



THE WEST WING

Santa Clara County District Attorney's Office

70 West Hedding St., West Wing, San Jose, CA 95110



Service · Hard Work · Transparency · Integrity

Vol. 1, 2020



Silicon Valley to Selma: A Civil Rights Journey

The prosecutors walked across the Edmund Pettus Bridge, west to east across the Alabama River, in singles and small, silent groups. All of them were imagining what was waiting on the other side 54 years ago.

Flowing across the bridge – named after a senator and grand dragon of the Ku Klux Klan – that day in 1965 were civil rights protesters. On the other side were state troopers. And German shepherds. And a posse armed with rubber tubes wrapped in barbed wire.

Some 50 miles beyond them was the white marble capitol building in the middle of Montgomery, Alabama. On the other side of that bridge was the hope for voting rights for black citizens. On the other side were freedoms promised for 100 years after the Civil War - and broken for as many.

After his own visit to Alabama with the Glide Memorial Church, **DA Jeff Rosen** sent 15 prosecutors and two investigators to the deep south to experience the people and places that are seared into the American civil rights consciousness: the March from Selma to Montgomery, Martin Luther King Jr., the bus boycott started by Rosa Parks.

Deputy District Attorney Ann Huntley wasn't entirely sure she wanted to be there. As a black person from New Orleans, Alabama was a place you either avoided entirely or drove quickly through, hoping to God you didn't get stopped. And the Civil Rights education? Ann knew it. She lived it.

Others of us had brought comfortable walking shoes and lists of good places to eat biscuits and gravy. We knew Rosa Parks started the bus boycott in Montgomery. That first morning we took pictures of the actual bus stop she where she got on and sat in the front. **DDA Josue Fuentes** and then-**DDA Johnny Gogo** admired a fountain until some locals told them its original



(continued on page 2)

purpose. This was the spot where men, women and their children were brought up from a tunnel and sold in the one of the largest slave markets in the South.

Chief Assistant District Attorney Jay Boyarsky led the discussion of Bryan Stevenson's book "Just Mercy." The book documents the civil rights lawyer's shoe-string efforts to find justice for an innocent man on Alabama's death row and the many others who had been railroaded by a racist criminal justice system. We held the book club in the lobby of the Renaissance Hotel just feet away from a historic inaugural ball. Steven Reed had been elected days before as the city's first black mayor. Montgomery is about 60 percent African-American.

Some of us were proud of the bright-line distinctions that made our Office great: our growing staff diversity, our first-in-the-nation collateral consequences policy, our study of race and prosecutions, our Conviction Integrity Unit. Yet, as **Supervising Deputy District Attorney Chris Arriola** pointed out, the rate of people

of color we prosecuted still showed a dismaying disproportionality. What would Montgomery show us, about us?

The Legacy Museum, founded by Stevenson and the Equal Justice Initiative, is in small brick warehouse in the center of the capitol. It crowds you in, uncomfortably close to others there in the museum, and close to the atrocities.

SuDDA Sumerle Davis stood stunned in front of a set of jars containing soil from sites where black people were lynched. **Lt. Tanaya Rose** picked up a phone and heard the video recorded testimony of a black prisoner saying she had been sexually assaulted in jail, become pregnant and had her child taken away. **Lt. Myke Whittington**, a longtime cop, was drawn to a photo of an officer sicking a snarling German shepherd on a black teenager. **SuDDA Kaci Lopez** read about racism's constitutional underpinnings: from the 1842 Supreme Court decision that upheld the Fugitive Slave Act to 2013's *Shelby County v. Holder*, which many believe has been used to suppress black and other minority voters. **SuDDA Bud Porter** read about convict leasing – the lucrative and

longstanding practice of hiring out inmates to do hard labor.

By the end of the self-guided tour a few hours later, **Chief Trial Deputy Angela Bernhard** and **SuDDA Clarissa Hamilton** sat on a cushion together, exhausted, emotionally drained. We were halfway through our first day.

Assistant District Attorney Brian Welch wandered the National Memorial for Peace and Justice, otherwise known as the Lynching Museum, alone, admiring its beauty and struck by its brutality. Overlooking the city, it's the kind of spot usually reserved for mansions or parks. In this case, it is a memorial to mass murder.

Between 1877 and 1944, about 4,000 black men, women and children were lynched - tortured and killed by a mob and hung from a tree in most instances. Their death sentence transgressions? Refusing to abandon their land to white people. Having relationships with white women. Being black.

