

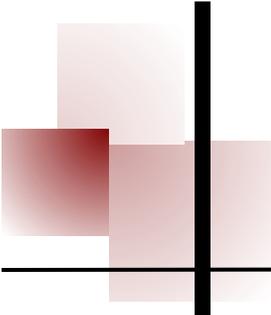
# Stanislaus County District Attorney

Annual Report  
2001



James C. Brazelton  
District Attorney





# *Acknowledgements*

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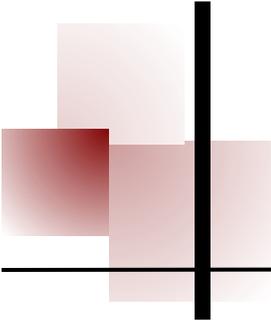
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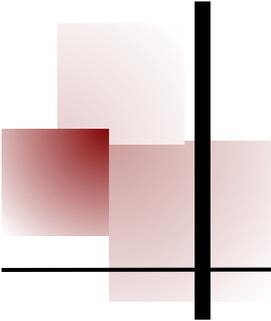
# *Stanislaus County Board of Supervisors*

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*Back Row: Nick Blom, District 3; Thomas W. Mayfield, District 2; Ray Simon, District 4.  
Front Row: Paul Caruso, District 5; Pat Paul, District 1, Board Chair, 2000-2001.*

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## District Attorney Jim Brazelton



Office prove that they are up to these challenges each and every day. From prosecutors trying tough gang murder cases to fraud investigators sifting through mountains of paperwork, the staff of this office is dedicated, hardworking, innovative and committed to justice.

Throughout its almost 150 years history, the District Attorney's Office of Stanislaus County has been well known throughout the country as a no-nonsense and tough on criminals organization. This history continues. In recent years we have recognized that we must dramatically alter our operations to ensure that we keep up with and, hopefully ahead of, rapidly changing technology and the new and different crimes that come with it. We are actively involved in partnering with other agencies to address computer crimes such as identity theft, child pornography and molestation. We have launched several highly successful programs in the areas of bad checks, gang crime, family violence, teen pregnancy, truancy, hate crimes, and elder abuse, to name just a few. Because of the strength and dedication of our staff we have been able to provide excellent service to our customers while attaining a high overall conviction rate.

This report details the efforts of the staff on behalf of the residents of Stanislaus County. We encourage and welcome input from the community. Visit our website at [www.stanislaus-da.org](http://www.stanislaus-da.org) for more information and to let us know your concerns.

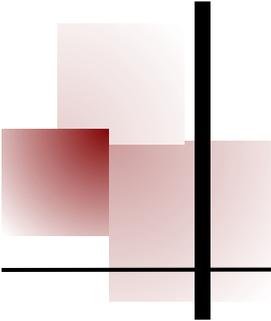
JIM BRAZELTON  
District Attorney

**T**o the Board of Supervisors and citizens of Stanislaus County:

I am pleased to submit this first Annual Report, which briefly outlines the mission and work of the District Attorney's Office of Stanislaus County. The challenges facing the men and women of this office - the county's largest law firm - are immense. Our prosecutors file literally thousands of new criminal cases every year. At the same time the demand for our services in new and emerging areas stretches our resources to the limits.

The prosecutors, investigators and support staff of the Stanislaus County District Attorney's

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## Assistant District Attorney Carol Shipley

It is with great pride that we publish our first Annual Report. As we venture into the new century, there are many changes taking place in the District Attorney's office. We have recently completed an evaluation of the office - function, case processing and personnel. We began the implementation of a five year "Continuous Improvement Plan." The Plan includes the creation of a Witness Services Unit to meet the needs of witnesses at an early stage of the proceedings, a Discovery Unit that will efficiently account for all documents given to the defense and keep the process in-house, two technology positions (the first in our office) to maintain the computer network and keep pace with ever changing technology. Additional positions in our Investigations Division - one specifically for the Juvenile Unit which has never had an investigator assigned—will greatly enhance our ability to seek justice.

Areas of emphasis are changing. As this report is published, many communities, including Stanislaus County, have determined that elder abuse and high tech crime are areas of critical concern. The District Attorney's office is seeking additional prosecutors and support staff to focus on these issues. We are partnering with other county departments and agencies in these areas in order to provide education to the public, better services to victims, and more thorough investigations.

Technology is no longer a luxury in the District Attorney's Office - it is a necessity. Specialized software applications, research on the



internet, websites, and PowerPoint presentations are all commonplace. Entry-level prosecutors and investigators not only need to know the law, but must be computer literate.

The "Continuous Improvement Plan" will be just that - continuous. We will design measurements to evaluate our processes. We will seek out other agencies for benchmarking. We will ask our customers how we are doing and where we can improve. We will do our best to keep our community informed about what we do.

To the citizens of Stanislaus County - thank you for your support through the years!



## Deputy District Attorneys

# Felony Trial Division

Five of the twelve prosecutors in this division prosecute felony cases from the time the Information is filed in Superior Court through jury trial. These cases range from theft, drug possession and sales, and robbery, to three strike cases and murder cases involving the ultimate penalty - Death. In addition, these prosecutors appear at parole hearings to argue for the denial of parole for inmates sentenced to a life sentence.

**Notable Cases:** *People v. Quezada* involved a drive-by shooting in which one pedestrian was killed and another wounded by eight shots fired from a moving car by defendant. The defendant was convicted of Murder and Attempted Murder with a Use of a Firearm allegation, resulting in a sentence of 45 Years - to - Life.

*People v. Johnson* involved a long-time felon with six prior "strike" convictions and several stints in state prison for violent felonies over the last thirty years. He was found in possession of a large amount of methamphetamine and a loaded .357 magnum revolver. He was prosecuted under the "Three-Strikes" law, convicted and sentenced to 37 Years - To - Life.

*People v. Seoun, et al.* involved a home invasion robbery with several victims, including some under the age of ten. One of the defendants fired a shotgun through the victims' kitchen window. The three defendants were all convicted and sentenced to prison terms ranging from 30 - 50 Years, each.

Seven other prosecutors in this division are assigned to specific units. Three prosecutors are assigned to the Crimes Against Children / Sexual Assault Unit, two to the Gang Unit and a two to the Stanislaus Drug Enforcement Agency. These positions are "vertical" positions in which the prosecutors handle a case from the time the initial complaint is filed, through jury trial and sentencing.

## Crimes Against Children/ Sexual Assault Crimes

The Crimes Against Children/Sexual Assault Crimes Unit (CAC/SAC) prosecutes felony and misdemeanor crimes of child abuse including sexual assault, physical abuse, neglect, homicide and all sexual assault crimes involving adult victims. The unit includes three deputy district attorneys and a victim advocate. All members of the unit receive specialized training in child abuse prosecution including medical, psycho-social and legal components. Each case remains with the same prosecutor from issuance to sentencing. This vertical prosecution ensures consistency in application of policy and punishment, more efficient use of government resources, and, most importantly, fosters an individual bond of trust and concern between the victim(s) and the prosecutor.

The Unit has recently prosecuted many high profile and dangerous offenders.

*People v. Raymond Dewitt* involved the molestation of 12 different children. Dewitt pled guilty to 29 counts of child molest. After a contested sanity hearing, Dewitt was sentenced to a term of 54 years to life in state prison.

*People v. Eric Hayne*—the first Internet child molest case in Stanislaus County. Hayne was a Pasadena resident communicating via the Internet with what he believed was a

12 and 13-year-old girl. Hayne was actually online with an undercover sheriff's detective. When Hayne arrived at a local restaurant to meet the "girls," he was apprehended by deputies of the Sheriff's Office. After a jury trial, Hayne was convicted of two counts of attempted child molest.

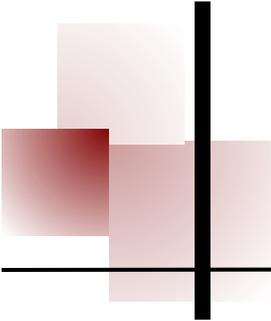
*People v. Gary Ehle*—Shortly after being released from prison for a 1977 murder conviction, Ehle molested two girls over a four-year period. Following a jury trial, Ehle was convicted of multiple counts of child molest and was sentenced to a term of 68 years to life in state prison.

*People v. Roosevelt Edwards*—Edwards entered a convenience store through the roof before business hours. He sexually assaulted and shot the female clerk after she arrived to open the store. A jury convicted Edwards of multiple felony counts and he was sentenced to a term of 80 years to life in state prison.

