Record Killed Her Presidential Run

Date: Wednesday, December 4, 2019 at 7:00:46 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Scott Sanders: "They've know for a long time that they have massive problems with how they handle evidence. For whatever reason they chose this moment to determine just how big a problem it was."

Everyday Injustice Newsletter - December 4, 2019

Criminal Justice Issues A Factor in Kamala's Demise As Presidential Candidate

by David Greenwald

As University of San Francisco professor Lara Bazelon writes: "While there are a number of reasons why her candidacy was not successful, chief among them was her decision to brand herself a "progressive prosecutor." She was not, at least not by today's standards."

While this is definitely a factor - a lot of people who would frankly be looking at a relatively young, attractive, articulate and energetic woman of color, probably were turned off by her record as a DA and AG.

As I have written before, there was a bigger problem than this for Kamala Harris. Her record did not match her rhetoric overall. In a way she was trying to position herself between more centrist Democrats like Biden and Buttigieg and more progressive candidates like Warren and Sanders. I questioned a few months ago where there was any real space there.

Still, running to left when you have a record of at best a centrist was going to be hard.

I think Professor Bazelon nails it when she writes: "In truth, Harris's record reveals that she is a centrist on criminal justice. Had she run on that record or reckoned with it—including acknowledging the harm her

status-quo policies inflicted—the outcome might have been different."

She adds, "It is understandable that Harris would want to claim the progressive prosecutor label—it is trending nationally now. It signals to voters that a candidate will break from the failed tough-on-crime policies of the past."

The case of Maurice Caldwell bears this out. Mr. Caldwell made a cameo appearance at our October 26 event on progressive prosecutors. He was our keynote speaker in 2011 when he was released from prison after 20 years of wrongful incarceration.

He has since been fighting for compensation. I consider him a friend.

This is an earlier press account: "Harris' district attorney's office repeatedly delayed responding to the innocence claims of Maurice Caldwell by filing for extensions as Harris ran for attorney general in 2010, keeping Caldwell in prison for more than a year despite evidence that someone else had committed the murder for which he was convicted, according to court records. A judge admonished Harris' office for the delays and said they might warrant sanctions."

We also have an interview today with Scott Sanders from Orange County. The AG's office in the informant scandal under both Kamala Harris and more recently under Xavier Becerra did next to nothing - and in fact de facto defended the DA's office in Orange County.

When the judge recused the Orange County DA from the case death penalty case of Scott Dekraii, it was Kamala Harris' office that fought them on it.

The AG's office under the watch of Kamala Harris followed by Xavier Becerra opened an investigation into sheriff's department's conduct in this matter including serious allegations of perjury in their testimony during 2014 and 2015 evidentiary hearings in the death penalty case.

Writes Scott Moxley, a reporter for the Orange County Weekly, "This supposedly ongoing probe appears to have been nothing more than a sham."

Mr. Moxley notes that to some extent the AG's office has contributed to this problem. He writes, "In addition to producing no charges, AG investigators obeyed an assistant sheriff's commands that interviews not be recorded. Perhaps worse, Deputy AG Michael T. Murphy huddled this year with Hutchens not to pressure her to clean up her soiled act, but rather to offer strategy on how to downplay the scandal during her own testimony in front of Goethals, according to court records. Murphy also gave immunity to numerous members of Hutchens' command staff involved in the scandal."

Mr. Moxley concludes: "If the AG's office heeded the judge's call for honest oversight of law-enforcement shenanigans, officials had the perfect opportunity in the Orange County snitch scandal to demonstrate rehabilitation. But it seems they are destined to blow it once again by sending an unambiguous message to dirty cops: You've got a free pass to lie on the witness stand and walk away smiling."

Kamala Harris was very strong as AG on issues like same-sex marriage and immigration, but when it came to police and prosecutorial misconduct, she and her successor were extraordinarily weak.

Not to mention the allegations of her office's handling of wrongful conviction cases.

As reported in 2012 by the LA Times: "California Atty. Gen. Kamala D. Harris has fought to uphold the conviction that sent the Greek immigrant to prison for life. Lawyers for her office tried to overturn the innocence finding on the grounds that Souliotes has not proved exoneration."

Her record here just wasn't strong. It would have been one thing as Professor Bazelon put it, if she acknowledged her shortcomings and moved on from it. It is another to attempt to run as a reformer, when she was not as a DA and not even more recently as Attorney General.

Thanks for reading.

We Succeeded - but are still raising money in our fund drive...

So far we have raised over \$1819 for our Winter Fund Drive. Tomorrow (Tuesday) is Giving Tuesday. And as a result, any funds raised by the Vanguard through the Facebook page will result in your contribution being matched. Here is the link to that opportunity:

<https://www.facebook.com/donate/2610810765667645/10156416539387455/>

For those of you who don't want to use Facebook - you can still donate through GoFundMe:

<https://www.gofundme.com/f/vanguard-end-of-year-fundraiser>

You can also go onto our page: <http://davisvanguard.org> and hit donate or even send a check to: Davis Vanguard, PO Box 4715, Davis, CA 95617

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Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>

San Francisco Court Watch: <https://www.facebook.com/SF-Court-Watch-577413429452441/>

Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

Orange County Public Defender Discusses Latest Evidence Scandal That Could Put Thousands of Cases in Question

Two audits showed Orange County Sheriff's deputies holding onto to evidence for days and sometimes weeks or longer before booking it. In addition, a separate audit showed evidence was missing.

[Read More](#)

Kamala Harris's Criminal Justice Record Killed Her Presidential Run

News broke on Tuesday that Kamala Harris was ending her run for president. While there are a number of reasons why her candidacy was not successful, chief among them was her decision to brand herself a "progressive prosecutor." She was not, at least not by today's standards.

[Read More](#)

Police Officer's Identification of Defendant Under Question

A gang-related murder trial continued in department 16 on Monday morning after the Thanksgiving break, presided by Judge Eric R. Fleming. The entire day was dedicated to questioning the officer that identified one of the defendants, leading to his arrest.

[Read More](#)

San Francisco Court Watch

Police Officer's Identification of Defendant Under Question

A gang-related murder trial continued in department 16 on Monday morning after the Thanksgiving break, presided by Judge Eric R. Fleming. The entire day was dedicated to questioning the officer that identified one of the defendants, leading to his arrest.

[Read More](#)

Contested Evidence: A Sign of an Unreliable Testimony?

A former San Francisco firefighter was accused of allegedly punching and choke holding a male victim. The District Attorney prosecuted the case under a grade of felony, while the defense responded by requesting relief under Penal Code 17(b) in the preliminary hearing presided by Judge Christine Van Aken on December 2, 2019.

[Read More](#)

Yolo County Court Watch

Hearing Delayed For Man Currently Serving Life Without Parole Denied For Felony Murder

A motion for the production of documents filed by the family members of Joseph Navarrete was request denied and the hearing delayed as prosecutors claimed it was never served to the district attorney's office.

[Read More](#)

Sacramento Court Watch

Former Girlfriend of Victim in Murder Case Continues Fight for Freedom Under SB 1437

A few days before Thanksgiving, San Francisco defense lawyer Juliana Drous filed new pleadings here asking Sacramento Superior Court to vacate the murder conviction of her client, Nicole Carrol

[Read More](#)

Everyday Injustice - Podcast

Everyday Injustice Podcast Episode 20:

George Powell – Bad Forensics Leads to Wrongful Conviction

In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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Yolo County Court Watch: <https://www.facebook.com/groups/yolojudicialwatch/>

Sacramento Court Watch: <https://www.facebook.com/Sacramento-Court-Watch-1432660796849531/>

Twitter: <https://twitter.com/DavisVanguard>

YouTube: <http://www.youtube.com/davisvanguard>

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Subject: Re: Sacramento - Wed. 12/4/2019 - press coverage/inquiry
Date: Tuesday, December 3, 2019 at 11:24:30 PM Greenwich Mean Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
CC: Maclean, Emilou (PDR), Ugarte, Francisco (PDR)

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Thanks Valerie.

Hi Emi - any help you can give us would be greatly appreciated.

On Tue, Dec 3, 2019 at 2:18 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi Emi,

I am introducing you, via email, to our partner at the Davis Vanguard, David Greenwald. He does our SF Court Watch program.

One of the reporters that works at the Davis Vanguard in Yolo County, Cres Vellucci, received the press release for tomorrow's press conference will be covering it. However, he was hoping to get some more background information ahead of time. Connecting you and David here to discuss whether you have any other information you could share with Cres.

Emi Maclean: emi.maclean@sfgov.org

David M. Greenwald: info@davisvanguard.org

I'm cc'ing Francisco to keep him in the loop and in case you need to check in with him first.

Please let me know if I can be of any further assistance. I'm heading into a meeting soon, but will be available later this afternoon.

Thank you,

Valerie

Valerie Ibarra

Public Information Officer

Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org

Office: 415.575.4390

Cell: 628.249.7946

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Subject: Sacramento - Wed. 12/4/2019 - press coverage/inquiry
Date: Tuesday, December 3, 2019 at 10:18:47 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: emi.maclean@sfgov.org, David M. Greenwald
CC: Ugarte, Francisco (PDR)

Hi Emi,

I am introducing you, via email, to our partner at the Davis Vanguard, David Greenwald. He does our SF Court Watch program.

One of the reporters that works at the Davis Vanguard in Yolo County, Cres Vellucci, received the press release for tomorrow's press conference will be covering it. However, he was hoping to get some more background information ahead of time. Connecting you and David here to discuss whether you have any other information you could share with Cres.

Emi Maclean: emi.maclean@sfgov.org
David M. Greenwald: info@davisvanguard.org

I'm cc'ing Francisco to keep him in the loop and in case you need to check in with him first.

Please let me know if I can be of any further assistance. I'm heading into a meeting soon, but will be available later this afternoon.

Thank you,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - 1437 Hearing Delayed in Yolo; 100 year old victim steals show in San Francisco; #GivingTuesday
Date: Tuesday, December 3, 2019 at 7:00:56 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"Are you crazy?" testimony of 100 year old victim of attempted rape

Everyday Injustice Newsletter - December 3, 2019

TODAY IS GIVING TUESDAY - YOUR DONATION COUNTS TWICE

Everyday we present the stories of ordinary injustice that plague our legal system. In order to bring you that coverage, we need your help.

Today is #GivingTuesday and we are a non-profit which means your donation is tax deductible. Here is your chance to give back.

Double Your Contribution:

So far we have raised over \$1000 for our Winter Fund Drive. Tomorrow (Tuesday) is Giving Tuesday. And as a result, any funds raised by the Vanguard through the Facebook page will result in your contribution being matched. Here is the link to that opportunity:

<https://www.facebook.com/donate/2610810765667645/10156416539387455/>

For those of you who don't want to use Facebook - you can still donate through GoFundMe:

<https://www.gofundme.com/f/vanguard-end-of-year-fundraiser>

You can also go onto our page: <http://davisvanguard.org> and hit donate or even send a check to: Davis Vanguard, PO Box 4715, Davis, CA 95617

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Criminal Justice News/ Commentary

Hearing Delayed For Man Currently Serving Life Without Parole Denied For Felony Murder

A motion for the production of documents filed by the family members of Joseph Navarrete was request denied and the hearing delayed as prosecutors claimed it was never served to the district attorney's office.

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100 Year Old Victim Steals Show in Rape Trial

Tiandre Howard Kidd faces the charges of burglary with the intent to sexually assault as well as elder abuse for his alleged crimes on a 100-year-old San Francisco woman. The trial opened Monday with his public defender

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No Mercy: Judge Denies Motion to Suppress and Reduce Charges

At a preliminary hearing held at Department 9 on November 27, 2019, Judge Rita F. Lin denied the defense's motion to suppress and request to reduce the case from a felony to a misdemeanor, ordering the defendant to answer for his charges.

[Read More](#)

San Francisco Court Watch

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Former Girlfriend of Victim in Murder Case Continues Fight for Freedom Under SB 1437

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Subject: Everyday Injustice - Fiasco in Orange County; 1437 Case in Sac, Faulty ID and Racial Profiling in SF
Date: Monday, December 2, 2019 at 7:05:14 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Sac Bee: "The ramifications are real: Orange County's guilty could go free; the innocent wrongly jailed on convictions built on tainted evidence – or evidence that was never filed at all."

Everyday Injustice Newsletter - December 2, 2019

Here we go again - Orange County Leads the Way On Corruption

For years, we covered the Informant Scandal whereby the Orange County Sheriff's Department had hidden evidence of planting informants near notorious murderers who magically confessed to key details of their crimes - and then failed to turn over potentially exculpatory evidence to defense attorneys.

This was uncovered by Public Defender Scott Sanders, who was the keynote speaker back in 2014 for the Vanguard and recently spoke about the incident on our [podcast](#).

Now a new scandal has come forward. According to an article in the [Sacramento Bee](#) this week, the word is "disastrous."

Writes Bee reporter Darrell Smith: "Disastrous. That's what one attorney is calling the rapidly growing evidence scandal that has swept the Orange County Sheriff's Department and that threatens to alter the criminal justice landscape in one of California's largest counties.

"The ramifications are real: Orange County's guilty could go free; the innocent wrongly jailed on convictions built on tainted evidence – or evidence that was never filed at all."

There were back to back bombshells here. First, internal reports revealing that hundreds of sheriff's deputies sat on evidence and then even further evidence that dozens of others lied about filing it.

Writes Smith: "Now Orange County Sheriff's officials are blasting assertions by the county's assistant

public defender, Scott Sanders, that deputies failed to book evidence in as many as 9,000 cases and are fielding terse demands from the county's district attorney for more information in the wake of the audits that showed two years of nearly department-wide evidence mishandling."

The report is damning however. The internal audit samples about 450 reports out of 72,000 cases that were flagged in the first audit. The audit then found, in about half of the sampled reports, "no evidence was booked."

Mr. Sanders projects that about 9000 cases "were mishandled over two years."

The Sheriff's department disagree. They claim, "To take that (data) and extrapolate that out is incredibly disingenuous."

Maybe. But that's ignoring the scope of their problem. Even if 9000 proves to be a high number, the number of cases not filed is extraordinary.

As Mr. Sanders put it on November 26: "We do the calibrations and they call us disingenuous. That's absurd."

Absurd indeed. Thanks for reading.

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There's A Pattern Of Police Unions Attacking People Who Call For Criminal

Justice Reform, Especially When They Are Black

When Philadelphia Eagles safety Malcolm Jenkins wrote an opinion piece urging the city's recently re-elected mayor to pick a new police commissioner who isn't "in lockstep with the union," the police union's response was strikingly—and revealingly—personal.

[Read More](#)

Faulty Eyewitness ID and Racial Profiling Lands Innocent Man In Jail For Two Weeks

On November 25, 2019, a San Francisco man, Robert Thomas, was released from the county jail after being wrongfully identified as the perpetrator of an assault. Deputy Public Defender Ilona Solomon, who represented Mr. Thomas

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San Francisco Court Watch

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Subject: Everyday Injustice - Happy Thanksgiving from Everyday Injustice
Date: Thursday, November 28, 2019 at 7:15:07 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Happy Friday, here's what we need...

Everyday Injustice Newsletter - November 28, 2019

Hope You Are Enjoying Our Coverage... Now a Favor...

We are currently taking our Thanksgiving Vacation and will return on Monday, December 2.

We are a few weeks into our new newsletter - Everyday Injustice. Very excited by the quick growth in readers. This is my plug to those readers who have not signed up to help us out by becoming monthly donors.

So what we have we been doing? We are running court watches in three counties in California. We are covering issues of prosecutorial misconduct and wrongful convictions with our weekly podcasts. We just got some funding to track every single 1437 case through California.

There is a lot more that we will be doing. There is a lot more that we can be doing. But we need the funding to hire investigative reporters, full time court watchers and much much more.

Can you help us? Can you afford \$10 a month? If not, how about \$5 or even \$1? Every little bit counts.

We have people giving as much as \$300 per month and as little as \$1. It all helps.

I got a great email yesterday from Mark Godsey, who heads up the Ohio Innocence Project. He wrote: "You are doing great work. I wish your model was copied everywhere."

That was my vision nearly five years ago. This year, we moved into San Francisco. Next year, who knows.

It all starts here. At \$10 a month.

To become a monthly subscriber: <https://www.davisvanguard.org/2019/10/subscriber-injustice/>

Some people want to just make a flat donation - we can accommodate you as well - <https://www.gofundme.com/f/vanguard-end-of-year-fundraiser>

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Subject: PRESS RELEASE - FAULTY EYEWITNESS ID & RACIAL PROFILING LANDS INNOCENT MAN IN JAIL FOR TWO WEEKS

Date: Wednesday, November 27, 2019 at 11:19:08 PM Greenwich Mean Time

From: valerie.ibarra@sfgov.org

To: info@davisvanguard.org

Hi David,

I am home sick today, so I'm sending this from my phone, which is a bit wonky. When I sent this out an hours or so ago, I don't think you received it.

Good News is that the Bay View picked it up.

Wishing you and yours a happy and healthy Thanksgiving!

Best,
Val

FOR IMMEDIATE RELEASE: November 27, 2019

CONTACT: Valerie Ibarra - Office of the SF Public Defender:
(628)249-7946 or Valerie.Ibarra@sfgov.org

****PRESS RELEASE****

FAULTY EYEWITNESS ID AND RACIAL PROFILING

LANDS INNOCENT MAN IN JAIL FOR TWO WEEKS

SAN FRANCISCO – On November 25, 2019, a San Francisco man, Robert Thomas, was released from the county jail after being wrongfully identified as the perpetrator of an assault. Deputy Public Defender Ilona Solomon, who represented Mr. Thomas, directed the Deputy District Attorney handling the prosecution to compare the photos of the perpetrator with her client, which unequivocally showed Mr. Thomas was not the assailant. Other than being a black man and carrying a bag from a nearby Target store, Mr. Thomas did not resemble the perpetrator.

On November 11, a man used a bicycle helmet to assault a San Diego man while he and his family were waiting for an elevator at the Powell Street BART station. The assailant fled and was identified as: a black male, 30-40 years old with some facial hair, shiny squared glasses or sunglasses, a dark blue old-style bike helmet, and carrying a Target bag. No clothing description was given.

After the assault, while speaking to BART police, the victim's wife saw Mr. Thomas carrying a bag from Target and identified him as the assailant to police. The identification was only corroborated by general agreement from other family members who saw her pointing out Mr. Thomas. Mr. Thomas was arrested though he did not understand why. Importantly, Mr. Thomas had no bike helmet, nor facial hair, nor any type of glasses, and had just entered the BART station.

Nearby surveillance footage from the Union Square area later showed the man presumed to be the actual assailant wearing a bike helmet, carrying a Target bag, and wearing square sunglasses and distinctive clothing (a teal jacket and a small child-size backpack being worn on the front of this body) walking in the area right outside the BART station immediately following the assault.

On November 16, BART Police Officer Ian Reid observed this same distinctive character at the Powell Street BART station wearing a teal jacket, square sunglasses, with a small child-size backpack worn on the front and a bike helmet. Officer Reid detained, questioned, and photographed him. Two days later, Officer Reid submitted a supplemental report to the District Attorney who was prosecuting the wrongful case against Mr. Thomas, alerting them to the possible misidentification.

Meanwhile, Deputy Public Defender Ilona Solomon had repeatedly requested evidence from the District Attorney, including surveillance

footage of the attack itself, demonstrating that Mr. Thomas was wrongfully arrested. Charges were dismissed on November 25 and Mr. Thomas was released later that day.

“Robert Thomas spent two weeks in jail because of faulty eyewitness identification and racial profiling,” Solomon said. “The prosecution and its agencies, including BART police, should be required to turn over all evidence to the defense immediately, so that innocent persons are not jailed without cause.”

Mr. Thomas’s case adds to the growing momentum to reevaluate cases based solely on eyewitness identification. Danielle Harris, Director of Public Policy for the San Francisco Public Defender commented, “For over 100 years, social scientists have taught that uncorroborated eyewitness identification is not reliable, especially when stress is high and those involved are of different races.”

Interviewing witnesses together can also be problematic and lead to wrongful accusations with serious consequences for innocent people like Mr. Thomas. Although the eyewitness identification was corroborated by the family members in this case, it resulted in them accusing a person who did not even fit their own description of the assailant.

Subject: Everyday Injustice - Progressive Reform Under Attack; Yolo DA Not a Progressive Reformer
Date: Wednesday, November 27, 2019 at 7:11:10 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"This is a pretty dramatic shift in opinion," Gallup Senior Editor Dr. Jeffrey Jones

Everyday Injustice Newsletter - November 26, 2019

The Fight For Progressive Reform is Just Beginning

by David Greenwald

Chesa Boudin won the election a few weeks ago in San Francisco despite opposition from the city's police union but also the entire political establishment. Unlike in other locales, it is unlikely that state and

local officials will attempt to remove authority and block actions. That's because San Francisco is one of the most progressive cities in the country and California has among the most liberal legislatures and governors in the country.

But as the New York Times reports this week, the same is not true elsewhere.

The Times highlights the case of Lamar Johnson where prosecutors decided he was innocent and asked a judge to grant him a new trial – only to be opposed by the state attorney general of Missouri – who helped to convince a judge to deny the request.

Writes the Times: “The pushback faced by prosecutors in Mr. Johnson’s case is not unique. Across the country, similar clashes are playing out as prosecutors who were elected in recent years promising a different approach to criminal justice have seen some of their efforts frustrated. Opponents with a more traditional view of law and order are taking concrete steps to try to block them in court and strip them of discretion or money to run their offices.”

The Times notes that these reforming prosecutors have “met fierce criticism from law enforcement and other elected officials when they promised to crack down on police misconduct, prosecute fewer nonviolent crimes and reverse potentially wrongful convictions.”

For decades, DA’s have enjoyed unlimited discretion and courts have granted them immunity when they have committed misconduct – even misconduct that has led innocent people to be convicted and sometimes sent to death row for decades.

Writes the Times: “What is now at stake is the latitude of prosecutors to make decisions meant to slow, instead of accelerate, the pipeline to prison.”

“When D.A.s were ramping up, no one had a problem,” said Miriam Krinsky, a former federal prosecutor who is executive director of Fair and Just Prosecution, an umbrella group of district attorneys seeking change. “Now we’re in a different moment, where some are trying to de-incarcerate, and some people invested in the status quo are trying to clip their wings.”

The Times notes: the pushback has major implications, and if the judge’s ruling in St. Louis – for example – is upheld on appeal, “it could make it almost impossible for prosecutors in Missouri to reopen similar cases in the future, no matter how persuasive the new evidence.”

We also know what has happened in Pennsylvania where “legislators passed a bill this summer [targeting the handling of gun cases](#) by the Philadelphia district attorney, Larry Krasner. The law gave the state attorney general, Josh Shapiro, the power to prosecute some charges on his own, regardless of input from the local prosecutor’s office.”

This according to many reformers is “a bald attempt to curb discretion that lawfully belongs to Mr. Krasner”

State Attorney General Josh Shapiro, after some outcry supports repealing the measure.

The fact of the matter is that we are seeing these attempts across the country even as voters are becoming more and more amenable to criminal justice reform and supporting progressive prosecutors.

See the full article in the Times: <https://www.nytimes.com/2019/11/25/us/prosecutors-criminal-justice.html>

Thanks for reading.

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Criminal Justice News/ Commentary

Commentary: Once Again Showing Why Yolo DA Reisig Is NOT a Progressive

During the campaign for District Attorney in 2018 that Jeff Reisig won by a surprisingly narrow margin – he and his supporters played up the progressive achievements of the District Attorney.

[Read More](#)

Court Rules Police Can't Lie About Lie Detectors

In 1997, four Navy sailors in Norfolk, Virginia were arrested for the rape and murder of a young woman. The men were trained to endure stressful situations, but they could not withstand the long, relentless police interrogation

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Defense Uses Dash Camera Footage in Opening Statement of DUI Trial

The defense points to the arresting officer's dash-camera footage in a driving under the influence trial, arguing the defendant was "stopped for driving short of perfection."

