

From: [Kory DeClark](#)
To: [District Attorney; Josh Wilner](#)
Cc: [PRA Response; Caitlin Shaw](#)
Subject: RE: California Public Records Act Request (Humboldt)
Date: Wednesday, January 25, 2023 9:30:35 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
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[image028.png](#)
[image029.png](#)

Hi Stacey and Scott,

Thank you for passing along the screenshots below. Our team has reviewed them. Unfortunately, given the nature of the file structures, we are unable to determine the total list of CDAA materials that you have in your possession. There are three solutions here: 1) You provide a complete image of the contents of each folder containing CDAA trainings, with those trainings clearly marked and named using their original file names so that it's clear which trainings they are; or 2) you just provide the trainings (as CDAA has permitted counties to do).

As I said on the phone, my goal here is to minimize work for everyone. We just need to know which trainings you have so we can confirm that we already have them from other counties' productions and don't need them from you. If there is a way to identify all but only the CDAA trainings from the screenshot below, please let me know. Otherwise, can you let me know which of the two options above is best for you? I'm also open to other solutions, if you have one.

Thanks for your continued attention to this request. Hopefully we're close to closing it out.

Kory DeClark

BRAUNHAGEY & BORDEN LLP

Direct: (415) 869-6487

braunhagey.com/impact

From: Kory DeClark <declark@braunhagey.com>

Sent: Monday, January 16, 2023 3:56 PM

To: District Attorney <districtattorney@co.humboldt.ca.us>; Josh Wilner <Wilner@braunhagey.com>

Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>
Subject: RE: California Public Records Act Request (Humboldt)

Hi Stacey and Scott,

Thanks for your email. We will compare this list of CDAA trainings to those we've already collected. If there are any unique trainings in your library, we'll reach back out.

Regarding the search parameters, I think we've miscommunicated. During our call, you represented that your office had no documents, including emails, responsive to category 3 of our request (concerning the Racial Justice Act). To complete our due diligence, I asked for the search parameters your IT department used to search for responsive documents in this category. By "search parameters," I meant search terms —i.e., what terms did the IT department look for in your database (including email)? Please provide the search terms your IT department used by January 23. After we receive this information, we can hopefully close out the request.

Thank you,

Kory DeClark

BRAUNHAGEY & BORDEN LLP

Direct: (415) 869-6487

braunhagey.com/impact

From: District Attorney <districtattorney@co.humboldt.ca.us>

Sent: Friday, January 13, 2023 6:16 PM

To: Kory DeClark <declark@braunhagey.com>; Josh Wilner <Wilner@braunhagey.com>

Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>




























Subject: RE: California Public Records Act Request (Humboldt)


***** EXTERNAL MESSAGE *****





























Greetings Mr. Clark,














In response to the next steps necessary













1. Here below you can see a list of trainings discussed during our phone conference on January 5th, 2023.





































-  Answering the Call Bias in Prosecution
-  Asset Forfeiture 9-9-19 to 9-12-19
-  Confidential Informants
-  Documentary Evidence
-  Evidence 2020
-  Felony A-Z
-  Felony Sentencing 6-29 to 7-1-21
-  Fraud Symposium 2020
-  Impeachment
-  LE & Prosecutor Safety
-  Mental Health Cases
-  MH Diversion 12-10-20
-  New Prosecutors
-  Real Estate Fraud
-  Restraining Orders 101
-  Search Warrants
-  Short Notice Trial Prep
-  Voir Dire _Jury Selection
-  2017-IPG-31UPDATED-BRADY-STATUTORY-AND-ETHICAL-DISCOVERY-OBLIGATIONS-OUTLINE
-  2019-IPG-41(IMPEACHMENT WITH CONVICTIONS & CONDUCT OF MORAL TURPITUDE)
-  Asset_Forfeiture_Final_2015
-  BRADY IPG 2019-IPG40
-  Manual-Mental Health-2020-1
-  MORAL-TURPITUDE-CRIMES-LIST.09-25-19
-  Opening and Closing Argument Misconduct IPG 2020 Special Edition
-  Puck-Voir-Dire-Sample-Scripts
-  Restitution and victim manual