## Gangs

While there is not an overwhelming gang problem in Stanislaus County in comparison to California's larger counties, we do have many active gangs throughout the county that routinely commit crimes such as burglaries, sales of narcotics, robberies, aggravated assaults, and senseless murders.

The Gang Suppression Unit is made up of three prosecu-



# Felony Trial Division

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tors and an investigator. Additionally, there is an investigative assistant assigned to each gang-related murder case. Only in existence since 1997, the Gang Unit has successfully prosecuted dozens of gang shootings and homicides, and many other types of serious and violent felony offenses by gang members.

The cases that are referred to the DA for prosecution are reviewed for issuing charges by a gang prosecutor and then assigned to one of the three prosecutors for vertical prosecution. Typically, a gang-related case will involve proving that the crime was committed for the benefit of a street gang, which will increase the punishment for the underlying crime. The police agency investigating a crime initially determines whether a particular crime was committed for the benefit of a known criminal street gang. The larger law enforcement agencies in our county have officers with special gang training and experience that gather and maintain information on active gang members and gang activities in Stanislaus County. The Probation Department and State Parole provide significant help in documenting the activities of gangs and their members. The gang unit will also prosecute crimes that do not fall under the gang statutes if witnesses in the case are gang members.

In almost every gang case prosecution, victims are reluctant to come to court and testify due to their fear of retaliation; there is also the challenge of dealing with gang affiliated-witnesses that lie on the witness stand. All three prosecutors in the Gang Unit have extensive trial experience and are familiar with the law enforcement officers working with gangs throughout the county. The punishments that go along with convictions in gang cases are long prison terms that insure Stanislaus

County will be safe from these offenders.

#### *Notable case*

***People v. Cesar Cabrera***—The defendant was the left rear passenger in a car driven by a fellow gang member. Two additional gang members were in the car. Following the command of Cesar Cabrera, the driver dimmed the headlights and slowed the car down as it approached the victim. When the car was parallel to the victim, a single shot was fired from the left rear of the car, striking the victim in the neck causing serious injury.

Vital witnesses were associated with

*“In almost every gang case prosecution, victims are reluctant to come to court and testify due to their fear of retaliation.”*

the defendant's gang, which complicated the prosecution. Eventually, Cesar Cabrera pled guilty to the charge of attempted murder and was sentenced to 15 years in state prison. Prior to the pronouncement of judgment, the victim, with the assistance of his mother, looked into the eyes of the shooter for the first time. The mother read a passionate victim-impact statement.

## SDEA

**T**he Stanislaus Drug Enforcement Agency (SDEA) is a specialized narcotics task force comprised of select officers from every law enforcement agency in the county, the state Drug Enforcement Agency

(DEA), and the Bureau of Narcotics Enforcement. The task force is operated through a joint powers agreement with all of the participating agencies. SDEA agents investigate cases ranging from undercover drug buys to suspected methamphetamine manufacturing laboratories.

The District Attorney's office, as part of the task force, provides two prosecutors and one legal clerk at the drug unit to handle the variety of cases referred by local agencies. One prosecutor is funded through the Joint Powers Agreement. The second prosecutor is funded through an Anti-Drug Abuse grant. The most common cases prosecuted are methamphetamine laboratories - from rural farms to residential areas. The rise in the manufacturing and distribution of methamphetamine in the area has caused the Central Valley to be designated as a "High Intensity Drug Trafficking Area" (HIDTA). This has given Stanislaus and surrounding counties the opportunity to receive additional funds to address the impact of the methamphetamine and precursor chemical trafficking problems in the area. The prosecutors assigned to SDEA are responsible for prosecuting cases arising out of this task force which are not taken to the federal courts.

# Specialized Division

The Specialized Division consists of experienced prosecutors who focus exclusively on targeted crimes—primarily through grant-funded positions. The following areas are covered by these prosecutors: Auto Insurance Fraud, Career Criminal Prosecution, Child Abduction, Domestic Violence, Juvenile, Major Narcotic Vendor Prosecution, Statutory Rape Vertical Prosecution, Violence Against Women, Vehicle Theft, Workers' Compensation Fraud, and Welfare Fraud.

## Auto Insurance Fraud

The insurance industry estimates that between 10% and 20% of all automobile insurance claims are fraudulent. Automobile insurance fraud is a growth industry that affects all of us. According to the Department of Insurance the number of suspected automobile insurance fraud cases referred to its Fraud Division for investigation has tripled since 1991. These inflated and fraudulent automobile insurance claims ultimately cost every insured Californian approximately \$200 to \$250 annually. The Stanislaus County Automobile Insurance Fraud Unit reviews and prosecutes insurance fraud cases referred to the District Attorney's office by a variety of local and state agencies including the Department of Insurance, the Bureau of Automotive Repair, the Stanislaus County Auto Theft Task Force and Special Investigation Units of various insurance companies.

Automobile insurance fraud has historically taken two specific forms:

### *Automobile Property Fraud*

This scheme involves individuals who falsely report their vehicles stolen or vandalized in order to collect on insurance, or who fraudulently report that vehicle parts have been repaired or replaced. Arson is frequently used to disguise the alleged thefts.

### *Staged Automobile Collisions*

These "collisions on purpose" may involve innocent victims and are often orchestrated by organized automobile accident rings. A variation of the staged collision is the paper accident involving

the report of an "accident" that never actually happened.

Together with the insurance industry and law enforcement, the District Attorneys seek to deter and punish those who file fraudulent insurance claims, thereby saving California taxpayers millions of dollars a year.

### *Notable case*

**People v. Sarad Chand** - Sarad Chand submitted six different insurance claims from 1994 to 1999 totaling over \$25,000 in property loss for automobile and residential burglaries. He submitted claims to Kemper Insurance, Commercial Union Insurance, California Insurance Group and Allied Group Insurance.

As part of his scheme, Chand made multiple claims for the same reported loss to multiple insurers. Those claims included reporting the same vehicle stolen, on the same date from two different locations, to two different insurance companies with identical property items claimed as a loss, and submission of identical retail store invoices to multiple insurance companies to support a claimed property loss.

Chand pled guilty to three felony counts of insurance fraud and will receive a two-year prison sentence and pay restitution.

## Career Criminal Prosecution

In 1982, the California Legislature found that "a substantial and disproportionate amount of serious crime is committed against the people of California by a relatively small number of multiple and repeat felony offenders,

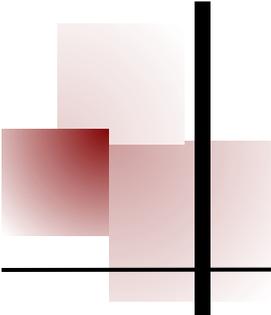
commonly known as career criminals." In order to counter the criminal activities of these recidivist felony offenders, the Legislature enacted the Career Criminal chapter of the California Penal Code. (Penal Code section 999b) This chapter established a program of financial and technical assistance to district attorneys' offices through the Office of Criminal Justice Planning division of the California Department of Justice.

The Career Criminal Prosecution Unit of the Stanislaus County District Attorney's Office currently consists of a Deputy District Attorney and an Investigator. The Unit adheres to the statutory policies of the Penal Code by vigorously prosecuting career criminals. Specifically, the Unit 1) seeks a guilty plea or trial conviction of a career criminal, 2) resists pretrial release of a career criminal, 3) seeks the most severe authorized sentence and 4) reasonably attempts to reduce the time between the arrest and conviction of a career criminal. Furthermore, except as authorized by statute, the unit does not engage in "plea bargaining" with career criminals.

The current caseload of the unit involves homicide, robbery, burglary, firearm and drug sales offenses. In several of these cases, the career criminal is charged under the "Three Strikes" law, which authorizes life terms based on two or more qualifying prior felony convictions. This law is consistent with the policy of seeking the maximum sentence of a habitual criminal offender.

### *Notable cases*

**People v. Michael Bell** - An early morning robbery at a Quick Stop market left the clerk dead with two bullet holes



# Specialized Division

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fired into his back as he was lying on the ground. A stop-action video surveillance system with audio tape, recorded the robbery and murder. Even with the tape the identity of the perpetrator was difficult to prove. The defendant wore a mask, gloves, a large overcoat, and had tape covering the soles of his shoes. He fired a revolver. He used Teflon coated bullets. He left no fingerprints, no shoe prints, and no photos of his face. There were no shell casings left at the scene. The teflon coated bullets left no striation marks. Only the statements of accomplices and co-conspirators linked the defendant to the crime. One key witness died before trial.

