



A LAW FIRM FOUNDED ON THE
PRINCIPLE OF SERVICE

Michelle Nasise
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Via Email: leonida@braunhagey.com

Ellen Leonida, Esq.
Braunhagey & Borden, LLP

Re: Supplemental PRA Request Dated September 7, 2021 – Racial Justice Act

Dear Ms. Leonida:

Our office represents the County of Alpine in the capacity as County Counsel. Please accept this as the County of Alpine's response to the above-referenced PRA request. Below is a summary of your requests and a specific response to each of the requests.

Request #1: Unique identifier(s) associated with each defendant, each case, and each arrest

- a. Name of defendant
- b. Court case number(s)
- c. Arresting agency number(s)
- d. Any other unique identifier(s)

Request #2: Demographic and other information regarding each defendant

- a. Race
- b. Ethnicity
- c. Country of origin or nationality
- d. Gender/sex
- e. Age or date of birth
- f. Prior criminal convictions of a defendant

Request #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)

Request #4: ADA assigned to the case

Request #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)

Request #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

Request #7: Charges filed

- a. Statutes (applicable code section)
- b. Severity (i.e., infraction, misdemeanor, wobbler, felony)
- c. Any enhancements
- d. Maximum sentence

Request #8: Factors considered in deciding 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

Request #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

Request #10: Plea offers

- a. Charge(s) offered, including severity (i.e., infraction, misdemeanor, felony), including enhancements
- b. Date of plea offers
- c. Sentence(s)/disposition(s) offered
- d. Records of whether any plea offer was accepted, including date of acceptance

Request #11: Case outcomes

- a. Charges of conviction
- b. Dismissed charges
- c. Sentences

Request #12: Counsel for defendant, whether public defender or private counsel

Request #13: Demographic and other information concerning victims

- a. Race
- b. Ethnicity
- c. Gender/sex

Request #14: Recommendations regarding parole.

Request #15: Recommendations regarding pardon or commutation

Response to #1-15: The Public Records Act provides the public with the right to prompt availability of existing public records, as well as inspection of public records. A public record is defined "as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code, §6252(e).) Moreover, a public agency is not required to create a public record that does not exist at the time of the request. (Id.; *Haynie v. Superior Court* (2001), 26 Cal.4th 1061, 1075.)

The County of Alpine has zero (0) responsive records to provide in response to these requests. Please note that the County of Alpine District Attorney's Office employs one attorney, and has not summoned a jury during any period relevant to these requests.

However, the County would encourage you to contact the Superior Court of California, County of Alpine, to request any records that may be responsive to your request. The Alpine County Courthouse is located at 14777 CA-89, Markleeville, CA 96120. For additional information, you may visit the Court's website <https://alpinecountycalifornia.gov/212/Superior-Court-of-Alpine-County> or call (530)694-2113.

As we have no responsive records to provide pursuant to this request, we consider your request completed. Please do not hesitate to contact our office should you require any additional information or wish to discuss this matter further.

Regards,
PRENTICE LONG, PC



Michelle Nasise

cc: Michael Atwell, Alpine County District Attorney