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San Francisco Court Watch

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SF Judge in SB 1437 Matter Will Decide if Defendant Was Major Participant in 27-Year-Old Case

On November 22, 2019, an SB 1437 evidentiary hearing was heard in Department 25 regarding the resentencing of the defendant, Anthony Scrivani, who has been serving a 27-year sentence for a robbery gone bad in 1992. There was never a trial. Mr. Scrivani plead guilty to felony murder and has been in prison ever since.

[Read More](#)

Yolo County Court Watch

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Sacramento Court Watch

Anti-Vaccination Activist Prevails in Court v. Senator, but Gets Charged in Another Case

An umbrella can be a dangerous thing. So much so that a state lawmaker filed an injunction seeking to deny the free speech of an activist, in part because of political slogans on an umbrella.

[Read More](#)

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Subject: Everyday Injustice - Death Penalty Support Falls; SF Judge Will Determine Whether Def Eligible for ReSentencing Under 1437
Date: Tuesday, November 26, 2019 at 6:30:23 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"This is a pretty dramatic shift in opinion," Gallup Senior Editor Dr. Jeffrey Jones

Everyday Injustice Newsletter - November 26, 2019

A Massive Shift on the Death Penalty

by David Greenwald

In 1998, Americans favored death penalty over life in prison by a margin of 61-29. While that was a high water mark, during the 1988 election when Michael Dukakis was buried in part over his opposition to the

death penalty the margin was around 56-34. It was to the point where Democratic politicians stopped opposing the death penalty.

A key moment was when Bill Clinton in January of 1992, flew back Arkansas to oversee the execution of Ricky Ray Rector – despite what would be serious about his mental state. Governor Clinton wanted to reverse the Democratic Party's perception that they were soft on crime.

But mass incarceration and I believe work by the Innocence Project has convinced the voters that the death penalty may not be worth it. Since 2000, the support for the death penalty has softened.

It has been breakeven or thereabouts for some time now. In 2012 when voters in California rejected a measure that would ban the death penalty, it was about 49-46 support. By 2016, when voters again rejected a ban and approved a proposition that would speed up executions it was about 50-50.

But all of a sudden opposition to the death penalty has exploded. In the 2019 Gallup death-penalty poll, 60% percent of Americans asked to choose whether the death penalty or life without possibility of parole "is the better penalty for murder" chose the life-sentencing option. 36% favored the death penalty.

This is a 15 percentage point shift in just 5 years.

In 2014, the last time Gallup asked the question, 50% said the death penalty was the better approach to punishing murder, while 45% preferred life in prison.

"This is a pretty dramatic shift in opinion," Gallup Senior Editor Dr. Jeffrey Jones, who conducted the survey, told the Tulsa World.

Surprisingly perhaps, the numbers are really across the board. 19 point shift by Democrats, 16 by Independents and 10 by Republicans.

Still in the abstract, voters remain favorable to the death penalty.

When they asked, "Are you in favor of the death penalty for a person convicted of murder?"

For the second straight year, 56% said they favored the death penalty, while those opposing the death penalty increased by one percentage point to 42%.

This is also a shift. In 1994, 80 percent supported capital punishment in the abstract and it was over 60 percent from 1976 to 2016.

This year in California, Gavin Newsom felt comfortable enough to put a moratorium on the death penalty, but not strongly enough to commute everyone's sentence.

The shift is there, but the voters in California are clearly seeing the issue in the abstract even as the measure is coupled with LWOP.

Thanks for reading.

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Criminal Justice News/ Commentary

SF Judge in SB 1437 Matter Will Decide if Defendant Was Major Participant in 27-

[Year-Old Case](#)

On November 22, 2019, an SB 1437 evidentiary hearing was heard in Department 25 regarding the resentencing of the defendant, Anthony Scrivani, who has been serving a 27-year sentence for a robbery gone bad in 1992. There was never a trial. Mr. Scrivani plead guilty to felony murder and has been in prison ever since.

[Read More](#)

[Why Are Prosecutors Still Seeking to Execute People Who Have Innocence Claims and Untested DNA?](#)

On Nov. 15, Texas's highest criminal court postponed Rodney Reed's execution indefinitely to allow time for a Bastrop County trial court to review evidence that he says shows he never murdered 19-year-old Stacey Stites.

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[San Francisco DA-Elect Chesa Boudin Announces Transition Leadership Team](#)

District Attorney-elect Chesa Boudin announced today his Transition Leadership team – a group of special advisors that will help guide the process of establishing the new District Attorney's office and implementing key policies.

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[San Francisco Court Watch](#)

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[Read More](#)

[All Charges Go Ahead in Attempted Robberies](#)

In a preliminary hearing held on Friday in Department 20, under Judge Teresa Caffese, two alleged victims testified about attempted robberies and assaults.

[Read More](#)

Yolo County Court Watch

Police Self-Inflicted Injury Contributes to Felony Charge

In a preliminary hearing, the defendant, Joaquin Cordova, plead not guilty to a felony charge of driving under the influence and a misdemeanor charge of driving without a license, and denied a case enhancement for a prior burglary conviction.

[Read More](#)

Homeless Man Looking for Blanket Charged with Second Degree Burglary

A homeless man was stopped by Woodland police while sifting through items from a vehicle parked at a car repair shop. Michael Mori pleaded no contest to the charges of petty theft, second-degree burglary, and prowling along with restitution fees.

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Sacramento Court Watch

Anti-Vaccination Activist Prevails in Court v. Senator, but Gets Charged in Another Case

An umbrella can be a dangerous thing. So much so that a state lawmaker filed an injunction seeking to deny the free speech of an activist, in part because of political slogans on an umbrella.

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Everyday Injustice - Podcast

Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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Subject: Everyday Injustice - SB 1437 Hearing in San Francisco, Homeless Man Charged in Yolo For Stealing Blanket; Chesa Announces Transition Team
Date: Monday, November 25, 2019 at 7:20:06 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Shawn Nolan: "It shows how arbitrary it is. People get executed in this country because of statute of limitations issues and things like that or because of bad lawyering. It's totally random."

Everyday Injustice Newsletter - November 25, 2019

Next Week Marks the 50th Year Anniversary of the Murder of Fred Hampton

by David Greenwald

As someone born in 1972, I am too young to remember contemporaneous accounts of the death of Fred

Hampton and the trial that ultimately brought some measure of justice in 1982 - 13 years later.

So here we are, about to come up on 50 years after the raid that took Fred Hampton's life on December 4, 1969. It remains as appalling as ever.

I just read Jeffrey Haas' book, "The Assassination of Fred Hampton," and it was shocking. Even today. While the public discourse since 2014 and the death of Michael Brown in Ferguson and the death of Eric Garner in Staten Island, NY, has brought necessary focus on officer involved shooting. What happened in Chicago was flat out murder by the police and the FBI.

The multi-party raid took place in the pre-dawn hours of 4 am. Over a dozen heavily armed police stormed the Black Panther Headquarters where Fred Hampton was sleeping. Hampton was young, bright, articulate and a potential threat. The FBI as part of their COINTELPRO program took him out.

The fact of the raid, the FBI had an informant, William O'Neal, who supplied them with a lay out of the headquarters that was raided. Most of the occupants were asleep. It is believed that Hampton was drugged with barbiturates by O'Neal – although careless or perhaps intentionally poor crime preservation meant that blood tests of Hampton weren't done prior to embalming procedures that would eliminate traces of drugs.

The police fired over 90 rounds killing Hampton and also William Clark. The only shot fired by the Panthers was by Clark after he was hit, up in the air as he was falling over, dead. This was confirmed by the FBI's own ballistics expert.

Hampton was shot twice in the head at close range, dragged to the floor, and then left there to die – which he did fairly quickly.

As shocking as it was that the government would assassinate someone – and I think the evidence is overwhelming that they did – the cover up was stunning as well.

It took them years and the assistance of the 1976 Church Committee hearing for attorneys to get a hold of FBI files that were withheld illegally by the government.

Haas in his book reports, "One of the documents they released was a memo from FBI director J. Edgar Hoover to all FBI offices, ordering FBI agents in all cities with Panther chapters to develop "hard-hitting programs designed to expose, disrupt, misdirect, discredit, or otherwise neutralize" black nationalist organizations, including SNCC and the Nation of Islam."

He continues, "Another stated objective was to "prevent the rise of a messiah who could unify and electrify the militant black nationalist movement." Stokely Carmichael, Dr. King, and Elijah Muhammad were named as potential "messiahs." Hoover ordered that COINTELPRO's existence be kept secret. Every office was to report directly to him on its efforts to carry out the program's mandates."

Then there is the effort by the police to cover up the crime. The police argued that the warrant was based on information from an undisclosed informant. Haas and his colleagues were convinced that there was no such informant, but they were precluded by Judge Perry from finding out.

Ultimately the appellate court ordered the government to disclose an informant. To cover their tracks they found someone who had been killed ten years ago and attempted to coerce his mother to sign a declaration – she refused and ultimately the attorney resigned after his actions were uncovered. As it turns out, there was no informant and the warrant was illegal.

The worse part – possibly – was the actions of Judge Perry who often acted as an advocate for the

defense rather than a neutral arbiter of the law.

Here was one telling exchange:

- "Perry: "Well, you don't like anything as far as you are concerned except your way. And you are not going to have your way."
- Haas: "I know. My way is a fair trial, and I'm not going to get it."
- Perry: "You bet your life you are not going to get it.""

Oops. Judge Perry would ultimately impose a directed verdict after the jury was unable to reach a decision. That was eventually overturned by a three panel appellate court that was so appalled by his conduct that not only was he removed from the case, he was no longer permitted to preside over complicated matters.

In the end, the plaintiffs would be awarded just under \$2 million – a huge sum in 1982 dollars. But many of the actors were dead by the time the judgment was reached. While the state attorney would lose his re-election in 1972, there were people who suffered personal consequences and no one who suffered legal consequences for their actions.

That's not surprising as to this day, we have not figured out a good way to hold law enforcement accountable. But then again – what happened with Fred Hampton really goes beyond simply excessive force and looks a lot more like premeditated murder – political assassination.

Thanks for reading.

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Criminal Justice News/ Commentary

Hearing in San Francisco to Determine Whether Man Gets Relief Under SB 1437 after 16 Years

In a 1437 hearing this Friday, the court revisited the 16-year-old sentence of a man convicted of gang-related second-degree murder. This defendant did not personally kill anyone; he was the driver of the vehicle that the killer and two other perpetrators had been inside of prior to the murder.

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San Francisco Court Watch

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A homeless man was stopped by Woodland police while sifting through items from a vehicle parked at a car repair shop. Michael Mori pleaded no contest to the charges of petty theft, second-degree burglary, and prowling along with restitution fees.

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Amount of Meth and Painkillers Lead Debate over Intention to Sell

According to several officer testimonies during the preliminary hearing, the defendant, Oscar Delatorre, allegedly ran into a car parked on the side of the road on Sep. 20, 2019.

[Read More](#)

Sacramento Court Watch

Anti-Vaccination Activist Prevails in Court v. Senator, but Gets Charged in Another Case

An umbrella can be a dangerous thing. So much so that a state lawmaker filed an injunction seeking to deny the free speech of an activist, in part because of political slogans on an umbrella.

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Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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Subject: RE: Court Watch reported on your Sauntek Harris case
Date: Monday, November 25, 2019 at 5:59:47 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald, Wilson, Jacque (PDR)
CC: Stenson, Jason (PDR)
Attachments: image001.jpg

Confirmed. I receive the newsletters with links to the recent articles. I also check social media and usually see the latest Vanguard articles, which I have been sharing/posting.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Friday, November 22, 2019 4:38 PM
To: Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Cc: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Stenson, Jason (PDR) <jason.stenson@sfgov.org>
Subject: Re: Court Watch reported on your Sauntek Harris case

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She gets the newsletter so she gets all our articles

On Fri, Nov 22, 2019 at 4:35 PM Wilson, Jacque (PDR) <jacque.wilson@sfgov.org> wrote:

Thanks Valerie. We have to make sure you are getting all the articles. David and Jason can you make sure Valerie is receiving the articles. Thanks Jacque.

From: Ibarra, Valerie (PDR)
Sent: Friday, November 22, 2019 11:29 AM
To: Davis, Landon (PDR) <landon.davis@sfgov.org>
Cc: Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>; PUBDEF-FelonyLeads <PUBDEF-FelonyLeads@sfgov.org>; Raju, Manohar (PDR) <manohar.raju@sfgov.org>
Subject: Court Watch reported on your Sauntek Harris case

Hi Landon,

FYI: Court Watch reported on the prelim for Sauntek Harris.

<https://www.davisvanguard.org/2019/11/murder-or-self-defense-judge-holds-defendant-to-answer-for-murder-despite-evidence-of-self-defense/?fbclid=IwAR2N8lz1txm9pCVgdpGN39IMqR48vD-ennohrC503EfuwSsixhNSVrjFUJU>

Have a nice day,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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— George Orwell

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Subject: Re: Court Watch reported on your Sauntek Harris case
Date: Saturday, November 23, 2019 at 12:38:08 AM Greenwich Mean Time
From: David M. Greenwald
To: Wilson, Jacque (PDR)
CC: Ibarra, Valerie (PDR), Stenson, Jason (PDR)

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Valerie Ibarra

Public Information Officer

Office of the Public Defender

City & County of San Francisco

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Date: Saturday, November 23, 2019 at 12:35:03 AM Greenwich Mean Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), Stenson, Jason (PDR), David M. Greenwald

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Public Information Officer
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City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Bonus Issue...

Date: Friday, November 22, 2019 at 10:10:08 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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Happy Friday, here's what we need...

Everyday Injustice Newsletter - November 22, 2019

Hope You Are Enjoying Our Coverage... Now a Favor...

We are a few weeks into our new newsletter - Everyday Injustice. Very excited by the quick growth in readers. This is my plug to those readers who have not signed up to help us out by becoming monthly donors.

So what we have we been doing? We are running court watches in three counties in California. We are covering issues of prosecutorial misconduct and wrongful convictions with our weekly podcasts. We just got some funding to track every single 1437 case through California.

There is a lot more that we will be doing. There is a lot more that we can be doing. But we need the funding to hire investigative reporters, full time court watchers and much much more.

Can you help us? Can you afford \$10 a month? If not, how about \$5 or even \$1? Every little bit counts.

We have people giving as much as \$300 per month and as little as \$1. It all helps.

I got a great email yesterday from Mark Godsey, who heads up the Ohio Innocence Project. He wrote: "You are doing great work. I wish your model was copied everywhere."

That was my vision nearly five years ago. This year, we moved into San Francisco. Next year, who knows.

It all starts here. At \$10 a month.

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Some people want to just make a flat donation - we can accommodate you as well - <https://www.gofundme.com/f/vanguard-end-of-year-fundraiser>

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Criminal Justice News/ Commentary

**Commentary: Like Father, Unlike Son –
Couzens and the Constitutionality of SB
1437**

After the momentous ruling earlier this week on SB 1437 by the 4th District Court of Appeals, a clear question would be on Wednesday, with Judge Paul Richardson to hear arguments on the 2002 Halloween Homicide

[Read More](#)

Anti-Vaccination Activist Prevails in Court v. Senator, but Gets Charged in Another Case

An umbrella can be a dangerous thing. So much so that a state lawmaker filed an injunction seeking to deny the free speech of an activist, in part because of political slogans on an umbrella.

[Read More](#)

Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

From 2003 to 2008, George Powell III had been living in a town which had a large soldier presence and working on music. He appreciated the soldier population there but found the Killeen police mistreated soldiers.

[Read More](#)

San Francisco Court Watch

Murder or Self-Defense: Judge Holds Defendant to Answer for Murder Despite Evidence of Self-Defense

A San Francisco resident named Reymundo Delgado found herself facing a potential battery charge. The defendant was allegedly punching and swinging unidentified objects toward two victims, both of whom are residents of San Francisco.

[Read More](#)

Yolo County Court Watch

Yolo County 1437 Case Put Off Until January, Yolo DA Continues To Challenge Felony Murder Reform

While the Fourth Appellate District of California has ruled that SB 1437 is constitutional, the Yolo County District Attorney is continuing to fight it. Two cases before the Fourth District out of San Diego and Riverside were ruled constitutional and the California Attorney General's Office has also argued for its constitutionality.

[Read More](#)

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Subject: Re: Everyday Injustice - DDA Couzens at Odds with Judge Couzens on 1437; New Podcast on Wrongfully Convicted Texas Man; Anti-Vaxxer Trial in Sac

Date: Friday, November 22, 2019 at 9:54:07 PM Greenwich Mean Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

It's all good. Thanks.

On Fri, Nov 22, 2019 at 1:02 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

No problem. Just thought it was a good newsletter, but I will share it via email internally.

The upside of this inquiry has been that it sent me down the Vanguard rabbit hole and I found some Court Watch gems that I've been able to share. I know that we've discussed it previously, but the veil has lifted and checking those articles is now going to be on my must-do list of regular tasks. The systems are forming!

Have a great weekend & a happy Thanksgiving next week!

Best,

Val

From: David M. Greenwald [mailto:info@davisvanguard.org]

Sent: Friday, November 22, 2019 12:33 PM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Re: Everyday Injustice - DDA Couzens at Odds with Judge Couzens on 1437; New Podcast on Wrongfully Convicted Texas Man; Anti-Vaxxer Trial in Sac

Ah. No it's not I don't think.

On Fri, Nov 22, 2019 at 12:28 PM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Thanks for getting back to me. I realize now that I didn't quite explain what I was trying to do. Sorry about that. Is it a shareable link that I could post on social media?

Sent from my iPhone

On Nov 22, 2019, at 12:10 PM, David M. Greenwald <info@davisvanguard.org> wrote:

Yeah you can just forward it just like any email. To receive the email they have to subscribe but not to read it

On Fri, Nov 22, 2019 at 11:07 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Do people need to subscribe to the newsletter, or is there a shareable link to this?

Thank you,

Valerie

SF Public Defender's Office

From: Davis Vanguard [mailto:david@davisvanguard.ccsend.com] **On Behalf Of** Davis Vanguard

Sent: Friday, November 22, 2019 11:00 AM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: Everyday Injustice - DDA Couzens at Odds with Judge Couzens on 1437; New Podcast on Wrongfully Convicted Texas Man; Anti-Vaxxer Trial in Sac

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Judge Couzens: "Not only is this court bound to follow the decision of a higher court on the issues presented here, this court finds the reasoning of the higher court to be a valid and a proper interpretation of the law."

[<image001.jpg>](#)

Everyday Injustice Newsletter - November 22, 2019

What Stands Out In the Recently Upheld SB 1437 Cases

<image003.jpg>	<image004.jpg>
<image002.jpg>	<image005.jpg>

By Danielle Silva

Two cases in the Fourth District Appellate District, Division One Court of California recently upheld the felony-murder Senate Bill 1437, finding it constitutional within the laws of the California Constitution. While the SB 1437 article I published yesterday provides more in-depth information as to the conclusions of the appellate court, I found two points to stand out to me the most.

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Subject: RE: Everyday Injustice - DDA Couzens at Odds with Judge Couzens on 1437; New Podcast on Wrongfully Convicted Texas Man; Anti-Vaxxer Trial in Sac
Date: Friday, November 22, 2019 at 9:02:13 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

No problem. Just thought it was a good newsletter, but I will share it via email internally.

The upside of this inquiry has been that it sent me down the Vanguard rabbit hole and I found some Court Watch gems that I've been able to share. I know that we've discussed it previously, but the veil has lifted and checking those articles is now going to be on my must-do list of regular tasks. The systems are forming!

Have a great weekend & a happy Thanksgiving next week!

Best,
Val

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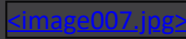
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Date: Friday, November 22, 2019 at 8:10:35 PM Greenwich Mean Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
Attachments: image001.jpg, image006.jpg, image007.jpg, image008.jpg, image005.jpg, image004.jpg, image003.jpg, image002.jpg, ~WRD000.jpg

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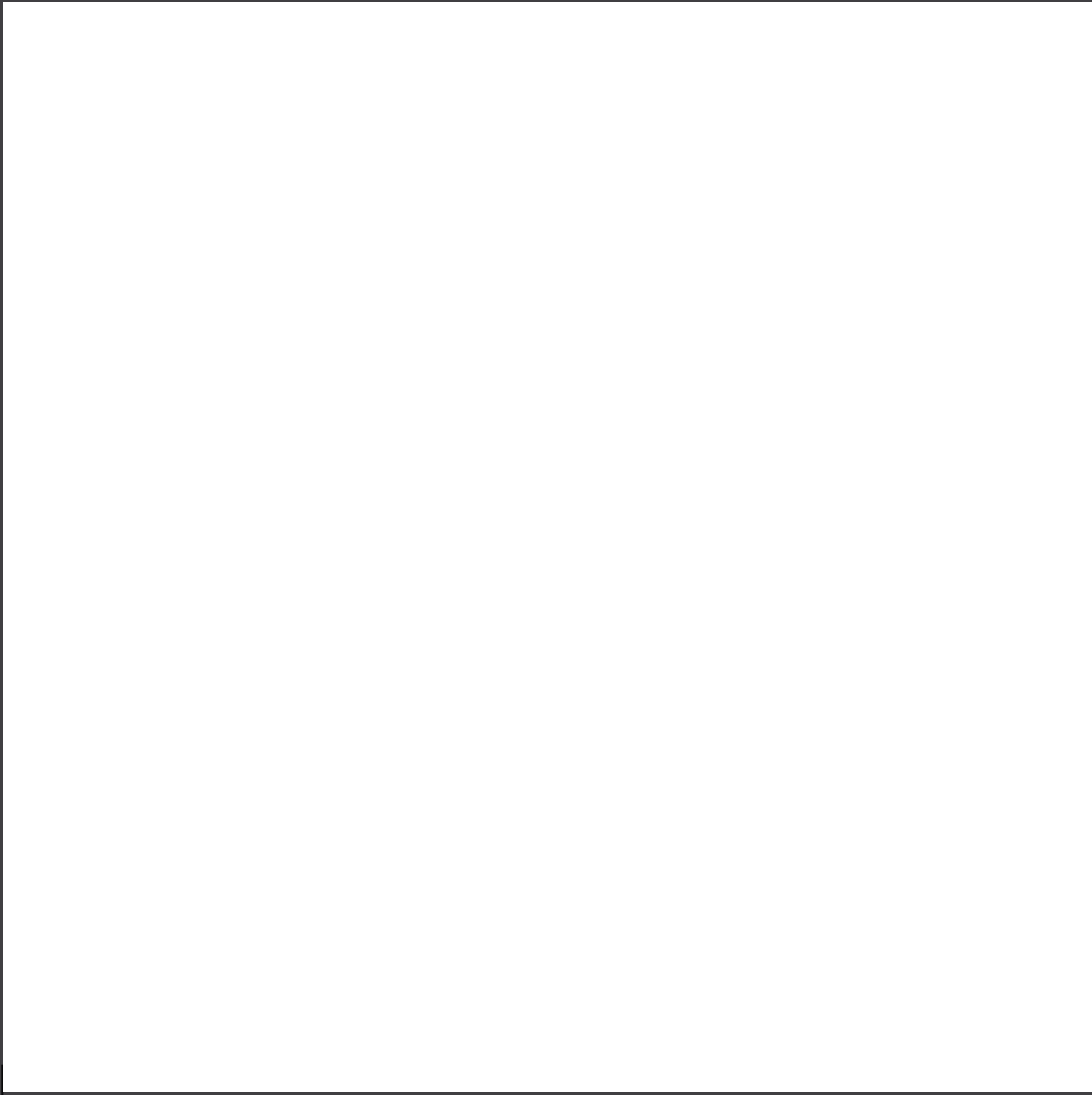
Valerie