Michael Bell was identified as the assailant and charged with murder and special circumstances. He was convicted at trial of first-degree murder, and the special circumstances were found true. During the penalty phase, the defendant who stood 6 feet 7 inches and weighed close to 300 lbs., erupted in a violent rage. Despite a prior outburst in court, he was not physically restrained during trial. He pounded counsel table and swore his innocence. He fought with bailiffs and it took 10 deputy sheriffs to finally subdue him. The jury returned a sentence of death.

**People v. Willie Howard** - Defendant was convicted by a jury of the robbery of a convenience store. The defendant was sentenced to 21 years in state prison

**People v. William Davis** - Defendant had a record of securities and fraud offenses dating back to the 1970's. Detective Ray Coyle of the Modesto Police Department re-opened a recent case that had been closed initially with a notation of "civil matter." The defendant had falsely represented himself as an investment broker and obtained approximately \$10,000 from several victims. The defendant pled guilty and received ten years in state prison. The defendant was further ordered to pay restitution in the

amount of \$14,000.00

## Child Abduction

The District Attorney's Child Abduction Unit enforces child custody and visitation orders and locates and returns children who have been taken or detained in violation of another person's custody rights. The creation of a Child Abduction Unit arises from statute which both funds and mandates the duties of the unit. The Unit represents the court, as opposed to individual parties, to enforce court orders.

Cases at the unit are divided into three categories: visitation, concealment and abduction. The Child Abduction Unit processes between 900 - 1200

*"The [Child Abduction] Unit represents the court, as opposed to individual parties, to enforce court orders."*

cases each year, with visitation making up a majority of the cases. In the abduction cases, the Unit has recovered children in Nevada, Wisconsin, and South Dakota, as well as several foreign countries.

The Unit is staffed with a prosecutor, three investigators, two paralegals, and support staff. The prosecutor has traveled to other courts within the United States to argue the jurisdiction of Stanislaus County over a child who has been abducted. International cases increase the complexity of the caseload. The prosecutor, investigators and paralegals provide training in this specialty to law enforcement, attorneys and other interested parties.

### Notable Cases

**People v. Carraway:** The father took

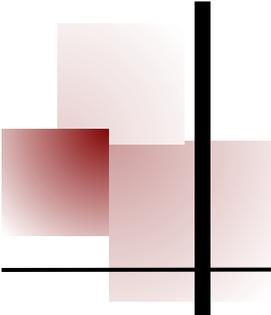
his two children to Canada in violation of the mother's visitation order. The Royal Canadian Mounted Police arrested the father, but a Canadian judge released him on his own recognizance. He then left Canada. He was arrested on the Stanislaus County warrant in Nevada and extradited back to Stanislaus County. The father was convicted on felony child abduction and sentenced to 365 days in jail.

**In re Van der Looij:** The mother, a victim of domestic violence, fled from the Netherlands with her two children to Stanislaus County. The Child Abduction Unit filed a Hague Petition with our court requesting the court order the mother and the children back to the Netherlands to deal with the child custody case. While the petition was being heard in our court, the Netherlands court denied the father's request to have custody and/or visitation with the children. Since the father did not have a custodial right to the children, the Hague Petition was withdrawn by CAU.

## Domestic Violence

Domestic violence is physical violence which occurs in the following relationships: married or formerly married couples, cohabiting or formerly cohabiting couples, people with a child or children in common, and people who are dating or have a prior dating relationship. Victims of domestic violence often refuse to cooperate with the prosecution of the batterer because of love, fear, or because they believe they cannot survive financially or emotionally without the batterer in the home. Regardless of the reason, the District Attorney will prosecute cases even without the cooperation of the victim, if the facts of the case are otherwise provable beyond a reasonable doubt.

The domestic violence caseload is divided between those which fall under



# Specialized Division

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the requirements of a grant from the Office of Criminal Justice Planning and those which do not. The grant requirements limits the caseload to thirty cases at any one time. The staff funded by the grant to prosecute these cases includes a Deputy District Attorney and a Victim Advocate.

Cases prosecuted under the grant are those that involve severe physical injury to the victim. These cases remain with the same prosecutor from issuance to sentencing. This "vertical prosecution" insures consistency in application of policy and punishment, greater efficiency of government resources, and most importantly, fosters an individual bond of trust and concern between the victim and the prosecutor.

The remaining cases are prosecuted by the general prosecution staff, including Deputy District Attorneys, a victim advocate, and one investigator.

The District Attorney also participates in the Stanislaus County Domestic Violence Coordinating Council. The Council members include judges, attorneys, victim advocates, law enforcement, probation, and other interested individuals who work to raise public awareness of the problems of domestic violence.

#### *Notable cases*

***People v. Michael Welch*** - The defendant and victim were married for three years. When this incident occurred, they had been separated for four weeks. On June, 2000, the victim obtained a temporary restraining order on the defendant. This included an order for the defendant to stay away from the victim and her residence. On June 20, 2000, the victim arrived home. The defendant walked out of her residence and attempted to speak to the victim. The victim drove off. She returned 45 minutes later with new locks for the house. She went to use a pay phone with a

friend. The defendant approached the victim. The victim tried to drive away and the defendant attempted to ram the victim. The victim called 911. When the victim arrived home, her house had been ransacked, items taken, and her clothes destroyed. The defendant pled guilty to acts of terrorism and admitted having previously served time in prison. He was sentenced to four years in state prison.

***People v. Todd Keath*** - The defendant and victim were married. The victim came home one night after having been drinking. The defendant grabbed the victim's arms, pushed her against a wall, slapped her on the face and shoved her head into the toilet bowl. When the victim could not breathe, the defendant released her. She went into the bedroom. The defendant followed her, grabbed her by the neck and attempted to strangle the victim. This was observed by their four year old child. The defendant pled no contest to a violation of spousal abuse. He was sentenced to four years in state prison.

## Juvenile

It is important for a juvenile justice system to maintain public confidence by enhancing public safety, providing opportunities for young people in the system to change, and, most importantly, preventing juveniles from becoming involved in further criminal behavior. Recently, the District Attorney's Juvenile Unit participated in the establishment of the Juvenile Drug Court. Prosecutors work closely with the Probation Department in screening participants and providing incentives for successful completion. In the short time the Juvenile Drug Court has existed, four babies have been born drug-free.

The Juvenile Unit aggressively prosecutes juveniles who commit serious crimes such as murder, carjacking,

armed robbery, residential burglary and assault.

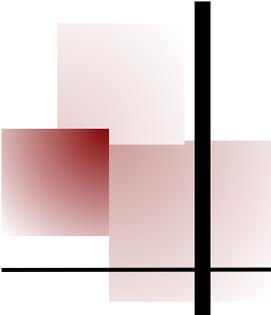
The Juvenile Unit is staffed with three prosecutors and two legal clerks. An investigator has recently been assigned to the Juvenile Unit to assist in the preparation and prosecution of juvenile cases.

## Major Narcotic Vendor Prosecution

Stanislaus County is at the center of the manufacturing of methamphetamine in the nation. The Central Valley has recently been designated a High Intensity Drug Trafficking Area (HIDTA). Stanislaus and eight other counties participate in a team consisting of local, state, and federal officers to combat the manufacturing and distribution problems in the valley. Although we have a strong, proactive and long-term drug interdiction and prosecution unit in the Stanislaus Drug Enforcement Agency (SDEA), the professionals involved are overwhelmed by the scale of the problem.

The Major Narcotic Vendor Prosecution program allows the worst offenders to be prosecuted using a vertical approach. This vertical approach, with a specially trained prosecutor and a dedicated investigator, allows concentration on the largest producers and distributors in the county. This exclusive, "team" prosecution approach to focus on the worst cases is the best way to gain impact. The MNVP prosecutor and investigator work closely with the Stanislaus Drug Enforcement Agency (SDEA) and the HIDTA agents to target both cases and defendants.

It is estimated that our methamphetamine production "industry" has grown by 20-25% a year for the last four years. Since January 1, 1998, SDEA has identified and investigated over 158 methamphetamine manufac-



# Specialized Division

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turing laboratory cases, confiscated 208 firearms from drug dealer/manufacturers, and seized six hundred and thirty two (632) pounds of methamphetamine. Between January 1, 1998 and June 2000 there were approximately 50 manufacturing cases that involved one or more children present and exposed to poisonous precursor products, dangerous by-product toxins, and methamphetamine. In addition, over 237 methamphetamine lab dumps have been found in the county with almost nine thousand pounds of waste products and precursor solids and over three thousand gallons of waste product/precursors recovered.

## Notable cases

**People v. Rafael Ayala** - A large methamphetamine manufacturing facility was discovered in Stanislaus County. The defendant, the owner/renter of the property, was arrested at the scene. There were three separate labs and over 90 gallons of methamphetamine in solution on the premises. Ayala pled guilty to manufacturing methamphetamine and was sentenced to prison.

