

MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY

JEANNINE M. PACIONI, DISTRICT ATTORNEY



September 17, 2021

VIA Electronic Mail

Ellen Leonida, Esq.
BraunHagey & Borden, LLP
351 California Street
10th Floor
San Francisco, CA 94101
praresponse@braunhagey.com

Re: California Public Records Act Request

Dear Ms. Leonida:

This is in response to your letter, dated September 7, 2021, received by this office via electronic mail on that same date. In your letter, you requested pursuant to the California Public Records Act (CRPA) the following records pertaining to all cases prosecuted and considered for prosecution from 2015 to present :

1. *Unique identifier(s) associated with each defendant, each case, and each arrest*
 - a. *Name of defendant*
 - b. *Court case number*
 - c. *Arresting agency number(s)*
 - d. *Any other unique identifier(s)*
2. *Demographic and other information concerning each defendant*
 - a. *Race*
 - b. *Ethnicity*
 - c. *County or origin or nationality*
 - d. *Gender/sex*
 - e. *Age or date of birth*
 - f. *Prior criminal convictions of a defendant*
3. *Information regarding each arrest*
 - a. *Zip code of arrest*
 - b. *Date of arrest*
 - c. *Charge identified by law enforcement referring individual (including top charge by law enforcement referring)*

4. *ADA assigned to the case*
 5. *Decisions to decline to prosecute*
 - a. *Date of decision to decline to prosecute*
 - b. *Identity of person who made final decision to decline prosecution*
 - c. *Charges declined to prosecute (charge-level declinations as opposed to individual – or case-level where available)*
 - d. *Reasons for the declinations to prosecute, including but not limited to:*
 - i. *Police misconduct involved in case;*
 - ii. *Injuries to person involved;*
 - iii. *Injuries to suspect;*
 - iv. *Financial loss to persons involved;*
 - v. *Prior criminal record of suspect; and*
 - vi. *Victim's level of cooperation in prosecuting case*
 6. *Diversion offers and decisions (formal and informal, and including collaborative court and deferred prosecution)*
 - a. *Date of diversion offer*
 - b. *Type of diversion offered*
 - c. *Whether diversion accepted*
 - d. *Whether diversion completed*
 7. *Charges filed*
 - a. *Statutes (applicable code section)*
 - b. *Severity (i.e. infraction, misdemeanor, wobbler, felony)*
 - c. *Any enhancements*
 - d. *Maximum sentence*
 8. *Factors considered in deciding charges to file, and level of charges, including*
 - a. *Injuries to persons*
 - b. *Financial loss to persons*
 - c. *Status of victim (i.e. law enforcement, child, spouse, etc.)*
 - d. *Prior criminal history of defendant*
 - e. *Victim's cooperation*
 9. *Bail/custody information*
 - a. *Bail amount requested*
 - b. *Detention orders sought*
 - c. *Whether bail was set or denied*
 - d. *Whether individuals were released on bail or not*
 - e. *Pre-plea/pre-trial custody status*
 10. *Plea offers*
 - a. *Charge(s) offered, including severity (i.e. infraction, misdemeanor, felony), including enhancements*
 - b. *Dates of plea offers*
 - c. *Sentence(s)/disposition(s) offered*
 - d. *Records of whether any plea offer was accepted, including date of acceptance*
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- 11. Case outcomes*
 - a. Charges of conviction*
 - b. Dismissed charges*
 - c. Sentences*
- 12. Counsel for defendant, whether public defender or private counsel*
- 13. Demographic and other information concerning victims*
 - a. Race*
 - b. Ethnicity*
 - c. Gender/sex*
- 14. Recommendations regarding parole*
- 15. Recommendations regarding pardon or commutation*

We are currently in the process of collecting and reviewing records that may be responsive to your request, as we understand it. Your request requires us to extensively review what reports/data extractions of our case management system can be reasonably accomplished before a determination can be made.

As such we are extending the time to provide you with a determination, which may include a partial or complete denial of your request. We will advise you further, no later than October 1, 2021, as to the status of our response.

Sincerely.

A handwritten signature in black ink, appearing to read 'C. Johnson', with a long horizontal flourish extending to the right.

Cristina Johnson
Deputy District Attorney