SF Public Defender's Office

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Sent: Friday, November 22, 2019 11:00 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Everyday Injustice - DDA Couzens at Odds with Judge Couzens on 1437; New Podcast on Wrongfully Convicted Texas Man; Anti-Vaxxer Trial in Sac

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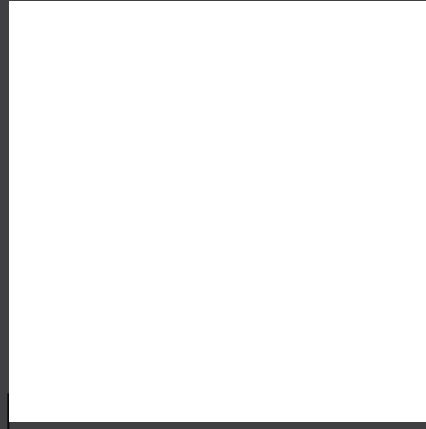
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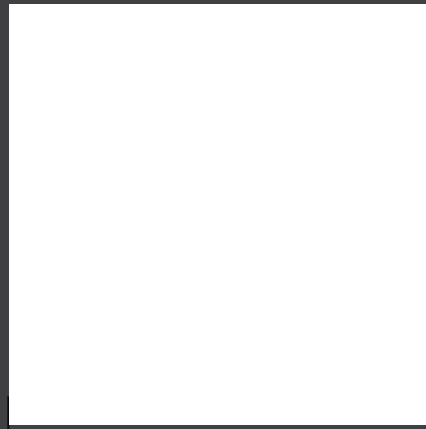
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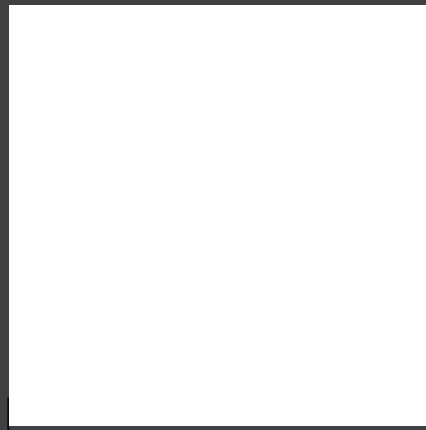
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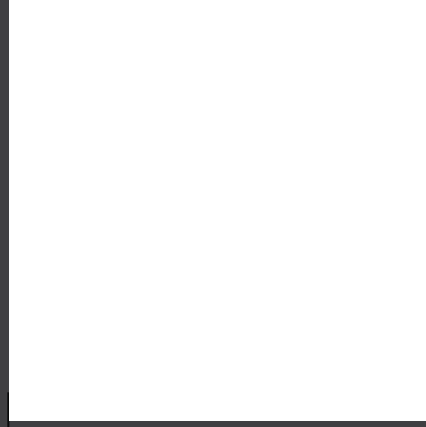
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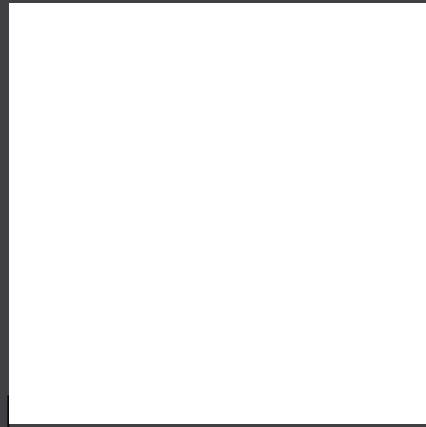
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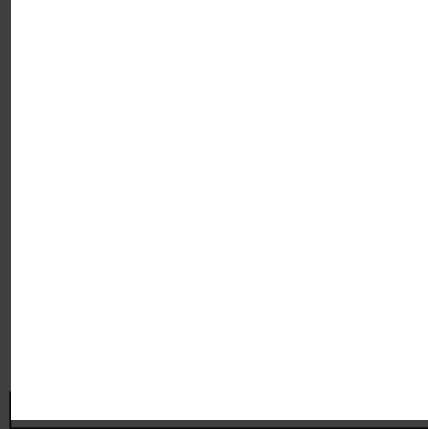
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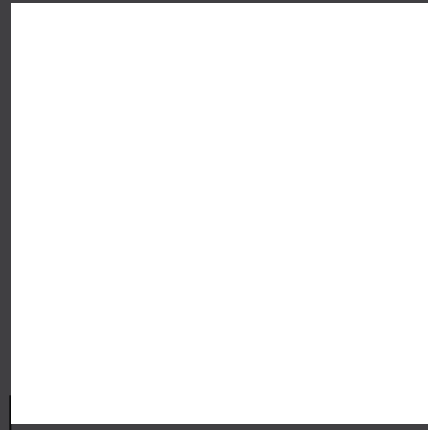
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To: info@davisvanguard.org
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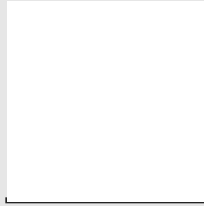
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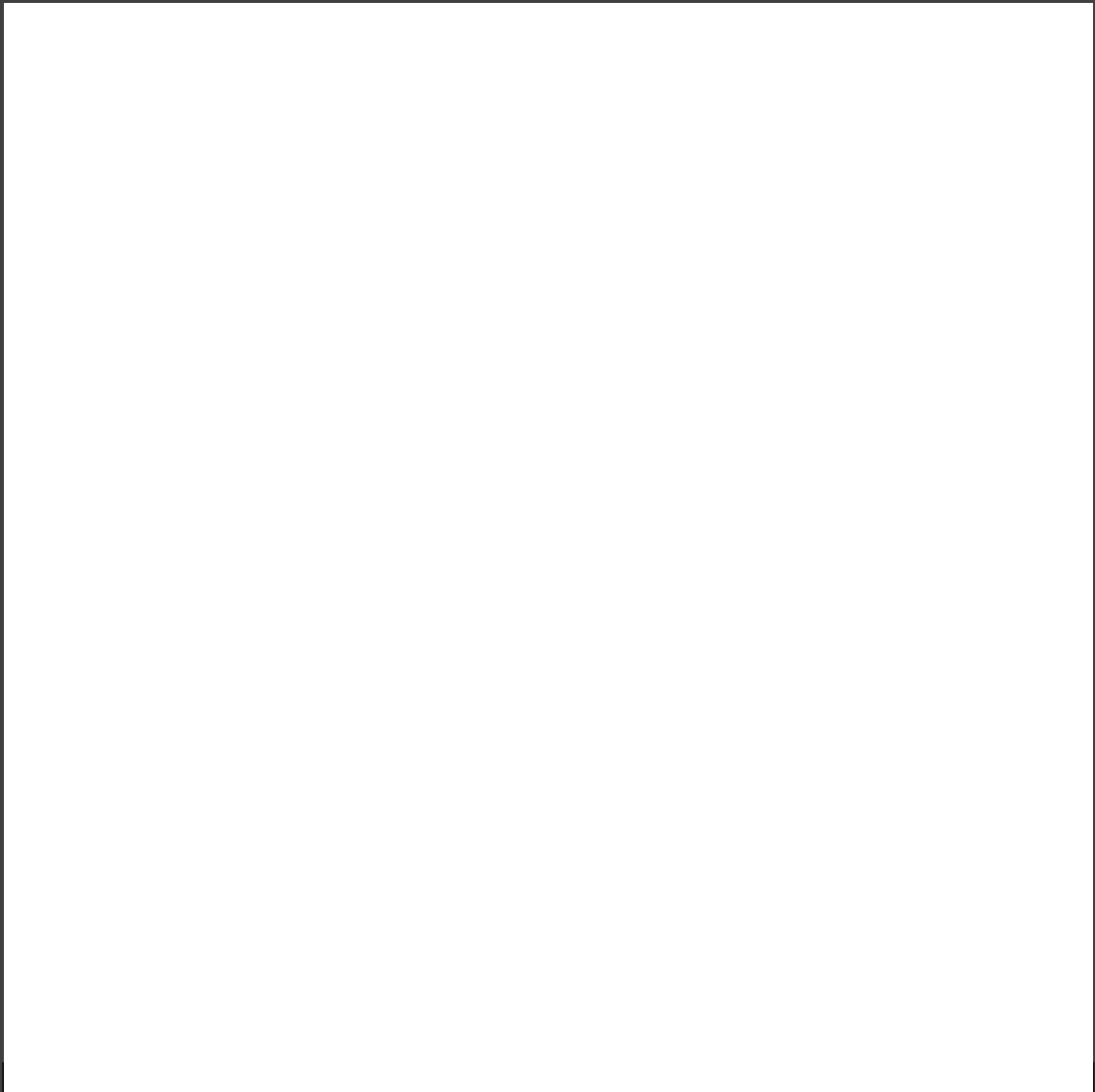
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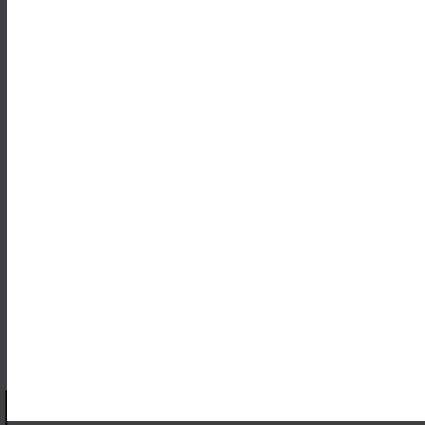
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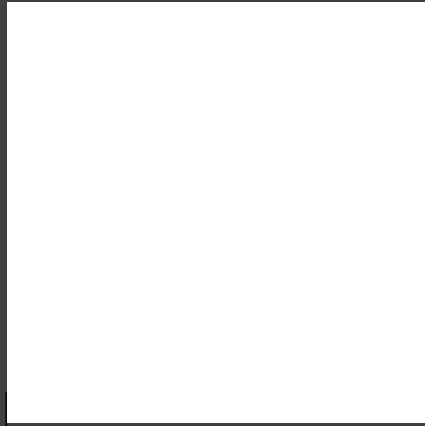
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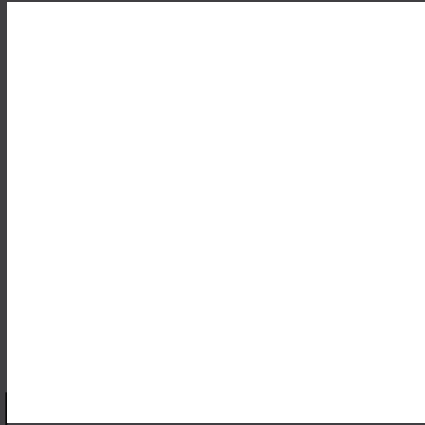
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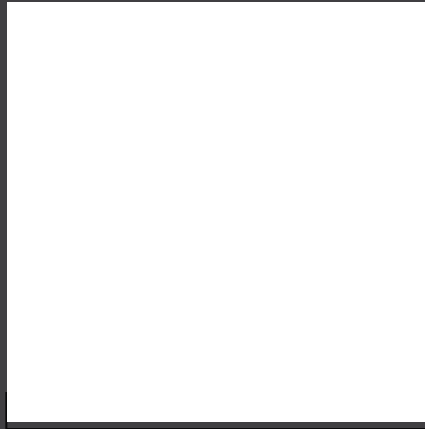
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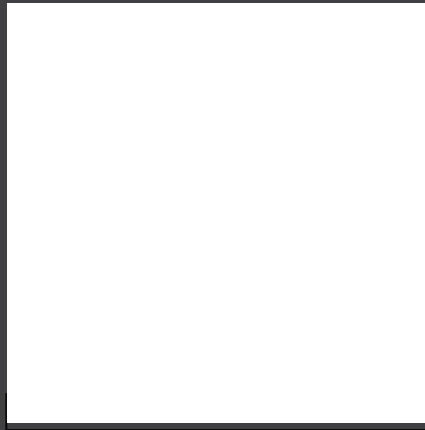
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Criminal Justice News/ Commentary

Commentary: Like Father, Unlike Son – Couzens and the Constitutionality of SB 1437

After the momentous ruling earlier this week on SB 1437 by the 4th District Court of Appeals, a clear question would be on Wednesday, with Judge Paul Richardson to hear arguments on the 2002 Halloween Homicide

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Anti-Vaccination Activist Prevails in Court v. Senator, but Gets Charged in Another Case

An umbrella can be a dangerous thing. So much so that a state lawmaker filed an injunction seeking to deny the free speech of an activist, in part because of political slogans on an umbrella.

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Everyday Injustice Podcast Episode 20: George Powell – Bad Forensics Leads to Wrongful Conviction

From 2003 to 2008, George Powell III had been living in a town which had a large soldier presence and working on music. He appreciated the soldier population there but found the Killeen police mistreated soldiers.

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San Francisco Court Watch

Murder or Self-Defense: Judge Holds Defendant to Answer for Murder Despite Evidence of Self-Defense

A San Francisco resident named Reymundo Delgado found herself facing a potential battery charge. The defendant was allegedly punching and swinging unidentified objects toward two victims, both of whom are residents of San Francisco.

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Yolo County Court Watch

Yolo County 1437 Case Put Off Until January, Yolo DA Continues To Challenge Felony Murder Reform

While the Fourth Appellate District of California has ruled that SB 1437 is constitutional, the Yolo County District Attorney is continuing to fight it. Two cases before the Fourth District out of San Diego and Riverside were ruled constitutional and the California Attorney General's Office has also argued for its constitutionality.

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In 2013, there were a series of armed robberies at convenience stores in Killeen, Texas. There was video evidence from many of the stores and this evidence was released by Crime Stoppers to the public with the promise of \$1000 for people who could provide information. The hotel keeper of the place George was staying at reported George to Crime Stoppers.

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Everyday Injustice Newsletter - November 21, 2019

SB 1437 - Yet Another

Example Proving That Yolo DA is NOT Progressive

by David Greenwald

Those who still wish to argue that the Yolo County DA's office is somehow progressive should look no further than their handling of SB 1437. It is one thing to argue - as they have that SB 1437, the felony murder reform bill written by Senator Nancy Skinner and signed by Governor Jerry Brown last fall was not constitutional.

That argument alone probably puts you in the "not progressive" camp and rightly so.

But the Yolo County DA's office did not stop there. Following Tuesday's 4th District Court of Appeals ruling that SB 1437 - they are continuing to argue that it is unconstitutional.

Yesterday, Yolo County DA Ryan Couzens pushed back during a 1437 hearing (see article below for details on the case), arguing that while AB 991 was unanimously passed as clean up language for SB 1437, but that "SB 1437 was never legitimately past in the first place."

He noted that while the 4th District ruling is binding on the rest of the state, the 3rd District Court also has it "under submission" and "if the (Yolo) court rules that it's constitutional, they would seek a writ on that and stay the proceedings."

Compare that to a ruling from Placer County where the judge there ruled: "Not only is this court bound to follow the decision of a higher court on the issues presented here, this court finds the reasoning of the higher court to be a valid and a proper interpretation of the law."

That judge was retired Placer County Judge Couzens - a retired judge who came back to rule on the SB 1437 case where he had been the trial judge.

To make matters even more ironic - Judge Couzens is the father of Deputy DA Ryan Couzens.

Not only does his view put the Yolo DA's office out of step with progressive reform - again - but it puts them out of step with the Deputy DA's own well-regarded father.

Neither Mr. Couzens, his supervisor Melinda Aiello, nor the Yolo County DA's office was going to give an inch on the constitutionality of SB 1437 - even as the rest of the state is beginning to see the writing on the wall.

The 4th DCA ruling follows briefing by the Attorney General's office, even prior to AB 991, that SB 1437 does not conflict with Prop 7 or Prop 115.

This is the view of the appellate court as well. The court stated, "Senate Bill 1437 did not amend Proposition 7 because it did 'not reduce sentences for first or second degree-murder.' [and] did not amend Proposition 115 because it did not 'in any way modif[y]' the predicate offenses on which the first degree felony-murder liability may be based."

Indeed the court noted, "At our request, the Attorney General filed an amicus curiae brief on the issues presented in the petitions. In its brief, the Attorney General urged us to deny the People's petitions on grounds that Senate Bill 1437 did not amend Proposition 7 or 115."

But the Yolo DA's office does not agree with those rulings nor it would appear the view of Judge Couzens.

Thanks for reading.

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Criminal Justice News/ Commentary

Yolo County 1437 Case Put Off Until January, Yolo DA Continues To Challenge Felony Murder Reform

While the Fourth Appellate District of California has ruled that SB 1437 is constitutional, the Yolo County District Attorney is continuing to fight it. Two cases before the Fourth District out of San Diego and Riverside were ruled constitutional and the California Attorney General's Office has also argued for its constitutionality.

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Appeals Court Hears UCD Discrimination Case – Grad Student Complained About Play Using ‘N’ Word

Can the University of California system discriminate? That was the question asked by the CA 3rd District Court of Appeal Wednesday as justices sparred with UC Regents lawyers over an appeal of a civil rights lawsuit

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Jury Acquits Man On All Counts Prosecutors Wanted A Life Sentence For Tossing Pebbles

On Friday, November 15, 2019, a jury found Carlos Gordon not guilty on all counts of assault with a deadly weapon, making criminal threats, and a misdemeanor assault.

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San Francisco Court Watch

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[Read More](#)

No Dismissal, But Relief

A San Francisco resident named Reymundo Delgado found herself facing a potential battery charge. The defendant was allegedly punching and swinging unidentified objects toward two victims, both of whom are residents of San Francisco.

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Yolo County Court Watch

Yolo County 1437 Case Put Off Until January, Yolo DA Continues To Challenge Felony Murder Reform

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Sacramento Court Watch

Judge Rules against Claim that Sacramento County Jury Pool Is Racially Biased

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Subject: PRESS RELEASE - JURY ACQUITS - PROSECUTORS WANTED A LIFE SENTENCE FOR TOSSING PEBBLES

Date: Thursday, November 21, 2019 at 2:07:29 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

For immediate release: November 20, 2019

Contact: Valerie Ibarra, Public Defender's Office: 628.249.7946 or Valerie.Ibarra@sfgov.org

*****PRESS RELEASE*****

JURY ACQUITS MAN ON ALL COUNTS PROSECUTORS WANTED A LIFE SENTENCE FOR TOSSING PEBBLES

SAN FRANCISCO – On Friday, November 15, 2019, a jury found Carlos Gordon not guilty on all counts of assault with a deadly weapon, making criminal threats, and a misdemeanor assault. The jury agreed with the defense that Mr. Gordon's act of tossing a few decorative pebbles in the direction of a construction worker was not a crime, but rather no more than a nuisance.

Mr. Gordon has been in San Francisco county jail since April when prosecutors charged him with premeditated attempted murder, a charge that could have carried a life sentence if convicted.

The defense filed a motion arguing that the D.A. had given misleading statements to the judge at the initial preliminary hearing. A second judge reviewed the defense's motion and threw out the attempted murder charge, but Mr. Gordon remained in custody.

After the adverse ruling, Deputy District Attorney Tom Ostly decided to dismiss and refile the case charging Mr. Gordon with attempted murder again along with three other counts of assault with a deadly weapon. The charge of attempted murder was again dismissed for lack of evidence. The case eventually went to trial, with Mr. Gordon facing eight felony charges.

In a clear example of overcharging, the prosecution had charged six counts of assault likely to cause great bodily injury; one for each small pebble.

Judge Bruce Chan presided over the trial, and dismissed several counts due to lack of evidence. The jury decided that Mr. Gordon was not guilty on the two remaining felony charges and a misdemeanor. If Mr. Gordon had been convicted on all of those charges, it would have carried a sentence of nearly fifteen years in prison.

In the end, the jury found Mr. Gordon not guilty on all counts, and he finally walked free after spending almost eight months in custody in San Francisco county jail.

"The D.A. wanted a life sentence for attempted murder, but the jury didn't even concede a simple assault," said Deputy Public Defender Martina Avalos. "Thankfully, judges and jurors ensured that Mr. Gordon's freedom was not stolen as a result of egregious overcharging."

#

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - SB 1437 Ruled Constitutional By Appellate Court; Supervisors False-Start Again on Police Accountability
Date: Wednesday, November 20, 2019 at 6:55:11 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Nancy Skinner: "With this decisive decision, I urge district attorneys throughout California to drop their challenges and join with AG Xavier Becerra in enforcing the state's new felony-murder statute."

Everyday Injustice Newsletter - November 20, 2019

Everyday Injustice

1437 Ruled Constitutional - Now the Fun Begins

The Fourth Appellate Court has largely cleared the way for SB 1437 to be implemented across the state. There is always a possibility it will get appealed to the Supreme Court, but for the most part the

handwriting is on the wall - the AG's office and now a major court agree.

Nancy Skinner the author of the bill was joyous.

"Justice won today," Skinner said. "The appellate court got it right: SB 1437, which reformed California's old, unfair felony-murder rule, is clearly constitutional.

She added, "With this decisive decision, I urge district attorneys throughout California to drop their challenges and join with AG Xavier Becerra in enforcing the state's new felony-murder statute."

That starts today in Yolo County as Judge Richardson will hear the 17 year old Halloween Homicide case defendants James Olague and Ernesto Arellano. He could rule the law constitutional today and bring it back for hearing.

The Vanguard recently received a grant to track SB 1437 cases through the state. Our work has begun.

We received a list of 15 cases from Yolo County for instance. A number of those have been withdrawn or ruled unconstitutional but they are likely coming back.

What is notable about the list, we already very intimately know several of these case.

Three of them are wrongful conviction cases - cases where we believe that the defendant was factually innocent of any charges. That includes Mr. Arellano and Mr. Olague from the Halloween case - a case we have been investigating for 10 years, where we believe that as many as four of the defendants were wrongly convicted over a decade ago.

There is also the case of Greg Zielesch which we have covered a number of times - they can throw out the conviction on the felony murder, but his conspiracy charge would remain - although it changes the dynamic.

The case of Armando Gonzalez is interesting because he was convicted of murder following his driving with epilepsy. That always seemed like a miscarriage of justice to convict of murder for having an epileptic seizure. It remains to be seen if he qualifies for relief under 1437.

There are also two cases on the list - Calixto Racimo and Antonio Morales where we have documented prosecutorial misconduct.

That's 40% of the Yolo cases right there that are either innocent, the case represents a miscarriage of justice in some way. If that become a trend across the state, SB 1437 could be revolutionary in its impact.

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Criminal Justice News/ Commentary

SB 1437 Ruled Constitutional By Appellate Court

The Fourth District Appellate District, Division One Court of California determined that SB 1437 was constitutional in light of arguments relating to voter initiatives, the separation of powers, the finality of convictions, and Marsy's Law.

[Read More](#)

Supervisors False-Start Again on Police Accountability

Moving fast is often a good thing – but when you're Sacramento County Supervisor Patrick Kennedy and you're dealing with an ultra-sensitive subject like cop-accountability and the persona of controversial Sacramento Sheriff Scott Jones, maybe a slower lane is a safer place to travel.

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Judge Rules against Claim that Sacramento County Jury Pool Is Racially Biased

An unusual, if not somewhat unique, defense challenge to the makeup of Sacramento County juries – specifically, that they racially discriminate against African Americans, the poor and other segments of society – failed here when the judge ruled the defense couldn't meet its burden, largely because it's impossible to do so.

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San Francisco Court Watch

Inconclusive Evidence Used in Murder Trial

On Monday morning in Department 16, Judge Eric R. Fleming presided over the first day of an MS-13 gang-related murder trial with two defendants.

[Read More](#)

Weak Testimony, Stronger Evidence?

A resident named Abdelilah Chadly found himself facing the potential charge of battery after allegedly punching against the back of a female victim.

