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PRINCIPLE OF SERVICE

Michelle Nasise
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March 15, 2022

****Via Email: leonida@braunhagey.com****

Ellen Leonida, Esq.
Braunhagey & Borden, LLP
leonida@braunhagey.com

Re: PRA Request Dated February 10, 2022 – Implementation of RJA

Dear Ms. Leonida:

Our office represents the County of Modoc in the capacity as County Counsel. Please accept this as the Modoc County District Attorney's Office response to the above-referenced PRA request, received on February 15, 2022. Below is a summary of your requests for records "regarding relevant case, individual, and/or charge-level data in the possession or control of the Modoc County District Attorney's Office for all cases considered for prosecution and/or prosecuted during the time-period 2015 to present," and the County's specific response to each of those 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)
- d. Reasons for the declinations to prosecute, including but not limited to:
 - i. Police misconduct involved in case;
 - ii. Injuries to persons 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.

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

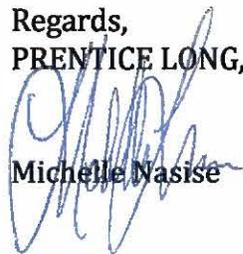
Responses to #1-15: The Public Records Act provides the public with the right to prompt availability of existing public records, as well as inspection of public records. A public record is defined “as any writing containing information relating to the conduct of the public’s business prepared, owned, 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 Modoc has zero (0) responsive records to provide in response to these requests. Please note that the County of Modoc District Attorney’s Office employs only two (2) attorneys, including the District Attorney.

However, we encourage you to contact the Superior Court of California, County of Modoc, to request any records that may be responsive to your request. The Modoc County Courthouse is located at 205 S. East St., Alturas, CA 96101. For additional information, you may visit the Court’s website: <https://www.modoc.courts.ca.gov/> or call (530)233-6516.

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: Cindy Campbell, District Attorney, County of Modoc
Theresa Madok, Paralegal, County of Modoc