-  Jury Selection Authority Quick Reference

-  2008 - Witness Presentation
-  2011 - Homicide Symposium
-  2011 - Northwestern California Law Summit
-  Binder Templates
-  CA Narcotic Officers Assoc Training Institute Manual
-  DA Visual Aids
-  Domestic Violence & Stalking
-  DUI
-  Gang Manual
-  Inquisitive Prosecutor's Guides
-  Insurance Fraud
-  2016_sent_update_mandinach
-  AssetForfeiture08
-  CDAA.Ethics and Experts
-  CHPDUIManual
-  duty_binder
-  elec-sur-manual
-  ICE_Tool Kit for Prosecutors 04.01.11
-  Judicial Benchguide to Restitution
-  Jury Selection Training
-  Prosecutor's Guide (THE ROGUE JUROR)
-  RIGHTTOCOUNSEL
-  SA statute of limitations Oct 2021 manual
-  search&seizureMarch2010
-  search2015
-  SVP_Proceedings_2014_final
-  Trial-Tactics--CA-District-Attorney
-  WiretapManual








-  California Drug Matrix 2020
-  Determinate Law Section 654 Outline
-  Homicide Sentencing Outline with Supplemental Material
-  Narcotics Prosecution Issuing Guide
-  Parole Hearings for Lifers Quick Guide
-  Power to Strike PC 1385 Outline
-  Prior Convictions Outline
-  Probation and Supervision Violations Outline
-  Prop 36 Case Law Summary
-  Restitution Outline
-  San Diego Collaborative Courts Summary
-  Sentencing Outline Combined with Supplemental Materials
-  Sentencing Outline Supplemental Materials

-  Charging and Sentencing in Sexual Assault Cases
-  Consecutive Sentencing Outline
-  Credits Outline
-  Gang Crimes Sentencing Outline
-  Indeterminate Sentencing Outline
-  Multiple Punishment PC 654 Outline
-  Post-Sentencing Supervision & Revocation and Early Releases Outline
-  Probation Eligibility & Alternatives to Prison Outline
-  Proving Priors and Taking Pleas Outline
-  Sentencing Outline and Supplemental Materials
-  Specific Conduct Enhancements Outline
-  Three Strikes Law Outline

-  Basics of Forensic DNA Testing Handout - Binz CDAA presentation
-  CDAA Presenting DNA Evidence in Court - Ore CDAA September 2020
-  Ore 1 - Bestpractices-NIJ SAEK
-  Ore 2 - Forensic Science Benchbook
-  Ore 3 - Internal Validation of STRmix- A multi laboratory response to PCAST
-  Ore 4 - ScienceDirect - Cook - Prevalence of Mixed DNA Profiles in Fingernail Samples
-  Ore 5 - Science and Justice - Dowlman - Prevalence of Mixed DNA Profiles in Fingernail Swabs
-  Ore 6 - Fingernail Articles
-  Ore 7 - Investigation of secondary DNA transfer of skin cells under controlled test conditions
-  Ore 8 - FSIG - Evaluating Prevalence of DNA Mixture found in fingernail samples - Nurit
-  Ore 9 - Parameds transfer fingernail DNA
-  Ore 10 - Competency Test Records
-  Ore 11 - Competency Test Results Inconsistencies
-  Ore 12 - Competency Testing and Its Relationship to Training
-  Ore 13 - Competency Testing Program
-  Ore 14 - Court Testimony Monitoring
-  Ore 15 - Final Disposition of Quality Test Evidence
-  Ore 16 - Identifying Departures from Quality System
-  Ore 17 - Introduction
-  Ore 18 - Measurement Traceability
-  Ore 19 - Problems Identified During Proficiency Testing
-  Ore 20 - Process of Estimating Uncertainty
-  Ore 21 - Proficiency Test Records
-  Ore 22 - Proficiency Test Result Inconsistencies
-  Ore 23 - Proficiency Testing Program
-  Ore 24 - Technical Review of Case Records
-  Ore 25 - Control of Non-Conforming Work
-  Ore 26 - Corrective Action
-  Ore 27 - Problems with Analyst Casework
-  Ore 28 - Problems with Procedures
-  Ore 29 - Consumption Notification Letter
-  Ore 30 - Third Party Culp
-  Ore 31 - Trial Brief DA response to D precomplaint delay dm motion
-  Ore 32 - A pilot study The effects of repeat washing (2018)
-  Ore 33 - DNA transfer during laundering may yield complete genetic profiles FSI Genetics
-  Ore 34 - Laundry retention abstract
-  Ore 35 - Laundry-sperm transfer