[Read More](#)

Yolo County Court Watch

Child Is Sexually Abused For Over Three Years, Defendant Charged On All 30 Counts

A man will be going to trial after a preliminary hearing upheld the 30 different counts against him, all of which are sex-related charges with a minor.

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Sacramento Court Watch

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Subject: Everyday Injustice - Judge Rules against Claim that Sacramento County Jury Pool Is Racially Biased
Date: Tuesday, November 19, 2019 at 6:45:08 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Claire White: "the jury selection procedure in Sacramento County has resulted in selection of jurors in a constitutionally impermissible manner; that the jury excludes jurors of a protected class in violation of the defendant's federal and state constitutional rights."

Everyday Injustice Newsletter - November 19, 2019

Everyday Injustice

Murder or Self-Defense - San Francisco Murder That Might Not Be

by David Greenwald

If you want to understand the simple concept of everyday injustice, here is another. A man worked at a low income housing location. A man kept coming around and causing problems. To the point where he

was a marked man for a private security company.

Ultimately there was a confrontation on August 10, six shots rang out, and the man was killed. The man who worked at the housing location was arrested and charged with murder.

The question appears to be was this murder or self-defense?

That is where we get into the gray area of the law. What was held on Thursday and ended on Monday was a preliminary hearing. Public Defender Davis took the unusual step of bringing forward his own witnesses - attempting to get the judge to either not hold the defendant to answer for the charges or at the very least reduce them to voluntary manslaughter - which frankly, in light of the evidence seems far more reasonable.

But the judge warned him that the burden would be high to get a self-defense holding in a prelim - it seems unlikely that the DA can get a conviction on murder when the burden increases to beyond a reasonable doubt.

Here's the problem. You have two confrontations previously with this individual. One started on June 10 as a verbal altercation, led to punches thrown and ended as one man held the defendant in a headlock and may have been thumping him after he slipped on the ground. The man then pulled out a knife and slashed him a few times to get him to let up.

The man admitted to the officer that he was trying to make him "go to sleep."

So then he shows up, night in question, he has two knives on him, and he gets into a confrontation and this time he is shot and killed.

Admittedly we don't know enough about the confrontation. Clearly the defendant is going to have to testify in this case in order to explain his actions and mindset.

But even if he overreacted to the threat, even if as the DA pointed out the weapons were never brandished, the past history makes the overreaction fairly understandable and it appears that the victim rather than the defendant was the aggressor.

In short, even if you think he's unreasonable in opening fire, it seems unreasonable that this is a murder case. So once again, why charge it as murder? Why not put a reasonable charge on this case?

This isn't an outlandish decision by the DA. He's not withholding evidence. He's not wrongfully accusing someone. But he does appear to be overcharging him. This is the kind of everyday injustice we see well... on an everyday basis.

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The Way Forward against Death by Incarceration in Pennsylvania

Yesterday, the Philadelphia Inquirer editorial board looked at two overlapping injustices in Pennsylvania: the large number of people sentenced to die in prison and the use of this sentence against people who are considered accomplices to a crime but did not kill anyone and are convicted of felony murder.

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David Thorne is serving a life sentence without the possibility of parole for allegedly hiring an acquaintance to kill the mother of his son – however, he never hired anyone nor did the acquaintance do the crime.

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San Francisco Court Watch

Suspicious Vehicle Stop Escalates to Threats to a Child

On Friday morning, a preliminary hearing began in a car burglary case under Judge Teresa Caffese. It was found that identification of both the suspect and the suspect's car was not based on much evidence

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Traffic Violation Escalates

Deputy Public Defender Brown's attempt to motion to suppress evidence failed this Friday. Had it succeeded, the majority of the district attorney's case against the defendant may have crumbled—what started as a traffic violation has snowballed into a case alleging four felonies and several misdemeanors.

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Yolo County Court Watch

Suspicious Vehicle Stop Escalates to Threats to a Child

At 7:37 am on Sept. 13, 2019, Humberto Tejeda Jr. was the suspect in a report of a suspicious vehicle on East Street in Woodland. When police approached the Blue Ford Taurus

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Defendant Found Guilty of all 11 charges, Four Being Petty Theft Charges

An argument starting from a 7/11 incident leads to a violent domestic violence case and attempted murder charges. A preliminary hearing was held on Nov. 14, 2019, regarding the matter of the defendant Don Barkins and his partner.

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Date: Monday, November 18, 2019 at 6:40:11 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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Yolo DA Ryan Couzens: "What the line of questioning showed is that her entire testimony is contrived. I specifically didn't turn over the transcript — which is our work product — because I wanted to ask her about it, and sure enough, she said oh no, Mr. Dev never told me anything of what to say."

Everyday Injustice Newsletter - November 18, 2019

Everyday Injustice

The Police Have Never Been the Friends of African-Americans

By David Greenwald

I was reading an interesting book this week on the Black Panther Party. What jumped out to me was this quote: "it had become clear that policemen, most of whom were white, were neither going to benevolently

protect nor adequately serve black communities."

I think many have tended to forget the history of this nation. In the south, it was police and sheriff's who acted in concert with local white supremacists to prevent blacks from seeking redress.

Indeed, when civil rights workers went to the south, the police did not protect either white civil rights workers or blacks from mobs. They either looked the other way, or at times became the mob themselves. The FBI under Hoover refused to protect black civil rights workers.

On the contrary, FBI agents looked the other way when civil rights activists were beaten. When MLK called out the FBI and Hoover for acting in concert with southern segregationists - they labeled him an enemy.

"The FBI assigned full enemy status to King," Taylor Branch, author of Pulitzer Winning series of the Civil Rights Movement, would write. They put him and his colleagues under surveillance, they wrote a letter attempting to get him to commit suicide.

In the north, though, police were actually no better. They didn't act to protect black lives. We can point to of course, extreme examples such as the likely murder of Black Panther Fred Hampton in Chicago by police.

The FBI in 1967 had identified Mr. Hampton as a "radical threat" and attempted to subvert his activities. He was then shot and killed in his bed during a pre-dawn raid in 1969. Evidence surfaced that an FBI informant had drugged him. Of course, an inquest by the coroner ruled the deaths of Hampton and also Mark Clark to be justifiable homicide.

The Hampton case is probably an extreme example. But as recent studies continue to show, getting shot and killed by police remains a leading cause of death for young black men in America.

The LA Times in August notes: "About 1 in 1,000 black men and boys in America can expect to die at the hands of police, according to a new analysis of deaths involving law enforcement officers. That makes them 2.5 times more likely than white men and boys to die during an encounter with cops."

The Article notes: "But the vulnerability of black males was particularly striking."

"That 1-in-1,000 number struck us as quite high," said study leader Frank Edwards, a sociologist at Rutgers University. "That's better odds of being killed by police than you have of winning a lot of scratch-off lottery games."

We can argue that policing has changed since the 1960s. But from the perspective of African Americans, how much so? If we look at the war on crime, the focus on heavily black neighborhoods for drug enforcement, the critique of the criminal justice system as an extension of Jim Crow - perhaps it should not be much surprise that most blacks when asked believe that the police are anti-black and that when approached by police officers, many will run or attempt to flee.

But it seems that many have forgotten this history. Most white children are taught that police officers are their friends, there to help them in times of crisis. Our black children learn the lesson from above - police officers are not likely to "protect" or "serve" black communities.

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Monday Morning Thoughts: Couzens Illustrates Win at All Costs Approach That Puts Innocent People At Risk of This District Attorney

When Ryan J. Couzens, Deputy DA in Yolo County walked into court, early Monday Morning on the 28th of October, it seemed he had two plans in mind – one was to complain that he had been wronged by the petitioners and the other was to lay a trap

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Rep. Ayanna Pressley Unveils Sweeping Plan to Reshape American Criminal Legal System

Democratic Representative Ayanna Pressley of Massachusetts unveiled a sweeping resolution today calling for state and local governments to decrease prison populations, abolish cash bail, and end the system of charging people fines and fees to fund local court systems, among a host of other proposals.

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Texas Court of Criminal Appeals Has Granted Rodney Reed an Indefinite Stay of Execution

On Friday, the Texas Board of Pardons and Paroles unanimously voted in favor of a 120-day reprieve of Rodney Reed's execution. Now, the decision lies with Governor Greg Abbott as to whether to adopt their recommendation before Mr. Reed's scheduled execution on Wednesday, November 20.

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San Francisco Court Watch

Big Day in Resentencing Court: Mayor Breed's Brother To Have 1437 Hearing in

January

Fridays in Department 25, presided over by Judge Brandon P. Conroy, are designated for resentencing. This Friday was no different—however, the rulings were.

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Yolo County Court Watch

Suspicious Vehicle Stop Escalates to Threats to a Child

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Sacramento Court Watch

Anti-Fascists Claim Victory with Slap on Wrist After Facing Major Felonies

Nearly three and one-half years after a protest that led to three anti-fascist demonstrators charged with multiple felony counts, including riot and assault with a deadly weapon, the Sacramento County District Attorney office made them an offer they couldn't refuse.

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Subject: PRESS RELEASE: Jury acquits homeless man of two felonies for riding a stolen motorcycle. May go to prison for driving without a license.

Date: Saturday, November 16, 2019 at 1:05:47 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

For immediate release: November 15, 2019

NOTE: Mr. Mabrey's sentencing hearing is scheduled for Wednesday, November 20th at 1:30pm, in Department 10.

Contact: Valerie Ibarra, Public Defender's Office: 628.249.7946 or Valerie.Ibarra@sfgov.org

Link: <http://sfpublicdefender.org/news/2019/11/jury-acquits-homeless-man-of-two-felonies-for-riding-a-stolen-motorcycle-may-go-to-prison-for-driving-without-a-license/>

*****PRESS RELEASE*****

**JURY ACQUITS HOMELESS MAN OF TWO FELONIES FOR RIDING A
STOLEN MOTORCYCLE –
MAY GO TO PRISON FOR DRIVING WITHOUT A LICENSE**

SAN FRANCISCO – On Tuesday, November 12, 2019, a jury acquitted a homeless man of

two felony charges after police pulled him over at gunpoint for riding a stolen motorcycle on Division Street and San Bruno Avenue at 6pm on June 26, 2019. However, he may still serve four years in prison for driving without a license.

Charles Mabrey, 50, a native of Oakland, was homeless living in his car in San Francisco, but having a car was becoming a nuisance. He asked some people about where he could get an e-bike or a motorcycle. He said that a friend told him of a motorcycle that his cousin was selling. When the cousin showed up, Mabrey mounted the motorcycle, which was already turned on, and took it for a test ride.

The prosecution argued that he should have seen the punched in ignition and assume it was stolen. However, he never saw or touched the ignition, which is in an unusual place on the Triumph Scrambler.

Mabrey stalled in an intersection where an observer noticed him not wearing a helmet. The observer called 911 to report an African American man struggling to operate the motorcycle and suggested that it might be stolen. Police responded promptly and found the man and the motorcycle described on the 911 call nearby.

When the first police car arrived, both officers exited the vehicle, drew their guns and proceeded to yell commands at Mabrey. More police arrived, and the reporting officer, Trevor Magallanes, himself a long-time motorcyclist, was not able to immediately locate the oddly-placed ignition. Mabrey said that he saw other officers reach under the handlebars and pull down some loose wires, indicating that the bike had been hotwired.

Mabrey was charged with two felony counts for possession of stolen property and joyriding without consent of the owner. The prosecutor, Brittney Delgado, failed to prove that he had actual knowledge that the bike was stolen, and even suggested that the person who had tried to sell it to him was not real. Rather, deputy public defender Crystal Carpino argued that

Mabrey was reasonably mistaken that he had permission from the person he thought was the owner.

It turned out that the bike had been stolen, but not by Mabrey. The real owner's home surveillance camera showed two helmeted men – which it was agreed was not Mabrey – arrive on one motorcycle and ride away on two around 1am that same day.

The jury found Mabrey not guilty on both felony counts. However, he did admit to driving those few blocks without a license, which is a misdemeanor.

Mabrey remains in custody because he is currently on probation for drug charges. One probation carries an ESS (execution of sentence suspended) which is an agreement that any violation of his probation would cause him to serve four years in prison. Judge Ross Moody has the discretion whether or not to detain him on the ESS, or whether to release him for time served for the misdemeanor.

“Trying to put someone in prison for four years on such a minor probation violation is inhumane and unnecessary,” said Carpino.

Mabrey has a history of convictions, but also of family tragedy. When he was a teenager, his whole family was murdered by his sister's violent on-and-off boyfriend.

“It was a long time ago, but it will affect his life forever. Some people can't understand what life is like on the streets,” said Carpino. “Prosecutors just want to put somebody in prison for a while and forget about them. It doesn't solve anything.”

Public Defender, Mano Raju, said, “We are pleased that the jury understood that Mr. Mabrey didn't know the bike was stolen, and proud that he had a public defender who was able to illustrate the reality of the situation.”

Mr. Mabrey is scheduled to appear for a sentencing hearing on Wednesday, November 20, 2019, at 1:30pm.

#

Valerie Ibarra
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Office: 415.575.4390
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Subject: Everyday Injustice - SF Mayor's Brother Has 1437 Hearing; Resolution in 3YO Capitol Riot Case; Latest Podcast

Date: Friday, November 15, 2019 at 7:25:10 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We could have won if we went to trial. But with this settlement it keeps everyone safe with no possible jail time. And no one believes this is a victory for the DA or the fascists," Attorney Shanta Driver

Everyday Injustice Newsletter - November 15, 2019

Everyday Injustice

For \$10 You Can Keep Us Going and Growing...

We are week into this new newsletter - Everyday Injustice. Very excited by the quick growth in readers. This is my plug to those readers who have not signed up to help us out by becoming monthly

donors.

Right now we are operating court watches in multiple counties in California - and that list could be expanding. But I have calculated that in order to really do things right, it takes at least \$50,000 to run each program. That doesn't even include my ultimate goal of hiring investigative journalists to do follow work on the court findings.

We just got a grant to track all of the SB 1437 cases through the system in California. That's the felony murder rule reform that we discussed in yesterday's articles. So we will have unparalleled coverage of 1437 cases in California.

We have done a lot of work on wrongful convictions and that work is expanding. We have a weekly (sometimes more frequent) podcast. It is not exclusively focusing on wrongful convictions - we will be looking at criminal justice reform in general - but if you have a story worth telling shoot me a line and we'll can record a podcast.

The core of our program is still the courtwatch program - as I have explained. We're working with the San Francisco Public Defender's office on the SF Court Watch which has been an amazing experience and we have seen so much.

They posted this yesterday: "We are proud to partner with Davis Vanguard on our Court Watch program - which brings citizen journalism into the courtroom... because, "Injustice happens every day in empty courtrooms." - Avi Singh"

Completely agree. The nexus between empty courtrooms and wrongful convictions and lack of media coverage is scary.

So what we need is very simple - you to become a monthly subscriber. We set the base level at \$10. We have people who can only give \$1 a month. We have people who give \$300 a month. Whatever you can afford is great. It helps us make our payroll.

What to help - go here - <https://www.davisvanguard.org/2019/10/subscriber-injustice/>

Not ready? That's fine. This newsletter is free. Thanks for reading.

David Greenwald, Director and Founder

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Criminal Justice News/ Commentary

Anti-Fascists Claim Victory with Slap on Wrist After Facing Major Felonies

Nearly three and one-half years after a protest that led to three anti-fascist demonstrators charged with multiple felony counts, including riot and assault with a deadly weapon, the Sacramento County District Attorney office made them an offer they couldn't refuse.

[Read More](#)

The Separation of Powers: Arguments over SB 1437 [Part 2]

The felony-murder rule originally charged defendants who were committing a crime when another individual dies. SB 1437 redefines that law for felony-murder liability by excluding "a person who is not the actual killer, did not act with the intent to kill"

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Big Day in Resentencing Court: Mayor Breed's Brother To Have 1437 Hearing in January

Fridays in Department 25, presided over by Judge Brandon P. Conroy, are designated for resentencing. This Friday was no different—however, the rulings were.

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Everyday Justice Podcast Episode 19: David Thorne and a Murder for Hire That Wasn't

David Thorne is serving a life sentence without the possibility of parole for allegedly hiring an acquaintance to kill the mother of his son – however, he never hired anyone nor did the acquaintance do the crime.

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San Francisco Court Watch

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Fridays in Department 25, presided over by Judge Brandon P. Conroy, are designated for resentencing. This Friday was no different—however, the rulings were.

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Yolo County Court Watch

Repeat Offender leads to Felony Conviction

A 911 call regarding a suspicious person roaming the streets of West Sacramento led to an arrest after the officer found methamphetamine and drug paraphilia on the alleged defendant.

[Read More](#)

Argument at 7/11 leads to Attempted Murder

An argument starting from a 7/11 incident leads to a violent domestic violence case and attempted murder charges. A preliminary hearing was held on Nov. 14, 2019, regarding the matter of the defendant Don Barkins and his partner.

[Read More](#)

Sacramento Court Watch

Anti-Fascists Claim Victory with Slap on Wrist After Facing Major Felonies

Nearly three and one-half years after a protest that led to three anti-fascist demonstrators charged with multiple felony counts, including riot and assault with a deadly weapon, the Sacramento County District Attorney office made them an offer they couldn't refuse.

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Everyday Injustice - Podcast

Everyday Justice Podcast Episode 19: David Thorne and a Murder for Hire That Wasn't

David Thorne is serving a life sentence without the possibility of parole for allegedly hiring an acquaintance to kill the mother of his son – however, he never hired anyone nor did the acquaintance do the crime.

Sometime between the evening hours on March 31, 1999, and 12:00 p.m. on April 1, 1999, Yvonne Layne, a mother of five, was murdered in her home with one solid and steady slit to her throat.

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Subject: Everyday Injustice - Conviction Integrity Units Don't Work Everywhere

Date: Thursday, November 14, 2019 at 7:20:06 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"You take an oath to seek justice," Larry Krasner said. "That means innocent people go home. It also means, if you have an innocent person in jail, the guilty one got away."

Everyday Injustice Newsletter - November 14, 2019

Everyday Injustice

Interesting Developments Now in Nearly 40 Year Old Mumia Case

by David Greenwald

One of the first wrongful conviction cases I became aware of was the case of former Black Panther Mumia Abu-Jamal, whose *Live from Deathrow* book I read in college in the early 1990s. Since then he was removed from death row but sentenced to life without parole.

But enter progressive prosecutor Larry Krasner and suddenly there is some action here. I've read Mr. Abu-Jamal's account, the account of his supporters but also the account of his victim's family - a police officer who was just 25 years old in 1981 when he was killed. I know a lot of innocence advocates view the case with trepidation and skepticism.

Still the reports are interesting.

This week, attorneys for Maureen Faulkner, widow of slain police officer Daniel Faulkner filed a petition with the Pennsylvania Supreme Court to remove DA Krasner from the appeals case arguing that he is "tainted with conflict of interest" and his office is filled "with Abu-Jamal sympathizers."

"The people who Larry Krasner has filled the top of his staff with are people who have dedicated their legal careers to making sure that justice doesn't happen, to preventing that justice for Daniel Faulkner," Faulkner's attorney Jack O'Neill said at a news conference inside the Fraternal Order of Police Lodge 5.

There is a prediction from one attorney that "Mumia could be free by Christmas on the streets..."

Then again even if he's guilty of the crime - it has been 38 years, Mumia Abu-Jamal is 64 - hardly a threat to re-offend at this point.

Attorney for Abu-Jamal are calling this "a desperate attempt to reverse a judge's decision last year that breathed new life into Abu-Jamal's attempts to get a new trial in the decades-old case."

"Even the door being slightly opened to a modicum — a bit — of justice, Maureen Faulkner is fighting that," she said.

"It's a new day now and people are attempting as best they can go by the color of the law," she said. "[Krasner] made no mistake in what he did and all she's doing is opening it up and making it wider for people to see."

The case happened December 9, 1981. Officer Faulkner pulled over the brother of Mumia Abu-Jamal. Mr. Abu-Jamal was working as a cab driver, observed what happened and ran to assist his brother.

He was found shot and wounded - prosecution witnesses testified that he shot Mr. Faulkner.

Whether you believe he is innocent, the new revelations are important. The DA's office "unearthed six boxes of files related to the case last year." The defense claims that these files "show prosecutors promised money to one eyewitness, helped another with her prostitution case and made notes about the race of prospective jurors," the Associated Press reported.

He could be granted a new trial based on this evidence. But we'll see.

Thanks for reading.

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Criminal Justice News/ Commentary

Commentary: Zero is the Number Freed By Conviction Integrity Units Here

According to an article this week in the Washington Post – there are now 49 conviction review units in DA offices across the US – most of those started in the last five years.

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Overpolicing on Public Transit

In a video posted on Twitter on Friday, a small woman with a pushcart full of churros is surrounded by four NYPD officers inside the Broadway Junction subway stop in Brooklyn.

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Everyday Injustice Podcast Episode 18: The Unfair Prosecution of the Faires

Imagine you have been arrested and held in custody for years for a crime you did not commit and deprived of the right to see an attorney. Incredibly that's what happened to James Faire and his wife Angela.

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San Francisco Court Watch

Woman Charged with Felony for Lighting Candles and Moving Rug

In Department 9 of the San Francisco County Hall of Justice, a preliminary hearing was held for Jennifer Pinsetti. Jennifer is accused of first-degree burglary

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Yolo County Court Watch

Witness Identifies Her Mother in Home Burglary Case Footage

A witness identified her mother in the footage taken from the home that was burglarized last July 29. The defendant, Ms. Holly Ford, plead not guilty to the felony charge of one count of burglary in the first degree.

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Sacramento Court Watch

Judge Declares Mistrial in Stockton Cop Killing Case After Jury Deadlocks

The judge in a federal civil rights trial here of two Stockton police officers who killed a 16-year-old special needs teen nearly 10 years ago declared a mistrial early Tuesday when the federal jury reported it was hopelessly deadlocked after only a few hours of deliberation.

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James Faire of Tonasket was originally charged in Okanogan County with several crimes after he allegedly ran over Debra Long of Issaquah and George Abrantes of Marysville with a pickup truck during a confrontation in Tonasket, Wash., in 2015. Long died and Abrantes was injured in the incident.

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Subject: Everyday Injustice - Jury Hangs in the Shooting of 16 Year Old By Police; 4th DCA Hears Arguments on SB 1437
Date: Wednesday, November 13, 2019 at 2:12:12 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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John Burris: "If 29 shots doesn't shock your conscience (a legal requirement for the plaintiffs win), nothing will."

Everyday Injustice Newsletter - November 13, 2019

Everyday Injustice

Holding Police Accountable Is Hard

by David Greenwald

It took ten years to bring the federal civil rights case against two police officers to trial - it took two days for the jury to hang.

John Burris, one of the premier civil rights attorneys in the country argued on Friday that the officers panicked, lost their "wits" and shouldn't have shot James Rivera Jr. on July 22, 2010.

He told Vanguard reporter Cres Vellucci that he wasn't surprised.

"We believed we presented a sufficient enough case so the jury would rule on at least one officer, if not both," said Burris.

Burris said that the family was "upset at not getting a verdict," and that it had been an "emotional" roller coaster for them to relive the death of Rivera Jr. after more than nine years looking for justice. "It was very emotional and now they have a big empty feeling," explained Burris.

But getting justice in these cases is hard. The Eastern District Federal Court goes all the way from the Oregon Border down to San Joaquin County.

We saw this first hand in another case that has been discussed - the 2009 shooting of Luis Gutierrez which finally went to federal court in 2012 before the esteemed judge Lawrence Karlton who died a few years later.

The jury from that case was mainly from rural Shasta and Butte counties - and like this one, overwhelmingly white.

In that case, it came down to the word of the three deputies involved in the shooting and against the word of bystanders and passersby. The deputies described being threatened with a knife and shooting in self-defense.

But there was never evidence presented that the victim's fingerprints or DNA was on the knife. Independent eyewitnesses testified that they never saw a knife in that case.