**People v. Garcia and Valdovinos** - The defendants were convicted by jury of providing a facility for the manufacturing of methamphetamine (200 pounds of methamphetamine). Mr. Valdovinos was also found guilty of possession of cocaine and possession of a sawed-off shotgun. He was sentenced to prison. The court sentenced Mr. Garcia to county jail.

## Statutory Rape Vertical Prosecution

California has the highest teen pregnancy rate in the country<sup>1</sup>. In 1998, there were 1095 teen pregnancies in Stanislaus County from which 428 children were born to moth-

ers 17 years old and younger. In 1999, there were 928 teen pregnancies in Stanislaus County - from which 360 children were born to mothers 17 years old and younger. The 15% decrease from 1998 to 1999 can be attributed in large part to the District Attorney's commitment to prosecuting Statutory Rape cases and his aggressive approach to education through community outreach projects. The District Attorney is committed to reducing teen pregnancies in Stanislaus County through pro-active prosecution, community outreach, and utilizing the court-approved deferred judgment program in appropriate cases.

Stanislaus County is the only California county to offer deferred judgment as a negotiated plea option. The deferred judgment plea allows the defendant to receive an indicated felony sentence and complete a court ordered counseling program in lieu of serving jail time. When the defendant successfully completes the counseling, and has not received any new law violations, the case is dismissed. If, however, the defendant does not successfully complete the counseling, the sentence is imposed. To date, there have been no known re-offenders of those who have successfully completed the deferred judgment program.

The Statutory Rape Vertical Prosecution Unit is in its fourth year. The unit is funded through a grant from the Office of Criminal Justice Planning. The Statutory Rape Vertical Prosecution Unit consists of a Deputy District Attorney, a Victim Services Advocate, and a part-time District Attorney Investigator.

Statutory Rape cases filed from January 1, 2000 through June 30, 2000 increased 50% over the previous two quarters. The average felony sentence is 180 days in jail. The average age of the victims in the cases filed is 14-15 years old. The average age of the defen-

dants is 20-24 years old.

The Unit devotes approximately 50% of its time to community outreach educational presentations. During these presentations, the members of the unit discuss Statutory Rape laws, potential penalties, the emotional and psychological impact on the victims, and possible child abuse and neglect issues that can arise as a result of teen pregnancy.

## Notable cases

In **People v. Soy**, we argued successfully the validity and legality of an enhancement of great bodily injury for a pregnancy resulting from unlawful sexual intercourse. The defendant was committed to state prison with no previous criminal history.

In **People v. Marion**, the court ordered a defendant convicted of statutory rape to register under the sex registration statute.

## Violence Against Women (VAWA)

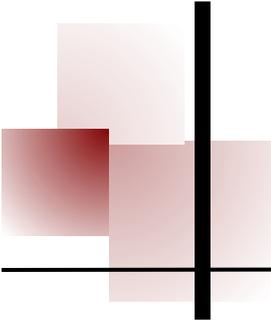
The Stanislaus County District Attorney's Office VAWA unit prosecutes all manner of violent crimes committed against adult female victims. These cases range from random acts of violence committed upon strangers to domestic violence cases committed against partners. The unit is staffed with a Deputy District Attorney and a Criminal Investigator funded through a grant from the Office of Criminal Justice Planning. They work together to insure that not only the victim's rights are protected, but that justice is meted out in each case.

## Notable Cases

**People v. Kerry Wade Krauss**—Krauss was charged with eleven separate felonies stemming from an attack on two elderly women in a retirement

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<sup>1</sup>National Vital Statistics Reports, Vol. 48, No. 14, August 8, 2000



# Specialized Division

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setting. Krauss entered the home of an 86-year-old woman, stole some of her possessions, beat her and stabbed her in the neck with her sewing scissors. He forced her down the hall to a neighbor's apartment, a 68-year-old widow, and gained entry to that home as well. Once inside, he attacked the second victim and continued to attack the first before leaving with the stolen property. After information developed by Criminal Investigator Bill Andrews discrediting Krauss' alibi witnesses, Krauss was convicted of all eleven felonies plus additional prior convictions making him qualify for the "Three Strikes" law. Krauss is now serving a sentence of 83 years to life.

**People v. Delbert Dwayne Tinsley**—Tinsley started a random attack on a female passerby. Neither Tinsley nor his friends had ever seen the victim before. Tinsley stated to his friends before the attack, "I am gonna have to take out my frustrations on her." He beat her with a fireplace poker, stabbed her with a knife, beat her, and kicked her. He then loaded her into the back of his Cadillac and dumped her in an irrigation canal where she eventually drowned. Tinsley was convicted of murder along with two enhancements for using weapons during the attack.

**People v. Wedson Rosa Demorias**—In March, 2000, Demorias was prosecuted for a brutal stabbing attack in the home of his wife's grandparents. Demorias stabbed his mother-in-law twice (she survived the attack). Her parents were not so lucky, however, and both were stabbed to death by Demorias. Demorias was convicted of two counts of First Degree murder for the attack on his wife's grandparents and one count of Attempted Murder for the attack on his mother-in-law. He has been sentenced to life without the possibility of parole.

## Vehicle Theft

The Vehicle Theft Unit is a cooperative effort in collaboration with the Stanislaus County Auto Theft Task Force (STANCATT), to identify serious offenders, obtain convictions and advocate for lengthy sentences as appropriate. In addition, The Vehicle Theft Unit in the District Attorney's Office receives referrals from all law enforcement agencies in the county. As law enforcement suspected in the mid-1990s and has since firmly concluded, vehicle theft crimes are a nexus to drugs, residential burglaries, and other crimes and are a major component

*"Vehicle theft crimes are a nexus to drugs, residential burglaries, and other crimes and are a major component of our county's criminal problem."*

of our county's criminal problem.

The unit is staffed by one Deputy District Attorney who prosecutes felony auto thefts, carjackings, "chop shops," and possessions of stolen vehicles, along with ancillary crimes charged in the Unit's cases. The VTU-DDA handles each case vertically (from issuance through jury trial and sentencing). The Unit receives funding through State registration fees (\$1.00 from each registration) pursuant to the Vehicle Code). The statute directs that the money go to local law enforcement and prosecutors to deter, investigate and prosecute vehicle thefts.

The great majority of the approximately 350 VTU cases prosecuted annually are submitted by law enforcement agencies throughout the county, usually

by patrol officers, who frequently encounter stolen vehicles and the thieves who steal, drive, and sometimes chop them. The remaining 5% to 10% of the Unit's cases involve complex criminal enterprises investigated by STANCATT.

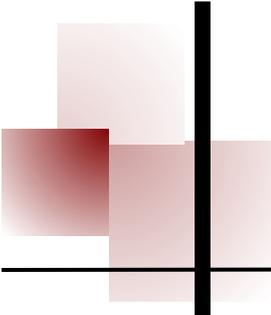
## Workers' Compensation Fraud

Among the grants that the Stanislaus County District Attorney's Office maintains, is the Workers' Compensation Insurance Fraud Grant, or Workers' Comp for short. This grant is one of two obtained through the California Department of Insurance, the other being the Automobile Insurance Fraud Grant. The Workers' Comp grant unit is made up of three full time staff members: a DDA, an investigator, and a paralegal. A part time investigator assists on some cases.

The Unit receives a written report from all suspected insurance fraud investigative units (SIUs) for each claim that they receive for Workers' Compensation Insurance that is suspect. The Unit reviews each report and requests additional information on the more provable cases. Those are then worked on and filed if appropriate. The Unit files both civil and criminal cases. During fiscal year 1999/2000, the Unit filed ten criminal cases and two civil cases.

The Unit also provides educational outreach to various audiences interested in the topic of Workers' Compensation Insurance; for example, presentations to groups of employers, insurance personnel, or risk management staff. The Unit has recently had convicted defendants join in those talks as a way to further educate the public and to deter others from committing the crime. This has proven to be a very popular idea.

The Unit exists to deter Workers'



# Specialized Division

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Compensation Fraud of all types, including employee, employer, insurance carrier, and provider fraud. We welcome calls, e-mails, letters, and faxes, about any case you care to talk to discuss.

## Notable cases

The Unit's criminal cases are typically workers who claim to be totally incapable of working and receive benefits in accordance with that claim, i.e., temporary total disability, who are then discovered to be perfectly capable of working other jobs. In one recent case, a vocational nurse, Gwen Hayes, who claimed to be totally disabled, was discovered working as a vocational nurse in a nearby hospital. She pled guilty.

