

1 SUMMER STEPHAN
District Attorney
2 MAKENZIE HARVEY
Deputy District Attorney, SBN 216508
3 WILLIAM HOPKINS
Deputy District Attorney, SBN 311055
4 MARTIN DOYLE
Deputy District Attorney, SBN 239162
5 EVAN ANDERSEN
Deputy District Attorney, SBN345595
6 330 West Broadway, Suite 1860
7 San Diego, CA 92101
8 Tel.: (619) 515-8803
9 Fax: (619) 685-6540
Email: Martin.Doyle@sdcdca.org

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By: T. Lancaster, Deputy

10 Attorneys for Plaintiff

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN DIEGO**

13 THE PEOPLE OF THE STATE OF CALIFORNIA,
14 Plaintiff,

16 v.

18 JEREMY JONATHAN WHITE,
19 Defendant.

Case No SCD274477
DA No. AEX741

**DISTRICT ATTORNEY'S
RESPONSE TO DEFENDANT
WHITE'S MOTION TO RECUSE
THE SAN DIEGO COUNTY
DISTRICT ATTORNEY'S OFFICE
(PEN. CODE, § 1424)**

Date: November 17, 2023
Time: 9:00 a.m.
Dept: 1901

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23
24
25
26
27
28

TABLE OF CONTENTS

Page

1

2

3 Introduction..... 1

4 Statement of the Case..... 3

5 Statement of Facts 3

6 Argument 5

7 I. Penal Code section 1424 is the exclusive basis to recuse California

8 prosecutors; the defendant must prove both prongs of a two-part test

9 for recusal to be granted..... 5

10 II. Defendant has failed to prove a “conflict of interest” on the part of

11 the San Diego County District Attorney 6

12 III. Since this defendant failed to establish any actual conflict, there can

13 be no finding that such a conflict “would render it unlikely that the

14 defendant would receive fair trial”..... 12

15 IV. Disqualification of an entire prosecutor’s office requires a much

16 higher showing than the disqualification of an individual prosecutor..... 14

17 V. No evidentiary hearing is required to dispose of this motion 15

18 Conclusion 17

19

20

21

22

23

24

25

26

27

28

1 **TABLE OF AUTHORITIES**

2

3 **Cases** **Page**

4 *All Towing Services LLC v. City of Orange* (2013) 220 Cal.App.4th 946 10

5 *Citizens United v. Federal Election Com’n* (2010) 558 U.S. 310 11

6 *City and County of San Francisco v. Cobra Solutions, Inc.*

7 (2006) 38 Cal.4th 839 15

8 *Dix v. Superior Court of Humboldt County* (1991) 53 Cal.3d 442 7

9 *Hambarian v. Superior Court* (2002) 27 Cal.4th 826 6

10 *Haraguchi v. Superior Court of Santa Barbara County*

11 (2008) 43 Cal.4th 721 6, 8

12 *Hollywood v. Superior Court of Santa Barbara County*

13 (2008) 43 Cal.4th 721 7, 12, 16

14 *Hub City Solid Waste Services, Inc. v. City of Compton*

15 (2010) 186 Cal.App.4th 1114 10

16 *Johnson v. Superior Court* (1975) 15 Cal.3d 248 4

17 *Packer v. Superior Court* (2014) 60 Cal.4th 695 17

18 *People v. Bryant, Smith and Wheeler* (2014) 60 Cal.4th 335 6, 8, 13

19 *People v. Choi* (2000) 80 Cal.App.4th 476 8, 9, 15

20 *People v. Conner* (1983) 34 Cal.3d 141 5

21 *People v. Eubanks* (1996) 14 Cal.4th 580 8, 9, 13

22 *People v. Garewal* (1985) 173 Cal.App.3d 285 13

23 *People v. Garner* (1977) 72 Cal.App.3d 214 7

24 *People v. Hamilton* (1988) 46 Cal.3d 123 6, 8, 14

25 *People v. Jackson* (1985) 167 Cal.App.4th 829 7

26 *People v. Lastra* (2022) 83 Cal.App.5th 816 4, 5, 11, 12, 16

27 *People v. Lepe* (1985) 164 Cal.App.3d 685 15

28 *People v. Lucas* (2014) 60 Cal.4th 153 6, 13

1 *People v. Merritt* (1993) 19 Cal.App.4th 1573 14

2 *People v. Neely* (1999) 70 Cal.App.4th 767..... 11

3 *People v. Pomar* (2023) 95 Cal.App.5th 504..... 4, 14, 15

4 *People v. Romero and Self* (2015) 61 Cal.4th 1 6, 13

5 *People v. Superior Court (Greer)* (1977) 19 Cal.3d 255 5

6 *People v. Superior Court (Hartway)* (1977) 19 Cal.3d 338..... 7

7 *People v. Vasquez* (2006) 39 Cal.4th 47 7, 8

8 *Schumb v. Superior Court* (2021) 64 Cal.App.5th 973..... 14, 15

9 *Spaccia v. Superior Court* (2012) 209 Cal.App.4th 93..... 16

10 *Stark v. Superior Court of Sutter County* (2011) 52 Cal.4th 368..... 5

11 *Trujillo v. Superior Court (People)* (1983) 148 Cal.App.3d 368 8

12 *Woodland Hills Residents Assn., Inc. v. City Council of Los Angeles*

13 (1980) 26 Cal.3d 938 10

14

15 **Statutes**

16 **Penal Code**

17 section 1424 *passim*

18 section 1424, subdivision (a) 15

19 section 1424, subdivision (a)(1) 6, 13, 14

20 section 182, subdivision (a)(1) 3

21 section 245, subdivision (a)(4) 3

22 section 939.71 4

23

24 **Business and Professional Code**

25 section 6000 15

26

27 **Code of Civil Procedure**

28 section 128, subdivision (a)(5) 8

1 **Election Code**

2 section 1300 5

3

4 **Evidence Code**

5 section 210 16

6 section 452, subdivision (g) 4

7

8 **Other Authorities**

9 **California Rules of Professional Conduct**

10 rule 3.3 12

11 rule 3.3(a)(2) 15

12 rule 3.6 3, 14

13 rule 3.6(b) 11

14 rule 3.8(a) 15

15

16 **San Diego County Charter**

17 section 900 15

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6 330 West Broadway, Suite 1860
7 San Diego, CA 92101
8 Tel.: (619) 515-8803
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22 **INTRODUCTION**

23 We are public prosecutors dedicated to pursuing equal and fair justice. When the San
24 Diego County District Attorney's Office believes a violation of the criminal law can be proven
25 beyond a reasonable doubt, we ethically prosecute the offenders—that is our responsibility. This
26 particular defendant committed an assault likely to produce great bodily injury and engaged in a
27 conspiracy with others to commit violence in our community. This office intends to hold him
28 accountable for his conduct.

1 While the defendant is entitled to hold the People to our burden to prove his guilt beyond
2 a reasonable doubt, what he is not entitled to do is recuse the District Attorney of the County of
3 San Diego from fulfilling her responsibilities based on his own conspiracy theories lacking any
4 grounding in reality. The motion (“Motion”) he filed is riddled with fantasies and falsehoods,
5 and presents a disjointed litany of perceived grievances not amounting to “conflicts of interest”
6 within the meaning of the law. Recusing the District Attorney is a serious interference by the
7 judiciary upon the powers of the executive branch and is permitted only in very limited
8 circumstances, governed by statute. It is not permitted based on subjective “appearances” or
9 “perceptions” of impropriety; but rather, it is constrained to actual circumstances where the
10 defendant cannot receive a fair trial, based on objective conflicts held by the District Attorney or
11 her deputies. This defendant’s alternate reality is one that neither we as prosecutors, nor the
12 courts, operate under. And as even his own exhibits make clear, this alternate reality is the only
13 place where the District Attorney has made any public extrajudicial statements about “Antifa” or
14 Jeremy Jonathan White.

15 The legal standard for recusal is established by Penal Code section 1424. The statute
16 provides that recusal may only be ordered after the defendant has proven both that an actual
17 conflict of interest exists on the part of the prosecutor sought to be recused, and that the conflict
18 is “so grave” it is unlikely he will receive a fair trial. Since this defendant’s moving papers do
19 not even articulate—let alone prove—a basis for such a finding, his motion to recuse the entire
20 San Diego County District Attorney’s Office should be summarily denied. An evidentiary
21 hearing is unnecessary because the truth of the mendacious factual assertions underlying the
22 defendant’s perception that he has somehow been treated unfairly would not result in a finding
23 that either a conflict exists or that it was “so grave” that he could not receive a fair trial. The
24 District Attorney and her prosecutors remain ready to engage in a fair trial *in the courtroom*,
25 where equal and fair justice is extended to all, including this defendant.

26 But this defendant knows all of this. Still, he aims to manipulate the proper judicial
27 process with smoke and mirrors when his true motivation can be found in his motion where he
28 seeks to de-legitimize the results of the 2018 District Attorney election (see Motion, p. 6), and in

1 his subsequent efforts to try this case in the media by broadly circulating his recusal motion to
2 outlets willing to report his story. (See Cal. Rules of Prof. Conduct, Rule 3.6.) But underneath it
3 all, like the masks and black clothing he shrouded himself with on January 9, 2021, the
4 defendant continues to hide behind false claims. *His* calculated scheme to try his case in the
5 press does not constitute a “conflict of interest” for the *District Attorney* or provide a legal basis
6 for her recusal from this case.

7 **STATEMENT OF THE CASE**

8 The defendant is before the court on a multi-defendant indictment returned by the San
9 Diego County Grand Jury alleging that on or about January 9, 2021, he engaged in a Conspiracy
10 to Commit a Riot, within the meaning of Penal Code section 182, subdivision (a)(1), as alleged
11 in count 1; and that he committed an Assault by Means Likely to Produce Great Bodily Injury,
12 within the meaning of Penal Code section 245, subdivision (a)(4), as alleged in count 22. Seven
13 of the original co-defendants have pled guilty and have either been sentenced or are awaiting
14 sentencing. This defendant and three others are pending trial on the charges alleged against each
15 of them. For this defendant, trial is presently set for December 4, 2023. Defendant White has
16 communicated an intent to continue the December 4th trial date. Trial for the remaining three
17 defendants is set for February 13, 2024, in this court.

18 In advance of his pending trial, on October 31, 2023, the defendant filed a motion to
19 recuse the entire San Diego County District Attorney’s Office, pursuant to Penal Code section
20 1424. This pleading serves as the San Diego County District Attorney’s response to that motion.
21 It is anticipated that the Attorney General will file a separate response to the defendant’s motion.

22 **STATEMENT OF FACTS**

23 For the facts underlying the defendant’s prosecution, the People respectfully refer the
24 court to the Statement of the Facts from the “People’s Opposition to Defendants’ Lightfoot,
25 White and Canon Motions to Set Aside the Indictment,” filed on September 1, 2023 and to the
26 16 volumes of evidence and testimony as well as the exhibits presented to the San Diego County
27 Grand Jury over the course of 14 days, all of which is in the public record. Not only do these
28 transcripts present probable cause to believe that the defendants engaged in the crimes charged

1 by the Grand Jury—as this court has previously found—but they also include evidence
2 considered by the Grand Jury mitigating the conduct of the defendants as required by our
3 obligations under Penal Code section 939.71 and *Johnson v. Superior Court* (1975) 15 Cal.3d
4 248. (Certified Grand Jury Transcript pages 1734 – 1735 and Grand Jury Exhibits 11 and 14
5 [video and testimony regarding protestor dressed in black writing foul language on the ground
6 who was pushed over]; Certified Grand Jury Transcript pages 1735 – 1738, 1766 and Grand
7 Jury Exhibit 11 [video and testimony regarding smoke canister tossed Northbound along
8 Mission Boulevard]; Certified Grand Jury Transcript pages 1361-1362 and Grand Jury Exhibit
9 18 [video and testimony regarding confrontation in alley between 2-3 people and larger group of
10 Trump supporters]; Certified Grand Jury Transcript pages 1581-1592 and Grand Jury Exhibits 8,
11 10, 112, and 113 [video and testimony regarding juvenile A.F. with a replica firearm]; Certified
12 Grand Jury Transcript pages 963-981 and Grand Jury Exhibits 3 and 5 [video and testimony
13 regarding victim R.L. displaying a knife at protestors in self-defense].) This directly contradicts
14 the defendant’s assertion that criminal acts perpetrated by others or alleged right-wing
15 extremists were ignored by the District Attorney’s Office (Motion, at p. 28). In other words, the
16 Grand Jury considered such evidence and still indicted these defendants.

17 To the extent it may be relevant¹ as to this motion to recuse the San Diego County
18 District Attorney’s Office, the People briefly recount the District Attorney’s tenure in office.
19 After serving as a deputy district attorney for almost three decades, the San Diego County Board
20 of Supervisors appointed Summer Stephan to serve the unexpired term of the previous
21

22 ¹ The recitation of these well-known facts is included for purposes of an analysis under
23 the second, or prejudice prong of Penal Code section 1424. As we argue *infra*, this court does
24 not need to engage in an analysis of prejudice because the defendant has failed to even allege a
25 “conflict” within the meaning of the first prong of section 1424. However, as the defendant’s
26 motion at times invites this court to do, it may take judicial notice of “[f]acts and propositions
27 that are of such common knowledge within the territorial jurisdiction of the court that they
28 cannot reasonably be subject to dispute.” (Evid. Code, § 452, subd. (g); Motion, at p. 55.)
Further, in analyzing the second prong of Penal Code section 1424, the judgment of the “trial
court familiar with the social, legal, and political dynamics of [the affected County]” is not only
relevant; but deferred to on appeal. (*People v Lastra* (2022) 83 Cal.App.5th 816, 823; *People v.*
Pomar (2023) 95 Cal.App.5th 504 [313 Cal.Rptr.3d 457].)

1 Penal Code section 1424 provides both the substantive and procedural law of prosecutor
2 recusal in the State of California. It provides that a properly brought motion to recuse a
3 prosecutor or an entire prosecutorial agency “*may not* be granted unless the evidence shows that
4 a conflict of interest exists that would render it unlikely that the defendant would receive a fair
5 trial.” (Pen. Code, § 1424, subd. (a)(1), emphasis added.) The People also agree with the
6 defendant that subsequent case law has distilled the statutory standard into a two-part test.
7 (Motion, at p. 50.) The test calls upon the trial court to determine: “(i) is there a conflict of
8 interest; and (ii) is the conflict so severe as to disqualify the district attorney from acting?”
9 (*Hambarian v. Superior Court* (2002) 27 Cal.4th 826, 833.) The burden of persuasion in
10 showing a conflict is on the party seeking recusal. (*People v. Hamilton* (1988) 46 Cal.3d 123,
11 140.) Thus, to disqualify a prosecutor or entire prosecutorial agency under Section 1424, a
12 defendant must prove both that (1) a conflict exists *and* (2) the conflict was “so grave” that it
13 will likely render his trial unfair. (*People v. Lucas* (2014) 60 Cal.4th 153, 250, disapproved on
14 another ground in *People v. Romero and Self* (2015) 61 Cal.4th 1, 53, fn. 19.)