The deputies saw the victim, Mr. Gutierrez waling on Gum Ave in Woodland at midday as he left the DMV to take a driving test. Employees at DMV never saw anything weird, but the deputies thought they recognized the man. As they turned their vehicle and approached him - he took off running and then they claim he pulled a knife, were in fear of their lives and opened fire.

Without video evidence - the jury inclined to side with law enforcement acquitted the officers.

In this case, seven years later, in different times, the jury was less likely to side with law enforcement.

John Burris charged that officers did not take adequate time even though the victim, just 16, was surrounded, outnumbered and unarmed.

They fired at him 29 times.

"If 29 shots doesn't shock your conscience (a legal requirement for the plaintiffs win), nothing will. With proper warnings, (James) may have surrendered, but other officers responded to Dunn's fear. Dunn panicked. He lost his wits. Firing of 29 shots is excessive force. Period," Burris closed.

It wasn't enough to convince the jury. But now, both sides will likely be more willing to try to reach an equitable settlement.

It's a bad system. Police do not get held sufficiently accountable for their mistakes. And people die because it of.

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Criminal Justice News/ Commentary

Judge Declares Mistrial in Stockton Cop Killing Case After Jury Deadlocks

The judge in a federal civil rights trial here of two Stockton police officers who killed a 16-year-old special needs teen nearly 10 years ago declared a mistrial early Tuesday when the federal jury reported it was hopelessly deadlocked after only a few hours of deliberation.

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Crime and Punishment and Voter Intent: Constitutional Arguments over SB 1437 [Part 1]

Oral arguments for three Senate Bill 1437 cases delve into the constitutionality of redefining felony murder. The felony-murder rule originally charged defendants who were committing a crime when another individual dies.

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Everyday Injustice Podcast Episode 18: The Unfair Prosecution of the Faires

Imagine you have been arrested and held in custody for years for a crime you did not commit and deprived of the right to see an attorney. Incredibly that's what happened to James Faire and his wife Angela.

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San Francisco Court Watch

Woman Charged with Felony for Lighting Candles and Moving Rug

In Department 9 of the San Francisco County Hall of Justice, a preliminary hearing was held for Jennifer Pinsetti. Jennifer is accused of first-degree burglary

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Yolo County Court Watch

Body Camera Footage Showed Uneven Surface During DUI Assessment

During a preliminary hearing for a DUI case, the defense attorney used the expert witness, Officer Guillermo Zuniga's body camera footage to show that he observed the walk and turn test on an uneven surface.

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Cocaine and Heroin Found in Davis Vehicle

On the evening of October 23, 2019, at a gas station, the Davis Police Department executed a search warrant for Genaro Tamayoosua, who was suspected to possess illegal substances.

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Sacramento Court Watch

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Sac County Court Trials on Hold After Elevator Snafu

Tuesday, the day after a Monday Veteran's Day holiday, there were no less than eight homicide and attempted murder trials, with a sprinkling of robbery, burglary, sexual battery and rape trials scheduled to start about 8:30 or 9 a.m. at Sacramento County Superior Court.

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Everyday Injustice - Podcast

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Subject: Everyday Injustice - Legalization of Pot Leads to Resumption of War on Drugs? Latest Podcast Focuses on the Prosecution of a Washington Couple

Date: Tuesday, November 12, 2019 at 7:00:56 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"In other parts of the country, progressive prosecutors who are promising to end mass incarceration, abolish cash bail, dole out shorter sentences, and end the disparity in sentencing of people of color are remaking the criminal justice system." - LA Magazine

Everyday Injustice Newsletter - November 12, 2019

Everyday Injustice

Gascon Talks A Good Game on Progressivism But That's All

by David Greenwald

by [Name Redacted]

I was reading an article in the LA Magazine - an interview with former SF DA George Gascon.

The article notes: "In other parts of the country, progressive prosecutors who are promising to end mass incarceration, abolish cash bail, dole out shorter sentences, and end the disparity in sentencing of people of color are remaking the criminal justice system.

"Up until now, this reform wave has yet to touch Los Angeles County. The current L.A. County District Attorney, Jackie Lacey, first elected in 2012, has largely approached the job as a traditional tough-on-crime prosecutor. Now she's got a serious 2020 primary challenger in George Gascón."

He talks a good game: "There's no place in our business for cash bail anymore—we have a [D.A.'s] office here that's very tied to cash bail."

He adds, "L.A. is so far behind, we're still doing criminal justice the way we did in the '80s and '90s."

But as DA in the far more progressive San Francisco - he often failed to deliver.

Take bail reform. In 2016, we had the late Public Defender Jeff Adachi and Phil Telfeyan talking about bail reform and the lawsuit filed by Equal Justice Under Law to end the use of money bail in San Francisco. They filed that suit in October 2015, it was resolved this year.

He told me, "Bringing an end to the money bail system is a huge victory for San Franciscans. This means that individuals will no longer be jailed simply because they cannot afford to buy their freedom."

Point being: it took a lawsuit not action by DA Gascon to end money bail.

We moved our court watch into San Francisco in May - since then I have been attending trials, preliminary hearings, bail hearings, etc.

Despite the claims by Mr. Gascon, the SF criminal justice system is still filled with overcharging, wrongful prosecutions, prosecutorial misconduct, police misconduct and much more.

Two cases stand out for me.

The first case we covered in San Francisco, a man ended up acquitted of the charge of child molestation. It was a horrible case and had it been tried in most places other than San Francisco, we may well be talking about another wrongful conviction.

A man was accused of molesting his girlfriend's four year old daughter, but there were all sorts problems with the case - no physical evidence, no DNA, and really no opportunity for the man to have had access to the child alone and no corroborating evidence other than the word of a very confused four year old.

To make the matters worse she froze up on the stand. So they met with her in the hallway - the social workers, investigator and DA. And a defense investigator overheard the DA coaching her witness, "say that," the DA told the four year old, "say that."

The investigator caught it on video and testified to it. So did the DA get punished for prosecutorial misconduct? NO. The investigator was threatened with prosecution for allegedly illegally recording the video.

The second case that stands out: a man is accused of shoplifting at a local Safeway. The police are called and it is not clear that the man is the actual perpetrator. But nevertheless, the police see him,

recognize him and descend on him.

He is not yet detained and starts slowly walking away. The police rush him, slam him into a parked car and then body slam him into the ground.

Excessive force for shopping and walking away from the police? To be sure.

The response from the DA's office: charge him with felony resisting with force. To make matters worse, a judge refused to throw out the felony charges.

Time and time again we have seen these kinds of cases in our months of coverage in San Francisco. It looks little different on the prosecution end from Yolo and Sacramento County where two of the least progressive DA's reside.

George Gascon might be a step up in Los Angeles, but his track record in San Francisco is lacking which is why there is such excitement over the election of Chesa Boudin.

Thanks for reading.

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Criminal Justice News/ Commentary

Commentary: Legalization of Pot Leads to Resumption of War on Drugs?

handed force to conduct raids on suspected drug dealers. But critics such as Radley Balko have argued that most raids are not against high level dealers, but rather low level offenders.

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A Crisis For Indigent Defense in Massachusetts

Fifteen years ago, people arrested and charged in Hampden County, Massachusetts, but unable to afford representation, were jailed pretrial with no lawyers to represent them. The cause was a steady shortage of “bar advocates” (private attorneys assigned cases and paid an hourly rate) willing to take these cases, due to low rates of compensation.

[Read More](#)

Federal Jury Deliberates If Police Used Excessive Force in Shooting Death of Special Needs Teen Driving Stolen Van

Civil rights attorney John Burris didn't bother to mince words in his closing arguments for the family of a 16-year-old special needs teen killed in a hail of gunfire by Stockton police in 2010, a day before the Black youth's birthday.

[Read More](#)

San Francisco Court Watch

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Sacramento Court Watch

Federal Jury Deliberates If Police Used

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Civil rights attorney John Burris didn't bother to mince words in his closing arguments for the family of a 16-year-old special needs teen killed in a hail of gunfire by Stockton police in 2010, a day before the Black youth's birthday.

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Everyday Injustice - Podcast

Everyday Injustice Podcast Episode 18: The Unfair Prosecution of the Faires

Imagine you have been arrested and held in custody for years for a crime you did not commit and deprived of the right to see an attorney. Incredibly that's what happened to James Faire and his wife Angela.

James Faire of Tonasket was originally charged in Okanogan County with several crimes after he allegedly ran over Debra Long of Issaquah and George Abrantes of Marysville with a pickup truck during a confrontation in Tonasket, Wash., in 2015. Long died and Abrantes was injured in the incident.

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Subject: Everyday Injustice - Chesa Boudin's Victory in San Francisco Grows the Moment For Progressive Prosecution

Date: Monday, November 11, 2019 at 7:00:20 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

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"We have to rebuild trust. I obviously didn't appreciate the attacks, I think it was a poor use of their money – funded actually by law enforcement groups all across the country." Chesa Boudin responding to police attacks.

Everyday Injustice Newsletter - November 11, 2019

Everyday Injustice

Why The Policies of Our District Attorneys Matter

by Danielle Silva

This Saturday, Chesa Boudin, a former public defender, won the San Francisco District Attorney election against Suzy Loftus, interim district attorney appointed by Mayor London Breed. Boudin is considered one of a long line of progressive prosecutors, focusing on policies of decarceration, eliminating bail reform, and increasing police accountability.

While policies like that could be difficult to uphold, the position of the district attorney has the ability to bring these policies into practice. District attorneys decide which cases to prosecute and bring to court. This can be a range of crimes from property crime to domestic violence to driving under the influence cases. When prosecuting cases, attorneys can also provide plea deals to defendants to maintain accountability which could be in the form of jail time or through another available program. In this position, district attorneys are the gatekeepers to the criminal justice system - the cases they choose and the plea deals they arrange directly impact mass incarceration and racial disparity.

Almost 90% of cases take a plea deal before going to trial. Some plea deals have individuals recommended to programs while others may be required jail time. Some deals dismiss charges while others do not. The prosecution gets to decide the conditions of the deal - the defendant chooses whether to take it or not. The method of accountability in which the district attorney considers applying to each offense directly affects mass incarceration. Defendants could be pushed towards a deal with jail time for repetitive non-violent offenses or could be pushed towards programs that address their reasons for these offenses.

The policy of the prosecution's office guides the path of defendants. They are tasked with having defendants admit accountability while also working towards establishing public safety and a plea deal establishes that. In this position, prosecutors have the ability to directly address recidivism while also controlling the number of people being sent to prison. The policies of the District Attorney, in particular, affect that.

In looking back at the policies of Boudin, he notes how he wants to direct the focus towards serious and violent crime. Only 2% of criminal charges end up seen by a jury and in San Francisco two-thirds of cases that go to trial are actually misdemeanors with only half of those cases getting convictions, therefore failing to take accountability.

For car-break ins, one of the major issues addressed by many of the SF DA candidates, Boudin has two approaches - break-ins that are part of organized crime should aim to take down the entire network rather than catch one offender at a time; break-ins that stem from poverty or addiction should be addressed through "extensive restorative justice policy coupled with [Boudin's] comprehensive mental health policy."

In both of these policies, Boudin would shift his policy to focus more on violent crime while still establishing accountability for misdemeanors and attempting to address recidivism. These policies that Boudin has suggested in detail to be held accountable to as his appointment to district attorney comes around. The policies of the district attorney provide a major platform for change in the criminal justice system.

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Criminal Justice News/ Commentary

Chesa Boudin Talks about His Victory in San Francisco

It remains unclear as to when exactly Chesa Boudin, the public defender who knocked off challenger Suzy Loftus and two other candidates in a very tight race last week in San Francisco, will become San Francisco's next DA.

[Read More](#)

Monday Morning Thoughts: DA Reisig, Dunning Respond to Letter on Provenza Race; Reisig Gets A Lot Wrong Here

The response was interesting – a lot of pushback. A lot of claims that this was a “hit” or “smear” piece. Ironically a number of commenters seemed to blame the Vanguard even though it was a guest submission and the Enterprise published the exact same letter.

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Boudin Takes Victory in SF DA Race

With only 1,200 votes left to count, Chesa Boudin receives a narrow win over interim district attorney Suzy Loftus in the San Francisco District Attorney race.

[Read More](#)

Guest Commentary: SF's Failed 'War on Drugs' Needs Innovation to Transform the Status Quo

San Francisco has historically responded to street-level drug activity in the same way: periodically cracking down on low-level drug sellers by ramping up policing

[Read More](#)

San Francisco Court Watch

Woman Charged with Felony for Lighting Candles and Moving Rug

In Department 9 of the San Francisco County Hall of Justice, a preliminary hearing was held for Jennifer Pinsetti. Jennifer is accused of first-degree burglary

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Yolo County Court Watch

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Subject: Everyday Injustice - Day Four in Civil Rights Trial; Bail Hearing in SF; Plus Feature: Defining Prison Abolitionism In A Time of Progressive Prosecutors

Date: Friday, November 8, 2019 at 8:00:29 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

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"Prison Industrial Complex (PIC) Abolition is a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment," Jamani Montague, National Membership Coordinator of Critical Resistance

Everyday Injustice Newsletter - November 8, 2019

Everyday Injustice

The Weekly Pitch...

We are week into this new newsletter - Everyday Injustice. Very excited by the quick growth in readers. This is my plug to those readers who have not signed up to help us out by becoming monthly donors.

Right now we are operating court watches in multiple counties in California - and that list could be expanding. But I have calculated that in order to really do things right, it takes at least \$50,000 to run each program. That doesn't even include my ultimate goal of hiring investigative journalists to do follow work on the court findings.

We just got a grant to track all of the SB 1437 cases through the system in California. That's the felony murder rule reform that we discussed in yesterday's articles. So we will have unparalleled coverage of 1437 cases in California.

We have done a lot of work on wrongful convictions and that work is expanding. We have a weekly (sometimes more frequent) podcast. It is not exclusively focusing on wrongful convictions - we will be looking at criminal justice reform in general - but if you have a story worth telling shoot me a line and we'll can record a podcast.

The core of our program is still the courtwatch program - as I have explained. We're working with the San Francisco Public Defender's office on the SF Court Watch which has been an amazing experience and we have seen so much.

They posted this yesterday: "We are proud to partner with Davis Vanguard on our Court Watch program - which brings citizen journalism into the courtroom... because, "Injustice happens every day in empty courtrooms." - Avi Singh"

Completely agree. The nexus between empty courtrooms and wrongful convictions and lack of media coverage is scary.

So what we need is very simple - you to become a monthly subscriber. We set the base level at \$10. We have people who can only give \$1 a month. We have people who give \$300 a month. Whatever you can afford is great. It helps us make our payroll.

What to help - go here - <https://www.davisvanguard.org/2019/10/subscriber-injustice/>

Not ready? That's fine. This newsletter is free. Thanks for reading.

David Greenwald, Director and Founder

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Criminal Justice News/ Commentary

Police Use of Force Experts in Federal Civil Rights Trial Disagree on Stockton Officers' Decision to Kill Teen

A day after one police procedures expert emphatically maintained Stockton police officers made a “tactical error” by shooting and killing alleged 16-year-old carjacker James Rivera Jr. nine years ago – his parents are suing the officers in federal court here – an expert for the police applauded the officers’ actions.

[Read More](#)

Defining Prison Abolitionism In A Time of Progressive Prosecutors

In a time where progressive prosecutors are becoming a national movement, several organizations came together to create a document outlining abolitionist principles and strategies titled “Abolitionist Principles & Campaign Strategies for Prosecutor Organizing.”

[Read More](#)

Family, Friends and Community Rally for Release of Sergio Rocha

Almost forty people wearing “Justice for Sergio” shirts filled the courtroom at a bail hearing on Wednesday. Those forty people included Sergio’s mother, cousin, brother-in-law, closest friends, his mentor, and other community members.

[Read More](#)

San Francisco Court Watch

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Yolo County Court Watch

Broken Headlight leads to Narcotic Bust

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Sacramento Court Watch

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DAY 3: Police Procedures Expert Testifies Shooting that Killed Stockton Teen Was 'Tactical Error'

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Date: Thursday, November 7, 2019 at 8:01:00 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"They reached conclusions I disagreed with," said police procedures expert Roger Alma Clark

Everyday Injustice Newsletter - November 7, 2019

Everyday Injustice

Tide Shifting on 1437 in California

A 17 year old double homicide case in Yolo known as the Halloween Homicide case is headed toward a hearing before Judge Paul Richardson to determine whether SB 1437 - the felony murder reform law is constitutional. If he finds that it is - the matter would then probably have a trial to see if the two co-

defendants are eligible for re-sentencing under the new law.

It is a strange process to be sure.

Under 1437, signed into law last fall by Governor Jerry Brown, the felony murder rule is now limited to those who are the actual killer, those who aided and abetted the killing or those who are major participants in the underlying felony and acted with reckless indifference to human life.

But the DA's have argued that SB 1437 is not constitutional. The result has been a very uneven process. Over the summer, the Vanguard monitored and reported on a successful petition, where there was a two day evidentiary hearing and the judge ruled against the prosecution and set two men free.

In other counties, SB 1437 has been ruled unconstitutional. One of those counties - Yolo County.

Earlier this year, Judge David Rosenberg ruled that the law violates voter intent of Prop 7 which increased punishments for first and second-degree murder and thus is unconstitutional.

"By enacting the re-sentencing provision of section 1170.95, SB 1437 explicitly takes away from the punitive consequences of persons sentenced under the provisions of Proposition 7," Judge Rosenberg's ruling says.

"Whereas Proposition 115 expands the definition of first-degree murder, SB 1437 restricts and takes away from that definition," Judge Rosenberg added.

However, increasingly counties are acting on SB 1437 and the state attorney general, as the Vanguard reported in July wrote a brief indicating that SB 1437 was lawful.

The AG's office argues in that brief that SB 1437 does not amend Prop. 7. They argue instead, "S.B. 1437 changed the elements that must be proven to convict for the crime of murder, not the penalties upon conviction."

Moreover, as Public Defender Ron Johnson argues in the Halloween case, the passage of PC 189 overturns the DA's concern even if you believe that Prop 115 and Prop 7 couldn't be changed without a two-thirds vote.

If Judge Richardson agrees with that, which it seems increasingly likely that he would given where the law is moving, then it becomes very interesting because the two defendants in the Halloween case have maintained their innocence - not simply that felony murder no longer applies.

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Opposing Arguments Submitted As Judge Will Decide Constitutionality of SB 1437 in 2002 Halloween Homicide Case

The petition for resentencing under SB 1437 for two of the men convicted in the 2002 double-murder known as the Halloween Homicides has been reset for November 20.

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Update: Latest Tally Puts Loftus Up by 240 Votes in DA's Race

The votes for the San Francisco District Attorney race are in but the results will take a hot minute due to ranked-choice voting.

[Read More](#)

San Francisco Court Watch

Assault Case Continues after Preliminary Hearing

A preliminary hearing was held Monday in department 12 presided by Judge Vedica Puri. The case will continue with all charges despite the defendant's mental state at the time of the incident.

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Yolo County Court Watch

Hotel Surveillance Wiped in Domestic Violence Case

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Sacramento Court Watch

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Date: Wednesday, November 6, 2019 at 3:44:19 PM Greenwich Mean Time

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Larry Krasner: "It is not a moment, it is a movement."

Everyday Injustice Newsletter - November 5, 2019

Everyday Injustice

The Progressive Imperative and the SF DA Race

As I write this brief column, Suzy Loftus has pulled narrowly into the lead in San Francisco. Hard to know

for sure, but it will be that Chesa Boudin just like Tiffany Caban in Queens and Dean Johansson in Yolo County, California (where I live) is destined to finish in the close but not quite camp.

Suzy Loftus has attempted to claim the mantle of progressivism. I have had people I know and respect tell me that she is a progressive.

I am skeptical. The police officer's union put hundreds of thousands into the race to defeat Chesa Boudin and support Suzy Loftus. Does that suggest progressivism?

Critics charge that she failed to hold the police accountable while on the police accountability board.

I saw her comment about needing to do more to prosecute low level property crimes. In a tweet from October 14 she said: "I decided to run for DA because I was tired of hearing excuses from City leaders there was nothing our city could do to address the rise of car break ins, theft, & property crime."

That's not the voice of progressivism - it is the voice for mass incarceration.

Last week Alameda County Public Defender Brendon Woods tweeted, "Progressive prosecutor? Ends a diversion program to have people do behavioral therapy to address root cause of problem and have their case dismissed. Instead will end program and burden low income black and brown people with jail, probation, and fees."

Compare that to a comment from former San Diego DA candidate Genevieve Jones-Wright this Saturday: "Your worst deed does not define who you are."

I have been watching the courts in San Francisco since May. It is San Francisco as you know, but beneath the liberal and progressive veneer, we see much of the same. Overcharging. Prosecutorial misconduct. Prosecutors failing to hold police accountable.

With a victory by Suzy Loftus, it seems like the status quo will hold - particularly since she will be beholden to interests like the police union.

Chesa Boudin just texted me: "With rank choice (voting) she is now up by 240 but there are about 35K votes left to count still in the mail. Going to take a couple of days."

It would be ironic if rank choice voting - long championed by the progressive left - undid the progressive campaign of Chesa Boudin. We'll find out.

One thing that still remains clear as Larry Krasner tweeted yesterday, "It is not a moment, it is a movement."

Thanks for reading.

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Rally Asks Governor to Stop ICE from Deporting Prisoners After They've Done Time – Charles Joseph Case History

Most of the images of the Trump Administration's out-of-control ICE sweeps of immigrants seeking asylum in the U.S. have been at or near the border states with Mexico.

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San Francisco Court Watch

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A preliminary hearing was held Monday in department 12 presided by Judge Vedica Puri. The case will continue with all charges despite the defendant's mental state at the time of the incident.

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Yolo County Court Watch

Verdict Reached in Onteverio Case, Jury Finds Defendant 'Not Guilty'

The ongoing case of the People v. Onteverio, in which the defendant Joseph Onteverio was charged with a misdemeanor count of exhibiting or drawing a firearm, came to a conclusion today after the jury reached a verdict of "not guilty."

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Sacramento Court Watch

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Witness Describes Shock on 1st Day of Federal Lawsuit against Stockton City Cops

The testimony Monday on the first day of what is expected to be at least a two-week federal trial of the City of Stockton and two police officers was shocking. And horrific.