-  Ore 36 - Persistence of DNA from laundered semen stains (2015)
-  Ore 37 - Persistence of seminal constituents on panties (2003; abstract)
-  Ore 38 - Spermatozoa recovered on laundered clothing FSI Genetics (2008)
-  Ore 39 - The Retention and Transfer of Spermatozoa (1996)
-  Ore 40 - 2017 Direct Examination of DNA Analyst with STRmix
-  Ore 41 - 2019 Direct Examination of DNA Analyst with STRmix- new PP
-  Ore 42 - DNA 101 Slides 2017- FINAL
-  Ore 43 - DNA 101 Slides 2019
-  Ore 44 - Prop 115 DNA SCRPT -Simple
-  Ore 45 - Prop 115 DNA SCRPT
















Closing Argument


-  Admissions and Confessions 2017
-  California End of Life Option Act 2016-12-02
-  Homicide Sentencing March 2017
-  Jury Selection Authority Quick Reference
-  Mental health handouts 2017
-  MIL Admissibility of Video Evidence 2017
-  Theories of Liability 2017


-
-  CDAA-Best-Practices-Complete-web
 -  Rule 5-110 Performing the Duty of Member in Government Service
 -  The California Prosecutor - Integrity Independence Leadership








 -  Victim_Rights_Manual_2013 (Riverside)
 -  2011-02 Miranda Time of Questioning
 -  2012_Search_Warrant_Manual[1]
 -  2012SearchWarrantManual
 -  2014-27 New Laws for 2015, Part 2
 -  2015-01 Proof of Loss
 -  2015-02 Misdemeanor Search Warrants
 -  2015-05 Search Warrant Expiration
 -  SearchWarrant010110(rev)











-  2016 sentencing seminar
-  2019 Sentencing Conference
-  Certificate of Rehab
-  Credits
-  Felony Sentencing 2017
-  Juvy Sentencing
-  Misdo Sentencing
-  Multiple Convictions
-  Multiple Victims
-  Sentencing Memos
-  Supervision
-  CDA 654-2015
-  Chart Crimes, Punishments and Enhancements - 1170(h)
-  Immigration Consequences of Criminal Offenses
-  Sentencing Objectives - Rule 4.410 Checklist
-  Some advice for Sentencing
-  Who May Speak at Sent - Cal Pen Code _ 1191 1


-  402 hearings
-  Closing
-  Defenses
-  Jury Questionnaires
-  Objections
-  Transcripts
-  Voir Dire
-  Witness Prep
-  1166 Remand After Verdict
-  DA arguments
-  Jury Management Bench Handbook
-  MORAL-TURPITUDE-CRIMES-LIST 11-17-15
-  Basic Juvenile Criminal Law and Procedure-2011
-  CDA 1108 ppt August 2020
-  Social Networking Sites


 Forensic DNA Typing_October 12, 2015


 Admitting Social Media Evidence


-  Admissions and Confessions 2017
-  California End of Life Option Act 2016-12-02
-  Homicide Sentencing March 2017
-  Jury Selection Authority Quick Reference
-  Mental health handouts 2017
-  MIL Admissibility of Video Evidence 2017
-  Theories of Liability 2017

-  Q-Framing-1
-  Q-More-Evidence-2
-  Q-Potential-Elements-1
-  Q-Reasonable-Doubt-1
-  Q-Reasonable-Interpretation-1
-  Q-Speaking-the-same-language-1
-  Script-Closing-Article
-  Cross-Examination-outline
-  DNA-101-Slides-2017
-  PL280