15 II

16 **DEFENDANT HAS FAILED TO PROVE A “CONFLICT OF INTEREST” ON THE** 17 **PART OF THE SAN DIEGO COUNTY DISTRICT ATTORNEY**

18 Although the defendant’s motion spends roughly 49 pages spinning a self-serving fantasy
19 and engaging in conspiracy theories as to why the District Attorney has a conflict in this case,
20 the so-called “facts” articulated in his motion do not constitute a “conflict” for purposes of Penal
21 Code section 1424 even if they were true. A “conflict” exists “whenever the circumstances of
22 the case evidence a reasonable probability that the DA’s office may not exercise its discretionary
23 function in an evenhanded manner.” (*Haraguchi v. Superior Court of Santa Barbara County*
24 (2008) 43 Cal.4th 721, 727-728 (*Haraguchi*)). Recusal requires an actual conflict of interest—
25 not merely a subjective perception of impropriety—that will result in the prosecutor’s unfair
26 treatment of the defendant. It is only justified when the prosecutor has “an interest in the case
27 extraneous to his or her official function.” (*People v. Bryant, Smith and Wheeler* (2014) 60
28 Cal.4th 335, 376 (*Bryant*)).

1 The defendant’s central grievance seems to be that he is being prosecuted in this case,
2 while others he personally deems culpable are not being prosecuted. But this, itself, is not a
3 conflict within the meaning of Penal Code section 1424. Even selective or discriminatory
4 prosecution (which did not occur here) is not a ground for recusal. (*Dix v. Superior Court of*
5 *Humboldt County* (1991) 53 Cal.3d 442,451.) His “beli[ef] that during the protest on January 9,
6 2021, numerous crimes were committed by right-wing extremists, including members of the
7 American Guard, against counterprotestors, including members of antifa, and that the crimes
8 were not investigated nor prosecuted by the District Attorney’s office” (Motion, at p. 59) is also
9 of no consequence to the finding of a conflict. (See *People v. Garner* (1977) 72 Cal.App.3d 214
10 [selective enforcement of bookmakers and not bettors permitted]; *People v. Superior Court*
11 *(Hartway)* (1977) 19 Cal.3d 338 [same as to prostitutes over johns].) The defendant’s attorney
12 expresses his personal belief—hardly unique amongst criminal defendants and their attorneys—
13 that his client “has been unlawfully targeted” as a result of a conflict of interest held by the
14 District Attorney. (*Id.*) “This influence is in the way of direct personal influence on Summer
15 Stephan, financial influence in the way of campaign donations, as well as influence through the
16 District Attorneys Association and San Diegans Against Crime.” (*Id.*)

17 But other than making these conclusory allegations, the defendant fails to articulate how
18 his “beliefs” fall outside of “subjective perceptions of impropriety,” rather than demonstrating
19 that the District Attorney has some extraneous interest in this case that conflicts with her official
20 functions. Even within his own perceived improprieties there is nothing that constitutes a
21 “conflict” within the meaning of section 1424. (*Hollywood v. Superior Court of Santa Barbara*
22 *County* (2008) 43 Cal.4th 721, 735.) And the defendant does not tie his central grievance—that
23 he and his associates were prosecuted, while others were not—to any authority deeming such a
24 grievance to be a conflict within the meaning of section 1424. There is not an allegation that the
25 District Attorney has any sort of personal relationship with the defendant, victim, or the relevant
26 witnesses. (See *People v. Vasquez* (2006) 39 Cal.4th 47.) There is no allegation of an untoward
27 relationship with his previous defense counsel. (See *People v. Jackson* (1985) 167 Cal.App.4th
28 829.) Neither the District Attorney, nor any of her employees were victims or witnesses of the

1 charged crimes. (*People v. Connor* (1983) 34 Cal.3d 141; *Trujillo v. Superior Court (People)*
2 (1983) 148 Cal.App.3d 368.) There is no allegation that any outside party financed the
3 defendant’s prosecution in this case. (*People v. Eubanks* (1996) 14 Cal.4th 580 (*Eubanks*)). Nor
4 is there an allegation a member of the District Attorney’s Office previously represented the
5 defendant. (*People v. Hamilton, supra*, 46 Cal.3d at p. 139.) Other than disagreements with
6 prosecutorial tactics and the underlying decision to prosecute him, the defendant does not point
7 to any personal motive on the part of the District Attorney in attempting to secure his
8 conviction.

9 In other words, there is nothing extraneous to the prosecutor’s “official function” even
10 identified, let alone established, by the defendant in his papers. (*Bryant, supra*, 60 Cal.4th at p.
11 376.) And “defendants bear the burden of demonstrating a genuine conflict; in the absence of
12 such a conflict, a trial court should not interfere with the People’s prerogative to select who is to
13 represent them.” (*Haraguchi, supra*, 43 Cal.4th at p. 709.) It is all but expected that litigants in
14 any lawsuit will disagree about facts, the application of law to those facts, and their ultimate
15 treatment by the legal system, but that does not mean a “conflict of interest” exists within the
16 meaning of statutes providing for disqualification of counsel. (See, e.g., Code of Civ. Proc., §
17 128, subd. (a)(5).) If that were the case, no lawyer could ever successfully defend against such a
18 motion. “Impartiality, in this context, means not that the prosecutor is indifferent to the
19 conviction or acquittal of the defendant—the prosecutor does not share in the neutrality
20 expected of the judge and jury—but that the prosecutor is ‘expected to exercise his or her
21 discretionary functions in the interests of the People at large, and not under the influence or
22 control of an interested individual.’” (*People v. Vasquez, supra*, 39 Cal.4th at p. 55.)

23 The defendant outright misrepresents the holdings of the cases he cites in support of his
24 declaration that a conflict even exists. For instance, *People v. Choi* (2000) 80 Cal.App.4th 476,
25 was not predicated on the District Attorney’s statements to the press about the defendant in that
26 case, as the defendant’s motion suggests. (Motion, at p. 50.) Although the defendants were
27 suspected, but not charged, of murdering the District Attorney’s close personal friend—they
28 were charged with other crimes—and the District Attorney made statements to the press to that

1 effect, the trial court initially denied recusal of the District Attorney’s Office. (*Choi, supra*, 80
2 Cal.App.5th at p. 478.) However, *after that ruling* the District Attorney personally disobeyed the
3 court’s gag order and made statements to the press in violation of the court’s jury instruction that
4 the murders were not related. (*Id.* at p. 479.) Then, despite the Assistant District Attorney’s
5 assurance that an ethical wall removed the District Attorney from the decision-making, the
6 District Attorney later barged into the judge’s chambers *ex parte* to request approval of a letter
7 to the editor in violation of the gag order. (*Id.*) The subsequent recusal of the District Attorney
8 was based on the court’s finding that the loss of the uncharged victim “his close friend, had
9 ‘adversely [a]ffected him in in such a way that the [defendants’] right to a fair trial is
10 endangered.’” (*Id.*) Though statements to the press formed part of the evidence of a conflict, the
11 holding as to the existence of the conflict rested on the court’s finding that the District Attorney
12 was so emotionally involved, he could not set aside his *personal* relationship with the victim.
13 But here there is not even an allegation in this case that any such relationship exists between the
14 defendants, victims, or witnesses and the District Attorney. Thus, *Choi* is inapposite.

15 Likewise, the defendant’s citation to *Eubanks, supra*, is highly misleading. (Motion, at p.
16 51.) Contrary to the defendant’s blanket pronouncement, *Eubanks* does not stand for the
17 proposition that “private financial contributions” in the form of campaign contributions serve as
18 a conflict of interest. (Motion, at p. 51.) In *Eubanks*, the victim paid for the investigation into the
19 case itself. (*Eubanks, supra*, 14 Cal.4th at pp. 585-587.) The Supreme Court did not “uph[o]ld
20 the trial court’s order recusing the Santa Cruz District Attorney’s office” as this defendant
21 represents. (Motion, at p. 54.) In fact, the court majority held the trial court failed to conduct a
22 proper analysis as to the second prong of the recusal statute, but nevertheless dismissed the case
23 as moot because the underlying case had already been dismissed during the pendency of the
24 appeal of the recusal question. (*Eubanks, supra*, at pp. 585, fn.2, 600-601.)

25 And unlike in *Eubanks* where the victim funded the prosecution of a particular defendant,
26 no California case has ever found a general campaign contribution to a district attorney election
27 constitutes a recusable conflict either before or after the enactment of Penal Code section 1424.
28 Moreover, other states have rejected the notion that even hefty campaign contributions that

1 resulted in the change of prosecutors created a conflict justifying recusal. In *People ex rel. N.R.*
2 (Colo. 2006) 139 P.3d 617, the Colorado Supreme Court held that “even if [the district attorney]
3 owes his election... in part to the efforts of the [victim’s] family, this fact [was not] likely to
4 cause him to ‘over extend’ in performing his prosecutorial function.” (*Id.* at p. 678.) And in
5 other political contribution contexts outside of district attorney elections, the California Supreme
6 Court has found the accusation that the receipt of campaign contributions by elected officials
7 “inevitably results in an appearance of bias or prevents a fair hearing [to be] unwarranted.”
8 (*Woodland Hills v. Residents Association, Inc. v. City Council of Los Angeles* (1980) 26 Cal.3d
9 938, 945.) In *Woodland Hills*,² the California Supreme Court rejected the notion that city
10 council members must be disqualified from voting on a subdivision map because the developers
11 had made political contributions to the council members’ campaign committees. “To disqualify
12 a city council member from acting on a development proposal because the developer had made a
13 campaign contribution to a member would threaten constitutionally protected political speech
14 and associational freedoms.” (*Id.* at p. 946.)

15 And as the Supreme Court noted, important constitutional and practical limitations also
16 counsel against finding a recusable conflict of interest under section 1424 from the mere receipt
17 of a campaign contribution. Under the defendant’s premise that the contribution itself creates a
18 conflict in the first instance, could a criminal defendant immunize themselves from prosecution
19 merely by contributing to an election opponent of the district attorney? Or would a district
20 attorney candidate, by committing to focus on a particular class of crimes if elected—for
21 instance retail theft—be conflicted from prosecuting criminals who commit crimes within that
22 class once elected (i.e. shoplifters)? To ask these questions is to answer them: of course not. A
23 retailer supporting such a candidate has a first amendment right to financially contribute to a
24 district attorney candidate aligned with his or her interests. (*Citizens United v. Federal Election*

25
26 ² In the years since *Woodland Hills*, the principle that political contributions constitute
27 politically protected speech that is not a “conflict of interest” for those in receipt of those
28 contributions has only become further enshrined in our jurisprudence. Following *Woodland Hills*,
the Court of Appeal has repeatedly rejected similar arguments. (See *All Towing Services, LLC v. County of Orange* (2013) 220 Cal.App.4th 946, 955; *Hub City Solid Waste Services, Inc. v. City of Compton* (2010) 186 Cal.App.4th 1114, 1128.)

1 *Com'n* (2010) 558 U.S. 310, 350-351.) And the District Attorney would have no recusable
2 conflict of interest by merely fulfilling her promise to focus on the prosecution of those who
3 commit such crimes or the punishments sought for those convicted. (*People v. Neely* (1990) 70
4 Cal.App.4th 767, 776-779.)

5 Like the defendant's blurring of the line between financial contributions made by a
6 victim to a particular prosecution, rather than by an individual to a campaign, he likewise blurs
7 the line between a district attorney's comments on crime or classes of crime in general and
8 public comments about a particular case. (Motion, at p. 52.) In *People v. Lastra* (2022) 83
9 Cal.App.5th 816, 823, the Court of Appeal, acting on a deferential abuse of discretion standard
10 of review, did not disturb the trial court's findings that "a targeted fundraising appeal" referring
11 to the particular case at hand, created a conflict of interest. The Court of Appeal noted how
12 "[t]he trial court was careful to consider the District Attorney's statements in context with *the*
13 *contemporaneous prosecutorial decisions.*" (*Id.* at p. 823, emphasis added.) Once again, this is
14 another instance where even the defendant's *allegations* are facially insufficient to merit the
15 finding of a conflict under section 1424. Other than the press release announcing that the grand
16 jury had returned charges in this case,³ none of the very few statements even attributed to
17 District Attorney Stephan⁴ in the defendant's exhibits even refers to Jeremy Jonathan White or
18 his co-defendants. Nor could they. The District Attorney's 2018 campaign concluded in June of
19 2018 when she was elected District Attorney. There is no indication anyone in the San Diego
20 County District Attorney's Office knew who Jeremy Jonathan White even was prior to the
21 assault he committed on January 9, 2021. And the San Diego County District Attorney did not
22

23 ³ A routine and completely appropriate communication to the public by a prosecutor.
24 (Cal. Rules of Prof Conduct, rule 3.6(b).) The June 7, 2022 press release does not contain any
25 personal opinions of the District Attorney or make any factual assertions beyond those contained
26 in the indictment itself. (Defendant's Exhibit BB.) Contrary to the defendant's assertion, it does
27 not contain a statement that "antifa was solely responsible for the violence at the protest."
28 (Motion, at p. 8.)

⁴ The defendant's exhibits predominately reflect statements, opinions, or actions of third
parties. They are not statements of the District Attorney, her 2018 campaign, or her office. The
trial court judge in *Lastra* specifically disregarded similar exhibits attached to the recusal motion
in that case finding "they have no evidentiary value for this court." (*Id.* at p. 822, fn. 7.)

1 have a 2022 re-election campaign because she ran unopposed. This is in contrast to the *Lastra*
2 defendants, who shut down Highway 101 on July 21, 2020, and were being actively prosecuted
3 during the San Luis Obispo County District Attorney’s 2022 re-election campaign. Thus, unlike
4 the *Lastra* defendants—where the offending statements and the prosecutorial decisions were
5 made *on the same day*—it is completely impossible to find that any comments the San Diego
6 County District Attorney made in 2018 were tied to “contemporaneous prosecutorial decisions”
7 occurring in 2021 and beyond.

8 This is not to say that any of the fantastical factual assertions made by the defendant in
9 his motion are true,⁵ only that it is unnecessary to expend this court’s time disputing them
10 because as a matter of law, they would not, even if true, create a “conflict” within the meaning
11 of the first prong of a section 1424 analysis. “The Legislature has closely defined the limits of
12 judicial authority to recuse prosecutors, and we must observe them.” (*Hollywood, supra*, 43
13 Cal.4th at p. 735.) “A defendant must identify, and a court must find, some *conflict of interest*
14 that renders it unlikely the defendant will receive a fair trial. The trial court found no such
15 conflict... Section 1424 requires more.” (*Id.*) Since there is no “conflict of interest” even alleged
16 in this case—within the meaning Penal Code section 1424 and the case law interpreting that
17 section—the defendant’s motion should be summarily denied without hearing and without
18 assessing the second prong of the analysis. Since there is no conflict to measure, this court need
19 not and is unable to determine whether the magnitude of the conflict is “so grave” that the
20 defendant cannot receive a fair trial.