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From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

bndinsmore@cbs.com; dinsmore@kpix.cbs.com; newsdesk@kpix.com; assignmentdesk@kron.com; news@kpoo.com; assignmentdesk@kqed.org; newstips@foxtv.com; rob.roth@foxtv.com; newstips@nbcbayarea.com; newstip@ktsftv.com; vic.lee@abc.com; hespinosa@abs-cbni.com; jwan@ktsfnews.com; kachan@ktsfnews.com; awong@ktsfnews.com; Theresa.hong@ntdtv.com; Vivian.lan@ntdtvsf.com; ning.han@ntdtvsf.com; wendy.yi@ntdtv.com; jinlu@skylinktv.us; Kenji.Lui@tvbusa.com; sheren.tam@tvbusa.com; noticias14@univision.net; tvespanol@tvespanol.net; timredmondsf@gmail.com; ddebolt@bayareanewsgroup.com; news@ebar.com; joe.eskenazi@missionlocal.com; SF Bay View <editor@sfbayview.com>; hi@joshwolf.net; tips@sfist.com; esernoffsky@sfchronicle.com; mbarba@sfoxaminer.com; julian.mark@missionlocal.com; m.bajko@ebar.com; sgaiser@sfmediaco.com; newsroom@baycitynews.com; editor@sfbaytimes.com; editor@eastbayexpress.com; editor@eltecote.org; sfweekly@sfmediaco.com; news@sfweekly.com; Michael.toren@gmail.com; newsroom@baycitynews.com; pmatier@sfchronicle.com; Joe.Eskenazi@missionlocal.com; editor@fogcityjournal.com; editor@noevalleyvoice.com; editor@potreroview.net; SF Bay View <editor@sfbayview.com>; editor@sfrichmondreview.com; editor@singtaousa.com; editor@thewesternedition.com; editor@westsideobserver.com; editors@newfillmore.com; news@sffoghorn.info; emilamok@gmail.com; hknight@sfchronicle.com; portia@chinesenews.com; shawn.huang@chinesenews.com; assignment@singtaousa.com; tfang@asianweek.com; idac@bayareametro.com; lisa.xin@bayvoice.net; liazhu@chinadailyusa.com; mingng119@gmail.com; quewei@epochtimes.com; lihui.zhou@epochtimes.com; jingzhe.cao@epochtimes.com; jean.ho@newsforchinese.com; info@pandodaily.com; margarita.argente@philippinenews.com; bernice.yeung@propublica.org; lailakearney@gmail.com; editor@singtaousa.com; assignment@singtaousa.com; flora.xu@singtaousa.com; shiqiao.peng@singtaousa.com; sfbay@epochtimes.com; vnnb@vietnamdaily.com; mdinzeo@courthousenews.com; pamela@skylight.is; info@davisvanguard.org; j.ferrannini@ebar.com; c.laird@ebar.com; contact@kalwnews.org; news@kpfa.org; andyrubio@hotmail.com; news@chineseradio.com; cantonesedj@chineseradio.com; assignmentdesk@kqed.org; calreport@kqed.org;

forum@kqed.org; news@kpfa.org; news@kpoo.com; pshuler@kqed.org; roseaguilar@me.com; srhodes@gmail.com; mkelly@kron4.com; jean.elle@nbcuni.com; jdoiy@alm.com; jchen@singtaousa.com; williamfang@singtaousa.com; malcolm_maclachlan@dailyjournal.com; melanie.woodrow@abc.com; lwhite@kpix.cbs.com; newsdesk@kpix.com; curan@univision.net; daniel.montes@baycitynews.com; bndinsmore@cbs.com; lisa.fernandez@foxtv.com; begelko@sfchronicle.com; dbulwa@sfcronicle.com; lreportero@aol.com; news@kalw.org; ben@kalw.org; lydia.chavez@missionlocal.com; riya.bhattacharjee@nbcuni.com; aemslie@kqed.org; rswan@sfchronicle.com; shossaini.news@gmail.com; tfuller@nytimes.com; Vivian Ho <vivian.ho@guardian.co.uk>; Tyche Hendricks <thendricks@KQED.org>; Jessica Mach <Jessica_Mach@dailyjournal.com>; Huntington, James <James.Huntington@abc.com>; Williams, Timothy <tmwilliams@nytimes.com>; Farida Jhabvala Romero <fjhabvala@kqed.org>; Ann Garrison <ann@kpfa.org>; Henry Lee <Henry.Lee@FOXTV.COM>; Bollag, Sophia sbollag@sacbee.com

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Cell: 628.249.7946

Subject: Media Contacts for Press Releases

Date: Wednesday, November 6, 2019 at 2:44:53 AM Greenwich Mean Time

From: Ibarra, Valerie (PDR)

To: Ibarra, Valerie (PDR)

bndinsmore@cbs.com; dinsmore@kpix.cbs.com; newsdesk@kpix.com; assignmentdesk@kron.com; news@kpoo.com; assignmentdesk@kqed.org; newstips@foxtv.com; rob.roth@foxtv.com; newstips@nbcbayarea.com; newstip@ktsftv.com; vic.lee@abc.com; hespinosa@abs-cbni.com; jwan@ktsfnews.com; kachan@ktsfnews.com; awong@ktsfnews.com; Theresa.hong@ntdtv.com; Vivian.lan@ntdtvsf.com; ning.han@ntdtvsf.com; wendy.yi@ntdtv.com; jinlu@skylinktv.us; Kenji.Lui@tvbusa.com; sheren.tam@tvbusa.com; noticias14@univision.net; tvespanol@tvespanol.net; timredmondsf@gmail.com; ddebolt@bayareanewsgroup.com; news@ebar.com; joe.eskenazi@missionlocal.com; SF Bay View <editor@sfbayview.com>; hi@joshwolf.net; tips@sfist.com; esernoffsky@sfchronicle.com; mbarba@sfxaminer.com; julian.mark@missionlocal.com; m.bajko@ebar.com; sgaiser@sfmediaco.com; newsroom@baycitynews.com; editor@sfbaytimes.com; editor@eastbayexpress.com; editor@eltecolote.org; sfweekly@sfmediaco.com; news@sfweekly.com; Michael.toren@gmail.com; newsroom@baycitynews.com; pmatier@sfchronicle.com; Joe.Eskenazi@missionlocal.com; editor@fogcityjournal.com; editor@noevalleyvoice.com; editor@potreroview.net; SF Bay View <editor@sfbayview.com>; editor@sfrichmondreview.com; editor@singtaousa.com; editor@thewesternedition.com; editor@westsideobserver.com; editors@newfillmore.com; news@sffoghorn.info; emilamok@gmail.com; hknight@sfchronicle.com; portia@chinesenews.com; shawn.huang@chinesenews.com; assignment@singtaousa.com; tfang@asianweek.com; idac@bayareametro.com; lisa.xin@bayvoice.net; liazhu@chinadailyusa.com; mingng119@gmail.com; quewei@epochtimes.com; lihui.zhou@epochtimes.com; jingzhe.cao@epochtimes.com; jean.ho@newsforchinese.com; info@pandodaily.com; margarita.argente@philippinenews.com; bernice.yeung@propublica.org; lailakearney@gmail.com; editor@singtaousa.com; assignment@singtaousa.com; flora.xu@singtaousa.com; shiqiao.peng@singtaousa.com; sfbay@epochtimes.com; vnnb@vietnamdaily.com; mdinzeo@courthousenews.com; pamela@skylight.is; info@davisvanguard.org; j.ferrannini@ebar.com; c.laird@ebar.com; contact@kalwnews.org; news@kpfk.org; andyrubio@hotmail.com;

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Subject: Everyday Injustice - Witness Describes Shock on 1st Day of Federal Lawsuit against Stockton City Cops
Date: Tuesday, November 5, 2019 at 8:00:28 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"Illegal cannabis grows are devastating our communities. Criminals who disregard life, poison our waters, damage our public lands, and weaponize the illegal cannabis black market will be brought to justice," said Attorney General Xavier Becerra.

Everyday Injustice Newsletter - November 5, 2019

Everyday Injustice

Legalization of Pot Leads to Resumption of War on Drugs?

Heavy-handed raids. Multi-jurisdictional tasks forces. Nebulus and overlapping legality.

It sounds a lot like the resumption of the war on drugs. And yet, here we are two years after marijuana was legalized in California and one of the most noticeable effects has been a crackdown on illegal grows.

In a press release from the Attorney General's office they noted the arrest of 148 individuals as part of the CAMP Program. CAMP being the Campaign Against Marijuana Planting.

Remember marijuana is legal. They are calling this, "the nation's largest illegal marijuana eradication program."

Indeed they say, "This year, CAMP eradicated 953,459 marijuana plants from 345 raided grow sites across the state. A total of 168 weapons were seized throughout the raids."

"Illegal cannabis grows are devastating our communities. Criminals who disregard life, poison our waters, damage our public lands, and weaponize the illegal cannabis black market will be brought to justice," said Attorney General Xavier Becerra.

He added, "This year, our CAMP teams worked tirelessly across the state to vigorously enforce California's laws against illegal cannabis activity. The California Department of Justice is extremely proud of our partnership with federal, state, and local agencies and we look forward to continuing this necessary work."

We could cite similar quotes from five other officials from various agencies listed in the press release. They are all missing a critical point. While many Californians supported Prop 64 because they wanted to legally consume cannabis, many others supported it because they believed the war on drugs was not only a failure, but morally wrong especially in the heavy-handed tactics.

It is thus highly ironic that state officials are now using Prop 64 as the impetus to reengage in the war on drugs.

It also our belief that the state of California screwed up the roll out of Prop 64. Local jurisdictions and the state were greedy. They believed this would become a cash cow and thus imposed huge regulatory restrictions - licensing, fees, etc.

The problem with that approach is it made it cheaper and easier to continue an illegal operation.

What they should have done is allow the legal market to coalesce, drive out the illegal black market. They didn't. The result is that illegal sellers outnumber legal and regulated businesses by the three to one margin.

"The real underlying problem is that there's insufficient licenses to address market demand," said the CEO of Weedmaps.

I disagree. I think the real problem is the licensing process is too expensive and onerous and thus it is easier and cheaper to be illegal.

But in my view, we should be trying to fix this stuff on the regulatory side - not the enforcement side.

Thanks for reading.

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Witness Describes Shock on 1st Day of Federal Lawsuit against Stockton City Cops

The testimony Monday on the first day of what is expected to be at least a two-week federal trial of the City of Stockton and two police officers was shocking. And horrific.

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Everyday Injustice Podcast Episode 17: Tio Sessoms and His Fight for Exoneration

Tio Dinero Sessoms was 19 years old when two Sacramento homicide detectives interrogated him about a deadly home invasion he says he didn't participate in. November 1999.

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Rally Asks Governor to Stop ICE from Deporting Prisoners After They've Done Time – Charles Joseph Case History

Most of the images of the Trump Administration's out-of-control ICE sweeps of immigrants seeking asylum in the U.S. have been at or near the border states with Mexico.

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San Francisco Court Watch

Incomplete Evidence of a Deadly Weapon Charge

The San Francisco County election for District Attorney is tomorrow – here are where the candidates stand on the following issues.

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Questions Arise over Witness' Identification of Defendant

A preliminary hearing was held on Friday morning in Department 12 under Judge Raymond J. Arata. Much of the time was spent questioning the woman who witnessed the alleged crime and identified the man to police.

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Property Dispute Dragged into Criminal Court

In Department Fourteen, a trial was avoided at the eleventh hour. Jesus Hernandez was facing trial for vandalism with damage under \$100, a misdemeanor. Mr. Hernandez is charged in this criminal court for damage to a neighbor's fence, what many would consider a property dispute.

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Yolo County Court Watch

Verdict Reached in Onteverio Case, Jury Finds Defendant 'Not Guilty'

The ongoing case of the People v. Onteverio, in which the defendant Joseph Onteverio was charged with a misdemeanor count of exhibiting or drawing a firearm, came to a conclusion today after the jury reached a verdict of "not guilty."

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Sacramento Court Watch

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Everyday Injustice - Podcast

Everyday Injustice Podcast Episode 17: Tio Sessoms and His Fight for Exoneration

Tio Dinero Sessoms was 19 years old when two Sacramento homicide detectives interrogated him about a deadly home invasion he says he didn't participate in. November 1999.

He would be coerced into making a false confession and, even when the appellate courts overturned his sentence, he was forced to take a plea agreement for time served rather than receive his full exoneration.

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Subject: Everyday Injustice - Rally Asks Governor to Stop ICE from Deporting Prisoners After They've Done Time; Coverage of the SF DA's Race Hits the Wire
Date: Monday, November 4, 2019 at 8:00:37 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"We were right at the gate, but ICE took him; we've been detained with him since that time," said his wife Shelly.

Everyday Injustice Newsletter - November 4, 2019

Everyday Injustice

Did Yolo Deputy DA Commit Misconduct Last Week?

In the evidentiary hearing of Ajay Dev, a ten year old Yolo County case where Mr. Dev in 2009 was sentenced to 378 years after being convicted of raping his adopted daughter over a five year period,

accusations flew last week when Yolo County Deputy DA Ryan J. Couzens used a transcript of prison recording to impeach a new witness.

Attorney Ed Swanson representing Mr. Dev said it was completely improper and unprecedented to use material without turning it over to the defense.

As it turned out Mr. Couzens had discovered the records as part of roughly 80 hours of audio.

However, as Mr. Swanson pointed out, most of the recordings were in Nepali, and he should have been discovered the transcript.

Mr. Couzens objected calling them his "work product."

It turns out Mr. Couzens was correct - he had no obligation to turn over the transcript. However, the Judge also did the right thing by pausing the hearing and allowing Mr. Swanson and his team to transcribe the recordings on their own.

But while Mr. Couzens was well within his rights to withhold the transcript, he was on shakier ground on the discovery in the first place.

On October 11, according to Mr. Swanson and co-counsel Britt Evangelista, the petitioners received the audio recording.

Understanding that most of them were in Nepali, they sent them to Sanjay Dev to listen to the recordings.

However, the recordings had technical flaws and neither Mr. Dev nor Mr. Swanson's technical were able to access them.

Given that October 11 was a Friday, we would guess that the attorneys became aware of the problem perhaps on the October 14, the following Monday.

The Vanguard has learned that it then took Mr. Couzens - ten days to get Mr. Swanson a new copy of the recordings.

Even assuming that occurred on October 24 - the Thursday before the Monday hearing - that would have given Sanjay Dev, a mere three or four days to listen to hours of recordings in Nepali and be able to ascertain where they had probative value for the prosecution or petitioners.

Given that timeline, this looks much more like an ambush than it did previously.

The key question going forward is whether Mr. Couzens was correct in his interpretation of the recordings - that showed in his view not only did Mr. Dev coach the key witness but he believes undermines the entirety of her testimony.

Given the lengths he may have gone to conceal these recordings and his unwillingness to simply handover the transcript in order to continue questioning the witness, calls into question his entire premise.

Thanks for reading.

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Most of the images of the Trump Administration's out-of-control ICE sweeps of immigrants seeking asylum in the U.S. have been at or near the border states with Mexico.

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Monday Morning Thoughts: What Is Everyday Injustice?

In 2011 when we attended our first Justice Summit in San Francisco, organized by the late public defender Jeff Adachi, one of the panelists was a journalist/ lawyer, Amy Bach, she had just spent eight years in the field tracking court systems around the country

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Who Gets to Proclaim the Progressive Prosecutor Mantle?

Interim San Francisco D.A. Suzy Loftus claims to be a "progressive," but her long record as a prosecutor reveals an all-too-familiar path chosen by establishment-types who have little interest in disrupting the status quo.

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San Francisco Court Watch

The San Francisco DA Race: The Campaign Issues and Candidates' Stances

The San Francisco County election for District Attorney is tomorrow – here are where the candidates stand on the following issues.

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The San Francisco DA Race: More Campaign Issues

The San Francisco DA Race: Notable Endorsements and the Polls

The San Francisco DA Race: Notable Endorsements and the Polls

Here are some notable endorsements for the SF DA candidates and what the polls have said about the race so far.

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Yolo County Court Watch

Neighborhood Dispute Allegedly Leads To Attempted Murder

A man allegedly pointed a gun at his neighbor after claiming the neighbor's son and another boy threw rocks at his home. The defendant, a man named Joseph Onteverio, stood trial on Friday, Nov. 1, 2019

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Sacramento Court Watch

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Most of the images of the Trump Administration's out-of-control ICE sweeps of immigrants seeking asylum in the U.S. have been at or near the border states with Mexico.

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Everyday Injustice - Podcast

Episode 16 - Elizabeth Kim and NLG-Sacramento

Elizabeth Kim, the President of the Sacramento Branch of the National Lawyer's Guild talks about her arrest at the age of 19 for a small quantity of marijuana, how that turned into a felony drug conviction, and how she continues to pay for that crime even 15 years later as she has become an attorney and moved on with her life.

She also talked about her work with the National Lawyer's Guild and the Stephon Clark case and lack of accountability for police and prosecutors in the current criminal justice system.

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Subject: Everyday Injustice - Coverage of Santa Rita Jail Hunger Strike; New Podcast Featuring President of Sac NLG
Date: Friday, November 1, 2019 at 7:00:36 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"The strike was prompted by a death that occurred in the early morning hours of Oct. 26, when a young man obviously was in medical distress and the guards did not respond for a very long time. "

Everyday Injustice Newsletter - November 1, 2019

Everyday Injustice

The State of Indigent Defense

I have the pleasure of working in courts with some of the best public defenders in the country. The key is that they are funded properly. The work loads are reasonable. They can in short do their jobs.

That is not the case everywhere. I read Anthony Ray Hinton's great book "The Sun Does Shine," where he discusses his 30 years in prison on death row in Alabama in a five by seven cell 23 hours a day until he gets exonerated.

He met his attorney and the first thing the attorney said to him was "They're only paying me \$1000 for this ... I eat \$1000 for breakfast." "I didn't go to law school to do pro-bono work," he added.

The court also gave him \$1000 for a ballistics expert, and the only person he could find for that amount, was a half-blind "expert" who was destroyed on the witness stand.

On the other hand, for the last five months I have been going twice a week to San Francisco and have seen public defenders provide world class defense, fighting for their clients, winning acquittals, dismissals and reductions on cases many places would have led out in an assembly line.

This week there was an article in the Jackson Free Press, "Public Defenders Underpaid, Have Little Oversight."

Jackson, Mississippi.

The article notes: "When Michele Purvis Harris was city attorney of Jackson, she heard troubling remarks from the people her office was supposed to prosecute."

"I don't want the public defender, I want a real attorney," poor defendants would say to the judge.

Ms. Harris retires at the end of the year from her role as Hinds County Public Defender. She assumed the office in 2012, "Seven years later, Harris believes her team of 12 defense lawyers and two investigators have regained the community's trust. But she admits the difficulties of serving in Mississippi, where individuals are caught between a sorely underfunded public-defender system, on the one hand, and a lack of statewide guarantees of effective counsel and a speedy trial on the other."

Ms. Harris compared " the criminal-justice system to a three-legged stool consisting of law enforcement, the prosecutor and defense. In order for the system to work fairly, all three legs must be balanced. But too often, whether due to pressure from voters or concerns about what the public might think, lawmakers prioritize spending on law enforcement and prosecution."

The article notes that the State of Mississippi "does not provide indigent defense funding except in death-penalty cases. Instead, cities and counties must fund and provide those services themselves."

There are 82 counties in Mississippi, and only eight of them currently have public defender offices.

What has resulted is a system in which people awaiting trial end up falling into a "black hole," to borrow a phrase some Mississippians used in the Sixth Amendment Center study.

Good article to read: <https://www.jacksonfreepress.com/news/2019/oct/30/left-behind-public-defenders-underpaid-have-little/>

As Justice Hugo Black wrote in seminal 1964 decision, Gideon v. Wainwright, "[The assistance of counsel] is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty."

As the ACLU puts it: "The absence of strong, well-resourced indigent defense systems offends the Constitution, leads to deeply unfair results, and contributes to our overburdened and wasteful jail and prison systems."

Thanks for reading

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Criminal Justice News/ Commentary

Exclusive: Santa Rita Jail Hunger Strike Starts after ‘Deliberate Neglect’

A Bay Area civil rights attorney told The Vanguard hours before a widespread Santa Rita Jail hunger strike and work stoppage began here this week that “deliberate neglect” – citing at least one recent death and prisoners not getting fed all day – was the reason the direct action started.

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Elizabeth Kim, the President of the Sacramento Branch of the National Lawyer’s Guild talks about her arrest at the age of 19 for a small quantity of marijuana, how that turned into a felony drug conviction, and how she continues to pay for that crime even 15 years later as she has become an attorney and moved on with her life.

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Students Beyond the Stats: A Safe Space for Formerly Incarcerated and Systematically-Impacted Students

For three years, Beyond the Stats (BTS) has been a student organization at UC Davis that provides a safe space for formerly incarcerated and systematically-impacted students to talk about their personal experiences.

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San Francisco Court Watch

Guilty Until Proven Innocent

On Wednesday morning in Department 26, we heard the closing arguments in a murder trial. Deputy Public Defender Yali Corea-Levy gave a passionate closing argument

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Yolo County Court Watch

Fight for Gas Pump Leads to Physical Altercation and Highway Chase

On Oct. 31, 2019, a preliminary hearing was held to determine if a man facing four counts of assault should be brought to trial. Defendant Steven Butler is being charged with three felonies and one misdemeanor.

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Sacramento Court Watch

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Everyday Injustice - Podcast

Episode 16 - Elizabeth Kim and NLG-Sacramento

Elizabeth Kim, the President of the Sacramento Branch of the National Lawyer's Guild talks about her arrest at the age of 19 for a small quantity of marijuana, how that turned into a felony drug conviction, and how she continues to pay for that crime even 15 years later as she has become an attorney and moved on with her life.

She also talked about her work with the National Lawyer's Guild and the Stephon Clark case and lack of accountability for police and prosecutors in the current criminal justice system.

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Subject: Fijian musician seeks Governor's pardon, gets support from hall-of-fame music teacher
Date: Thursday, October 31, 2019 at 7:36:32 PM Greenwich Mean Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
CC: Ugarte, Francisco (PDR)
Attachments: Stop the Deportation of Charles Robert Joseph.doc, Charles Joseph letter.pdf

Hi David,

Here is the information about Charles Joseph - originally from Fiji, but a lawful permanent resident since the age of fourteen – who is slated for deportation.

This story is about the entanglement of criminal law with immigration law, which often has extraordinarily punishing outcomes. In this case, it affects the life and family of a rehabilitated husband and father who has transformed his life and positively influenced those around him.

For background:

Charles Robert Joseph has been a lawful permanent resident in the U.S. since age 14 when he moved here from his native Fiji. When Charles was 15, his father was deported to Fiji and has been active in the Labor Party there. Growing up in a disrupted family in the U.S., Charles found himself in trouble as a young person and ended up in prison at age 22 and sentenced to 12 years. He is now 34. This conviction makes him deportable, and the immigration judge cannot grant discretionary relief—even though he has legally resided in the United States most of his life, is a husband and father of four, and has completely rehabilitated himself (as many can attest).

Charles has made great strides to rehabilitate himself. He has become a leader behind bars by working on violence prevention programs and coordinating music and dance performances. He had the unique opportunity to develop his music skills with Country Music Hall of Fame singer, Lacy Dalton. They have

formed a bond that has prompted Dalton to join the community effort to help Charles obtain a pardon from Governor Newsom. Her letter of support is attached to this email.

Charles - who is Indo-Fijian and whose family is politically involved there - fears being tortured if he is sent back to Fiji, a country with a history of coups and torture. If the Governor pardons him, he will be eligible to have his green card reinstated and will be freed to go home to his family and contribute to his music and wisdom to his community.

Two attached documents:

1. Info about Charles Robert [Stop the Deportation]
2. a letter of support from Lacy Dalton [Charles Joseph letter]

Here are the people to contact for information and interviews:

1. Francisco Ugarte, Managing Attorney of the Immigration Unit at the San Francisco Public Defender's Office, and Charles's attorney: 415.571.3470 or Francisco.Ugarte@sfgov.org
2. Leslie Adams, publicist and general manager for Lacy Dalton: 775.544.7374. To learn more about Lacy: <https://www.lacyjaldon.org/about-lacy>

Please let me know if you are interested in pursuing this story and I would be happy to assist in any way I can.

Thank you so much for your time and work,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Everyday Injustice - Prison Rally Highlights Atrocities; Formerly Incarcerated Students Speak Out
Date: Thursday, October 31, 2019 at 7:00:14 PM Greenwich Mean Time
From: Davis Vanguard on behalf of Davis Vanguard
To: valerie.ibarra@sfgov.org

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"I'm absolutely in the dark about the accuracy of the transcript," Dev Attorney Ed Swanson
"There's no reason this must be done by ambush." Judge Beronio

Everyday Injustice Newsletter - October 31, 2019

Everyday Injustice

Perspective on San Francisco DA's Race

Someone was reading a quote from the San Francisco DA's race and asked me to guess - I guessed wrong, it came from Nancy Tung, probably the least progressive of the four candidates. It got me thinking that everyone talks a good game.

The other day someone argued to me that Suzy Loftus was really progressive, it is just that someone like Chesa Boudin is even more progressive. I might have believed that in April, but not now. Not after watching the courts in San Francisco. I never would have believed what I have seen in progressive San Francisco.