 Charging and Sentencing in Sexual Assault Cases 2015

 Crimes-Against-Children-2013

 Intro-to-Criminal-Forfeitures-12-2-10122

 2022 CDAA Sentencing Training

2. The Search Parameters were:

Any communication containing Racial Justice Act or RJA

Sincerely,

Humboldt County District Attorney's Office
825 5th Street, 4th Floor
Eureka, CA 95501
PH: 707-445-7411
FX: 707-445-7416
districtattorney@co.humboldt.ca.us



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From: Kory DeClark <declark@braunhagey.com>

Sent: Monday, January 9, 2023 10:57 AM

To: District Attorney <districtattorney@co.humboldt.ca.us>; Josh Wilner <Wilner@braunhagey.com>

Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>

Subject: RE: California Public Records Act Request (Humboldt)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Stacey and Scott,

Thank you for meeting with us on January 5. This email is to memorialize our conversation surrounding our July 23, 2021 CPRA request.

For each category of request, you represented the following:

- Category 1: Your office has no written policies at all.
- Category 2: Your office uses only CDAA trainings and will provide us with a list of those trainings.
- Category 3: Your IT department ran a search for responsive materials, including an email search, and found no responsive materials at all.
- Category 4: You have no responsive materials.

For next steps, you said that you would:

1. Provide a list of CDAA trainings responsive to category 2 of our request.
2. Send us the search parameters your IT department ran on your servers for its search regarding category 3 of our request.

Please send us a response by January 12 (one week from our call).

Thank you,

Kory DeClark

BRAUNHAGEY & BORDEN LLP

Direct: (415) 869-6487

braunhagey.com/impact

From: District Attorney <districtattorney@co.humboldt.ca.us>

Sent: Wednesday, November 30, 2022 10:45 AM

To: Josh Wilner <Wilner@braunhagey.com>

Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>; Kory DeClark <declark@braunhagey.com>

Subject: RE: California Public Records Act Request (Humboldt)

***** EXTERNAL MESSAGE *****

Hello Joshua Wilner,

Per your request the Humboldt County District Attorneys Office would like to schedule a meeting via Zoom Application, on December 21st at 8:30 am PST. If this is agreeable for Braunhagey and Borden LLP please reply and a calendar invite will be sent to the email provided.

Sincerely,

Humboldt County District Attorney's Office
825 5th Street, 4th Floor
Eureka, CA 95501
PH: 707-445-7411
FX: 707-445-7416
districtattorney@co.humboldt.ca.us



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From: Josh Wilner <Wilner@braunhagey.com>
Sent: Tuesday, November 29, 2022 11:06 AM
To: District Attorney <districtattorney@co.humboldt.ca.us>
Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>; Kory DeClark <declark@braunhagey.com>
Subject: Re: California Public Records Act Request (Humboldt)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello,

We have sought a written CPRA response from your office for a full calendar year. We sent an initial letter in November 2021, called your office multiple times over the subsequent months, sent several emails following up, and mailed letters via certified mail in March and November 2022, before getting your first written response since August 2021 last week. Even setting aside that these requests are over a year old, and that your office has plainly flouted its legal obligations under the CPRA, it is clear that there remains a significant misunderstanding between our offices regarding the substance of our request. Under these circumstances, a meeting is essential to efficiently resolve these issues. We are willing to memorialize what is said and agreed to in writing after any meeting and send it to you for confirmation of its accuracy.

Please let us know if you are willing to speak with us and, if so, when you are available.

Regards,

Joshua Wilner

BRAUNHAGEY & BORDEN LLP

San Francisco

351 California Street, 10th Floor
San Francisco, CA 94104

Tel: (415) 599-0210

New York

7 Times Square

27th Floor

New York, NY 10036-6524

Tel: (646) 829-9403

From: District Attorney <districtattorney@co.humboldt.ca.us>

Sent: Monday, November 28, 2022 5:29 PM

To: Josh Wilner <Wilner@braunhagey.com>

Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>; Kory DeClark <declark@braunhagey.com>

Subject: RE: California Public Records Act Request (Humboldt)

***** EXTERNAL MESSAGE *****

Greetings Joshua Wilner,

We request that all correspondence regarding the requests submitted, and responses that have been provided, be kept in writing for purposes of clarity.