21
22 **III**

23 **SINCE THIS DEFENDANT FAILED TO ESTABLISH ANY ACTUAL CONFLICT,**
24 **THERE CAN BE NO FINDING THAT SUCH A CONFLICT “WOULD RENDER IT**
25 **UNLIKELY THAT THE DEFENDANT WOULD RECEIVE A FAIR TRIAL”**

26 Although no true conflict has even been identified by the defendant and the court need
27 not progress this far, the second prong of a section 1424 analysis would require a determination

28 ⁵ Disposition of this motion likely does not turn on the truth or falsity of the allegations in
question for the reasons stated. That does not relieve counsel of their duty of candor to the
tribunal. (Cal. Rules of Prof. Conduct, Rule 3.3.)

1 whether “this conflict [was] so grave as to render it unlikely that defendant will receive fair
2 treatment during all portions of the criminal proceeding⁶[.]” (*Eubanks, supra*, 14 Cal.4th at p.
3 594.) A defendant must prove both a “conflict” and its impact on his “right to a fair trial.”
4 (*People v. Lucas* (2014) 60 Cal.4th 153, 250, disapproved on another ground in *People v.*
5 *Romero and Self* (2015) 61 Cal.4th 1, 53, fn. 19.)

6 Since the conduct complained of by the defendant does not even constitute a “conflict of
7 interest” within the meaning of section 1424, it is difficult to see how it could then be shown to
8 be “so grave as to render it unlikely” he will not receive fair treatment at his trial. Even taking
9 the defendant’s allegations at face value, section 1424 is not a tool for a defendant or a court to
10 sanction free-floating claims of “prosecutorial misconduct.” The section allows for recusal only
11 when a defendant shows his ability to obtain “a fair trial” is “unlikely.” (Pen. Code, § 1424,
12 subd. (a)(1).) Even very significant prosecutorial misconduct (though there is no misconduct in
13 this case) does not result in recusal unless it can be shown that it caused or was likely to cause
14 the defendant to receive an unfair trial. (*People v. Garewal* (1985) 173 Cal.App.3d 285, 291-
15 295.) Even past misconduct is insufficient, the defendant must show that the future trial
16 proceedings cannot be fair. (*Bryant, supra*, 60 Cal.4th at p. 375.) Unless and until he can
17 establish that link, there is no need to delve into the tin-foil hat conspiracy making up the factual
18 allegations within the motion.

19 Glaringly absent from the defendant’s recitation of grievances is an attempt to establish a
20 nexus between those grievances and *his* ability to receive a fair trial. This defendant’s central
21 issue seems to be that he was unfairly *charged* (with the corollary that others remain uncharged).
22 (Motion, at p. 5 [“This has resulted in false allegations against Mr. White...”].) But he is hardly
23 unique amongst criminal defendants in believing that he should not have been charged with a
24 crime. The proper forum for litigating the truth of the “false allegations” is a trial, not a motion

25
26 ⁶ Section 1424, by its text, seemingly confines that question to only the fairness of the
27 defendant’s *trial*. “The motion may not be granted unless the evidence shows that a conflict of
28 interests exists that would render it unlikely that the defendant would receive *a fair trial*.”
However, decisional law seems to assume, without necessarily deciding, that that conflicts
affecting other aspects of a criminal prosecution apart from a trial may be within section 1424’s
ambit.

1 to recuse the District Attorney or making appeals to the media. (See Cal. Rules of Prof. Conduct,
2 rule 3.6.) And nothing in the defendant’s motion points to how he will be denied the unbiased
3 judgment of a judicial officer and twelve independent and impartial citizens should the San
4 Diego County District Attorney remain as the prosecutor. Thus, in addition to failing to identify
5 any conflict, as demonstrated above, he has also fallen far short in meeting his burden to
6 demonstrate one “so grave” as to make his ability to obtain a fair trial unlikely. Under such
7 circumstances, a trial court “may not” grant a motion to recuse the District Attorney (Pen. Code,
8 § 1424, subd. (a)(1)).

9
10 **IV**

11 **DISQUALIFICATION OF AN ENTIRE PROSECUTOR’S OFFICE REQUIRES**
12 **A MUCH HIGHER SHOWING THAN THE DISQUALIFICATION OF**
13 **AN INDIVIDUAL PROSECUTOR**

14 Defendant seeks to disqualify the entire San Diego County District Attorney’s Office.
15 According to him, “longstanding legal precedent in California supports a finding that, as the
16 elected District Attorney, Stephan’s conflict of interest has permeated her entire office.”
17 (Motion, at p. 58.) Where is this “longstanding precedent?” Not in defendant’s motion. The
18 precedent we are aware of dictates that he must show “no other alternative available but to
19 recuse the entire district attorney’s office.” (*People v. Merritt* (1993) 19 Cal.App.4th 1573,
20 1579.) “[T]he threshold necessary for recusing an entire office is higher than for an individual
21 prosecutor.” (*Schumb v. Superior Court* (2021) 64 Cal.App.5th 973, 981.) “[R]ecusal of an
22 entire prosecutorial office is a serious step, imposing a substantial burden on the People, and the
23 Legislature and courts may reasonably insist upon a showing that such a step is necessary to
24 assure a fair trial.” (*People v. Hamilton, supra*, 48 Cal.3d at p. 1156.) “[T]he mere fact that the
25 elected district attorney has a conflict of interest is not, by itself, sufficient to support
26 disqualification of the entire office.” (*People v. Pomar, supra*, 313 Cal.Rptr.3d at p. 467.)

27 Unlike the Assistant District Attorneys in San Francisco, San Diego County Deputy
28 District Attorneys are not “at-will employees.” (*Id.* at p. 468.) The San Diego County District

⁷ The cases cited in the defendant’s motion either involved “at will” lawyers in San

1 Attorney does not have the same “broad authority to hire, fire, promote and demote any ADA.”
2 (*Id.*) In San Diego, deputy district attorneys are civil servants protected by the rules set for the
3 classified service with the right of appeal to the Civil Service Commission. (San Diego County
4 Charter, Section 900, et seq.) Deputy district attorneys are independently accountable to the
5 State Bar of California and must follow the rules set forth by the State Bar Act (Bus. & Prof.
6 Code, § 6000, et seq.) and the Rules of Professional Conduct, including the command that “[t]he
7 prosecutor in a criminal case shall: not institute or continue to prosecute a charge that the
8 prosecutor knows is not supported by probable cause.” (Cal. Rules of Prof. Conduct, Rule
9 3.8(a), Special responsibilities of a Prosecutor.) The defendant here does not even attempt to put
10 forward an argument that the individual deputy district attorneys assigned to this case have
11 somehow fallen short in their responsibilities (or that if they had, this would be a basis for
12 recusal). He simply intones his clear misstatement of the law that any conflict by the elected
13 district attorney is necessarily imputed to her deputies.⁸ Put simply, he cannot meet the “higher”
14 threshold necessary for seeking recusal of an entire prosecutor’s office.

15 V

16 NO EVIDENTIARY HEARING IS REQUIRED TO DISPOSE OF THIS MOTION

17 Here no evidentiary hearing is required. The defendant is not requesting one and it is the
18 People’s position, as stated above, that resolution of any of the contested facts would be of no
19 legal consequence to the determination of whether a recusable conflict exists for purposes of
20

21 Francisco without civil service protection, or deputy district attorneys in a very small county
22 [Imperial in the 1980s] who would have been called upon to cross-examine their boss, who
23 formerly represented the defendant. (Motion, at p. 57; *City and County of San Francisco v.*
24 *Cobra Solutions, Inc.* (2006) 38 Cal.4th 839, 848 [San Francisco deputy city attorneys “‘serve[]
25 at [the] pleasure’ of the City Attorney]; *People v. Choi, supra*, 80 Cal.4th at p. 83 [San Francisco
26 “Assistant District Attorneys”]; *People v. Lepe* (1985) 164 Cal.App.3d 685 [Imperial County
27 circa 1985].)

28 ⁸ See Cal. Rules of Prof. Conduct, rule 3.3(a)(2) “A lawyer shall not: fail to disclose to
the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly
adverse to the position of the client.” Though the motion cites to both *Schumb* and *Pomar*,
completely absent from the motion is any recognition of the “higher” standard required to recuse
an entire prosecutor’s office. (Motion, at p. 57.)

1 Penal Code section 1424—because there is no actual conflict justifying any recusal.

2 “The judge shall review the affidavits and determine whether or not an evidentiary
3 hearing is necessary.” (Pen. Code, § 1424, subd. (a).) The court is entrusted with discretion and
4 its findings on the necessity of an evidentiary hearing will not be disturbed absent a
5 demonstration of the abuse of that discretion. (*Spaccia v. Superior Court* (2012) 209
6 Cal.App.4th 93, 109.) A trial court will not abuse its discretion in denying an evidentiary
7 hearing where resolution of the disputed facts would not result in a legal consequence of recusal
8 (*Id.* at p. 112.) As demonstrated above, even if an evidentiary hearing could demonstrate
9 everything the defendant hopes it would demonstrate there is no “conflict of interest” even
10 identified by the defendant, so there is nothing for the court to “find.” (*Hollywood, supra*, 43
11 Cal.4th at p. 735.)

12 The defendant’s “facts” are drawn largely from news articles and opinion pieces attached
13 as exhibits to his motion. We have little reason to doubt the people quoted in those articles said
14 the things they said or thought the things they wrote. (Motion at p. 56 [“Mr. White respectfully
15 requests that the Court take judicial notice of the undisputed statements made by Summer
16 Stephan, her campaign material, and the news articles containing undisputed facts regarding
17 local politics... However, should the prosecution seek to contest the authenticity of the
18 photographs or any other exhibits, Mr. White respectfully request that he be permitted to lay
19 foundation for the exhibits at an evidentiary hearing.”].) But the relevance and evidentiary value
20 of the exhibits is another matter. Like the court in *Lastra*, we share the view that most of
21 “[t]hese [exhibits] are opinion pieces, not from expert witnesses and have no evidentiary value.”
22 (*Lastra, supra*, 83 Cal.App.5th at p. 822, fn. 7.) For example, we question what evidentiary
23 value an opinion article from October 2018, written by staffers for District Attorney Stephan’s
24 2018 political opponent in the June 2018 election, has to do with the present prosecution of
25 Jeremy Jonathan White for an assault he committed in January 2021. (Exhibit E.)

26 But that question need not be answered by an evidentiary hearing designed to adduce
27 *facts*. This court is perfectly capable of determining the *legal* question of relevance for itself
28 (Evid. Code, § 210) and assigning whatever weight—if any—to give the spaghetti-against-the


1 wall amalgamation of “exhibits” appended to the defendant’s recusal motion. As stated above,
2 the resolution of any factual disputes in this case, even if resolved in the defendant’s favor,
3 could not show that a conflict exists that is so grave as to make a fair trial unlikely. (*Packer v.*
4 *Superior Court* (2014) 60 Cal.4th 695, 712.) This is true because in the first instance, the
5 defendant has not even identified a legal “conflict of interest” within the meaning of section
6 1424. Thus, there is no conflict for the court to “find,” obviating the necessity of engaging in the
7 second step of evaluating the gravity of any conflict in an evidentiary hearing. Accordingly, this
8 court should deny the defendant’s motion to recuse the San Diego County District Attorney’s
9 Office on the pleadings alone.

10 **CONCLUSION**

11 Based on the foregoing argument, the People respectfully request that the defendant’s
12 motion to recuse the San Diego County District Attorney’s Office be denied.

13
14 Dated: November 9, 2023

Respectfully submitted,
SUMMER STEPHAN
District Attorney

15
16
17 
18

MARTIN DOYLE
19 Deputy District Attorney
20 Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

<p style="text-align: center;">THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Appellant,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">JEREMY JONATHAN WHITE, Defendant and Respondent.</p>	<p style="text-align: center;">For Court Use Only</p> <p style="text-align: center;">FILED <small>Clark of the Superior Court</small></p> <p style="text-align: center;">NOV 09 2023</p> <p style="text-align: center;">By: T. Lancaster, Deputy</p> <hr/> <p style="text-align: center;">Case No SCD274477 DA No. AEX741</p>
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PROOF OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am employed in the County of San Diego, over eighteen years of age and not a party to the within action. My business address is 330 West Broadway, Suite 860, San Diego, CA 92101.

On November 9, 2023, a member of our office served a copy of the within **DISTRICT ATTORNEY'S RESPONSE TO DEFENDANT WHITE'S MOTION TO RECUSE THE SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE (PEN. CODE, § 1424)** to the interested parties in the within action by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid, in the United States Mail, addressed as follows:

CURTIS L. BRIGGS
Defense Attorney
1211 Embarcadero #200
Oakland, CA 94606

BRITTON LACY
Deputy Attorney General
Office of the Attorney General
660 W. Broadway, Suite 1800
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 9, 2023 at 330 West Broadway, San Diego, CA 92101.



Vanessa Acevedo

1 SUMMER STEPHAN
District Attorney
2 MAKENZIE HARVEY
Deputy District Attorney, SBN 216508
3 WILLIAM HOPKINS
Deputy District Attorney, SBN 311055
4 MARTIN DOYLE
Deputy District Attorney, SBN 239162
5 EVAN ANDERSEN
Deputy District Attorney, SBN345595
6 330 West Broadway, Suite 1860
7 San Diego, CA 92101
8 Tel.: (619) 515-8803
9 Fax: (619) 685-6540
Email: Martin.Doyle@sdca.org

FILED
Clerk of the Superior Court
NOV 09 2023
By: T. Lancaster, Deputy

10 Attorneys for Plaintiff

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN DIEGO**

14 THE PEOPLE OF THE STATE OF CALIFORNIA,
15 Plaintiff,
16
17 v.
18
19 JEREMY JONATHAN WHITE,
20 Defendant.

Case No SCD274477
DA No. AEX741

**APPENDIX TO DISTRICT
ATTORNEY'S RESPONSE TO
DEFENDANT WHITE'S MOTION
TO RECUSE THE SAN DIEGO
COUNTY DISTRICT ATTORNEY'S
OFFICE
(PEN. CODE, § 1424)**

Date: November 17, 2023
Time: 9:00 a.m.
Dept: 1901

TABLE OF CONTENTS

EXHIBIT	DOCUMENT	CONTENTS
1 Pages 1-2	Poway Synagogue Shooter Pleads Guilty to Murder, Attempted Murder as Hate Crimes Under California State Law, DA Press Release (July 20, 2021)	DA Stephan obtained a life sentence without the possibility of parole against the perpetrator of a hate-filled shooting at the Chabad of Poway Synagogue. The same defendant was convicted of arson at the Dar-ul-Arqam mosque in Escondido.
2 Pages 3-4	Grand Jury Indicts 17 Defendants for Violent Ocean Beach Attacks: Hells Angels Gang Members Attacked Three Black Men, DA Press Release (Sep. 25, 2023)	DA Stephan obtained grand jury indictments for assault with hate crime allegations against Hells Angels and their associates for unprovoked attacks against 3 African-American men in Ocean Beach.
3 Pages 5-6	DA Files Hate Crime Charges in Connection with Assault on Black Lives Matter Protest in Imperial Beach, DA Press Release (Aug. 6, 2023)	DA Stephan filed assault charges with hate crime allegations against two men who assaulted a Black journalist covering a Black Lives Matter protest in Imperial Beach.
4 Pages 7-8	DA Files Hate Crime and Other Charges Against Man Who Hung Anti-Semitic Banner over Interstate 805: Defendant Hurled Anti-Gay Insults, DA Press Release (Dec. 27, 2021)	DA Stephan filed battery charges with hate crime allegations against a man who attacked his neighbor while yelling gay slurs. In a separate incident, he hung an antisemitic banner over an Interstate 805 overpass.
5 Pages 9-12	Operation takes down suspected San Diego criminal network with ties to White supremacist groups. San Diego Union-Tribune (Jan. 24, 2023)	DA Stephan announces 50 defendants tied to White supremacists were charged with criminal charges, stating the suspects have ties to White supremacist street gangs, which adds “another layer of public safety concerns for law enforcement and [the DA’s] office.”
6 Pages 13-14	DA Charges Juvenile Stabber with Hate Crime; Investigation into Bystanders is Ongoing, DA Press Release (Apr. 21, 2022)	DA Stephan charged a juvenile with attempted murder with hate crime allegations after he stabbed a black teenager in the back in Lakeside