The most shocking thing: rampant prosecutorial misconduct.

Good example: the first case we covered in San Francisco. A man ended up acquitted of the charge of child molestation. It was a horrible case and had it been tried in most places other than San Francisco, we may well be talking about another wrongful conviction.

A man was accused of molesting his girlfriend's four year old daughter, but there were all sorts problems with the case – no physical evidence, no DNA, and really no opportunity for the man to have had access to the child alone and no corroborating evidence other than the word of a very confused four year old.

To make the matters worse she froze up on the stand. So they met with her in the hallway – the social workers, investigator and DA. And a defense investigator overheard the DA coaching her witness, "say that," the DA told the four year old, "say that."

The investigator caught it on video and testified to it. So did the DA get punished for prosecutorial misconduct? NO. The investigator was threatened with prosecution for allegedly illegally recording the video.

George Gascon is the outgoing DA - if you listen to him on TV - he talks about bail reform, supporting things like Prop 47, ending mass incarceration.

Then you go into his court and you see the same problems you see in any other county.

Suzy Loftus is backed by a lot of good progressive people.

But listen carefully, here is a tweet from October 14: "I decided to run for DA because I was tired of hearing excuses from City leaders there was nothing our city could do to address the rise of car break ins, tehft, & property crime."

That's a red flag for me - a signal that her sympathies are with minor property crimes rather than reforming the system.

Compare that to a comment from former San Diego DA candidate Genevieve Jones-Wright this Saturday: "Your worst deed does not define who you are."

I wonder how many of the DA candidates in San Francisco would endorse that statement? I'd be surprised if the answer were more than one.

Thanks for reading.

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YouTube: <http://www.youtube.com/davisvanguard>

Criminal Justice News/ Commentary

**State Prison Rally Highlights Lawsuit, and
Horroric Conditions for Women, Trans
Prisoners**

Stacy Rojas, a gender non-conforming plaintiff, and according to the complaint filed, was “subject to countless instances of verbal harassment by guards at CCWF because of their gender identity.

[Read More](#)

Students Beyond the Stats: A Safe Space for Formerly Incarcerated and Systematically-Impacted Students

For three years, Beyond the Stats (BTS) has been a student organization at UC Davis that provides a safe space for formerly incarcerated and systematically-impacted students to talk about their personal experiences.

[Read More](#)

The San Francisco DA Race: The Timeline

The November 5 San Francisco District Attorney election is quickly approaching – here’s the rundown of what’s been happening up until now.

[Read More](#)

Video: Reforming the Prosecution System Event

On Saturday night, the Vanguard hosted its 9th annual fundraiser – Reforming the Prosecution System. The event focused on problems in the prosecution system including misconduct and wrongful convictions and the movement of progressive reformers.

[Read More](#)

San Francisco Court Watch

Video Footage in Question in Murder Trial

A murder trial continued Monday morning in Department 26 presided by Judge Braden C. Woods. Most of the day was spent on the accuracy and reliability of security video footage of the area around the time of the murder.

[Read More](#)

Yolo County Court Watch

Conflict between Neighbors leads to Brandished Firearm Altercation

On Feb. 1, 2019, the defendant, Joseph Adrian Onteverio allegedly followed his neighbor into an intersection where he allegedly brandished his firearm in a threatening manner. The defendant and the Casa Mobile resident had a history of previous altercations that led the resident to fear for his life.

[Read More](#)

Sacramento Court Watch

State Prison Rally Highlights Lawsuit, and Horrific Conditions for Women, Trans Prisoners

Stacy Rojas, a gender non-conforming plaintiff, and according to the complaint filed, was "subject to countless instances of verbal harassment by guards at CCWF because of their gender identity.

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Episode 15 - The Ajay Dev Case

In 2009, Ajay Dev was wrongly convicted of 76 counts of raping his adopted daughter and sentenced to 378. Now a decade later, he is having his Habeas Corpus hearing in Yolo County attempting to exonerate him.

Listen for the first time as he talks about his experience behind bars in a California Prison and listen to people around him talking about his case and how the jury got it wrong.

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Subject: Everyday Injustice - First Newsletter

Date: Wednesday, October 30, 2019 at 7:00:16 PM Greenwich Mean Time

From: Davis Vanguard on behalf of Davis Vanguard

To: valerie.ibarra@sfgov.org

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

"I'm absolutely in the dark about the accuracy of the transcript," Dev Attorney Ed Swanson
"There's no reason this must be done by ambush." Judge Beronio

Everyday Injustice Newsletter - October 30, 2019

Everyday Injustice

Welcome to our newsletter.

We have launched our Everyday Injustice Newsletter with our coverage of courts in San Francisco, Sacramento and Yolo Counties in Northern California.

We also have a weekly podcast - [Everyday Injustice](#)

Check our daily criminal justice reform coverage and look at this space for exclusive brief commentaries.

Help by becoming a paid subscriber at \$10, \$25, \$50 or more per month. Your recurring donation helps us run our court watch program, fuels our journalism and keeps our offices open.

Everyday in this space - Monday through Friday - will be a short column - usually around 400 words. If you are interested in doing a weekly or a period column for us... let us know.

* * *

[Yolo Deputy DA Couzens Practices the Art of Ambush](#)

On Saturday, we talked about Prosecutorial Misconduct and Wrongful Convictions. I kept noting that the 10 year old Ajay Dev case was coming back for evidentiary hearing following a petition of Habeas Corpus as they attempt to vacate 76 convictions for the rape of his adopted daughter that he claims innocence for.

And of course we are treated to what could be characterized as prosecutorial misconduct, as he ambushed the opposing council with impeachment material for a witness that came from prison conversations, translated from Nepali and not turned over to the petitioners.

See the full article - [here](#).

This isn't the first time a judge has accused Deputy DA Ryan J. Couzens of Yolo County with ambushing his adversaries.

In 2011, It was a multi-defendant gang case - the ill-fated Kalah trial that I have referenced so often as one of the worst we have seen. At the time, Deputy DA Ryan Couzens laid a trap for the defense.

He used undisclosed impeachment evidence, and argued that he gave it a lot of thought, consulted not only the authorities but his supervisors as to whether he could fail to disclose this evidence and, after much soul searching, believed he could.

The defense complained bitterly, one of the attorneys called it Brady Material, and Judge Fall while mostly sidestepping the substantive complaints warned Mr. Couzens, "in California Courts we not do trial by ambush."

So here we are eight years later, and Mr. Couzens is doing it again.

I actually cannot do justice to what happened on Monday in the limited space I have here. There will be another time for that.

Here are some brief points though:

First, Ryan Couzens clearly followed the letter of the law by disclosing 80 hours of audio, much of which was in Nepali, on October 11 - remember at that time, October 18 was the hearing date. It got moved to October 28. That is still 17 days.

Second, was he required to give the defense a heads up or provide the translation? No. But it would have been good form to do so.

Third, it was highly ironic that he had a fit in front of the court about not being able to read or decipher

notes from opposing council to the point where he passive aggressively complained every time he came across a note he couldn't read or decipher. And he did this knowing that he was about to drop a bomb on the petitioners.

We were concerned about Yolo County Judge Beronio who generally seems to favor the DA's office, but from what we have seen so far, she has been quite fair.

She used similar language to Judge Fall in admonishing the DA: "There's no reason this must be done by ambush."

She was troubled by the fact that the DA withheld this as he was DEMANDING discovery from the petitioners. She also noted that the original problem in this case was in fact the translation.

Mr. Couzens was bragging that he had the material to show that the witness was lying. Maybe. I didn't hear, but then again he hadn't disclosed the full content.

The problem is:

We don't know the context of the material. We don't know that the translation is accurate. The attorneys had no ability to object or re-direct.

The judge did the right thing and the only fair thing she could - she paused the proceeding. We need to praise that decision. After all, the easiest thing a judge could do here is ignore problems in the interest of time. She didn't do that.

This whole thing shows that over the course of eight years of covering Ryan Couzens - not much has changed. He still operates like no other prosecutor in the entire state - and that's not a good thing.

Thanks for reading.

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Couzens Ambushes Ajay Dev Team with a Transcript Trap

Monday's evidentiary hearing of the ten year old Ajay Dev case began with more of the same for Deputy DA Ryan Couzens. He began the proceedings complaining that his copies of the discovered notes from the attorneys for Mr. Dev – Ed Swanson and Britt Evangelista – were unintelligible.

[Read More](#)

Chesa Boudin Announces Major Endorsement from Senator Bernie Sanders

United States Senator and Presidential candidate Bernie Sanders today endorsed San Francisco candidate for District Attorney, Chesa Boudin, with eight days left until the election.

[Read More](#)

Reforming the Prosecution System: Addressing Wrongful Convictions and Mass Incarceration

The Vanguard hosted its 9th annual fundraiser event, featuring speakers who addressed how the prosecution system needs to be reformed.

[Read More](#)

San Francisco Court Watch

Video Footage in Question in Murder Trial

A murder trial continued Monday morning in Department 26 presided by Judge Braden C. Woods. Most of the day was spent on the accuracy and reliability of security video footage of the area around the time of the murder.

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Yolo County Court Watch

Strangulation And Stolen Vehicles

The defendant, a man named Hipolito Barraza, was charged with one count of felony theft or unauthorized use of a vehicle and one count of felony corporal injury. In today's preliminary hearing, officer testimony revealed how the alleged victim,

[Read More](#)

Defendant Almost Run Over by Car in Violation of Parole Incident

In a violation of parole hearing, the defendant, Mr. Cristobal Seth Jaime, was petitioning against the violation of general condition 4 of parole, which states that one must not engage in criminal conduct.

[Read More](#)

Sacramento Court Watch

Animal Cruelty Cases Draw One Felony Conviction, One Hung Jury – Mirrors National Concern

This week, the U.S. House of Representatives unanimously approved a measure – the Animal Cruelty and Torture Act – that makes certain types of harm to animals a federal felony with punishment up to seven years in prison.

[Read More](#)

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Episode 15 - The Ajay Dev Case

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Subject: RE: Potential story pitch to Yolo/Sacramento counties
Date: Tuesday, October 29, 2019 at 9:34:46 PM Greenwich Mean Time
From: Ugarte, Francisco (PDR)
To: David M. Greenwald
CC: Ibarra, Valerie (PDR)

Wonderful! Would you be willing to stop by? I will share details on the Friday event shortly. We are working with Faith in Action.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Tuesday, October 29, 2019 2:20 PM
To: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Cc: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Re: Potential story pitch to Yolo/Sacramento counties

I will be in San Francisco on Thursday. Also I can probably have somebody in Sacramento for Friday if you have more details on that.

On Tue, Oct 29, 2019 at 2:17 PM Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org> wrote:

Hello David,

Sorry for the long delay here. I would like to reconnect on this case if you are interested. There is an action planned in Sacramento this Friday to support Charles. The Immigration Judge ordered him deported, and he is now going to appeal the case. He has also filed a pardon request with Governor Newsom, which will be the only way to protect him against deportation. He is a truly extraordinary person and has a lot of support in his community. I am wondering if you have some time briefly to talk?

Thank you, Francisco

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Sent: Monday, September 30, 2019 10:34 AM
To: David M. Greenwald <info@davisvanguard.org>
Cc: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Subject: RE: Potential story pitch to Yolo/Sacramento counties

Hi David,

If you want to connect for a few minutes today, please send me a text at 628.249.7946. My desk is in the Annex/Immigration Unit area on the 2nd floor and we can see if Francisco is around to give a little more insight. Otherwise, we could try to put something on the calendar for all of us next Monday, October 7th.

Thank you,
Valerie

From: David M. Greenwald [<mailto:info@davisvanguard.org>]
Sent: Monday, September 30, 2019 10:06 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Subject: Re: Potential story pitch to Yolo/Sacramento counties

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I'm here today but out of town on Thursday. Back next Monday.

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Good Morning David,

I hope this email finds you well.

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My idea was that perhaps you know a journalist in the Sacramento area that we could pitch this story to in hopes of drumming up support for a pardon. If you have some time to meet with us the next time you're in San Francisco (this Thursday?) we could fill you in a bit more and see if you have any recommendations.

Thanks so much,
Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

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Sent from Gmail Mobile

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Sent from Gmail Mobile

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To: Ugarte, Francisco (PDR)
CC: Ibarra, Valerie (PDR)

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Subject: RE: Potential story pitch to Yolo/Sacramento counties
Date: Tuesday, October 29, 2019 at 9:17:49 PM Greenwich Mean Time
From: Ugarte, Francisco (PDR)
To: Ibarra, Valerie (PDR), David M. Greenwald

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Office: 415.575.4390

Cell: 628.249.7946

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Sent from Gmail Mobile

Subject: RE: Court Watch description for the website
Date: Thursday, October 24, 2019 at 7:10:03 PM British Summer Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), David M. Greenwald, Hammons, Marshall

Valerie,
Looks great. We need to be able to have folks contact and or apply. I will discuss with David next week. Also, did we decide if David would forward you the court watch articles or Marshall would. Thank you.
Valerie.

From: Ibarra, Valerie (PDR)
Sent: Wednesday, October 23, 2019 10:22 AM
To: Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: RE: Court Watch description for the website

Richard put it up and the button to 'learn more' leads to the website.

From: Wilson, Jacque (PDR)
Sent: Tuesday, October 22, 2019 5:17 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: RE: Court Watch description for the website

Hi Valerie. How about students, interns and community members – but I like it.

From: Ibarra, Valerie (PDR)
Sent: Tuesday, October 22, 2019 4:53 PM
To: Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: Court Watch description for the website

Hi Jacque,

We have a Court Watch link on the careers page of our website now, but how does this description sound:

Our Court Watch program brings interns into the courtroom as observers and turns them into reporters. Develop your skills as an observer, a writer and a legal professional by following the court proceedings from the lens of a public defender.

Please add or subtract anything that makes it more clear what experience the program offers, and I will send it along to IT to add it to the website. Wasn't sure if you wanted to say that we partner with Davis Vanguard.

Thanks,

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: FYI - Court Watch on our website
Date: Wednesday, October 23, 2019 at 7:12:50 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald

Hi David,

We put Court Watch on our website with a link to the Vanguard.
<http://sfpublicdefender.org/careers/>

Thanks for all your great work.

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org

Office: 415.575.4390
Cell: 628.249.7946

Subject: RE: Articles today
Date: Tuesday, October 22, 2019 at 4:57:38 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

Thank you.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Tuesday, October 22, 2019 6:20 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Articles today

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

<https://www.davisvanguard.org/2019/10/drunken-statements/>

<https://www.davisvanguard.org/2019/10/love-triangle/>

<https://www.davisvanguard.org/2019/10/preliminary-hearing-filled-with-inconsistent-testimony/>

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David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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— George Orwell

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Follow us on Twitter: <https://twitter.com/DavisVanguard>

Subject: Articles today

Date: Tuesday, October 22, 2019 at 2:20:06 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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<https://www.davisvanguard.org/2019/10/drunken-statements/>

<https://www.davisvanguard.org/2019/10/love-triangle/>

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Subject: Closing Arguments in Attempted Murder Trial

Date: Friday, October 18, 2019 at 7:46:58 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Victims by Force: Closing Arguments in Attempted Murder Trial | #SanFrancisco #CourtWatch
<https://www.davisvanguard.org/2019/10/victims-by-force-closing-arguments-in-attempted-murder-trial/>

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Subject: Re: This is one you want to flag
Date: Thursday, October 17, 2019 at 8:26:18 PM British Summer Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
Attachments: image001.jpg

Yeah, I got somewhat contradictory info from the PD and should probably clean that a bit. Let me think about it briefly.

On Thu, Oct 17, 2019 at 11:30 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

So interesting! I [highlighted](#) a couple of things in the article that I wanted to double check before sharing it.

Thank you,

Valerie

*

San Francisco – It was an unusual scene last week where two jurors came back to court during the sentencing hearing for Aleksandr Rotkin, who was convicted previously of attempted kidnapping. They told San Francisco Superior Court Judge Victor Hwang that while they believe that the legal elements were met for attempted kidnapping, they felt that the law was unjust as applied in this situation.

The jurors said that the letter of the law for kidnapping “was unconstitutionally unfair.” It was far too vague and too broad. They said when they think about the act of kidnapping, “this is not the set of facts that would support it.”

Public Defender Bonnie Chan agreed with the jury.

“Mr. Rotkin lost everything after the DA filed a motion to detain,” she argued. “He lost his job he’s had for a while—(having to cross) state lines commercial driving. He lost his child. He was evicted from his apartment since he was not able to pay while in jail and all of his belongings in the apartment has been removed.”

Judge Hwang indicated that he shared some of the concerns of the jury. He said, “I can’t change the law,” however.

He said during the preliminary hearing, the case came to him and he was able to reduce the charges from kidnapping to attempted kidnapping.

On May 14, 2019 the mother ran out from the bottom level of the residence in San Francisco. She was seen on surveillance video running to an unknown car trying to get in.

Mr. Rotkin came out of the residence confused as to what the mother was doing. Mr. Rotkin was holding the baby in his arms, saying something to the mother and gesturing for her to come back into the house. They all go back into the house.

But five minutes later, she emerges again with the baby in her arms, and and she runs down the sidewalk and asks a neighbor to call 911 for help. Mr. Rotkin comes outside and says something to her and gestures for her to go back inside. She does and tries to run the other direction.

Mr. Rotkin [is seen bear hugging her](#) from behind, apparently attempting to prevent her from trying

to run back into the street.

Afraid for the baby's safety, Mr. Rotkin stays behind her and attempts to convince her to go back into the house as he is afraid of her emotional state. At one point he goes as far as to get [down on a need](#) pleading for her to return.

[At no point does he touch her or attempt to hold her.](#)

However, at some point later, he does have [his arms wrapped around](#) her attempting to get her to go back into the house. He then pushes her while still behind her to guide her back into the house. She continues to refuse.

Neighbors testified about their 911 calls and how they had no idea what was going on. They were not afraid [for Mr. Huang](#), they were more concerned about the baby because he was crying.

During sentencing, the defense submitted a memo arguing that Mr. Rotkin was not required to do additional jail time. Meanwhile the DA argued that he should remain in custody at sentencing due to the fact that he was homeless – despite the fact that the reason he was homeless in the first place was that he was in custody.

Prior to this incident. Mr. Rotkin was gainfully employed and a productive member of society.

The mother never wanted him to go to jail or be prosecuted. She wanted him to get counseling and maybe work on their relationship.

One of the jurors said that this seemed like the best option as well.

“Any additional custody time would not benefit any parties involved,” said Ms. Chan.

After hearing the jurors, Judge Hwang praised the jury system noting the care and diligence of two jurors coming back to ensure that justice occurred in this case.

Based on the defense memo, Judge Hwang while denying a motion for a new trial, ordered a mental health assessment for the defendant and then sentenced him to 297 days in jail – which was effectively time served.

From: David M. Greenwald [mailto:info@davisvanguard.org]

Sent: Thursday, October 17, 2019 5:15 AM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: This is one you want to flag

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Jurors Convict Man of Attempted But Then Ask Judge Not to Give Jail Time | Davis Vanguard

<https://www.davisvanguard.org/2019/10/jurors-convict-man-of-attempted-but-then-ask-judge-not-to-give-jail-time/>

--

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Executive Director

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Sent from Gmail Mobile

Subject: RE: This is one you want to flag
Date: Thursday, October 17, 2019 at 7:30:42 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

So interesting! I [highlighted](#) a couple of things in the article that I wanted to double check before sharing it.

Thank you,

Valerie

*

San Francisco – It was an unusual scene last week where two jurors came back to court during the sentencing hearing for Aleksandr Rotkin, who was convicted previously of attempted kidnapping. They told San Francisco Superior Court Judge Victor Hwang that while they believe that the legal elements were met for attempted kidnapping, they felt that the law was unjust as applied in this situation.

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Mr. Rotkin came out of the residence confused as to what the mother was doing. Mr. Rotkin was holding the baby in his arms, saying something to the mother and gesturing for her to come back into the house. They all go back into the house.

But five minutes later, she emerges again with the baby in her arms, and and she runs down the sidewalk and asks a neighbor to call 911 for help. Mr. Rotkin comes outside and says something to

her and gestures for her to go back inside. She does and tries to run the other direction.

Mr. Rotkin [is seen bear hugging her](#) from behind, apparently attempting to prevent her from trying to run back into the street.

Afraid for the baby's safety, Mr. Rotkin stays behind her and attempts to convince her to go back into the house as he is afraid of her emotional state. At one point he goes as far as to get [down on a need](#) pleading for her to return.

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Prior to this incident. Mr. Rotkin was gainfully employed and a productive member of society.

The mother never wanted him to go to jail or be prosecuted. She wanted him to get counseling and maybe work on their relationship.

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Based on the defense memo, Judge Hwang while denying a motion for a new trial, ordered a mental health assessment for the defendant and then sentenced him to 297 days in jail – which was effectively time served.

From: David M. Greenwald [mailto:info@davisvanguard.org]

Sent: Thursday, October 17, 2019 5:15 AM

To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>

Subject: This is one you want to flag

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Jurors Convict Man of Attempted But Then Ask Judge Not to Give Jail Time | Davis Vanguard
<https://www.davisvanguard.org/2019/10/jurors-convict-man-of-attempted-but-then-ask-judge-not-to-give-jail-time/>

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Executive Director
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Subject: This is one you want to flag

Date: Thursday, October 17, 2019 at 1:14:58 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Jurors Convict Man of Attempted But Then Ask Judge Not to Give Jail Time | Davis Vanguard

<https://www.davisvanguard.org/2019/10/jurors-convict-man-of-attempted-but-then-ask-judge-not-to-give-jail-time/>

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Subject: Articles

Date: Wednesday, October 16, 2019 at 2:20:01 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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<https://www.davisvanguard.org/2019/10/all-counts-in-burglary-case-go-to-trial/> All Counts in Burglary Case Go to Trial

<https://www.davisvanguard.org/2019/10/judge-to-consider-motion-to-suppress-2/> Judge to Consider Motion to Suppress

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Executive Director
[The People's Vanguard of Davis](#)

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Subject: More articles

Date: Friday, October 11, 2019 at 3:10:22 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

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Father's Testifies At His Son's Murder Trial | Davis Vanguard <https://www.davisvanguard.org/2019/10/fathers-testifies-at-his-sons-murder-trial/>

A Misguided Search for Punishment Turns a Family's Mental Health Trauma into Spectacle of Injustice | Davis Vanguard <https://www.davisvanguard.org/2019/10/a-misguided-search-for-punishment-turns-a-familys-mental-health-trauma-into-spectacle-of-injustice/>

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Subject: RE: Court Watch Articles
Date: Thursday, October 10, 2019 at 7:21:08 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

Hi David. Thanks for sending these 😊 I'll start posting them.

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Wednesday, October 09, 2019 6:23 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Court Watch Articles

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<https://www.davisvanguard.org/2019/10/assault-trial-focuses-on-fight-or-flight-response/> Assault Trial Focuses on Fight or Flight Response

<https://www.davisvanguard.org/2019/10/simple-dui-trial-goes-awry/> Simple DUI Trial Goes Awry

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[The People's Vanguard of Davis](#)

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Subject: Court Watch Articles

Date: Wednesday, October 9, 2019 at 2:23:27 PM British Summer Time

From: David M. Greenwald

To: Ibarra, Valerie (PDR)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

<https://www.davisvanguard.org/2019/10/assault-trial-focuses-on-fight-or-flight-response/> Assault Trial Focuses on Fight or Flight Response

<https://www.davisvanguard.org/2019/10/simple-dui-trial-goes-awry/> Simple DUI Trial Goes Awry

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Subject: Re: Potential story pitch to Yolo/Sacramento counties
Date: Monday, September 30, 2019 at 6:34:41 PM British Summer Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
CC: Ugarte, Francisco (PDR)

I'll swing by after this prelim

On Mon, Sep 30, 2019 at 10:33 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Hi David,

If you want to connect for a few minutes today, please send me a text at 628.249.7946. My desk is in the Annex/Immigration Unit area on the 2nd floor and we can see if Francisco is around to give a little more insight. Otherwise, we could try to put something on the calendar for all of us next Monday, October 7th.