Dennis Jay was legitimately injured and received significant medical treatment, but he also claimed reimbursement for over 65,000 miles of travel to doctors and rehabilitation treatment. Investigation revealed that over 50,000 miles were fraudulently claimed. In other words, he claimed falsely to have gone the equivalent of twice around the earth or 1/5 of the way to the Moon! The restitution order for the mileage was over \$13,000.

In another case shown on a special Fox 40 News segment, a cannery worker, Juan Santana, claimed to be totally disabled despite three doctors clearing him to work light duty and his having worked light duty for four weeks after his injury. He was subsequently secretly filmed working at his own produce stand for several days. For nearly five minutes of the filming, he was catching and throwing watermelons! Restitution in excess of \$30,000 was ordered in his case.

## Welfare Fraud

In January 1995, there were 16,092 families on welfare in Stanislaus County. As of the end of May 2000, there were 9,230 families on wel-

fare in our county, a reduction of approximately 43%. This dramatic reduction in the welfare rolls is due in no small measure to the new emphasis on welfare reform. Along with this has come an increased emphasis on ensuring the integrity of the welfare program by ferreting out fraud, pursuing criminal convictions when fraud is discovered, and then actively seeking repayment of the stolen funds through court ordered restitution and, when necessary, through writs of execution and wage garnishments.

In August 1998, the Stanislaus County District Attorney's Office assigned a Deputy District Attorney (DDA) to vertically prosecute welfare fraud cases. This prosecutor is physically located with the Special Investigations Unit (SIU) of the Community Services Agency. This fosters a close working relationship between the prosecutor and the welfare fraud investigators.

In the first two years of operation, 376 convictions for welfare fraud have been obtained (139 felonies, 237 misdemeanors). In these cases, defendants have stipulated to court ordered restitution of \$1,404,987.34. In addition, defendants have also paid \$218,943.25 in cash prior to resolution of their cases.

Welfare reform, together with prosecutorial resources dedicated to the vigilant prosecution of fraud, has reduced the welfare rolls of our county, greatly reducing the burden to taxpayers. Previously unproductive citizens have been put into the workplace, providing a more positive role model for their children who will have greater expectations, aspirations, and hope for success when they become adults. Finally, vigorous pursuit of restitution from those convicted of welfare fraud has helped restore taxpayer dollars stolen through fraud, helped insure that those who were once tempted to steal from the welfare system never do so again, and helped

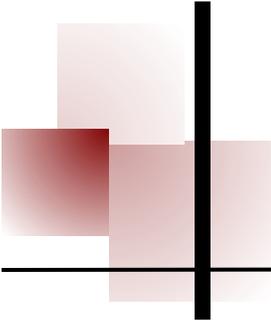
deter those still on welfare from giving in to greed and criminal conduct.

## Notable cases

*People v. Yang and Vang*—A couple with seven children had a successful commercial strawberry farm. While receiving aid, they possessed three vehicles, including a new van which was purchased from a local dealership with over \$9,000.00 cash down, and over \$40,000.00 in cash in their home which was discovered and seized by fraud investigators during the service of a search warrant. A felony conviction was obtained, jail terms imposed and restitution was paid in full from the seized monies.

*People v. Baijan*—A couple with five children ran a trucking business. They had two grants of aid going to their home. The couple possessed two social security cards and driver's licenses for each adult. During a search of the residence, numerous boxes of stolen property were discovered which had been taken from the loads they contracted to deliver in their trucking business. Also found in the search was \$25,000.00 in cashier's checks. The wife pled to felony welfare fraud and agreed that the restitution owing, \$6,216.00, would be paid from the seized money. She also agreed to forfeit \$10,000.00 under the California Control of Profits of Organized Crime Act.

The District Attorney's office and Community Services Agency worked out an arrangement that the \$10,000.00 would be deposited in a scholarship fund at the Community Services Agency. The scholarships would go to young men and women who are leaving foster care and going to college.



## General Division

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**T**he General Division is composed of six units: Issuance, Preliminary Hearing/Pretrial, Drug Court, Superior Court Review, Preliminary Hearing and Misdemeanors. The function of this division is primary review and screening of all cases referred by law enforcement. In addition, the Misdemeanor Unit “vertically” prosecutes cases from issuance through jury trial and sentencing. Sixteen prosecutors are assigned to this Division, including two team leaders, and supervised by a Chief Deputy District Attorney.

The Issuance Unit, composed of three experienced prosecutors, evaluates police reports submitted by law enforcement agencies requesting a criminal complaint. The unit is also responsible for initial follow up requests for more information from those agencies and generating witness lists and requests for prior convictions.

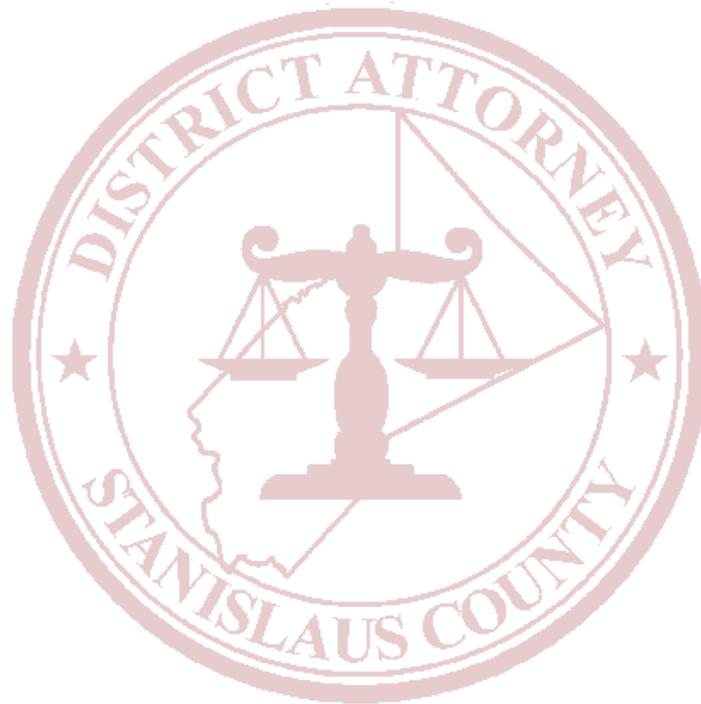
The Preliminary Hearing/Pretrial unit reviews issued felony cases for possible settlement offers, amends complaints appropriately and directs files to the Superior Court Review calendar or to Preliminary hearing.

The Superior Court Review calendar is a settlement calendar of all open files and cases in which the defendant is on probation. The prosecutor assigned to this calendar is responsible for calendaring all relevant cases for that particular defendant, appearing at the calendar and taking pleas where negotiated or setting the case(s) for preliminary hearing.

The Preliminary Hearing unit has of three prosecutors and a Team Leader. The Team Leader reviews and assigns the cases and may present cases at hearings as needed. The Team Leader also mentors to the less experienced prosecutors assigned to the unit. The Preliminary Hearing unit prosecutors are occasionally available for jury trials assignment.

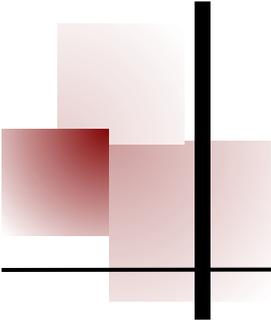
The Misdemeanor Unit is composed of a Team Leader and five prosecutors. The Team Leader is a senior deputy who trains, organizes, assigns cases and coordinates calendars. The less experienced prosecutors review and issue cases, appear at pre-trial, research and appear at Law and Motion matters. They also conduct court and jury trials.

Drug Court is an innovative program which seeks to intervene in first offender=s lives in a manner designed to have the addict accept responsibility and seek to make changes for the better. The prosecutor assigned to this calendar reviews the cases, makes recommendations to the court, and monitors the addicts= progress.





## Paralegals



# Paralegals

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The paralegals in the District Attorney's Office support the prosecutors through research and writing or responding to motions. The prosecutors rely on the paralegals to be current on the law and to have the ability to research even the most obscure issue. Of the nine paralegals in the office, three are specifically assigned to responding to motions and researching issues. The other six, although their duties may involve research and writing, specialize in particular areas.

## **Asset Forfeiture**

When a petition for Asset Forfeiture is filed, the assigned paralegal prepares all legal documents including interrogatories, request for admissions, request for production of documents, and sometimes depositions. The paralegal also prepares and responds to motions and facilitates the preparation of the case for trial. In addition, the paralegal is responsible for distributing the funds to the participating agencies pursuant to statute. The paralegal is also responsible for training law enforcement officers regarding asset forfeiture.