1	7	70 Arrested in Massive Drug	DA Stephan participated in multi-agency drug
2		Raid On White Supremacist	and weapons operation targeting a criminal
3	Pages	Crime Ring, Law & Crime (Jan.	network connected to white supremacist groups
4	15-17	25, 2023)	and seized fentanyl, oxycodone, heroin,
5			ketamine, methamphetamine, guns,
6	8	Standing Together in Fight	ammunition, and stolen cars.
7	Pages	Against Hate, The Star News	DA Stephan's letter to the editor of local Chula
8	18-19	(Nov. 23, 2022)	Vista paper educating the public on California
9	9	San Diego Law Enforcement	hate crimes law and publicizing resources
10		Leaders Condemn Anti-Asian	available to hate crimes victims.
11	Pages	Hate Crimes, US Attorney,	
12	20-21	Southern District of California,	Press Release announcing federal and state law
13		Press Release (Mar. 19, 2021)	enforcement cooperation on hate crimes, an on-
14	10	Antisemitism Today: A San	line tool to directly report hate crimes to the San
15	Pages	Diego Town Hall with Mayor	Diego DA's Office, and an upcoming webinar
16	22-23	Todd Gloria, Anti-Defamation	featuring the lead hate crime deputy DA (at that
17		League Press Release (Dec. 8,	time) for the San Diego DA's office.
18	11	2022)	
19	Pages	Column: DA Stephan Quits	Press release by the Anti-Defamation League of
20	24-28	GOP, Saying Her Voter	San Diego and Imperial Counties announcing a
21		Registration Became Burden on	town hall on antisemitism featuring DA Stephan
22		Job, San Diego Union-Tribune	and other local leaders.
23		(Oct. 11, 2019)	
24	12	The Five Best Prosecutors in	News article covering DA Stephan's decision to
25	Pages	America, City Journal (May 2,	change her voter registration. "I've proven that I
26	29-31	2022)	can do the job with a nonpolitical lens... but to
27			reflect that in a very clear way, I have to go 'no
28			party preference.'"
			Article from the City Journal, a publication of
			the Manhattan Institute for Policy Research,
			naming DA Stephan one of the five best
			prosecutors in America based on public safety,
			fidelity to the rule of law, personal integrity,
			leadership, responsible innovations and training,
			community relations, office morale, and
			teamwork with other players in the criminal-
			justice system.

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13	Chula Vista Opens Holocaust Exhibit, San Diego Jewish World (Jan. 12, 2020)	Article announcing the opening of an exhibit on the Holocaust and genocide in Chula Vista, featuring an exhibit on DA Stephan's grandmother, a survivor of the Armenian genocide.
Pages 32-35		
14	San Diego's Spike In Hate Crimes Against Asian Americans Mirrors National Trend, KPBS (Mar. 4, 2021)	News article covering the rise in hate crimes against the Asian American community, featuring DA Stephan and her efforts to stop Asian and Pacific Islander hate in San Diego County.
Pages 36-38		
15	This Democrat's Case for Summer Stephan, Huffington Post (Jun. 30, 2017)	Letter to the editor by life-long democrat explaining why he supports Summer Stephan for District Attorney in the 2018 election
Pages 39-41		
16	District Attorney, AJC Regional Director Discuss the Holocaust and Antisemitism	Conversation between DA Stephan and the Regional Director of the American Jewish Committee, San Diego on her decision to hold a mandatory office-wide training entitled "What You Do Matters: Lessons Learned from the Holocaust," given by the United States Holocaust Museum.
Pages 42-43		
17	Menorah Lighting at City Hall, Facebook Post, Chabad of Downtown (Dec. 6, 2018)	Photograph of DA Stephan, other local leaders, and members of the San Diego Jewish community at the San Diego City Hall Menorah Lighting during Hanukkah 2018.
Page 44		

330 West Broadway
San Diego, CA 92101
(619) 531-4040

SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

July 20, 2021
For Immediate Release

Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

Poway Synagogue Shooter Pleads Guilty to Murder, Attempted Murder as Hate Crimes Under California State Law

Earnest Will Serve Life in Prison Without the Possibility of Parole

John T. Earnest, 22, pleaded guilty today to murder and other charges in San Diego Superior Court in connection with a deadly shooting at the Chabad of Poway synagogue two years ago. There were 54 people inside the synagogue when Earnest entered the lobby and opened fire with an assault-style rifle on April 27, 2019. Lori Gilbert-Kaye, 60, was killed in the attack. Rabbi Yisroel Goldstein was shot in both hands, causing him to lose an index finger, and Noya D., then 8, and her uncle, Almog Peretz, were wounded.

Earnest pleaded guilty to the willful, deliberate, premeditated murder of Ms. Kaye, and the willful, deliberate, and premeditated attempted murder of Rabbi Goldstein, Almog Peretz, and Noya D. Earnest admitted that he committed those crimes because of his bias and hatred of Jews, and he admitted that he personally discharged a firearm causing death and great bodily injury. He also pleaded guilty to the arson at the Dar-ul-Arqam mosque for the purpose of terrorizing Muslim worshippers.

Earnest agreed to serve the rest of his life in prison without the possibility of parole, plus 121 years-to-life and 16 years in state prison. A sentencing hearing has been set for September 30, 2021 at 9:00 a.m. in Department 2104 downtown.

The San Diego County District Attorney's Office released the following statement:

“While we reserved the option of trying this as a death penalty case, life in prison without the possibility of parole for the defendant is an appropriate resolution to this violent hate crime and we hope it brings a measure of justice and closure to the victims, their families, friends and the wider community. After consulting with the Kaye family and the many victims impacted by the shooting, the decision to accept a plea of life in prison was made in the interest of justice and with the knowledge that a parallel prosecution by the U.S. Attorney's Office and possible plea in that case would prevent the state's case from moving forward. This plea ensures the defendant is held accountable for his crimes under California state law.”

[Earnest Prosecution Timeline](#)

- Crime occurred on April 27, 2019.
- Arraigned on state charges on April 30, 2019.
- Arraigned on federal charges on May 14, 2019.
- Earnest submitted a conditional plea agreement on June 4, 2021 for consideration by federal prosecutors.
- Deadline for federal prosecutors to announce a decision regarding the death penalty is August 30, 2021.
- Earnest is next due in federal court on September 8, 2021.
- Sentencing on state charges set for September 30, 2021.

###

SUMMER STEPHAN
DISTRICT ATTORNEY

September 25, 2023
For Immediate Release

Contact: [Steve Walker](#) (619) 843-7977
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

Grand Jury Indicts 17 Defendants for Violent Ocean Beach Attacks

Hells Angels Gang Members Attacked Three Black Men

San Diego County District Attorney [Summer Stephan](#) announced today that 17 defendants have been indicted by a grand jury for their roles in an attack on three men in Ocean Beach this past summer. On June 6, 2023, a group of outlaw Hells Angels motorcycle gang members and their supporters viciously attacked the young men on a public sidewalk.

The victims, all African American men ages 19, 20 and 21, were on Newport Avenue enjoying a night out. Virtually out of nowhere—possibly because one of the men spoke to a biker’s girlfriend—they were chased and attacked by several Hells Angels and Hells Angels supporters. They were repeatedly called a racial epithet and told they didn’t belong in the neighborhood.

One victim ran and escaped injury. Another victim was punched and kicked all over his body. The beating only stopped after he was sucker punched in the head and knocked unconscious. The third man was also beaten by multiple bikers and left helpless, curled up on the ground. Longtime Hells Angels leader, Troy Scholder, pulled out a knife, rolled the victim onto his side, and stabbed him in the chest, cracking the young man’s sternum. After trying to kill the victim, Mr. Scholder casually folded up his knife and walked away. The young man survived his injuries.

“In San Diego County, we cannot, and will not tolerate violence and racism of any nature, much less crimes like this hateful, vicious, and unprovoked attack,” said DA Stephan. “It is a testament to the cooperation and coordination of our law enforcement partners, working closely with our Gangs Division, that these defendants were identified and are being brought to face justice.”

The crime kicked off a large-scale investigation by the San Diego Police Department and the District Attorney’s Gang Unit. Deputy District Attorney Miriam Hemming and District Attorney Investigators Ross Umstot and Bryan Maddox worked relentlessly with SDPD to identify all the attackers and convene a grand jury. On September 5, after hearing six days of testimony, the grand jury returned indictments against 14 defendants for assault likely to cause great bodily injury— all with a gang allegation and 11 of them with a hate crime allegation. The grand jury added three additional defendants because the trio helped drive the stabber from the scene and back to the Hells Angels Clubhouse in El Cajon.

“These disgusting hate-driven attacks have no place in our community. There is no stronger way to condemn this violence than to hold the perpetrators accountable to the fullest force of the law,” said Police Chief David Nisleit. “We committed every necessary resource to track down and arrest each person who was involved in these wanton acts of violence. I want to thank our detectives who solved this case, our partner law enforcement agencies for their help, and the District Attorney’s Office for their tireless work.”

All 17 defendants were arrested on September 21. Law enforcement seized 42 illegal firearms, as well as illegal drugs. Arraignments occurred today for the defendants. If convicted of all charges, the defendants face a range of possible sentences from three years to life in prison. A readiness hearing is set for November 3 at 8:30 a.m. in Department 1102 of the Superior Court downtown. Trial is currently set for November 14 in Department 102.

Several agencies worked together on the investigation and subsequent arrests, including the San Diego County Sheriff’s Department, El Cajon Police Department, Escondido Police Department, Chula Vista Police Department, La Mesa Police Department, Oceanside Police Department, National City Police Department and the Narcotics Task Force. The DA’s Office also received assistance from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

The Hells Angels are an international outlaw motorcycle gang with chapters across California and an active chapter in San Diego County. They gain strength in numbers by developing support or puppet clubs, including at least five in San Diego. The Hells Angels profit by trafficking in guns and drugs, as evidenced by search warrants executed last Thursday netting 35 firearms. In addition to running guns and drugs, the Hells Angels have been well-known to have a virulent streak of racism, demonstrated by their pervasive use of Nazi symbols and images.

In a separate case, the District Attorney’s Gangs Unit is also prosecuting a recent Hells Angels President for another unprovoked attack on a former Hells Angels associate at a crowded IHOP restaurant in Clairemont. That attack left the victim with broken bones in his face.

#

About the San Diego County District Attorney’s Office

The San Diego County DA’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

August 6, 2020
For Immediate Release

Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

DA Files Hate Crime Charges in Connection with Assault on Black Lives Matter Protest in Imperial Beach

The San Diego County District Attorney's Office said today it has filed felony assault and battery charges and hate crime allegations against two men who assaulted a Black journalist covering a peaceful Black Lives Matter protest in Imperial Beach. Jeffrey Brooks, 38, and Henry Brooks Jr., 32, are out of custody and have a warrant for their arrest. Their arraignment dates have not yet been set.

The charges stem from an incident on June 7, during which Black Lives Matter protesters were peacefully marching in Imperial Beach. The defendants began verbally and physically antagonizing the protesters, and Henry Brooks Jr. threw eggs at them. While recording the scene, the victim was sucker punched in the head by Jeffrey Brooks, causing him to fall backwards and hit his head on the ground.

"Protecting our community from hate crimes is a priority for my office because hate erodes our right to equality and fairness, and it leaves an impact on the victim and everyone who shares the victim's race." District Attorney Summer Stephan said. "We will not tolerate the intimidation or violent interference with protesters or a journalist who are lawfully exercising their First Amendment rights."

If convicted of all charges, Jeffrey Brooks faces three years in custody and Henry Brooks Jr. faces six years.

In both 2019 and 2018, the District Attorney's Office filed hate crime charges against 30 individuals. The number represents a continued increase from cases filed in previous years. Historically, race-based hate crimes make up between 50 and 60 percent of all hate crimes in the County.

Earlier this year, the District Attorney's Office set up a new online form and hotline where the public can report suspected hate crime they've witnessed in San Diego County. The tool is partly in response to reports of hate-related incidents aimed at the Asian community across the nation in the wake of the COVID-19 pandemic, as well as the arrest of a 66-year old man in San Diego, who physically attacked a man he perceived to be Chinese-American.

Follow the District Attorney's Office on



“We know that people often don’t report hate crimes because of fear or shame, and we wanted to provide a direct avenue to encourage victims or witnesses to hate crimes to report,” DA Stephan said. “People can and should continue to report hate crimes to their local police departments and Sheriff’s Department. This additional reporting mechanism will act as a safety net and help ensure reports are reviewed and shared by law enforcement.”

The **online reporting form** can be found on the District Attorney’s website **here**. The Hate Crimes Hotline number is 619-515-8805.

Individuals submitting information about a suspected hate crime will be contacted with information about the DA’s review of the report and any action that may be taken. The public is reminded that hate speech in and of itself often does not rise to the level of a hate crime, but it could escalate to criminal behavior. By law, a hate crime is a criminal act committed against another person that is motivated by prejudice against a person’s race, ethnicity, religion, gender, sexual orientation or disability.

#

About the San Diego County District Attorney’s Office

The San Diego County DA’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

330 West Broadway
San Diego, CA 92101
(619) 531-4040

SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

December 27, 2021
For Immediate Release

Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

DA Files Hate Crime and other Charges Against Man Who Hung Anti-Semitic Banner over Interstate 805

The Defendant Hurlled Anti-Gay Insults, Attacked Neighbor Weeks Earlier

San Diego County District Attorney Summer Stephan announced criminal charges today against a man who attacked his neighbor on November 10 while yelling anti-gay slurs. Robert Frank Wilson, 40, is charged with one count of felony battery and a hate crime allegation. He was arraigned today in San Diego Superior Court in the South Bay and pleaded not guilty. Prosecutors say Wilson blocked his neighbor's driveway, got out of his vehicle and started yelling homophobic slurs at the victim. At one point, Wilson reached into the window of the victim's vehicle and struck him in the face.

About five weeks after the incident, on December 18, Wilson was cited by the San Diego Police Department for working with a group of people to hang a large anti-Semitic poster on the fence of an Interstate 805 overpass in violation of the San Diego City Municipal Code. The DA is including the code violation as part of the charges it filed against Wilson. If convicted, he faces up to three years, six months in prison.