Sincerely,

Humboldt County District Attorney's Office

825 5th Street, 4th Floor

Eureka, CA 95501

PH: 707-445-7411

FX: 707-445-7416

districtattorney@co.humboldt.ca.us



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From: Josh Wilner <Wilner@braunhagey.com>
Sent: Monday, November 28, 2022 11:47 AM
To: District Attorney <districtattorney@co.humboldt.ca.us>
Cc: PRA Response <praresponse@braunhagey.com>; Caitlin Shaw <Shaw@braunhagey.com>; Kory DeClark <declark@braunhagey.com>
Subject: Re: California Public Records Act Request (Humboldt)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello,

We would like to schedule a phone meeting with your office to discuss these requests. Is someone available to speak with us next Monday (12/5) at 12:30pm? If not, please provide 3 times you are available, and we will pick one.

Regards,

Joshua Wilner

BRAUNHAGEY & BORDEN LLP

San Francisco

351 California Street, 10th Floor
San Francisco, CA 94104

Tel: (415) 599-0210

New York

7 Times Square

27th Floor

New York, NY 10036-6524

Tel: (646) 829-9403

From: District Attorney <districtattorney@co.humboldt.ca.us>
Sent: Wednesday, November 23, 2022 5:03 PM
To: Caitlin Shaw <Shaw@braunhagey.com>
Cc: Ellen Leonida <Leonida@braunhagey.com>; Josh Wilner <Wilner@braunhagey.com>; PRA Response <preresponse@braunhagey.com>
Subject: RE: California Public Records Act Request (Humboldt)

***** EXTERNAL MESSAGE *****

Greetings,

Please see the attached correspondence in response the correspondence submitted to the Humboldt County District Attorney's Office on November 2, 2022.

Sincerely,

Humboldt County District Attorney's Office
825 5th Street, 4th Floor
Eureka, CA 95501
PH: 707-445-7411
FX: 707-445-7416
districtattorney@co.humboldt.ca.us



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From: District Attorney
Sent: Thursday, November 10, 2022 4:32 PM
To: 'Caitlin Shaw' <Shaw@braunhagey.com>; District Attorney <districtattorney@co.humboldt.ca.us>
Cc: Ellen Leonida <Leonida@braunhagey.com>; Josh Wilner <Wilner@braunhagey.com>; 'preresponse@braunhagey.com' <preresponse@braunhagey.com>
Subject: RE: California Public Records Act Request (Humboldt)

Greetings,

Please see the attached correspondence in response the correspondence submitted to the Humboldt County District Attorney's Office on November 2, 2022.

Sincerely,

Humboldt County District Attorney's Office
825 5th Street, 4th Floor
Eureka, CA 95501
PH: 707-445-7411
FX: 707-445-7416
districtattorney@co.humboldt.ca.us



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From: Caitlin Shaw <Shaw@braunhagey.com>
Sent: Wednesday, November 2, 2022 11:16 AM
To: District Attorney <districtattorney@co.humboldt.ca.us>
Cc: Ellen Leonida <Leonida@braunhagey.com>; Josh Wilner <Wilner@braunhagey.com>
Subject: California Public Records Act Request (Humboldt)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

To the Office of the District Attorney for Humboldt County,

Please see the attached correspondence on behalf of Ellen Leonida.

Regards,

Caitlin Shaw
Litigation Legal Assistant
BRAUNHAGEY & BORDEN LLP
Direct: (415) 651-5763

San Francisco (Main Office)
351 California Street, 10th Floor
San Francisco, CA 94104
Tel. & Fax: (415) 599-0210

New York

118 W 22nd Street, 12th Floor
New York, NY 10011
Tel. & Fax: (646) 829-9403

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