## **Child Abduction**

There are two paralegals assigned to the Child Abduction Unit. In addition to research and writing, their duties include interviewing complaining witnesses on visitation, concealment and abduction cases, reviewing court orders and explaining the order when requested, verifying current orders with the court, locating suspects, and obtaining criminal history information. The paralegals also provide referral information to the victim and suspect regarding assistance in returning to court for a modification or to obtain orders.

## **Special Investigations Unit**

The paralegal assigned to this unit receives consumer fraud complaints. In addition, this position works with the investigator and prosecutor reviewing white collar crimes, grand jury reports, environmental crimes, and other special projects. This paralegal also assists the asset forfeiture paralegal.

## **State Board of Control**

This position is funded through a contract with the State Board of Control. This paralegal is provided with notification through the Board of Control of the existence of a claim for the Victim of

*“Prosecutors rely on the paralegals to be current on the law and to have the ability to research even the most obscure issue.”*

Crimes Program (V.O.C.P.) assistance. The cases (adult and juvenile) are monitored by the paralegal as the case proceeds through the criminal justice system. Prior to the disposition of the case, this paralegal provides the prosecuting attorney the VOCP payment amounts and a request for restitution fines, fees and an order of restitution for the indemnification of the victim(s) or the State Board of Control. This is presented to the judge. The disposition information is then provided to the Board of Control. This paralegal continues monitoring the specific orders of restitution and works with the Stanislaus County Probation Department for the collection of the restitution.

## **Workers' Compensation Fraud**

Through a grant from the Department of Insurance, this paralegal assists the prosecutor and investigator assigned to the Workers' Compensation Fraud Unit. The paralegal intakes case submissions, makes database entries, and monitors cases under investigation by outside entities. The paralegal is also responsible for the enforcement of orders including the payment of restitution. In addition, the paralegal also performs legal research, prepares legal pleadings, briefs for the court, and prepares civil discovery and responses in civil filings. The paralegal also assists in the preparation of reports for the grant, and participates in community outreach, including presentations to employers, employees, and interested groups and organizations.

## **Witness Services Unit**

One paralegal is assigned to the Witness Services Unit. This paralegal acts as a liaison with law enforcement for the transfer of money to witnesses in the California Witness Protection program. This paralegal also assists in serving subpoenas on individuals law enforcement has not located.

## **Volunteers**

The District Attorney's office offers a wonderful learning environment for individuals at various stages of their legal education. These individuals will often volunteer and be assigned to assist the various paralegals or assist prosecutors in other areas. The volunteers come from all walks of life and many are high school and college students.

# Administration

## Personnel Unit

The Personnel Unit is responsible for all "Human Resources" functions for the department's Criminal and Family Support Operations such as recruitments, new hire paperwork, evaluations notifications, benefit selections, personnel files and various personnel management reports.

The Personnel Manager is the department's Equal Rights Officer, Injury Management Coordinator and is a resource for managers on policy and procedures pertaining to personnel issues. The Personnel Manager also investigates and mediates personnel issues.

## Financial Unit

The Financial Unit serves as the accounting, purchasing, payroll and budgetary arm of the Criminal Bureau and is responsible for all financial transactions. It consists of the Administrative Services Manager, an Accounting Technician and an Account Clerk. The Unit prepares and monitors the \$6.7 million general fund budget, enters and distributes the bi-weekly payroll, performs all purchasing functions, travel accounting, financial reporting, and related duties. In addition, the unit oversees the financial concerns of the various grants and mandates monitoring expenditures for compliance with both County

policy and granting agency regulations. The Administrative Services Manager works in conjunction with the assigned Deputy District Attorney as well as the Chief Deputy District Attorney on grant applications and renewals, financial and statistical reports, and audits.

## Information Technology

The District Attorney's office Technology Unit consists of a System Engineer II and an Application Specialist II. They are responsible for four Local Area Networks (LANs) that are connected via a Wide Area Network (WAN). They service

approximately 160 computers, 8 servers, 20 network printers, 20 individual printers and associated communications hardware. They are currently supervising the installation of \$78,000 worth of network improvements to the main office.

## Management Support

Two confidential secretaries share the work of supporting management. Carla Teas is the District Attorney's secretary. She also assists the Assistant District Attorney as needed. Julie LaFollette is an Administrative Secretary assisting the Assistant District Attorney and the four Chief Deputy District Attorneys in collecting and processing statistical reports, sending out committee mailings, working on special projects such as this report, and organizing and tracking the training opportunities for the office.

## Chief Deputy District Attorney—Administration

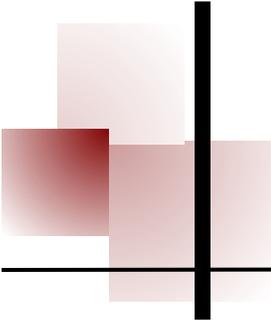
The Administrative Division is responsible for oversight of the Special Investigations Unit, the Victim Services Unit, and the Technical Services Unit.

In addition, the Chief Deputy is also responsible for collateral duties such as extraditions (returning charged individuals who have fled this state), detainer actions (in-custody inmates in

other states who have charges pending in Stanislaus County), training of personnel, court appearances in firearms cases brought under Welfare and Institutions Code §8103, and administering to the various grant programs being utilized within the District Attorney's Office.

The Administrative Chief Deputy also often acts as ombudsman for e-mails received through the District Attorney's website, [www.stanislaus-da.org](http://www.stanislaus-da.org).





# Special Investigations Unit

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The District Attorney's Special Investigations Unit was established to handle cases of political wrongdoing and corruption. The Special Investigations Unit protects the public, and by so doing, helps maintain the confidence of the public in honest government.

In recent years, the responsibilities of the Special Investigations Unit were expanded to include advising the Grand Jury, consumer fraud, asset forfeiture, environmental crimes, Officer Involved Incidents, Elder Abuse, Brady/Discovery Issues, nuisance abatement, and other special assignments. The Special Investigations Unit is staffed with two experienced attorneys, a senior criminal investigator and a paralegal. The staff reports directly to the District Attorney.

### ***Brady/Discovery Issues***

SIU is involved in the integrity aspect of the criminal justice process and is there to assist if questions arise. SIU, in coordination with the Clerical and Investigations Divisions, maintains the records of mandated "Brady" materials.

### ***Consumer Fraud***

Consumer Fraud is one of the more frequently contacted areas of the Office. Consumers are provided warnings about fraud in our area, "how to avoid being a victim" tips by hand-outs and directed to a vast array of allied agencies. SIU members give presentations to local civic organizations and media associations. SIU has been involved in statewide litigation involving "predatory" insurance practices aimed at victimizing the elderly. SIU has been successful in upholding local business oriented ordinances. SIU has also won judgments against businesses for deceptive advertising, health or licensing violations.

### ***Elder Abuse***

Elder Abuse is a new area of law for SIU, but one that fits right in since SIU has been fighting to protect the elderly since the inception of the unit. SIU coordinates with all allied public health agencies and insures that elder abuse prevention is a priority.

Professional integrity, responsible action and equal justice for all are the Special Investigations Unit's guideposts.

## **Asset Forfeiture**

The District Attorney is authorized by law to seize and disburse assets that are connected to drug related offenses. Forfeited assets are distributed to various agencies in an effort to fight crime, to provide education in crime prevention, to help victims, and to provide the training necessary for the proper enforcement of the law. Specific allocations in Stanislaus County include funds to local law enforcement agencies to help train officers and to update equipment and supplies, and to bring anti-drug abuse and gang prevention education programs to local schools and the surrounding communities. The District Attorney utilizes his portion of these funds for training and other special projects, including automation of record-keeping and computer terminals for District Attorney personnel. Funds are also disbursed to various state agencies to help with state-wide training of law enforcement officers, prosecutors and support staff, to assist victims.

<b>Asset Forfeiture Actual Distributions (2000)</b>	
Law Enforcement Agencies	\$263,901.23
Anti-Drug Abuse/Gang Prevention Education Fund	40,421.67
District Attorney	46,818.96
California District Attorneys Association	4,681.90
State Agencies (Treasurer)	112,365.35
Money Returned to Defendants/Claimants	12,421.00
Total Amount Distributed	468,189.11
Total Value of Assets Seized (2000) (20(2000))	334,768.44



# Victim Services Unit



## Victim of Crime Claims

During the grant year 1999/2000, the VSU represented victims who had medical bills, counseling needs, funeral and burial costs, lost wages and loss of support, with the State Board of Control Restitution Fund. The applications filed by the VSU not only assisted the victims with their bills but brought payment to medical providers who otherwise may not have received any payment for their services.