"This case and these events demonstrate that those who are motivated by prejudice often spread their hate around to various groups, attacking our neighbors on the basis of race, religion, sexual orientation or other grounds," DA Summer Stephan said. "Hate against one group is a threat to everyone and we won't tolerate these crimes in our community. Anyone considering committing a hate crime should think again as they will be investigated, prosecuted and held accountable under the law."

Prosecuting hate crimes is a priority for the San Diego County District Attorney's Office. The DA has nearly tripled the number of hate crime cases it has prosecuted in recent years, filing 21 cases in 2020 and 30 such cases in 2021.

Last year, in response to reports of hate-related incidents aimed at the Asian community across the nation in the wake of the COVID-19 pandemic, the District Attorney's Office announced a new online form and hotline where the public can report suspected hate incidents and hate crimes they've been a victim or witness to in San Diego County. The [online reporting form](#) can be found on the District Attorney's website [here](#). The Hate Crimes Hotline number is 619-515-8805.

Individuals submitting information about a suspected hate crime will be contacted with information about the DA's review of the report and any action that may be taken. The public is reminded that hate speech in and of itself often does not rise to the level of a hate crime but is relevant as it could escalate to criminal behavior. Hate crimes are often preceded by hate speech. By law, a hate crime is a criminal act committed against another person that is motivated by prejudice against that person's race, ethnicity, religion, sexual orientation, gender identity or disability.

Wilson will next be in court on January 5 for a readiness hearing. His preliminary hearing is scheduled for January 19.

###

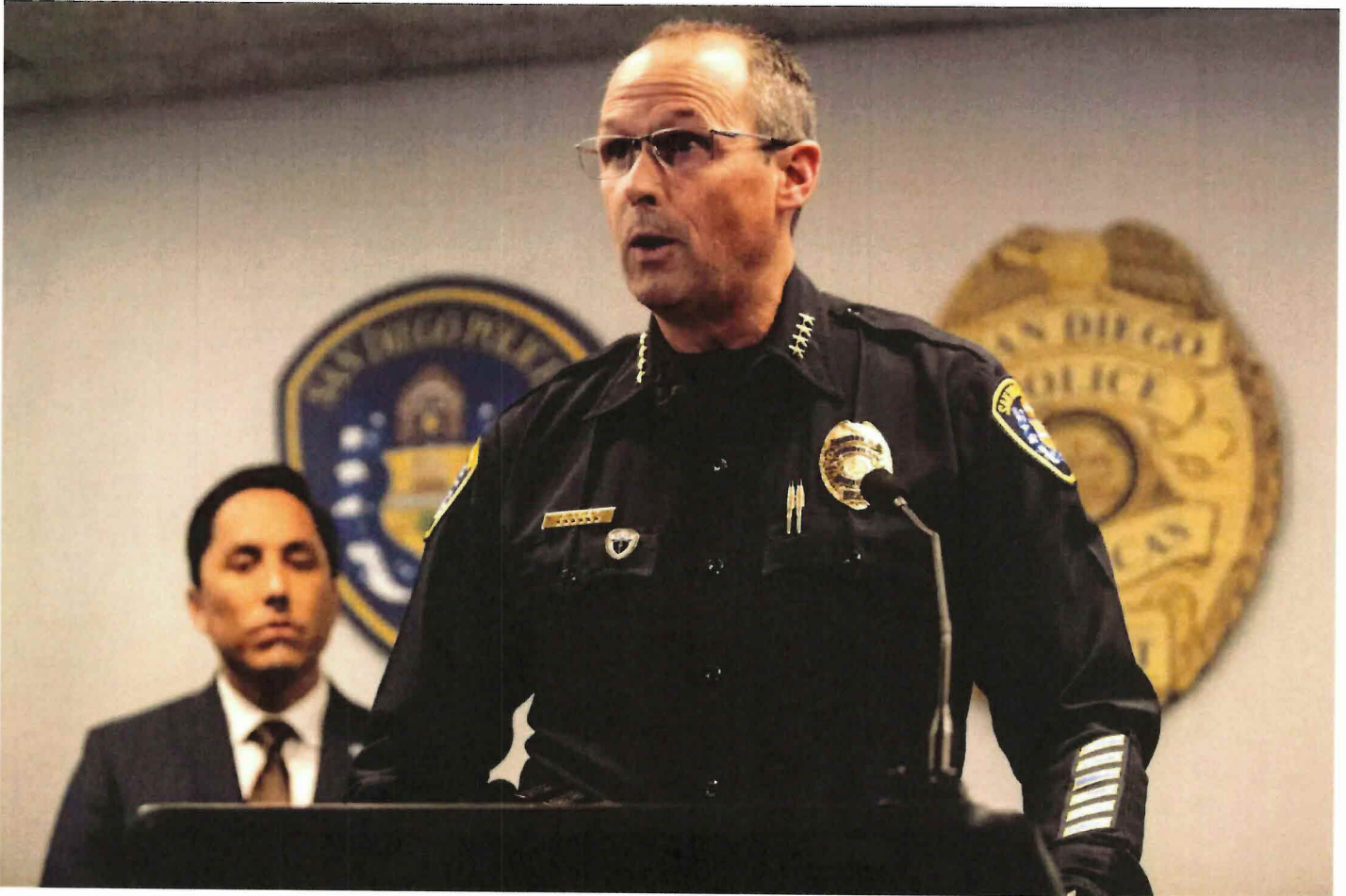
About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.



PUBLIC SAFETY

Operation takes down suspected San Diego criminal network with ties to White supremacist groups



San Diego police Chief Dave Nisleit speaks during a news conference regarding a 10-month operation that netted 71 arrests, guns, drugs, stolen cars and more at the San Diego Police Department Headquarters on Tuesday. (Meg McLaughlin/The San Diego Union-Tribune)

San Diego police Chief David Nisleit said Operation Red Rider began with complaints and tips about drug trafficking at a house in North Clairemont

BY DAVID HERNANDEZ

JAN. 24, 2023 6:38 PM PT

SAN DIEGO — A 10-month, San Diego police-led operation resulted in 71 arrests in a case they said took down a network of criminals with ties to White supremacist groups, officials announced Tuesday.

Operation Red Rider linked several of the suspects to drug trafficking, illegal gun sales, home invasion robberies, auto thefts and other crimes, police said. Many of the suspects were arrested on suspicion of drug and gun charges.

San Diego County District Attorney Summer Stephan said during a news conference that the suspects have ties to White supremacist street gangs, which adds “another layer of public safety concerns for law enforcement and our office.”

Officials would not specify with which groups the suspects are allegedly associated. The details, officials said, will be revealed as the cases are prosecuted.

As part of the operation, police seized seven guns and 530 rounds of ammunition, as well as seven pounds of methamphetamine, nine ounces of fentanyl powder, six ounces of heroin, four ounces of ketamine and 1,000 counterfeit oxycodone pills. They also recovered 24 stolen vehicles and found an illegal butane honey oil lab.

“These are the drugs that are killing our San Diego citizens, they are weapons that are being used to hurt our communities, and I’m pleased to say now these criminals are being brought to justice,” Mayor Todd Gloria said during the news conference.

Police Chief David Nisleit said the investigation started with complaints and tips about drug trafficking at a house on Noah Way in North Clairemont. A records check revealed several calls for service tied to the home, including two reports of overdoses. One of the overdoses resulted in a death on Dec. 2, 2021.

“This operation is yet another example of how law enforcement responds when the community calls for help,” Stephan said.

Nisleit added: "It's just great investigative work, but again, it starts with the community reaching out to us."

The investigation led to several arrests and 25 criminal cases in recent months, Stephan said. On Thursday, SWAT teams executed more search warrants and made additional arrests at six locations across the city, including in Serra Mesa, Clairemont, Bankers Hill and Point Loma Heights.

Nisleit and Stephan said the criminal network operated so-called trap houses, or drug houses, at the locations.

Stephan said nearly 50 defendants are charged in San Diego Superior Court. Others remain under review by her office.

While officials said the defendants are tied to White supremacist groups, the charges do not include conspiracy, and many of the defendants were charged in separate cases. Stephan said the cases will be prosecuted by gang and narcotics prosecutors.

Many of the cases involve drug charges. Officials said drug seizures during the operation will likely prevent overdoses.

"One defendant alone had 500 fentanyl pills," Stephan said. "That is a recipe for death in our community."

Other cases stem from violent crimes. In one home invasion robbery case, the assailant woke up the victim at gunpoint, robbed him and assaulted him, Stephan said.

Nisleit said the operation sent a message to criminals.

"If you are involved in criminal activity and harming our community with violence, you can expect a knock on your door," Nisleit said.

The investigation is ongoing, and additional arrests are expected.



David Hernandez

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330 West Broadway
San Diego, CA 92101
(619) 531-4040

SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

April 21, 2022
For Immediate Release

Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

DA Charges Juvenile Stabber with Hate Crime; Investigation into Bystanders is Ongoing

Noting a rise in hate crime prosecutions and declaring that such crimes won't be tolerated, San Diego County District Attorney [Summer Stephan](#) today announced her office is charging the 16-year old who stabbed another teenager in the back with one count of attempt murder, and one count of assault with a deadly weapon. Both counts carry hate crime special allegations, as well as personal use of a deadly weapon and personal infliction of great bodily injuries special allegations. Accountability in juvenile court is focused on rehabilitation and is handled differently than in adult court, and includes a range of sentencing options that the court can consider.

In court today, prosecutors put no facts on the record in court today. Juvenile proceedings are confidential, and the DA is limited on what information can be released publicly. The investigation into the incident and the potential criminal acts by other individuals involved is ongoing and additional charges could be filed in the pending criminal case. DA Victim Advocates are working to support the victim's family and ensure their safety in the aftermath of the stabbing and initial stages of the criminal prosecution.

"Multiple aspects of this incident are appalling and as our investigation moves forward, we will be sure to hold everyone accountable for whom the evidence shows committed a crime," said DA Stephan. "We've seen a disturbing increase in hate crimes, with the highest number being committed against persons who are Black. Anyone who commits these crimes will be held accountable under the law and I join the community in their outrage regarding such incidents. Our office is dedicated to not only prosecuting hate crimes and holding perpetrators accountable under the law. We also educate the public on what constitutes such a crime and how to prevent them while also delivering the message that they won't be tolerated."

Prosecuting hate crimes is a priority for the San Diego County District Attorney's Office. The DA has nearly tripled the number of hate crime cases it has prosecuted in recent years, filing 21 cases in 2020 and 30 such cases in 2021.

In 2020, in response to reports of hate-related incidents aimed at the Asian community across the nation in the wake of the COVID-19 pandemic, the District Attorney's Office announced [a new online form and hotline](#) where the public can report suspected hate incidents and hate crimes they've been a victim or witness to in San Diego County. The online reporting form can be found on the District Attorney's [website here](#). The Hate Crimes Hotline number is 619-515-8805. Individuals submitting information about a suspected hate crime will be contacted with information about the DA's review of the report and any action that may be taken.

The public is reminded that hate speech in and of itself often does not rise to the level of a hate crime but is relevant as it could escalate to criminal behavior. Hate crimes are often preceded by hate speech. By law, a hate crime is a criminal act committed against another person that is motivated by prejudice against that person's race, ethnicity, religion, sexual orientation, gender identity or disability.

Today, the court set a readiness hearing in the case for June 6 at 8:30 a.m. in Department 6 of the Juvenile Court.

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<https://lawandcrime.com/crime/recipe-for-death-drug-raids-of-white-supremacist-crime-syndicate-highlight-fentanyl-threat/>

70 Arrested in Massive Drug Raid On White Supremacist Crime Ring

JASON KANDEL Jan 25th, 2023, 4:59 pm

99 comments_

SHARE



A photo shows money, drugs and guns seized in Operation Red Rider in San Diego. (Photo from San Diego Police Department)

Authorities in San Diego arrested 70 people and seized meth, fentanyl, heroin, guns, and stolen cars in a series of raids on individuals connected to white supremacist groups.

Local, state, and federal authorities wrapped up Operation Red Rider this week, a 10-month investigation against what authorities said was a well-organized crime syndicate.

“We will not tolerate lawlessness in San Diego,” San Diego Mayor Todd Gloria said in a news conference. “These are the drugs that are killing our San Diego citizens. They are weapons that are being used to hurt our communities.”

(More Law&Crime Coverage: LIVE: Alex Murdaugh Murder Trial Begins with Opening Statements After Jury Is Seated)

The case came about from tips about drug trafficking in North Clairemont, about 10 miles north of downtown San Diego, officials said.

San Diego Police Chief Dave Nisleit said officers had responded to numerous calls, including two overdoses, at a home there. One resulted in a death on Dec. 2, 2021, he said.

Many of the people who frequented the area were part of a larger criminal network connected to white supremacist groups involved in drug trafficking, illegal gun sales, fraud, and auto theft, the chief said. Narcotics detectives linked the suspects to an investigation of an armed carjacking and multiple home invasion robberies in the city of San Diego.

(More Law&Crime Coverage: Brothers Arrested in 1997 Cold-Case Killing of Man Whose Headless, Handless Body Remains Unidentified)

As part of the operation, SWAT teams raided six homes and searched cells in the county, state, and federal prisons. Authorities seized 7 pounds of methamphetamine, nine ounces of fentanyl, over 1,000 counterfeit oxycodone pills, six ounces of heroin, four ounces of ketamine, seven firearms, and over 500 rounds of ammunition. Twenty-four stolen cars were also recovered.

Shelly Howe, a special agent with the U.S. Drug Enforcement Administration in San Diego, said 127,000 potentially deadly doses of fentanyl were seized.

“In 2021, 800 San Diegans died of fentanyl-related overdoses,” she said. “Our work is not done. Drug trafficking is a violent crime. It’s affecting the safety and security of our communities. The drug dealers and the cartels are driving the addiction in our county and in our country.”

San Diego District Attorney Summer Stephan outlined the charges.

“Drug-related charges involve the sale of just about every kind of dangerous drug you can think of,” she said. “One defendant alone had 500 fentanyl pills. That is a recipe for death in our community.”

She said in one case one of the suspects walked up to a victim at gunpoint and robbed and assaulted him, taking cash, guns, and electronics.

(More Law&Crime Coverage: Man Accused of Shooting Pregnant Ex-Fiancée in Amazon Parking Lot Faces Murder Charges After 9-Day-Old Newborn Dies)

Authorities found a hash oil lab at one house, a potential explosion hazard.

Neighbors said they hope the arrests will make the streets safer.

“Everybody tries to make this neighborhood nice,” Yvonne Sanchez told NBC San Diego. “That’s what is sad to us, that that’s going on across the street.

“I want all the kids to come back and run around in our streets, but it’s not possible with what’s across the street.”

Have a tip we should know? tips@lawandcrime.com

Standing together in fight against hate

By Summer Stephan - 11/23/2022



District Attorney Summer Stephan

This month San Diego County is participating in the statewide United Against Hate Week campaign, an anti-hate awareness effort to call for local civic action to stop the hate and biases that pose a dangerous threat to the safety and civility of neighborhoods, towns, and cities. Unfortunately, hate crimes have increased across our nation, state, and region. By learning about hate crimes and how to stand against them and report them, we can make everyone safer.