Thank you,

Valerie

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Monday, September 30, 2019 10:06 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Subject: Re: Potential story pitch to Yolo/Sacramento counties

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm here today but out of town on Thursday. Back next Monday.

On Mon, Sep 30, 2019 at 10:03 AM Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org> wrote:

Good Morning David,

I hope this email finds you well.

I'm checking in because Francisco, our Managing Attorney for the Immigration Unit, is helping out with a case of someone who is slated for deportation and pursuing a pardon from the Governor. The man has been a lawful permanent resident since age 14, and his father was deported a year later. In prison since age 22, he has worked on violence prevention programs and developed his skills as an artist and musician. He has been getting music lessons and now public support for his pardon request from a hall of fame country singer.

My idea was that perhaps you know a journalist in the Sacramento area that we could pitch this story to in hopes of drumming up support for a pardon. If you have some time to meet with us the next time you're in San Francisco (this Thursday?) we could fill you in a bit more and see if you have any recommendations.

Thanks so much,

Valerie

Valerie Ibarra

Public Information Officer

Office of the Public Defender

City & County of San Francisco

Valerie.Ibarra@sfgov.org

Office: 415.575.4390

Cell: 628.249.7946

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Sent from Gmail Mobile

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Sent from Gmail Mobile

Subject: RE: Potential story pitch to Yolo/Sacramento counties
Date: Monday, September 30, 2019 at 6:33:37 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
CC: Ugarte, Francisco (PDR)

Hi David,

If you want to connect for a few minutes today, please send me a text at 628.249.7946. My desk is in the Annex/Immigration Unit area on the 2nd floor and we can see if Francisco is around to give a little more insight. Otherwise, we could try to put something on the calendar for all of us next Monday, October 7th.

Thank you,
Valerie

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Monday, September 30, 2019 10:06 AM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Cc: Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>
Subject: Re: Potential story pitch to Yolo/Sacramento counties

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Thanks so much,
Valerie

Valerie Ibarra

Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

--
Sent from Gmail Mobile

Subject: Re: Potential story pitch to Yolo/Sacramento counties
Date: Monday, September 30, 2019 at 6:05:52 PM British Summer Time
From: David M. Greenwald
To: Ibarra, Valerie (PDR)
CC: Ugarte, Francisco (PDR)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm here today but out of town on Thursday. Back next Monday.

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Valerie Ibarra

Public Information Officer

Office of the Public Defender

City & County of San Francisco

Valerie.Ibarra@sfgov.org

Office: 415.575.4390

Cell: 628.249.7946

--

Sent from Gmail Mobile

Subject: Potential story pitch to Yolo/Sacramento counties
Date: Monday, September 30, 2019 at 6:03:31 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: info@davisvanguard.org, Ugarte, Francisco (PDR)

Good Morning David,

I hope this email finds you well.

I'm checking in because Francisco, our Managing Attorney for the Immigration Unit, is helping out with a case of someone who is slated for deportation and pursuing a pardon from the Governor. The man has been a lawful permanent resident since age 14, and his father was deported a year later. In prison since age 22, he has worked on violence prevention programs and developed his skills as an artist and musician. He has been getting music lessons and now public support for his pardon request from a hall of fame country singer.

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Valerie

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: PRESS RELEASE: Sheriff shoots man, kills 'man's best friend' in their own home

Date: Monday, September 9, 2019 at 7:49:37 AM British Summer Time

From: valerie.ibarra@sfgov.org

To: Ibarra, Valerie (PDR)

BCC: timredmondsf@gmail.com, ddebolt@bayareanewsgroup.com, news@ebar.com, joe.eskenazi@missionlocal.com, editor@sfbayview.com, hi@joshwolf.net, tips@sfist.com, esernoffsky@sfchronicle.com, mbarba@sfxaminer.com, julian.mark@missionlocal.com, m.bajko@ebar.com, sgaiser@smediaco.com, newsroom@baycitynews.com, editor@sfbaytimes.com, editor@eastbayexpress.com, editor@eltecolote.org, sfweekly@smediaco.com, news@sfweekly.com, Michael.toren@gmail.com, pmatier@sfchronicle.com, portia@chinesenews.com, editor@fogcityjournal.com, editor@noevalleyvoice.com, editor@potreroview.net, editor@sfrichmondreview.com, editor@singtaousa.com, editor@thewesternedition.com, editor@westsideobserver.com, editors@newfillmore.com, news@sffoghorn.info, emilamok@gmail.com, hknight@sfchronicle.com, shawn.huang@chinesenews.com, assignment@singtaousa.com, tfang@asianweek.com, idac@bayareametro.com, lisa.xin@bayvoice.net, liazhu@chinadailyusa.com, mingng119@gmail.com, queweihang@gmail.com, lihui.zhou@epochtimes.com, jingzhe.cao@epochtimes.com, jean.ho@newsforchinese.com, info@pandodaily.com, margarita.argente@philippinenews.com, bernice.yeung@propublica.org, lailakearney@gmail.com, flora.xu@singtaousa.com, shiqiao.peng@singtaousa.com, sfbay@epochtimes.com, vnnb@vietnamdaily.com, mdinzeo@courthousenews.com, pamelas@skylight.is, info@davisvanguard.org, bndinsmore@cbs.com, dinsmore@kpix.cbs.com, newsdesk@kpix.com, assignmentdesk@kron.com, news@kpoo.com, assignmentdesk@kqed.org, newstips@foxtv.com, rob.roth@foxtv.com, newstips@nbcbayarea.com, newstip@ktsftv.com, vic.lee@abc.com, hespinosa@abs-cbni.com, jwan@ktsfnews.com, kachan@ktsfnews.com, awong@ktsfnews.com, Theresa.hong@ntdtv.com, Vivian.lan@ntdtvsf.com, ning.han@ntdtvsf.com, wendy.yi@ntdtv.com, jinlu@skylinktv.us, Kenji.Lui@tvbusa.com, sheren.tam@tvbusa.com, noticias14@univision.net, tvespanol@tvespanol.net

For immediate release: September 8, 2019

Contact:

Valerie Ibarra

Public Information Officer

Office of the Public Defender

City & County of San Francisco

Valerie.Ibarra@sfgov.org

Office: 415.575.4390

Cell: 628.249.7946

*****PRESS RELEASE*****

Sheriff shoots man, kills 'man's best friend' in their own home

SAN FRANCISCO – On Thursday, September 5, 2019, SF Sheriff's Deputies allegedly kicked in the door of a man's Polk Street residence while attempting to serve a bench warrant for a missed court date. When the occupant, David Wesser, grabbed his dog by the collar, he was shot through the hand by a Deputy. The bullet pierced through his hand into the dog's head, killing it.

Although initial reports questioned the nature of Mr. Wesser's injury, medical staff confirmed with Mr. Wesser and the Public Defender's Office that the wound was indeed a gun shot.

Mr. Wesser is a participant in a housed case management program through the Community Justice Court (CJC). He was due to appear in court on Friday, August 30, 2019, for a regular progress report as part of his program requirements. He missed the hearing because he was in the hospital Friday and Saturday seeking medical treatment for an unrelated injury. The judge issued a bench warrant for the missed court date, but Mr. Wesser would normally be allowed to have his case manager add him back onto the court calendar after the long weekend.

In what appears to be an unusual move, Sheriff's deputies went to Mr. Wesser's CJC residence on Polk Street to arrest him on the bench warrant on Thursday, September 5.

According to Mr. Wesser, he heard a loud knocking on the door of his apartment and froze out of fear. Moments later, deputies kicked in the door to his apartment as he attempted to open it while asking them to calm down. Mr. Wesser fell to the ground when they kicked in the door and was able to grab his dog, Ruby, by the collar. He told deputies not to shoot, but the Deputy fired a bullet that hit Mr. Wesser's hand and went into Ruby's head.

Mr. Wesser was taken to the hospital, but Ruby's body had to be carried out to the shock and dismay of residents of the Broadway Hotel.

Mr. Wesser was taken back into custody and arraigned on the outstanding bench warrant on Friday morning. He is currently in jail. His Public Defender, Everett Hewlett, plans to file a motion for his release to be heard on Monday morning in D23 between 9-10am at 850 Bryant.

Mr. Hewlett said, "The ultimate irony is that Mr. Wesser was housed through the court's program and getting assistance, but then he gets shot by a deputy in his own home. Now he is in custody being held, essentially, by the people who did it."

Mr. Hewlett added, "One of his grounding forces in his life was his dog. He's in a really low place right now."

Valerie Ibarra
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Office: 415.575.4390
Cell: 628.249.7946

Subject: PRESS RELEASE - Austin Vincent's 2nd case to be dismissed tomorrow
Date: Tuesday, August 27, 2019 at 10:43:51 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Ibarra, Valerie (PDR)

For immediate release: August 27, 2019

Contact:

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

*****PRESS RELEASE*****

**AUSTIN VINCENT'S 2ND CASE TO BE
DISMISSED TOMORROW**

SAN FRANCISCO – Austin Vincent – who was originally released from custody on August 13th into assertive case management after being arraigned for the incident in front of the Watermark Condominium, and later given a GPS ankle monitor – was remanded into custody on August 19th based on separate allegations that arose after his mugshot was widely viewed in the media.

In the secondary allegations, a person had misidentified Mr. Vincent as the person involved in an incident in February where a group of people had reported that a person wielded a knife at them as they got into their rideshare along the Embarcadero.

The Public Defender was able to prove that Mr. Vincent was living in Southern California at the time of the February incident and could not have been the perpetrator. Mr. Vincent's attorney, Saleem Belbahri, filed a bail motion this week to have the charges dropped.

Mr. Belbahri reported, “I received word from the D.A. today that they were able to corroborate the information I submitted in the bail motion, and have indicated that they plan to throw out the charges tomorrow.”

Mr. Belbahri is going to ask the judge to return Mr. Vincent to his previous status with assertive case management, as administered by SF pretrial, with which he had been in full compliance and receiving housing and help prior to being remanded to custody. Mr. Vincent would continue to pursue and receive the critical services he needs to stabilize his circumstances, which can better support a long-term solution to harm reduction and public safety.

Valerie Ibarra
Public Information Officer
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Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: PRESS RELEASE: Independent review of Adachi's autopsy shows death was natural
Date: Thursday, August 22, 2019 at 3:16:36 AM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: Miller report.pdf, Nikolas Lemos Adachi Report.pdf, Toxicology Report by James Norris.pdf

<http://sfpublicdefender.org/news/2019/08/independent-review-of-jeff-adachis-autopsy-shows-death-was-natural/>

Notable quotes listed at the end of the press release with contact information.

FOR IMMEDIATE RELEASE: August 21, 2019

CONTACT:

Valerie Ibarra
Public Information Officer
San Francisco Public Defender's Office
Valerie.Ibarra@sfgov.org
Desk: 415.575.4390
Cell: 628.249.7946

*****PRESS RELEASE*****

**INDEPENDENT REVIEW OF PUBLIC DEFENDER JEFF ADACHI'S
AUTOPSY SHOWS DEATH WAS NATURAL**

SAN FRANCISCO – Robert Chan, an attorney for the family of Jeff Adachi, is releasing three independent reports that raise serious questions about Jeff Adachi's autopsy, which was conducted by the San Francisco Medical Examiner's Office (OCME) in March 2019.

The independent reviews found the cause of death was "sudden cardiac arrhythmia and acute myocardial infraction due to coronary artery disease" and manner of death was "natural."

The autopsy was reviewed by Dylan V. Miller, M.D., who is an expert in Cardiovascular and Autopsy Pathology, Dr. Nikolas Lemos, a forensic toxicologist, and James L. Norris, a consultant in forensic science.

The reviews question why, given the observed coronary artery disease, was the death originally deemed an “accident” due to “acute mixed drug toxicity” when the ethanol (alcohol) level was 0.01% and the trace amount of cocaine was detected only in the central (heart) blood, a generally unreliable sample without corroboration.

Mr. Norris noted that in the general practice of autopsy, blood is tested in peripheral parts of the body and that central blood from the heart “is avoided for forensic toxicology ... [and] is not relied upon alone for detection, quantitation and the interpretation of any drug level.” Dr. Lemos, who used to work for the OCME, called the drug results drawn from Mr. Adachi’s central blood “toxicologically insignificant.” Dr. Miller said that he is, “very familiar with the effects of cocaine on the heart,” and his own analysis “is consistent with Mr. Norris’s and Dr. Lemos’s conclusions.”

Dr. Miller stated in his report that, “I can state with reasonable medical certainty that the presence of 80% narrowing of the left anterior descending coronary artery with early infarction seen in the myocardium are entirely sufficient to explain sudden cardiac death by natural causes.”

Mr. Chan said, “Losing Jeff was a terrible tragedy, and his family has suffered so much. The family is heartened to know that nothing in Jeff’s autopsy revealed any indication of chronic drug use or overdose. It provides peace of mind that we did know Jeff better than the circumstances of his death have suggested.”

Some who are disturbed by the autopsy are pointing to a conflict of interest between Mr. Adachi and the OCME’s Director of Operations, Christopher Wirowek. In December 2018, just two months before Jeff Adachi died, he had submitted a formal complaint to the City Administrator accusing Mr. Wirowek of lying about the OCME’s accreditation and failing to correct those false statements. Adachi called for an investigation, in which he suggested if Mr. Wirowek was found to have lied, “He should be terminated.”

The City Administrator replied to the complaint that saying that the Assistant District Attorney was “subsequently apprised of OCME’s correct accreditation status,” which Mr. Adachi rebuked in a follow-up letter, three weeks before his death, claiming that the Public Defender’s Office was never so informed, despite requests. The City Administrator’s response also noted that accreditation from the National Association of Medical Examiners (NAME) was “entirely voluntary.”

While that may be so, according to NAME’s website, “The standards represent minimum standards for an adequate medicolegal system, not guidelines.” Until Mr. Adachi raised the issue in 2018, all OCME correspondence read “ACCREDITED BY THE NATIONAL ASSOCIATION OF MEDICAL EXAMINERS,” showing that indeed the office knew the importance of the accreditation and the standards it represented.

Deputy Public Defender Danielle Harris said, “Our criminal legal system cannot work with a dysfunctional and untrustworthy medical examiner’s office. The office has been understaffed, politicized, and operating in near secrecy for far too long. Grieving families, accused persons, and indeed all San Franciscans deserve better.”

Ms. Harris was the attorney who initially requested information about the OCME’s accreditation in fall of 2018 when she was working on a homicide case. Despite claims attributed to Mr. Wirowek that the OCME had “provisional accreditation,” NAME was able to confirm that OCME’s accreditation had lapsed in January 2017, leaving the office unaccredited for the first time in over three decades. It’s previous “provisional” status was due in part to insufficient medical staff and chronic work delays. The lapse in accreditation and the OCME’s misrepresentations raised grave concerns about the credibility and management of the OCME.

Another layer of conflict lies in that Mr. Wirowek personally appeared at the scene of Mr. Adachi’s death and became highly involved in the investigation. According to the Medical

Examiner/Investigator's Report, Mr. Wirowek went to the hospital where Mr. Adachi had been pronounced dead, then met with Mr. Adachi's friend who had granted him access to the apartment where Mr. Adachi had fallen ill, and took photos of the friend's call log. Later that night, after legal access to the apartment was granted, Mr. Wirowek entered the apartment approximately five minutes after the police, and took photographs of the scene that were submitted as part of the investigation.

It is unclear whether any of these circumstances may have influenced the OCME's procedures or conclusions, but it seems that the intrepid Jeff Adachi may still be working on some unfinished business.

QUOTES

Robert Chan, attorney representing the Adachi family

Contact info: RobertYChan@gmail.com

"Losing Jeff was a terrible tragedy, and his family has suffered so much. The family is heartened to know that nothing in Jeff's autopsy revealed any indication of chronic drug use. It provides peace of mind that we did know Jeff better than the circumstances of his death have suggested."

Dylan V. Miller, M.D., Cardiovascular and Autopsy Pathologist

Contact info: Dylan.Miller@imail2.org

"I can state with reasonable medical certainty that the presence of 80% narrowing of the left anterior descending coronary artery with early infarction seen in the myocardium are entirely sufficient to explain sudden cardiac death by natural causes."

"Another characteristic feature of chronic cocaine related to cardiac disease is a unique and fairly specific pattern of microscopic changes in the coronary arteries...This change is not described in the microscopic examination contained in the autopsy report."

Nikolas Lemos, M.D., Forensic Toxicologist

Contact info: 415.307.6115

“The alleged analytical results in the cardiac/central blood of Mr. Adachi are toxicologically insignificant since they cannot contribute any accurate information regarding drug/poison exposure in the hours immediately preceding his death. Any board-certified forensic toxicologist should be aware of this limitation...in medico-legal death investigations.”

James L. Norris, Consultant in Forensic Science

Contact info: Forensic@Jim-Norris.com

“It appears that ethanol level should have been reported as negative and no cocaine was found in the Peripheral blood sample. These results do not appear to support the stated cause of death.”

Danielle Harris, Felony Manager at the San Francisco Public Defender’s Office

Contact info: Danielle.Harris@sfgov.org

“Our criminal legal system cannot function if we do not have a functional and trustworthy medical examiner’s office. This affects people’s lives, court cases, and families.”

Valerie Ibarra
Public Information Officer
Office of the Public Defender
City & County of San Francisco
Valerie.Ibarra@sfgov.org
Office: 415.575.4390
Cell: 628.249.7946

Subject: Articles

Date: Tuesday, August 20, 2019 at 4:00:56 PM British Summer Time

From: David M. Greenwald

To: valerie.ibarra@sfgov.org

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Article from yesterday: <https://www.davisvanguard.org/2019/08/two-men-re-sentenced-and-released-under-sb-1437/>

Podcast: <https://www.davisvanguard.org/2019/08/vanguard-court-watch-episode-7-freeing-the-innocent-under-sb-1437/>

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

530.400.2512

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Subject: RE: Greetings/ Rideshare Rapist Article
Date: Tuesday, July 23, 2019 at 12:49:56 AM British Summer Time
From: Ibarra, Valerie (PDR)
To: David M. Greenwald
Attachments: image001.jpg

Hi David,

It was great to meet you today. Thanks so much for filling me in and sending this along. I appreciate your work, and look forward to seeing it grow. Let me know if there are any ways that I can further support the project.

All the best,
Valerie

From: David M. Greenwald [mailto:info@davisvanguard.org]
Sent: Monday, July 22, 2019 4:02 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>
Subject: Greetings/ Rideshare Rapist Article

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Hi Valerie -

Good meeting you today.

Wanted to pass on the collaborative Ride Share Rapist article:
<https://www.davisvanguard.org/2019/07/judge-orders-further-briefing-after-oral-arguments-on-dna-issue-in-rides-share-rape-case/>

--

David M. Greenwald
Executive Director
[The People's Vanguard of Davis](#)

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Subject: Greetings/ Rideshare Rapist Article

Date: Tuesday, July 23, 2019 at 12:02:12 AM British Summer Time

From: David M. Greenwald

To: valerie.ibarra@sfgov.org

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Valerie -

Good meeting you today.

Wanted to pass on the collaborative Ride Share Rapist article: <https://www.davisvanguard.org/2019/07/judge-orders-further-briefing-after-oral-arguments-on-dna-issue-in-rideshare-rapist-case/>

--

David M. Greenwald
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Follow us on Twitter: <https://twitter.com/DavisVanguard>

Subject: RE: Davis Vanguard
Date: Tuesday, July 16, 2019 at 11:44:06 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Wilson, Jacque (PDR), Harris, Danielle (PDR)

Thank you so much for attending to the details in this. I know that it is much appreciated.

From: Wilson, Jacque (PDR)
Sent: Tuesday, July 16, 2019 3:42 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Harris, Danielle (PDR) <danielle.harris@sfgov.org>
Subject: RE: Davis Vanguard

Valerie,
I understand. I've spoken with David. He is going to redact and has so redacted Jenny's name. I have someone who is going to reread the articles because I saw one place where Jenny's last name was still showing. Thanks. Jacque.

From: Ibarra, Valerie (PDR)
Sent: Tuesday, July 16, 2019 2:22 PM
To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: RE: Davis Vanguard

Hi Jacque,

The reason we decided not to make this case public – despite an in-house NG victory for Danielle – is due to the client's immigration status. Would our partner at the Vanguard be so good as to remove it from the website in the interest of protecting the client and her family?

Thank you,
Valerie

From: Harris, Danielle (PDR)
Sent: Tuesday, July 16, 2019 12:10 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: FW: Davis Vanguard

This is part of our courtwatch program. Can we ask him to remove this post?

From: Roberts, Larry (PDR)
Sent: Tuesday, July 16, 2019 12:06 PM
To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>
Subject: Davis Vanguard

<https://www.davisvanguard.org/2019/07/woman-acquitted-of-murdering-grandmother/>

Subject: RE: Davis Vanguard
Date: Tuesday, July 16, 2019 at 11:42:27 PM British Summer Time
From: Wilson, Jacque (PDR)
To: Ibarra, Valerie (PDR), Harris, Danielle (PDR)

Valerie,

I understand. I've spoken with David. He is going to redact and has so redacted Jenny's name. I have someone who is going to reread the articles because I saw one place where Jenny's last name was still showing. Thanks. Jacque.

From: Ibarra, Valerie (PDR)
Sent: Tuesday, July 16, 2019 2:22 PM
To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: RE: Davis Vanguard

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Thank you,
Valerie

From: Harris, Danielle (PDR)
Sent: Tuesday, July 16, 2019 12:10 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: FW: Davis Vanguard

This is part of our courtwatch program. Can we ask him to remove this post?

From: Roberts, Larry (PDR)
Sent: Tuesday, July 16, 2019 12:06 PM
To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>
Subject: Davis Vanguard

<https://www.davisvanguard.org/2019/07/woman-acquitted-of-murdering-grandmother/>

Subject: RE: Davis Vanguard
Date: Tuesday, July 16, 2019 at 10:22:20 PM British Summer Time
From: Ibarra, Valerie (PDR)
To: Harris, Danielle (PDR), Wilson, Jacque (PDR)

Hi Jacque,

The reason we decided not to make this case public – despite an in-house NG victory for Danielle – is due to the client’s immigration status. Would our partner at the Vanguard be so good as to remove it from the website in the interest of protecting the client and her family?

Thank you,
Valerie

From: Harris, Danielle (PDR)
Sent: Tuesday, July 16, 2019 12:10 PM
To: Ibarra, Valerie (PDR) <valerie.ibarra@sfgov.org>; Wilson, Jacque (PDR) <jacque.wilson@sfgov.org>
Subject: FW: Davis Vanguard

This is part of our courtwatch program. Can we ask him to remove this post?

From: Roberts, Larry (PDR)
Sent: Tuesday, July 16, 2019 12:06 PM
To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>
Subject: Davis Vanguard

<https://www.davisvanguard.org/2019/07/woman-acquitted-of-murdering-grandmother/>

Subject: FW: Davis Vanguard

Date: Tuesday, July 16, 2019 at 8:09:51 PM British Summer Time

From: Harris, Danielle (PDR)

To: Ibarra, Valerie (PDR), Wilson, Jacque (PDR)

This is part of our courtwatch program. Can we ask him to remove this post?

From: Roberts, Larry (PDR)

Sent: Tuesday, July 16, 2019 12:06 PM

To: Harris, Danielle (PDR) <danielle.harris@sfgov.org>

Subject: Davis Vanguard

<https://www.davisvanguard.org/2019/07/woman-acquitted-of-murdering-grandmother/>