### Victim Services Unit 1999/2000

New Claims filed	530
On-going Claims Assistance	2146
Restitution Fund Payments to Stanislaus County Victims and Medical Provid-	\$838,254

### Victim Services Unit 1999/2000 Victims Served by Crime Type

Homicide	17
Robbery	265
Sexual Assault	140
Aggravated Assault	992
Child Sexual Abuse	285
Child Physical Abuse	115
Domestic Violence	1077
Driving under the Influence	72
Property Crimes	85
All other crimes	370

The mission of the Victim Services Unit (VSU) is designed to reduce the trauma and insensitive treatment victims may experience in the aftermath of a crime; to empower victims to recover from the effects of crime through crisis intervention, emergency assistance, follow-up counseling and related support services provided by the program; and to enable victims to return to the normalcy of everyday life as experienced prior to victimization.

To achieve these goals the victim services program provides a variety of services, programs and community outreach activities.

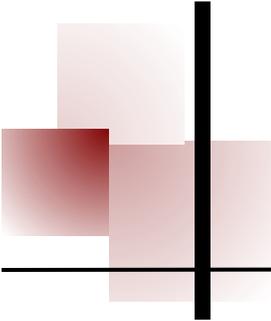
The victim services unit is comprised of seven advocates, two social workers, a coordinator/supervisor and one clerical assistant. Two of the advocates work under the statutory rape and spousal abuser protection grants and one social worker is under the elder abuse and advocacy grant. All other VSU staff is under the victim/witness grant that serves victims of all types of VSU crimes.

#### Services include:

- \$ Crisis intervention
- \$ Emergency assistance
- \$ Orientation to the criminal justice system
- \$ Assistance in filing for financial compensation from the state victim of crime fund
- \$ Referrals to other community resources
- \$ Court escort and support
- \$ Case status and disposition
- \$ Other assistance and services as needed on an individual basis

## Victims Served by Crime Type

The VSU assisted 3,418 new victims during grant year 1999/2000. These numbers do not include on-going assistance provided to victims after initial contact is made between the VSU and the victim (*see chart at right*).



# Victim Services Unit

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## Special Programs

### *Crisis Response Team*

The Crisis Response Team (CRT) was implemented in July 1998. Victim Services staff receive training in grief counseling and crisis intervention. The purpose of the CRT is to respond to the scene of a crime, hospital or home to effect immediate contact with families of homicide victims or victims of other violent crimes who need immediate crisis intervention and emergency assistance.

Victim/witness grant funds have been used to purchase a van that is equipped with emergency items such as food, hot and cold beverages, blankets, chairs, phone, etc. The CRT has recently expanded to include response to all types of violent crime.

### *Homicide Support Group*

In order to better serve families of homicide victims, the VSU developed a support group that addresses the unique grieving process experienced by families and friends of homicide victims and to help gain knowledge of the criminal justice system as the criminal case makes its way through the system. The facilitators of the group consist of a grief counselor from Community Hospice and the VSU coordinator. The group is open to any family or friends of homicide victims who have cases proceeding through the criminal justice system. They can remain members of the group for up to one year following the conclusion of the case. The families that attend this group are advised of the uncertainties and delays in their cases, and receive more information about the criminal justice system in general.

## Community Outreach Activities

### *Victims= Rights Week*

In recognition of Victims= Rights week, the VSU sponsored a dedication ceremony for the planting of a Homicide Victims= Memorial Tree. The tree, a coast redwood, now holds the dual role of Christmas tree for the Tree Lighting and Candlelight Vigil in remembrance of victims during the Christmas holidays.

In 1999 a groundbreaking ceremony was conducted to begin the development of the "Victims' Garden of Heal-

*"The families that attend [the homicide victims' support] group are advised of the uncertainties and delays in their cases, and receive more information about the criminal justice system in general."*

ing" on the front lawn of the courthouse. The garden is planned for three phases with a completion date of April, 2002. The primary source of funding for the garden will be through donations. The purpose of the garden is to recognize victims of all types of crime. The garden will stand as a symbol that, as a community, we care and support crime victims and their families in their struggle to heal both physically and emotionally from the aftermath of crime.

In Phase I of the garden was completed and a dedication ceremony was held during Victims= Rights Week in April. Since the groundbreaking the

previous year, a sprinkler and electrical system was installed, a walkway was laid and flowers were planted. Since April, plans have been in the works to install a wrought iron fence and a fountain in preparation for the dedication of Phase II in April, 2001.

### *Red Ribbon Week Mock Trials*

In collaboration with the school districts within the county, the VSU facilitates the Red Ribbon Week Mock Trials for school-age children in fourth through sixth grades.

Teams of prosecutors, VSU staff, and law enforcement officers visit thirty schools in a two-week period during Red Ribbon Week and demonstrate a criminal jury trial. The trial is related to a drug crime that children can understand. The children act as jurors. The defendant is played by a young inmate who has successfully completed a substance abuse program through the jail. After being found AgUILTY and arrested at the end of the mock trial, the recovering drug addict gives the children a very powerful talk on the dangers of substance abuse and how it affected the inmate's life.

### *Christmas Tree Lighting and Candlelight Vigil*

The Christmas holidays are a very difficult time in the lives of families of homicide victims. In order to help families acknowledge their deceased family members during the holidays, the VSU organizes a tree lighting ceremony and candlelight vigil. The Homicide Victims= Memorial Tree on the Courthouse lawn is strung with lights and is lit during the ceremony as each family in attendance comes forward and places an ornament on the tree in remembrance of the victim. Afterward, candles are lit and Christmas Carols are sung.

## Annual Budget Fiscal Year 1999-2000

	<b>General Fund</b>	<b>Family Support</b>	<b>VTU</b>	<b>Auto Fraud</b>	<b>Workers Comp</b>	<b>CAU</b>	<b>Spousal Abuser</b>
<b>Salaries/Benefits</b>	\$6,037,177	\$8,816,225	\$84,400	\$141,577	\$243,346	\$653,023	\$132,193
<b>Services/Supplies</b>	346,000	1,905,626	325,300	42,582	15,153	258,310	3,291
<b>Other Charges</b>	298,742	2,586,696		240		51,610	
<b>Intrafund</b>	26000	1,675,081					
<b>Revenues</b>	\$745,513	\$13,046,014	\$354,700	\$117,530	\$258,499	\$962,943	\$107,469
<b>Fund Balance</b>		1,937,614	55,000	66,869			
<b>Net County Cost</b>	\$5,962,406	\$0	\$0	\$0	\$0	\$0	\$28,015
	<b>Victim Witness</b>	<b>Major Narcotics</b>	<b>Statutory Rape</b>	<b>Career Criminal</b>	<b>Violence Agnst Wmn</b>	<b>Elder Abuse</b>	
<b>Salaries/Benefits</b>	\$358,760	\$157,048	\$150,000	\$150,499	\$131,977	\$73,924	
<b>Services/Supplies</b>	18,639					12,936	
<b>Other Charges</b>	425					2,699	
<b>Intrafund</b>	12,560					6,000	
<b>Revenues</b>	\$315,213	\$117,149	\$150,000	\$150,499	\$105,000	\$95,559	
<b>Fund Balance</b>	71,715						
<b>Net County Cost</b>	\$3,456	\$39,899	\$0	\$0	\$26,977	\$0	

# Investigations Division

The District Attorney Investigations Division provides professional investigative support to the prosecution of criminal cases. The division is staffed with one Chief Investigator, two Senior Investigators, nineteen investigators, two administrative clerks and two legal clerks.

All investigators assigned to the criminal division are sworn police officers who have been recruited from law enforcement agencies throughout the state. Since law enforcement priorities and resources vary greatly throughout the County, it is incumbent upon the Investigations Division to work closely with local law enforcement and the prosecutors to fully investigate cases chosen to be prosecuted. Investigators are on call 24 hours a day, seven days a week to respond to all homicides, officer involved shootings, and other requests from law enforcement.

Fourteen investigators have specific assignments to a particular caseload: juvenile, career criminal, major narcotic vendors, violence against women, gangs, workers' compensation fraud, auto insurance fraud, special investigations, child abduction, and family support. The remaining six investigators are assigned to the general caseload.

Notable cases

The investigation division provided support to the prosecution of notable cases this past year:

*People v. Douglas Mouser* - a 1995 killing of the defendant's 16 year old stepdaughter. The body was dumped into a grassy ravine in the east part of the County. The case was based solely on circumstantial evidence including forensic work in computers and photogrammetry. The defendant was convicted of second-degree murder. He received a sentence of 15 years to life.

