

Ms. Sharma--

You have contacted me and asked me to answer your questions regarding the South Bay investigations I was involved in, particularly in reference to allegations made in the Chula Vista Better Government letter dated 12/7/07, which you have and which you told me is available from a public website. I have reviewed this letter. I believe that your being aware of this letter and its allegations, and your stated intent to report on it and this "story", are and concern a "matter of public concern", particularly the allegations that the Padilla and Castaneda investigations (which I handled) were punitive and political, and therefore not ethical and right. Also, by this letter, this office's conduct--and implicitly my own--was referred for possible criminal investigation, which will now be made public, and such conduct could possibly again be referred for criminal, civil, or ethical investigation. And, it raises professional and ethical questions regardless. For these reasons, I do intend to answer questions about my own participation in what happened, and I will provide truthful responses to your questions that I will answer. However, I intend simply to answer factual questions, and I do not intend to offer any criticism of the office or of District Attorney Bonnie Dumanis, and I do not intend to speculate as to what she, or other people in the office, did or did not know, or what she or they should have, or should not have done, in regard to the South Bay investigations and prosecutions I handled.

In particular, referring to the Chula Vista Better Government letter, you have asked me if I was involved with "a possible conspiracy involving Jim Pieri, John Moot and the San Diego District Attorney's office to remove Steve Castaneda from the Chula Vista City Council in order to replace his seat with someone more likely to approve his (Jim Pieri's) projects"? I was never involved in such a conspiracy, I do not know of any such conspiracy existing, and I never intentionally did anything to remove Steve Castaneda from the Chula Vista City Council in order to replace him with someone more likely to approve Jim Pieri's projects.

In particular, again referring to the Chula Vista Better Government letter, you have asked me "did San Diego District Attorney Bonnie Dumanis abuse her position and power in trying to influence the appointment process to fill a vacant Chula Vista City Council seat", and "did she also improperly use her office to investigate (instigate) certain punitive investigations as listed below"--stating that "in early December of 2005, District Attorney Bonnie Dumanis speaks with Mayor Steve Padilla. She urges him to appoint an advisor and employee of the District Attorney's office, Jesse Navarro, to the City Council seat being vacated by Patty Davis"; "on December 18, 2005, Patricia Chavez is appointed to the Chula Vista City Council instead of Jesse Navarro"; "later in December of 2005, the District Attorney's office issues subpoenas to all members of the City Council regarding the formation of the Chula Vista Redevelopment Corporation.

The subpoenas are issued just a few weeks after the Mayor and City Council go against Dumanis' wishes by appointing a different candidate, other than her choice, for City Council, than the candidate Dumanis was supporting. The investigation was used against Mayor Padilla repeatedly during the Mayoral race against Cheryl Cox"? And, you have asked me if I knowingly participated in any of this? The short answer is this--I was not involved with any attempt to influence the appointment process for a vacant Chula Vista City Council position; and I never knowingly instigated or participated in any "punitive" South Bay investigation.

Here is what happened in regard to these allegations from the Chula Vista Better Government letter. From the very beginning of the South Bay investigations, there was a political backdrop, with various allegations and counter-allegations being made in the media. During the course of the investigations, I heard or read about unsubstantiated media claims that our South Bay investigations were "politically motivated". However, the first I saw any specific and non-media written allegations was when I read the Chula Vista Better Government letter dated 12/7/07. I believe that I first read this letter in January of 2008. (By this time, Steve Castaneda had already been indicted many months before, and he was awaiting trial on the charges.) While I thought that this letter was a "hit piece", and was exaggerated in its allegations and was unsubstantiated, I was concerned about the specific allegation that Bonnie Dumanis had requested that Mayor Steve Padilla appoint her employee Jesse Navarro to the vacant Chula Vista City Council position and that the office took punitive action against Steve Padilla when he refused to do this; I was concerned about the allegation that the District Attorney's Office had rented office space from Jim Pieri in March of 2007; and I was concerned about the allegation that our investigation of Steve Castaneda was done to have him resign so that someone else could replace him who would be more likely to approve Jim Pieri's business projects.

Because of my concerns, I requested a meeting with the Assistant District Attorney, Jesse Rodriguez, to discuss this letter. When I later met with Jesse Rodriguez and started to bring up my concerns, I was interrupted and told just to do my job. At that point in time, while I was then aware of the specific written allegation that Bonnie had requested that Mayor Padilla appoint Jesse Navarro to the vacant city council position, I didn't know whether this was true, and I doubted that it was, because I had never been told of this by Bonnie, or anyone in the office, and which, if true, I would have expected to have been so informed, because of the conflict of interest and other concerns this would have raised.

The Castaneda trial was set to begin soon after this, on April 7, 2008, and it ended with a partial jury verdict on April 23, 2008. During my trial preparation of the case, either after the trial had already started or right before, I had occasion

to speak with Steve Padilla, who was one of my trial witnesses. I do not remember if I asked Steve Padilla, or if he just volunteered the information, but Steve Padilla informed me that Bonnie Dumanis had contacted him and had requested that he appoint Jesse Navarro to the vacant Chula Vista City Council position. (Because I had been concerned about the written allegation in the Chula Vista Better Government letter, I think it's more likely that I asked the question and did so probably in reference to that letter. But, I do not remember for sure.) We did not talk about this long. In my mind, Steve Padilla just confirmed the allegation previously made in that Chula Vista Better Government letter. I believe that Steve Padilla also offered that he thought the Castaneda prosecution was "political motivated", which I thought was strange because Steve Padilla was saying something sympathetic to Steve Castaneda when previously he and Steve Castaneda had each been highly and publicly critical of the other during the previous mayoral primary race.

At no time did Bonnie Dumanis or anyone from the office tell me that Bonnie had requested that Mayor Padilla appoint Jesse Navarro to the vacant city council position. If I had been informed of this by my office, and if I had known of the office's business dealings with Jim Pieri, given all the circumstances of this case, my position would have been that: (1) we recuse ourselves from conducting the South Bay investigations, particularly those involving Steve Padilla and Steve Castaneda, and refer the matters to the Attorney General's Office for their consideration and handling--which is similar to what we did in another South Bay investigation involving Chula Vista City Councilmember Patti Chavez; or (2) we not go forward with the Castaneda prosecution; or (3) that we advise Steve Castaneda's lawyer, Marc Carlos, of the situation and our conflict of interest, see if he would waive the conflict of interest, and see if Steve Castaneda would still be willing to pled guilty to misdemeanor grand jury perjury, provided we were now no longer insisting on his resignation--which is what Steve Castaneda previously was willing to do.

Once the Castaneda jury trial was finished, I moved to have the "hung" and severed counts dismissed in the interest of justice, which was done. After this, on my own, I wrote out a post-trial review of this difficult case and discussed what was done right and what was done wrong, so that we could learn from what happened. I believe that here, or elsewhere, I gave my position that there should have been disclosure of the political back drop of this case, so that it could have been taken into consideration in how the investigation was handled and how decisions were made.