For those who don't already know, prosecuting and preventing hate crimes is a priority for me as District Attorney. In recent years, we've tripled the number of hate crimes prosecutions, sending an unwavering message that hate crimes will not be tolerated. Last year alone, we prosecuted 30 hate crimes cases, up from 21 in 2020.

We recognize the distinctive fear and stress suffered by victims of hate crimes, including the potential for reprisal, escalation of violence, and the far-reaching negative consequences that hate crimes have on our community.

A hate incident is an act, which is bias-motivated, but does not rise to the level of a hate crime. For example, if someone uses a racial slur against another it probably isn't a hate crime, rather a hate incident. It's important to understand the difference between an act that is understandably upsetting, and an act motivated by hate or bias that is a crime.

A hate crime is against an individual or property that is substantially motivated by bias against the victim's:

- Race/ethnicity/nationality
- Religion
- Sexual orientation
- Gender
- Disability
- Victim's association with any above group

In 2020, I set up an online reporting form and hotline on our public website where anyone can report a suspected hate crime they witnessed in San Diego County. The tool was partly in response to reports of hate-related incidents aimed at the Asian community across the nation in the wake of the COVID-19 pandemic. The online reporting tool, email and phone number are available for reporting of any type of suspected hate crime.

We know that people often don't report hate crimes because of fear or shame, and we wanted to provide a direct avenue to encourage victims or witnesses to hate crimes to report. People can and should continue to report hate crimes to their local police departments and Sheriff's Department. This additional reporting mechanism will act as a safety net and help ensure reports are reviewed and shared by law enforcement.

If you have been a victim of hate crime, here are tips on what to do:

- If you are seriously injured, call 911 or get to the hospital immediately.
- Whether or not you are injured, report the crime.
- To help yourself, it is important to do at least some of the following:
- See a doctor to treat and document even minor physical injuries.
- Take pictures of any physical injuries or damages to property, even if police already did so.
- If the crime is vandalism, let the police see and photograph the damage before you clean and/or repair.
- If possible, get witnesses' names, addresses and telephone numbers.
- Write down as many facts about the incident as you can remember.
- Seek a therapist to assist with the emotional aspects of the attack.
- Learn the names of the police officers and prosecutors working on the case and keep in touch with them.
- Get copies of police reports and check them for accuracy.
- Attend necessary court hearings, whether you are subpoenaed, including arraignment, bail review and sentencing.
- If possible, make a statement in court to the judge about threats, direct or indirect, and possible fears.

The public can find the DA's online reporting form by searching for hate crimes at www.SanDiegoDA.com. The Hate Crimes email address is hatecrimes@sdcca.org and the phone number is 619-515-8805.

As your District Attorney, I'm committed to increasing communication and accessibility between the DA's Office and the public. I hope these consumer and public safety tips have been helpful.

PRESS RELEASE

San Diego Law Enforcement Leaders Condemn Anti-Asian Hate Crimes

Friday, March 19, 2021

For Immediate Release

U.S. Attorney's Office, Southern District
of California

Kelly Thornton (619) 546-9726

NEWS RELEASE SUMMARY – March 19, 2021

SAN DIEGO – Acting U.S. Attorney Randy Grossman, San Diego FBI Special Agent in Charge Suzanne Turner and San Diego County District Attorney Summer Stephan today condemned racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders in the United States and urged members of the community to report hate-based crimes and incidents to law enforcement.

“Acts of hate have no place in our community,” Grossman said. “No one should be targeted because of who they are or where they are from. When someone is targeted because of their race or ethnicity, terror reverberates to every member of their community. We want to receive reports of activities motivated by hate so that we can address civil rights violations, as well as hate and bias incidents.”

“The FBI and our partners at the United States Attorney’s Office and the District Attorney’s Office simply won’t tolerate crimes spurred by hate and which are meant to intimidate and isolate the groups targeted,” said SAC Turner. “People of all races, ethnicity and national origins deserve to feel safe in their communities. If a crime is shown to be motivated by bias, it will be investigated by the FBI and the perpetrators held responsible for their actions.” SAC Turner emphasized, “Today, we are reminding the public to report information regarding any hate crime to the FBI.” Members of the public may report a potential hate crime to the Federal Bureau of Investigation at 1-800-CALL-FBI or online at www.tips.fbi.gov.

“Hate crimes are despicable and inexcusable, said Stephan. “Protecting our community from hate crimes is a priority for my office because hate erodes our right to equality and fairness, leaves a lasting impact on the victim and instills fear in the wider community. Hate won’t be tolerated, and I encourage the community to report both hate incidents and hate crimes.” Stephan said the San Diego County District Attorney’s Office has seen a three-fold increase in hate crimes targeting Asian communities in San Diego County and is currently prosecuting several such criminal cases. The DA’s Office has established an [online tool](#) at SanDiegoDA.com where the public can directly report suspected hate crimes.

The U.S. Attorney’s Office and the Federal Bureau of Investigation review information and community reports about potential hate crimes for potential prosecution, and also provide assistance to local, state, and tribal law enforcement with investigations of hate crimes through their participation in the San Diego Regional Anti-Hate Crime Coalition. Local leaders, including Assistant U.S. Attorney and Civil Rights Enforcement Coordinator Christopher Tenorio and Deputy District Attorney and Lead Hate Crimes Prosecutor Leonard Trinh, will participate in a webinar hosted by Alliant International University ABC 10 News, San Diego, on March 23, 2021, titled “Unpacking Domestic Terrorism: Combating Hate & Targeted Violence Against the Asian-American Community.”

For information about this event, please see attached flyer.

The most recent statistics on hate crimes are available here [2019 Hate Crime Statistics](#) from the FBI’s Uniform Crime Report.

Additional resources regarding hate crimes and bias incidents are here:

<https://civilrights.justice.gov/#your-rights>

<https://www.fbi.gov/investigate/civil-rights/hate-crimes#FBI-Resources>

Updated March 19, 2021

Topics

Antisemitism Today: A San Diego Town Hall with Mayor Todd Gloria

December 8, 2022 @ 6:00 pm - 7:30 pm

The poster features a large portrait of Mayor Todd Gloria in a dark suit and light blue tie, smiling. To the left, the text reads: "FIGHTING HATE FOR GOOD", "Antisemitism Today: A San Diego Town Hall with Mayor Todd Gloria", "Thursday, December 8, 2022", and "6:00-7:30 PM PST". To the right of the portrait are four small headshots of panelists: Summer Stephan (San Diego County District Attorney), Sheri Sachs (Community Leader and Activist), Fernando Lopez (Executive Director of San Diego Pride), and Karen Parry (Executive Director of Hillel San Diego). At the bottom left, it says "HOSTED BY ADL & Temple Emanu-El" and "MODERATED BY ADL San Diego Regional Director Fabienne Perlov". At the bottom right are the logos for ADL and Temple Emanu-El. A small disclaimer at the bottom right of the poster reads: "ADL, San Diego and co-sponsoring organizations for this event are non-partisan 501(c)(3) organizations. We do not endorse or support individual candidates, nor support a specific party. We do not take sides in electoral politics, and neither make do not reflect the organizations' positions."

The Anti-Defamation League of San Diego and Imperial Counties and Temple Emanu-El invite you to join a Town Hall on Antisemitism with Mayor Todd Gloria and a panel of local leaders.

Join us in person on:

Thursday, December 8, 2022, from 6:00 p.m. to 7:30 p.m. Pacific Time at Temple Emanu-El in the Del Cerro neighborhood of San Diego.

The panel will include San Diego Mayor Todd Gloria, Executive Director of Hillel of San Diego Karen Parry, Jewish community leader and activist Sheri Sachs, San Diego Pride Executive Director Fernando López, and San Diego District Attorney Summer Stephan.

In 2021, ADL tracked the highest number of antisemitic incidents ever recorded in the United States. Locally, the Jewish community of San Diego County saw an alarming 31% rise in antisemitic incidents. Amid these alarming trends, building bridges between local leaders and community members through conversation and understanding is essential to combatting the rising tide of antisemitism and hate. In addition to connecting the panelists directly with community voices, this forum will allow an opportunity for community members to hear from their local leaders on the issues that matter most to them.

For security reasons, registration will close on December 5th at 11:59 p.m. PST. You must register by then in order to attend. Upon arriving, attendees must check-in outside the venue and go through a security screening process. Temple Emanu-El's parking lot may reach capacity, but there is plentiful street parking along Capri Avenue and Del Cerro Boulevard. All individuals must register separately.

Guests are required to be fully vaccinated, as defined by the CDC. Mask wearing is encouraged but not required. Please test at home before attending the event to confirm you are negative for COVID-19. Please do not attend if you are experiencing any COVID-19 symptoms or feeling unwell. Attendance at the event indicates agreement with our COVID-19 policies.



City of San Diego



City of San Diego Pledges to Stand United Against Hate |
Inside San Diego | City of San Diego Official Website

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COLUMNS

Column: DA Stephan quits GOP, saying her voter registration became a burden on the job

County's top prosecutor said perception of partisanship has been a concern in pursuing public corruption cases, connecting with the public

BY MICHAEL SMOLENS | COLUMNIST

OCT. 11, 2019 5 AM PT

Summer Stephan says her longtime affiliation with the Republican Party is interfering with her role as San Diego County district attorney, so she's shedding it.

Stephan becomes the latest high-profile officeholder in San Diego to leave the GOP, following City Councilman Mark Kersey, now an independent, and Assemblyman Brian Maienschein, a Democrat.

In announcing their moves, Kersey decried the polarizing partisanship of both the Republican and Democratic parties, while Maienschein criticized the direction of the GOP under President Donald Trump. In an interview, Stephan said her decision to re-register to "no party preference" was a professional one and declined to give her views on the Republican Party or the president.

"I don't want to opine about politics because that's exactly what I'm trying to get away from," she said in an interview.

Stephan said she has never viewed herself as much of a political person and joined the Republican Party at age 18 because her parents were members. She said she always “voted my conscience” and that her party affiliation had not been an issue during her three decades in the District Attorney’s Office. That changed, she said, when she ran for and won the top job last year.

“When I became the elected DA, I started to notice that it did make a difference to people, to people especially with public corruption cases, and other types of cases,” she said. “In the past, people would make certain kinds of assumptions on how we’re going to handle it based on party registration. I started to see that it maybe was something worth really considering as the lead person of a nonpartisan, nonpolitical office.”

That raises the question about whether what she has encountered was — at least in part — a carry-over from the reign of her predecessor. Bonnie Dumanis, the long-serving Republican DA, pursued public corruption prosecutions of certain local Democratic officeholders that were viewed as partisan by some of their defenders. Dumanis denied politics played any role in pursuing those cases.

Stephan didn’t comment on Dumanis, but noted that she had worked for three different district attorneys. “I’ve learned lessons from all of them,” she said.

Regardless, she felt there was a concern in the here and now.

“Was the fact that I had a party registration inconsistent with those principles of a nonpartisan, nonpolitical (office)?” she said. “I’ve proven that I do the job with a nonpolitical lens . . . but to reflect that in a very clear way, I have to go to ‘no party preference,’” Stephan said, adding, “Sometimes perception is reality.”

Beyond that, Stephan said her Republican registration was causing her difficulty in connecting with some San Diegans. After county voters gave her a 25-point victory over former public defender Geneviève Jones-Wright, Stephan said she engaged in

aggressive neighborhood outreach to be more accessible and even wrote columns for community publications.

“But I still felt sometimes people didn’t feel they could approach us because they still think that there’s some political angle of being DA,” she said. “I just want to remove that.”

Rumors that she might drop her Republican registration surfaced in the late summer and she recently told the [Voice of San Diego](#) she was seriously considering doing that.

In the interview with the Union-Tribune, Stephan said she grew concerned about the partisan label during her campaign, but felt that wasn’t the time to change it.

“It became an issue during the election,” she said. “But I do not make decisions politically, so I did not want to make a decision during an election.”

Stephan’s campaign for district attorney was her first ever for elective office. Being a Republican, along with running as the appointed incumbent, had its benefits. She had backing from the party and Republican-leaning groups. Jason Roe, the local Republican establishment’s go-to political consultant, ran her campaign. She also had endorsements from some high-profile Democrats.

Her campaign raised enough money to overcome big spending on behalf of Jones-Wright. With Roe as her strategist, Stephan waged a campaign that both highlighted her decades of experience as a prosecutor and harshly accused not only her opponent of being anti-law enforcement, but the Democrat’s political benefactor, international billionaire investor-philanthropist George Soros, as well.

Much of the fire was aimed at Soros, who has spent millions around the country backing candidates, like Jones-Wright, who advocate for criminal justice reforms that include lower sentences for lesser crimes, no-cash bail and stricter guidelines for when police

use force and make arrests. Ads and websites superimposed a picture of Soros over an image of members of Antifa, the movement of left-wing, militant, anti-fascist groups.

Some of Jones-Wright's political staff and supporters accused Stephan's campaign of fear-mongering and even anti-Semitism targeting Soros. In the interview, Stephan made no apologies for the campaign but didn't directly address the Jones-Wright camp's claims.

As she did last year, Stephan criticized an outsider like Soros spending heavily to influence a local election.

She said she had backing from many members of San Diego's Jewish community: "Obviously, the Jewish community is very, very important to me — and they were huge supporters. I mean their support was incredible."

Stephan said she works on a daily basis with the Jewish Family Service and its program to aid immigrants.

"So all of that noise and rhetoric, I don't pay attention to that," she said.

Regardless of her motivation, Stephan is dropping her Republican registration at a time when the party's fortunes in San Diego County continue to sink. Voter registration has been in a decline for years, Democrats are increasing their dominance on the San Diego City Council and gaining more members on the county Board of Supervisors, and the GOP so far has been unable to field a candidate for the 2020 San Diego mayoral election. Four of the region's five congressional seats are held by Democrats.

Running as a Republican has become increasingly difficult in more and more areas of the county.

Stephan said she's not thinking about the next election yet, but added she would be "honored" to serve beyond 2022. She said she's focused on other matters, including efforts to enhance protection of seniors, combat human trafficking and improve the interaction between mental health services and the criminal justice system.

"All of these things occupy my mind at this time," she said.

Stephan said some people might question the political wisdom of becoming an independent; it would be difficult to wage a successful campaign without a party's structural support, even for a nonpartisan office.

Contemplating that, Stephan reflected on what one of her heroes said.

"I love Maya Angelou and I kind of live by a lot of her words. You know, she says that 'Hope and fear can't occupy the same space' at the same time," Stephan said. "And so I choose hope. I would hope instead of running on fear and making decisions based on, 'Oh, goodness, what if I can't get elected?' — I don't want to live that way. I want to live with hope of what's the right thing to do right now.

"Do that, and let the chips fall where they may."

Update: Tony Krvaric, chairman of the Republican Party of San Diego County, sent a statement about Stephan dropping her GOP registration:

"Summer Stephan is a genuine public servant who never let her party affiliation affect her duties so it's unfortunate that it has been used against her as she pursues justice. San Diego County residents are fortunate to have her serve as our District Attorney."