*People v. George Souliotes* - the defendant, a landlord attempting to evict tenants in a single family residence, set fire to the residence killing a woman and her two small children. The defendant was charged with murder and special circumstances. A jury convicted him of the murder charge and found the special circumstances to be true. He was sentenced to three consecutive life without the possibility of parole terms.

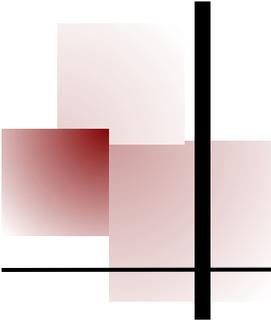
*People v. Michael Larwick* - Larwick attempted to kill a police officer while the officer attempted to secure his arrest. He was charged with attempted murder of a police officer with the use of a gun with great bodily injury, assault on a police officer, and felony brandishing, all on different officers. Mr. Larwick was convicted by a jury on all counts and sentenced to 120 years to life with four consecutive life sentences under the three strikes law.



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## Clerical Division



# Clerical Division

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The Clerical Division provides support to Deputy District Attorneys and Investigators in the prosecutorial effort. This support is provided through ten specific units: Intake, Legal Pleadings, Communications, Discovery, Records, Calendars, Investigations, Witness Services, Juvenile, Drug Enforcement and Child Abduction.

The Intake Unit receives and processes reports received from law enforcement and the actions of the reviewing Deputy District Attorneys. This process includes entering the information into our case management system, forwarding the information to a Deputy District Attorney for review and updating the system after review.

The Legal Pleadings staff completes most typed documents including all information received from the Intake Unit, jury instructions, complaints, no complaint letters, extraditions, dismissals and affidavits. This unit is also responsible for filing documents with the court.

Our Communications Unit is responsible for answering all incoming phone calls. Staff of the Communications Unit provides information concerning procedures, forms, case status and referrals to the general public; registers and refers all witnesses, complainants, law enforcement and county personnel. The staff enters subpoena information into the case management system. The subpoenas are then prepared, processed and distributed.

The Discovery Unit is made up of one legal clerk who copies and distributes all misdemeanor police reports and complaint information regarding a filed case to the defense. This service is mandated by law to be completed by the District Attorney's Office.

The Records Unit maintains and tracks all files. This unit is responsible for document tracking as well as mail distribution. Unit staff assist all areas of

the office in locating and retrieving files. Other county agencies are referred to the Records Unit for information regarding the status of a case.

The Calendar Unit ensures that court events are set in a timely manner and that Deputy District Attorneys receive files that are needed for court events. Further, staff reconcile court calendars with court staff through a coordinated computer system.

The Investigations Division is assisted by two clerical staff members. These legal clerks assist Investigators as well as Deputy District Attorneys with general office duties (maintaining statis-

*"The Clerical Division provides support to Deputy District Attorneys and Investigators in the Prosecutorial Effort."*

tical data, preparing letters and memos), preparation of motions and background checks and maintaining confidential high profile case records. The support staff provides assistance to both local and out of county law enforcement agencies. For example, Modesto Police Department's domestic violence video evidence has been maintained and duplicated by the support staff since 1997.

The Witness Services Unit's main duty is to assist the deputy district attorneys in their quest for successful prosecution of criminal cases. The unit ensures that witnesses are served subpoenas and appear in court as ordered. When cases are resolved or continued, the witness services unit has the responsibility of contacting the witnesses to eliminate any unnecessary appearances.

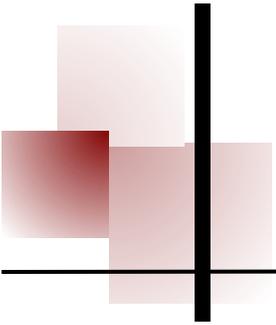
The District Attorney's Office has

branch locations including the Child Abduction Unit, Juvenile and Drug Enforcement Agency. All of these have clerical support staff that complete a variety of duties.

Juvenile's clerical staff consists of two legal clerks that provide support to three Deputy District Attorneys and assist witnesses and victims of juvenile crimes. Staff are responsible for setting court events, processing subpoenas, providing general information to law enforcement agencies and the public as well as processing and filing legal documents.

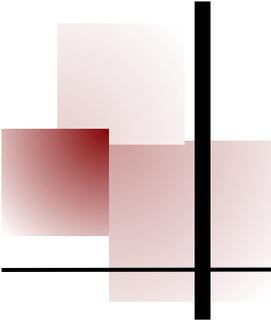
The legal clerks of the Child Abduction Unit execute a wide range of tasks including providing general information to the public, requesting copies of court orders both locally and from other states, registering court orders with other states and obtaining copies of marriage and birth certificates both local and foreign. Additionally, unit staff provide support to the Investigators and Deputy District Attorney by typing memos and letters as well as investigative and supplemental reports.

Clerical Support for the Drug Enforcement Unit is responsible for maintaining statistical data, typing letters, memos, reports and other documentation. The legal clerk also provides unit staff with general office assistance.



# Family Support Division





# Family Support Division

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Since 1964, the District Attorney Family Support Division, (known then as the “Family Relations Division”), has sought to establish and enforce paternity and support orders. Growing from three employees to over 200, the mission of the Division has remained essentially the same. However, our employees have rededicated themselves to carrying out their duties ethically and responsibly, while providing an excellent level of service to our customers.

Today, the Division has eleven major units, reflecting the continuing evolution of the complex nature of child support enforcement. Working as a team, each unit contributes greatly toward the overall success of our mission. The following is a brief overview of our major functions:

## *Enforcement*

Since 1990, collections by the Child Support Division have increased dramatically. This is due in part to major changes in the law that have enabled us to more aggressively enforce court orders. But it is also the result of our determination to treat all individuals with respect, and in a courteous, professional manner. In 1998, the Division collected \$34,354,179 in child support. In 1999, that figure rose by 9.47% percent, to \$37,609,101.

The Division uses a wide variety of tools to collect child support, among them is the Franchise Tax Board Intercept Program. Other, more traditional means include the expeditious mailing of wage assignments to employers of obligor parents and the intercept of federal and state tax refunds. In 1999, over \$4,061,458 in federal tax refunds and \$776,218 in state tax refunds were collected and applied toward unpaid child support obligations.

The State Licensing Match Program

has prompted hundreds of persons, delinquent in their child support obligation, to come into our office. Acting in good faith, the Division offers the obligors and opportunity to keep their professional, business or driver’s licenses by working out a payment plan to pay off their arrearages. Since last year, the division negotiated 3,469 suspended licenses. Payment arrangements were made with over 2,168 obligor parents and collections on those accounts totaled over \$514,269.

## *Production Accounting*

In addition to processing support collections and completing payouts to custodial parents in a timely manner, Accounting also prepares daily, monthly, quarterly, and yearly financial and statistical reports. Payments are received from individuals, unemployment and State Disability, I.R.S., F.T.B., and other jurisdictions.

## *Information Technology*

The Information Technology Unit (ITU), is responsible for developing and maintaining the Division’s network and Mainframe applications functioning and on the leading edge of technology. The Unit’s six staff members include a certified Cisco Router Professional, a Microsoft Systems Engineer, and Master-Level Microsoft Office Users Specialists.

## *Interstate Support*

Often, custodial and non-custodial parents live in different states or countries. These cases require the highly specialized services of the Interstate Unit. Major issues such as jurisdiction and Full Faith and Credit are determined by the Unit before enforcement actions can be taken. The Unit spends a great deal of time corresponding with jurisdictions around the world in an effort to

obtain child support.

## *Establishment*

The Establishment Unit files thousands of law suits each year, to establish paternity against absent or alleged parents. The Unit prepares Summons and Complaints, Proposed Judgments, and Defaults. The Unit also sets blood test appointments if the non-custodial parent disputes paternity.

In carrying out the duties of the office, employees are constantly aware of the need to conduct themselves as representatives of the District Attorney. They are charged with the duty to perform their tasks with the highest standard of personal integrity, truthfulness, and honesty in all public activities. By doing so, the Division is reaching new heights in customer satisfaction, while increasing collections significantly.

## *Medical Support Enforcement Unit*

The Medical Support Unit is responsible for all required medical support activity in TANF, Foster Care, Medi-Cal only, and non-welfare cases. The staff determines if an order for medical support exists and either initiates an action to obtain one, or initiates action to enforce the existing order. The unit is in frequent contact with custodial and non-custodial parents, employers, unions, and insurance providers attempting to obtain health coverage information.

The unit is responsible for reporting coverage to custodial parents, the State Department of Social Services, and the State Department of Health Services. The unit reports coverage information for claiming incentives on medical support activity and they prepare their own legal actions to obtain or enforce medical support.