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November 30, 2021

**VIA EMAIL**

Mark Zahner  
Office of the District Attorney of Stanislaus County  
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Modesto, CA 95354  
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**Re: California Public Records Act Request**

Dear Mr. Zahner:

Thank you for speaking with us on November 24, 2021. We appreciate your willingness to work through these issues collaboratively. As promised, I've summarized below the substance of our discussion. Please let me know if I've misstated anything. If everything looks right, please confirm in writing so that we know we're on the same page moving forward.

Earlier this year, we sent your office two Public Record Act requests. Our July 23, 2021, request sought several categories of information related to your office's policies, training materials, and records concerning the Racial Justice Act and *Batson-Wheeler* motions. Our September 7, 2021, request sought multiple categories of demographic and related data for criminal cases. Your office responded to these letters separately. On September 27, 2021, your office sent a letter asserting several exemptions to our policy requests while noting some responsive documents you had provided. On September 29, 2021, your office sent a letter asserting several exemptions to our data requests.

We spoke on the phone about both sets of requests on November 24, 2021. Regarding the policy requests, you confirmed that, notwithstanding the exemptions asserted in the letter, your office had, in fact, already provided all the responsive documents it has. Regarding the data requests, you conveyed that, notwithstanding the exemptions asserted in the letter, your office is willing to provide all responsive data that currently exists in your office's computer system as soon as it's available. (In agreeing to provide this data notwithstanding any exemptions that may apply, your office does not waive those exemptions, but is agreeing, rather, to provide the data voluntarily, as the law permits.)

You explained that the practical holdup for the requested data is your office's databases, which currently do not allow administrators to quickly pull reports. This is a problem your office has already engaged a third-party firm to solve. That firm will work between now and April 2022 to make this data available (recognizing, of course, that April 2022 is simply your best estimate, and not a guarantee.) As soon as the third-party firm makes this data readily available, your office will release to us any that is responsive to our request from September 7, 2021.

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As I explained on the phone, we understand the challenges of retrieving the data you currently have and, under the circumstances, are happy to wait until April so that you do not have to divert resources from cases to track down data by hand. However, we ask that, if your office intends to assert exemptions for any responsive data at all, you do so now, so that we can litigate any disagreements in advance and obtain the data as soon as it's available.

Again, we appreciate your transparency in navigating these issues. We look forward to your response.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Kory DeClark', written in a cursive style.

Kory DeClark