Michael Smolens

<https://www.city-journal.org/article/the-five-best-prosecutors-in-america>

Thomas Hogan

The Five Best Prosecutors in America

They bring experience and integrity to their work, care deeply about the victims of crime, and refuse to play political favorites.

/ [Eye on the News](#) / Politics and law, Public Safety

May 04 2022/ [Share](#)

In 1940, then–U.S. attorney general Robert Jackson gave a [speech](#) to prosecutors, telling them, “While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst.” Jackson’s career exhibited this good side, and he went on to serve as the chief prosecutor in the Nuremberg trials of the Nazis. Jackson’s comments about the potential good and the potential evil of prosecutors ring true today.

To honor Jackson’s view of prosecutors, I have compiled a list of the five best and five worst in the United States today. The factors under consideration: public safety, fidelity to the rule of law, personal integrity, leadership, responsible innovations and training, community relations, office morale, and teamwork with other players in the criminal-justice system.

In the interests of starting with good news, let’s begin with the five best prosecutors. (I will describe the five worst in a separate article.) Fortunately, the United States has more than just five great prosecutors, but these five stand out, in my judgment.

Summer Stephan, San Diego: Summer Stephan has served as San Diego’s district attorney since 2017. She worked her way up the ranks, [serving as a line and deputy prosecutor](#) for almost 30 years and trying scores of cases before becoming chief prosecutor. She specialized in trying difficult homicide and child sexual-abuse cases. As district attorney, she kept San Diego one of the safest big cities in America, with [violent and property crime rates](#) well below those of cities like Chicago, Los Angeles, and Philadelphia. She doesn’t flinch from making tough calls. While she is a strong partner for law enforcement, she did not hesitate to [charge and convict](#) a deputy sheriff who shot an unarmed, fleeing suspect. Stephan also charged [Antifa activists](#) who attacked Donald Trump supporters. When George Soros funded [a public defender to run against her](#), Stephan took on the challenge and won, [stating](#) unambiguously that her opponent’s goal was “about advancing the rights of criminals over the rights of victims.” She was [endorsed](#) by an array of public-interest organizations, law enforcement, and other prosecutors. She recently announced an [innovative new program](#) to prevent crime by homeless people by focusing on getting them into mental health or drug treatment, instead of simply allowing them to camp out in the city. As a result of her strong leadership and integrity, she has been elevated to leadership

positions in the National District Attorneys Association and is running **unopposed** this year for reelection.

Kym Worthy, Detroit: Kym Worthy is the Wayne County prosecutor, making her the **chief prosecutor for Detroit**. With persistent poverty and a history of violence, Detroit is rightly considered a tough city for this task. But Worthy does an outstanding job in a tough environment. After earning her undergraduate degree from the University of Michigan and her law degree from Notre Dame, she went to work as a line prosecutor in 1984. She was first elected district attorney in 2004. When an investigation revealed corruption by Detroit mayor Kwame Kilpatrick, then a rising Democratic star, Worthy's team took on the politically hazardous prosecution of a member of her own party, **convicting Kilpatrick** and his aide of obstruction of justice in 2008. Years later, in 2016, Worthy presciently **discussed** prosecutors who refuse to prosecute gun crimes: "I realize . . . that the trend now is to decriminalize. [I]s the death of innocent children and how we deal with it really in this category? Get real." Detroit's first black district attorney, Worthy calls out the **"stop snitching" culture** that hampers prosecution of violent crime and prioritizes protection of witnesses. Worthy also established the first **elder-abuse unit** in the history of her office. Recognized by peers for her steady leadership and integrity, Worthy serves as a **national officer** for the Association of Prosecuting Attorneys. David LaBahn, executive director of the APA, commented, "Working with the limited resources of an economically challenged city, Kym Worthy's experience allows her to thoughtfully keep the balance between protecting victims and assuring defendants' rights."

John Durham, special counsel, Department of Justice: Durham served as the United States Attorney for the District of Connecticut from 2018–21 and is now **special counsel for the Department of Justice** to investigate possible wrongdoing related to opposition-research activities in the 2016 presidential election. That he has been deemed sufficiently trustworthy to serve under both Republican and Democratic administrations speaks volumes about his integrity. Durham started as a local prosecutor, learning the ropes by trying cases from DUIs to homicides. He then was selected as an Assistant United States Attorney for DOJ, prosecuting organized crime. Over the course of his career, he has been entrusted with investigating rogue FBI agents who conspired with the notorious Whitey Bulger in Boston and conducting an inquiry into enhanced-interrogation techniques at Guantanamo Bay. Always media-shy, he has been named one of Washington's **"most powerful, least famous"** people. Durham's current investigation into the Steele dossier in the 2016 presidential election already has resulted in **three people being charged federally**, and he is making well-connected Washington players sweat about their role in alleging that Russia influenced the 2016 presidential contest, a claim widely reported by the mainstream media but since shown to have all the indications of a political hit job. Durham's deep experience in the criminal-justice system, dogged insistence on the truth, and resolute intention to avoid the spotlight has earned him a reputation as a prosecutor's prosecutor.

Kenda Culpepper, Rockwall County, Texas: Culpepper is district attorney for Rockwall County, just outside of Dallas. Culpepper went to law school to be a prosecutor and joined the district attorney's office as a line assistant district attorney **immediately after graduation**. She then added another layer of experience before being elected district attorney by engaging in a criminal-defense practice, allowing her to see both sides of criminal issues. She was elected district attorney in 2008. For the last 14 years, serving next door to a district attorney's office in Dallas that has seen enormous changes in approach, Culpepper has witnessed both the good and

bad in criminal-justice reforms. Through it all, she has kept a steady course, punishing violent criminals and protecting victims while upholding the ethical rules for prosecutors. Though hers is the smallest county in Texas, she has served as president of the Texas District and County Attorneys Association and a delegate to the National District Attorneys Association, and was named the 2021 [Texas Prosecutor of the Year](#) for her innovative efforts to keep the criminal-justice system running during the Covid-19 pandemic. Even defense lawyers respect her. One remarked: “Kenda Culpepper is not only tough on crime, she is smart on crime—using all available resources to try to make sure the right man or woman is charged. Her ethics and professionalism make her a role model for all law enforcement officers.”

Matt Weintraub, Bucks County, Pennsylvania: Weintraub is the Bucks County district attorney in Pennsylvania, a county with over 600,000 residents. He is a [career prosecutor](#), having served as a line prosecutor in both Pennsylvania and New Jersey for over 25 years before becoming district attorney in 2016. Almost immediately after his election, Weintraub found his office involved in the case of a gruesome [quadruple murder](#); colleagues and commentators [praised](#) his steady demeanor and professionalism as he brought the killers to justice. In his role as a county prosecutor, Weintraub must coordinate the activities of roughly 40 law-enforcement agencies, from large police departments to agencies with just a few officers. Bucks County is immediately adjacent to Northeast Philadelphia, so Weintraub and his staff must deal with the lawlessness that crosses the border from Philadelphia. Weintraub has been an early adopter of critical programs like requiring [every police officer to carry Narcan](#) to revive overdose victims, tracking officers with credibility issues, and requiring independent investigations of officer-involved shootings, even when some police unions objected to these reforms. He serves on the executive committee of the [Pennsylvania District Attorneys Association](#). In a testament to his effectiveness and the respect of his community, Weintraub cruised to [electoral wins](#) in the 2017 and 2021 elections, when other Republican candidates were getting run out of office in the newly blue Philadelphia suburbs. Greg Rowe, the executive director of the prosecutors association, praised Weintraub as “dedicated and authentic . . . [working] tirelessly to help ensure community safety and victims’ rights.”

These five prosecutors share some common traits. They have deep experience as prosecutors, some of them in multiple jurisdictions and systems. They understand their mission to protect crime victims. They are uniformly tough on violent criminals while seeking safe and innovative ways to deal with low-level offenders. They don’t play political favorites. They work well with law enforcement and other prosecutors, while demanding that people play by the rules. Their personal ethics are outstanding, and they are respected as leaders by their peers. They have demonstrated that they can be trusted to do the right thing for the right reasons.

With violent crime spiking across the United States, we can take heart that plenty of outstanding prosecutors remain on the job. Without question, though, an increasing number of progressive prosecutors are refusing to prosecute criminals, even as lawlessness increases in their jurisdictions. In the next article, I will identify the worst of these prosecutors.

Chula Vista opens Holocaust exhibit

January 12, 2020



Chula Vista Mayor Mary Casillas Salas is surrounded in front rank by Holocaust survivors from left, Bela Mark, Lilly Hecht, Ursula Israelski, and, to her right, Salomon Schlosser. Behind them, in cap, is survivor Harry Rosen of San Diego and San Diego County District Attorney Summer Stephan. [Photos: Donald H. Harrison]

Other items in this column include

* *Coming our way*

* *Recommended reading*

Our Shtetl San Diego County

January 12, 2020

By **Donald H. Harrison**



Donald H. Harrison

CHULA VISTA, California — An eerie moment during the opening of an exhibit on Holocaust survivors who settled in the South Bay occurred when organizer **Sandy Scheller**, giving a speech at the podium, took a phone call, which she pretended was from her late mother, **Ruth Sax**, whose first name serves as an acronym for the exhibit's title: "Project Ruth: Remember Us The Holocaust."

After reciting to her mother the names of fellow Holocaust survivors, elected officials, and rabbis who were present, she quipped on Sunday, Jan. 12, into the phone, "I will, mom. I'll let everyone know to eat something."

Of course, Ruth Sax would worry about that, like many Jewish mothers of her generation, she would have wanted to make sure that no one went hungry, not like she and other Survivors did during the Holocaust.

Ruth needn't have worried, there were plenty of bagels, cream cheese, lox, egg salad, tuna salad, pasta, cookies, cakes and beverages to go around – and it was all kosher too, under the supervision of **Rabbi Mendy Begun** of



Poster of Ruth Sax and her concentration camp uniform was set alongside the dais at opening of Project RUTH exhibit

Chabad of Chula Vista, who served as master of ceremonies along with Stephen Smith, the executive director of the Shoah Foundation, which is based in Los Angeles at the University of Southern California.

The venue for the occasion was Chula Vista's main library at 365 F. Street, where a year-long exhibit will acquaint visitors with the history of the Holocaust through the eyes and mementos of survivors, some living, some now dead, who settled in Chula Vista and environs. In addition to Ruth Sax and her late husband Kurt Sax, they include Ursula Israelski, Salomón Schlosser,



Sandy Scheller pretends to take a call from her late mother Ruth Sax.

brothers Bela and Daniel Mark, Mark Fishauf, Paul Schauder, Lilly Hecht, Renee Vogel Haber, Sid Wapner, Max Weinstock, and Ona Yufe.



A portion of the crowd of several hundred who attended opening of the Project RUTH exhibit at the Chula Vista Main Library

Story boards citing aspects of their experiences are displayed in the library's roomy exhibit area, adjacent to the reception area in which several hundred people enjoyed a sit-down brunch hosted by Chula Vista Mayor Mary Casillas Salas.



Stephen Smith, executive director of the Shoah Foundation, chats with Chula Vista Mayor Mary Casillas Salas

Accordianist Mark Danisovszky, who is an accompanist at Temple Solel in Encinitas, softly played Jewish themed music during the brunch period leading up to the program, which began with a symbolic lighting of candles by Chabad of Las Vegas Rabbi Levi Harlig in acknowledgment of



Rabbi Dr. Michael Leo Samuel of Temple Beth Shalom schmoozes with Chabad Rabbis Levi Harlig of Las Vegas and Mendy Begun of Chula Vista

the survivors.

The Shoah Foundation's Stephen Smith said even though the Holocaust was a time of loss and trauma, today was a day for gratitude to the survivors who have shared their stories and who have "warned us what we (humanity) is capable of – to assure we don't go down that path again."

Today, he warned, "we see the same kind of anti-Semitism" as occurred during the Nazi period, and "we have to stand up for each other."

A reflection of this period of anti-Semitism was that uniformed members of the Chula Vista police department circulated both inside and outside the event hall.

The exhibit items found in the various displays "are not just objects," Smith said. "These are lives bequeathed to us. Our duty is to keep them in perpetuity."



San Diego County District Attorney Summer Stephan looks over exhibit case featuring her grandmother's story about the Armenian genocide

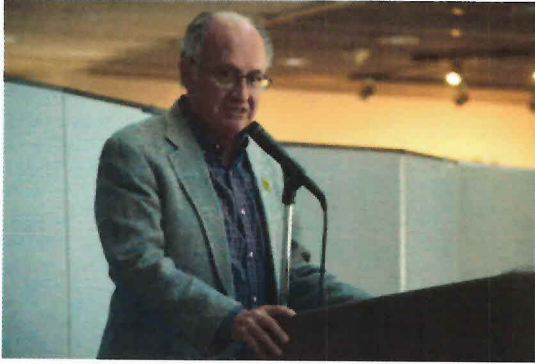
Mayor Salas said the exhibit is in keeping with the spirit of Chula Vista, which is "welcoming to all people." She said the city has opened its heart to many immigrants, "including my grandparents." She noted that while the exhibit focuses on the Holocaust, it also covers the



Arlene LaGary, president of Temple Beth Shalom, discusses Holocaust exhibits with Cheryl Rattner Price, executive director of the Butterfly Project, which memorializes the 1.5 million children slain in the Holocaust.

Armenian genocide. In particular, it tells the story of Therese Serapian, who survived the genocide and later became the grandmother of San Diego County District Attorney Summer Stephan, who was one of the dignitaries present.

Others dignitaries in attendance included San Diego County Supervisor Greg Cox, El Cajon City Councilman Gary Kendrick, Temple Beth Shalom Rabbi Dr. Michael Leo Samuel, and two South Bay residents who spoke briefly during the program, survivor Ursula Israelski, and Ceasar Castro, who spoke in behalf of the South Bay Historical Society and the Friends of the Chula Vista Heritage Museum.



Ceasar Castro spoke in behalf of the Friends of the Chula Vista Heritage Museum

Castro noted that each year the library offers an exhibit on a different aspect of Chula Vista history, with the centennial of the Chula Vista fire department to be featured in 2021, and the Filipino-American community of the South Bay in 2022.



Daniel Danisovszky played Jewish themed music at the brunch preceding the exhibit's opening

The exhibit officially was opened with a ceremonial ribbon cutting by Mayor Salas in which she was joined by the Survivors, their families, dignitaries, and organizers of the event.

*

- <https://www.kpbs.org/news/public-safety/2021/03/04/nationwide-rise-hate-incidents-against-asian-ameri>

All Streams

San Diego's Spike In Hate Crimes Against Asian Americans Mirrors National Trend

By **Claire Trageser** / Deputy Investigations Team and Digital Fellowship Editor
Published March 4, 2021 at 2:43 PM PST

Matthew Bowler

Sculptured lions guard the front of Jasmine Seafood Restaurant on Convoy Street. Aug. 25, 2016.

San Diego County has not been spared from the nationwide spike in racist attacks against members of Asian and Pacific Islander communities during the pandemic, records reviewed by KPBS show.

