

# AMADOR COUNTY COUNSEL

County Administration Center  
810 Court Street, Jackson, CA 95642  
Telephone (209) 223-6366 • FAX (209) 223-4286



VIA U.S. MAIL

May 16, 2022

Gregory G. Gillott, County Counsel  
Lesley B. Gomes, Deputy  
Glenn Spitzer, Deputy  
Angela R. Creach, Paralegal

Joshua Wilner  
Braun Hagey & Borden, LLP  
351 California St. 10<sup>th</sup> Floor  
San Francisco, CA 94104

**RE: County of Amador's non-exempt records responsive to  
ACLU's September 7, 2021 PRA request**

Dear Mr. Wilner,

Attached is a disc containing the County of Amador's non-exempt records responsive to the September 7, 2021 Public Records Act request submitted by the American Civil Liberties Union of Northern California (also attached).

Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn Spitzer", is written over the typed name and title. The signature is stylized and fluid.

Glenn Spitzer  
Deputy County Counsel

Ellen Leonida, Esq.  
Partner  
[leonida@braunhagey.com](mailto:leonida@braunhagey.com)

September 7, 2021

**SENT VIA U.S. MAIL AND EMAIL**

Todd Riebe  
Office of the District Attorney of Amador County  
708 Court Street  
Jackson, CA 95642  
[amadorda@amadorgov.org](mailto:amadorda@amadorgov.org)  
[triebe@amadorgov.org](mailto:triebe@amadorgov.org)

**Re: California Public Records Act Request**

To the Office of the District Attorney for Amador County:

Pursuant to the California Public Records Act (“CPRA”)<sup>1</sup> and the California Constitution,<sup>2</sup> I am writing on behalf of the American Civil Liberties Union of Northern California (“ACLU”) to request records relevant to the implementation of California’s Racial Justice Act (“RJA”).<sup>3</sup> The RJA was enacted “to eliminate racial bias from California’s criminal justice system” and “to ensure that race plays no role at all in seeking or obtaining convictions or in sentencing.”<sup>4</sup> The ACLU submits this CPRA request in the public’s interest and as a member of a coalition of community groups, non-profit organizations, academic institutions, and other entities. The records that you produce will help us to implement and realize the objectives of the RJA.

On July 23, 2021, we submitted a CPRA request to your office also seeking records relevant to the implementation of the RJA. This CPRA letter is a further request for the following records regarding relevant case, individual, and/or charge-level data in the possession or control of Amador District Attorney’s Office for all cases considered for prosecution and/or prosecuted during the time-period 2015 to Present:

**Records Requested:**

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)

---

<sup>1</sup> Gov’t Code §§ 6250 *et seq.*

<sup>2</sup> Cal. Const., art. I, § 3(b)(2).

<sup>3</sup> Pen. Code § 745.

<sup>4</sup> See AB-2542 *Criminal Procedure: Discrimination*, Stats. 2020, Ch. 317, § 2(i); see also Pen. Code §§ 745, 1473, 1473.7.

- 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
- 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**

In responding to this request, please note that the CPRA broadly defines the term "record." Specifically, the term includes "any writing containing information relating to the conduct of the people's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."<sup>6</sup> The CPRA defines, in turn, a "writing" as any "means of recording upon any tangible thing any form of communication or representation."<sup>7</sup> The present request therefore applies to *all* paper documents, as well as to *all* emails, videos, audio recordings, text messages, social media, or other electronic records within the Amador District Attorney's Office's possession or control. Even if a record was created by a member of another government agency, a member of the public, or a private entity, it still must be produced so long as it is (or was) "used" or "retained" by the Amador District Attorney's Office.<sup>8</sup>

---

<sup>6</sup> Gov't Code § 6252(e).

<sup>7</sup> *Id.* § 6252(g).

<sup>8</sup> *Id.* § 6252(e); see *California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were "unquestionably 'used' and/or 'retained' by [an agency]" were public records); see also *Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) ("[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.").

September 7, 2021  
Page 5

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellen Leonida', written in a cursive style.

Ellen Leonida