In 2020, the San Diego County District Attorney's Office filed charges in three cases of hate crimes against Asian Americans and has documented several other racist incidents. Also in 2020, the California-based advocacy organization [Stop AAPI Hate](#) collected 42 reports of racist incidents against Asian Americans and Pacific Islanders in San Diego County.

San Diego's Spike In Hate Crimes Against Asian Americans Mirrors National Trend
Listen to this story by Claire Trageser.

The three alleged hate crimes in 2020 is "three more than we've had in the last couple years," said District Attorney Summer Stephan. "That's what's disturbing, is we weren't seeing that type of hate crime directed toward our Asian community until COVID in 2020."

In May 2020, Stephan's office [set up a hotline](#) where people could call or make online reports of hate crimes and racist incidents. She said they received 110 reports to the hotline, and 10 were reports about incidents directed toward people of Asian descent.

However, Stephan did not file hate crime charges in one high-profile incident in February in which a man [allegedly punched an elderly Filipino woman on the trolley](#).

Instead, her office charged the man with elder abuse, which drew the ire of community advocates.

Stephan defended the decision, saying there wasn't enough evidence for a hate crime charge.

"What happened is atrocious, but for it to be a hate crime, you have to show motivated bias against a protected group, race, gender, sexual orientation, religion, or disability," she said. "We pursued looking for hate crime intent, and it doesn't mean it was not there, but we have to look for provable evidence."

Stephan said most of the 2020 reports don't meet the strict legal definition of hate crimes, but they help her office prosecute other crimes.

RELATED: Community Advocates Argue For Better Tracking of Asian-American Hate Crimes

"There's at least one incident where someone reported something that's less than a crime, but as we were able to do open source intelligence investigations, cyber investigations, we were able to see that this person was preparing for violence, they were amassing weapons and we were able to work with law enforcement to interrupt that cycle of violence," she said.

The 42 San Diego County incidents reported to Stop AAPI Hate mirror a national trend toward more hate crimes and racist incidents against Asian Americans. The group's records show 2,808 firsthand accounts of anti-Asian hate from 47 states and the District of Columbia between the middle of March 2020, when the pandemic set in, and the end of December.

"The trends are horrific," said Russel Jeung, a professor in San Francisco State University's Asian-American Studies Department who co-founded the Stop AAPI Hate group. "The attacks were pretty traumatizing, because it's unexpected that adults would bully others, that they would use such racial slurs and epithets."

He said attacks seem to only be escalating.

"Where they actually push and shove the elderly and actually kill them," he said. "It's scary for me to see how hateful America has become or maybe has always been."

However, Jeung said, the group did not collect the reports because they want increased criminal prosecutions. Instead, they are collecting evidence in the hopes that it will lead to changing civil rights policies to better protect Asian Americans and restorative justice programs.

"Restorative justice doesn't criminalize the perpetrator, but tries to educate him or her and tries to restore the relationship between the perpetrator and the victim," he said.

Community outreach

Among the group's efforts have been what they call "Chinatown strolls" in San Francisco and Oakland, where people go visit businesses, which are meant to create a sense of community safety.

"We don't need more patrols or more policing or more surveillance, we need more people to create a welcoming and safe environment," Jeung said.

San Diego City Councilman Chris Cate did something similar in the Convoy area during the start of the pandemic.

"We wanted to showcase the AAPI community, and to show support that it was OK, you can continue to visit your favorite restaurants and businesses," Cate said.

Cate's office has also received reports of racist incidents. They include "instances where someone was at a restaurant or gas station and was told go back to your country, go home, you don't belong here," he said.

Stephan said hate crimes must be pursued vigorously because they tear the fabric of communities in all corners of the county.

"It doesn't just affect that person, but when there are reports of a hate incident, it affects the whole community," she said. "My husband and kids are Asian American, and every time we hear about an incident, it's as if it happened to our own family."

https://www.huffpost.com/entry/the-democrats-case-for-summer-stephan_b_59556feae4b0c85b96c66050

This Democrat's Case for Summer Stephan

The Democrat's Case for Summer Stephan

By **Shawn VanDiver, Contributor**

Navy veteran and Director of the Truman National Security Project San Diego Chapter

Jun 30, 2017, 03:41 PM EDT

|Updated Jun 30, 2017

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The author and Interim District Attorney Summer Stephan at sunrise on Memorial Day 2016 just before distributing thousands of roses on the graves at Fort Rosecrans National Cemetery

SHAWN VANDIVER

The partisan rhetoric in our nation is at an all-time high in our modern history, the likes of which has not been seen since the Civil Rights fights in the 1960s.

When voting, many just stick with their party's pick all the way down the ballot. Following the 2016 presidential election, many in our country are now clamoring for independent candidates to run and win—but the simple fact is that winning elections costs money, political parties hold the majority of campaign funds and donations, and so until we change that, candidates must identify with a party.

I am a lifelong Democrat who supports smart, principled candidates and who has never voted for a Republican. However, I recognize that we need to step beyond partisan divides in order to achieve change both now and in the future—therefore, in 2018, I am voting for Summer Stephan for San Diego District Attorney because regardless of party, she is an independent, thoughtful, and progressive leader who will work relentlessly to improve our city.

Summer Stephan is the only declared candidate for San Diego County District Attorney, a non-partisan office here in our region. She's a veteran prosecutor with 27 years on the job who has faced some of our region's toughest cases. In just a few weeks, she will take up her appointed role by the San Diego County Board of Supervisors as Interim DA, filling the shoes of departing DA Bonnie Dumanis.

I met Summer through the Lawyer's Club of San Diego Human Trafficking Collaborative. I was immediately struck by how she filled up the room with her gravitas, all the while maintaining a humble and engaging demeanor as well as a quiet but confident voice. She spoke about victims of human trafficking in a compassionate manner, earned through years of working in the trenches with some of the most heartbreaking cases you've never heard of. With every case that landed on her desk, she has played an outsized role in ensuring fairness and justice for victims and their families.

Summer is dedicated to rehabilitation and understands that not everyone who breaks the law is malicious. She knows that sometimes life happens, and not everyone gets a fair shake. Therefore, when she's prosecuting someone, she works very hard to make sure that the punishment fits the crime.

Summer keeps a photo of a deceased former colleague on her desk. George Loyd was a heroic Marine and a Deputy District Attorney who opened Summer's eyes to the need for a Veterans Treatment Court—which they then founded together when she was the Chief of the North County Branch. Today, the Veterans Treatment Court is a model for the nation, helping folks who served their country and may be suffering invisible wounds by providing mental health treatment and job training. Upon graduation from the program, their criminal records are cleared so they are able to reintegrate into society.

When I mentioned my support for Summer in the company of some of my fellow [Democrats](#), I was shocked at their response. My party is supposed to be the party of acceptance and inclusion, and yet, here were some of my closest friends and colleagues taking shots at a woman they had never met and assumed the worst about. I won't apologize for supporting her, and I won't be shamed for not waiting to see who decides to run from the left. I will, however, explain why I think we should all be supporting her.

Summer has made a career of thinking about the big picture. She is a tough as nails prosecutor who seeks justice for the victims of crimes, but with the understanding that not everything is solved with jail time. She knows that we have a mass incarceration problem in our nation, and she knows that Black Lives Matter. She also knows that investing in someone who messed up, in the form of a diversion program, can result in better outcomes for the person and the community.

No doubt, some will reference the Stephanie Crowe case as a reason they oppose Stephan for DA—but I say they should look a little bit deeper. If one digs just a bit, they find that she was the second DA assigned to the case, and it was supposed to be temporary. They'll also note that she was relatively new in the DA's office at the time, and so when she arrived, the charges had already been filed, leaving her very little room. In fact, she argued that the cases should be dismissed against Crowe's brother and his friends. When she was sued for defamation by the family, the case was dismissed on the grounds of having no merit. It is clear that Summer is a great prosecutor, AND she leads with true integrity.

I am a lifelong Democrat and proud to be one. I am also a veteran, a single father, and the son of a single mother. I'm supporting Summer because she has proven, through 27 years of action, that her values are progressive and match mine. I don't care who her consultant is or what her party registration is. I care that she sticks to her values, keeps that stubbornness and dedication to duty she has always had, and remains a good steward of justice in San Diego.

San Diego Jewish World

There is a Jewish story everywhere!

District Attorney, AJC Regional Director Discuss the Holocaust and Antisemitism

August 29, 2023

SDJW Staff Report

SAN DIEGO — On February 13, 2023, San Diego County District Attorney Summer Stephan hosted a mandatory workshop on the Holocaust titled "What You Do Matters: Lessons from the Holocaust," training for 500 District Attorney office staff members (including approximately 300 prosecutors and 120 law enforcement investigators) using resources and materials from the United States Holocaust Memorial Museum.

Stephan's workshop came shortly before Sara E. Brown, PhD, Regional Director of American Jewish Committee San Diego, was named Regional Director of American Jewish Committee San Diego. Brown herself has a background in Holocaust, human rights, and genocide education.

The following interview took place between Brown and Stephan.

Sara E. Brown: Can you tell us a little bit about the "What You Do Matters: Lessons from the Holocaust" initiative?

District Attorney Summer Stephan: This was a very important initiative for me, our office goes through mandatory trainings twice a year... It is an opportunity to grow the competence, the understanding, the compassion of our team. We of course provide training on the basics – evidence, code, and other legal things – but this training, I felt it was needed – to get this training from the USHMM and from experts was very special. The reason is that there is the job we do, but then there is a ripple effect from the job that we do that we don't always focus on. What this training did is let us pause and think about how the role of prosecutors and law enforcement can actually destroy the fabric of communities if done incorrectly or if used by political forces in a certain way.

As I was studying more about the Holocaust, I realized that prosecutors and law enforcement were used by this evil government in order to normalize the abuse and the indignities brought on Jews. And I thought what if, inadvertently, someone tries to use our office, our law enforcement, or prosecutorial powers for an agenda. We need to have this learning because we know history repeats itself. And I think the learning was more impactful than I even thought it would be for our team.

Brown: Of all the choices out there, what prompted your decision for *this* training?

Stephan: I think antisemitism has always been ... a priority for us in San Diego because just statistically it's usually in the #2 category of hate crimes in our region. Anti-black hate is usually #1, antisemitism is #2. But the issue became personal when we had the Poway synagogue shooting and we lost Lori Kaye. It just took on a different meaning – it became a mission for us. How could this happen in our community? How can we be a part of the solution? How can I bring the understanding that while the Holocaust is so much in the past, it's still very real today. The hateful lessons from the people that perpetrated the Holocaust, those thoughts and ideas are the genesis for the anti-Jewish hate, the antisemitic hate in our current time.

So, I wanted to bring these lessons from the past to educate us about the present. And selecting this was because I wanted law enforcement to speak to law enforcement and a prosecutor to speak to prosecutors... Everybody sat up and paid attention because this wasn't just a random history lesson. This is about our current job and how we make sure that no one ever usurps our job to hurt people.



San Diego County District Attorney Summer Stephan. Photo courtesy of the District Attorney office.



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EXHIBIT 16

Brown: Thank you. Numerous studies drill down on the importance of Holocaust education, not only for our nation's youth, but also for all of society. And AJC's 2022 *State of Antisemitism* survey found that those who know about the Holocaust are more likely to recognize antisemitism. Have you found your staff mirror this important trend?

Sara E. Brown. Photo courtesy of the American Jewish Committee.

Stephan: I would hope that my staff was already prioritizing antisemitism and understood that, but I do think that training matters and real stories [matter]. This training brought images and sometimes images are more impactful than words. For example, images of a police officer walking with a Nazi military soldier, thus normalizing the use of prosecutors and police for the bidding of this horrific Holocaust.... I truly believe it brought our whole team to yet a higher level. Education is important.

Brown: As you well know, recently our community was subjected to hateful flyers in several neighborhoods around San Diego. Nobody should be subjected to these cowardly messages that seek to sow distrust and division and hatred. Hate has no place in San Diego and we were grateful to see local authorities take these incidents seriously. Can you speak to some of the efforts in your office?

Stephan: We take hate incidents very very seriously because we know based on evidence that it sometimes doesn't stop there, it's just the beginning, and it continues into action. We know that what happens is that people who get attention for their hateful speech then want to up their game from hateful speech to taking action.... We know that for a fact and this is why we take it so seriously.

In the DA's office, my office, we have a specialized unit addressing hate incidents and hate crimes, which includes a specialized prosecutor, a specialized investigator and victim advocate with. We train all our DAs and prosecutors but that unit is trained at even a higher level.

In addition, we set up a way for someone who doesn't want to call 911, because they think it's not a 911 call, or they are not even sure it's a hate crime. They can call our "hate line" or they can use either email or a web form or they can call (if they prefer old fashioned calls) and someone will respond to them, and take them through what they heard, what they saw, like these leaflets, and direct their attention in the right place. Sometimes people contact us thinking it's just a hate incident but in fact, it's crossed over to a crime. Because we don't want to leave anyone with the impression that words alone are not criminal. If words impart an immediate threat, they do become a crime, the crime of making criminal threats. We can't expect lay people to know all this nuance – this is why we encourage people to report and we take their reports very seriously.

Since I took this office, we've tripled our hate crimes prosecutions, because we do think accountability is important. It sends a message that this is serious. We charge these cases and we work with the victims. And we recognize that when it comes to hate crimes, your victim pool is everyone who shares the identity of the victim. So, we have to address it in a wider manner. This was why it was so important to me that my own team receives this kind of training on the Holocaust so that we can absolutely serve as our best and truly understand the history and the issues.

Brown: I want to thank you for being proactive and taking the lead to bring this important training to your staff. This is not just a Jewish issue, it's a societal one. And I'm certain that knowing you are working to combat antisemitism and fight hate in San Diego makes the Jewish community feel safer in these troubling times.

Stephan: I want to assure the Jewish community that we are here for you. We won't tolerate anyone hurting you or your family. We want your children to grow up without fear of hatred or any kind of harm. Everyone deserves dignity and should be able to practice their faith, their culture, their heritage without fear and without intimidation.

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

<p>THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Appellant,</p> <p style="text-align: center;">v.</p> <p>JEREMY JONATHAN WHITE, Defendant and Respondent.</p>	<p style="text-align: center;">For Court Use Only</p> <p style="text-align: center;">FILED Clerk of the Superior Court NOV 09 2023 By: T. Lancaster, Deputy</p> <hr/> <p>Case No SCD274477 DA No. AEX741</p>
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PROOF OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am employed in the County of San Diego, over eighteen years of age and not a party to the within action. My business address is 330 West Broadway, Suite 860, San Diego, CA 92101.

On November 9, 2023, a member of our office served a copy of the within **APPENDIX TO DISTRICT ATTORNEY'S RESPONSE TO DEFENDANT WHITE'S MOTION TO RECUSE THE SAN DIEGO COUNTY DISTRICT ATTORNEY'S OFFICE (PEN. CODE, § 1424)** to the interested parties in the within action by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid, in the United States Mail, addressed as follows:

CURTIS L. BRIGGS
Defense Attorney
1211 Embarcadero #200
Oakland, CA 94606

BRITTON LACY
Deputy Attorney General
Office of the Attorney General
660 W. Broadway, Suite 1800
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 9, 2023 at 330 West Broadway, San Diego, CA 92101.


Vanessa Acevedo