(continued on page 4)



Impact of an Intel Analyst

Assemblymember Kansen Chu this past October approved funding to five local law enforcement agencies to address the rise in auto burglaries. When **Supervising Deputy District Attorney Marisa McKeown** formed the Crime Strategies Unit and was given analysts, she saw the potential to support investigations in a different way and develop partnerships in the burglary arena. Then San Jose, Santa Clara, Milpitas, Fremont, and Newark police departments called asking the

CSU to take the lead and develop a plan to combat the auto burglary epidemic. She assigned **Intel Analyst Carly Honfi** to the project, known as the Regional Fencing Initiative. With the data acquired by the CSU analysts, they knew the take down of a major fencing racket – the transportation, buying, and selling of stolen goods - would result in a reduction of auto burglaries. Honfi's been invaluable to the Unit's ongoing success in tackling this latest crime wave.

SuDDA McKeown said: "We are committed to focus our efforts together to combat this epidemic."

Challenge Accepted

"Without Steve Wozniak and Willie Nelson, how are you going to prove my client's statements were false?" **Deputy District Attorney Erica Engin** listened to the defense attorney and pushed forward with her case.

A former South County high school teacher with dreams of becoming a big-time entertainment producer, formed a non-profit media training program for

youth with the intent to fraudulently solicit money to invest in various business ventures, including a Las Vegas reality show. The investments were characterized as "short-term" loans to be paid in full with interest. He gave his non-profit credibility by falsely using names like Nelson and Wozniak as fellow investors. The Defendant spent the money on himself instead of paying the victims back. **Lt. Greg Ovanessian** worked with his sources to locate the Defendant in Las Vegas. DDA Engin coordinated with a Las Vegas Gaming Control Board investigator to arrest the Defendant and secured Wozniak as a witness with help from **Inv. Justin DeOliviera**.

The jury found the Defendant guilty of two counts of security fraud, four counts felony grand theft, and multiple allegations, including the White-Collar Crime Allegation over \$500,000. He was sentenced to 10 years and four months in prison.

Q & A

...with Deputy District Attorney Alaleh Kianerci



“Know My Name” came out last year, topping bestseller lists and winning awards. The book chronicles a sex assault and its aftermath for a young woman. One of the main characters is a smart, empathetic prosecutor who develops a close connection with the victim. The victim was Chanel Miller, who for years was known as “Emily Doe” in the Brock Turner Case. The prosecutor is Alaleh Kianerci. We spoke with her about the book, the amazing author and their friendship.

Q. When you read Chanel’s victim impact statement for the first time, which went internationally viral and led to this book, what was your reaction?

A. I’ll never forget it because I was in my office and (**Deputy District Attorney**) **Anne Seery** was in the office right next to me in Palo Alto, and the walls there are paper thin. I was audibly reacting – laughing and at times crying – and reading portions of it to her. I knew Chanel was special. I knew she was a different person. But I had no idea what her writing level was. She may be a great writer, but can she be a historian of her own event in such an articulate way? I was blown away.

Q. Do you think it was the writing? Do you think it’s the moment we are in right now with women and consent and men and #metoo?

A. If she had not been able to process what happened to her and articulate it in such beautiful prose then we wouldn’t have been hearing about this case in the way we did. The case came at the right time. But none of the aftermath, what I call Hurricane Brock Turner that happened post-sentencing, none of that would have happened if it weren’t for her talent.

Q. Did anything in the book surprise you?

A. I knew she was going to talk about the case, obviously. I thought she was incredibly courageous to come out and write a book, but how courageous is she for writing about her personal struggles after and be candid about it? She has this incredibly beautiful voice with this platform to help educate the public, people who don’t know about the things we see every day in our job. She’s making it okay to show the traumatic effects of sexual assault and how women behave afterwards.

Q. Have you ever had any victims in your cases, after Brock Turner, that have asked you about Chanel? Or talked about her?

A. I’ve had a few victims reach out to me after the letter went viral. Reading Chanel’s letter uplifted them, too. They felt united even though they had never met. So many victims are united by her words because they’ve been through it. They wanted me to thank her for them, to let her know they were moved by her.

Q. Has Chanel Miller changed the way you are a prosecutor? As a human?

A: When I read the book, it made me reflect about every word I say to a victim they hang on to. So when I described the case being delayed, her depiction of hearing the news of a continuance, which when it happens for prosecutors is like drinking coffee. But seeing how it impacted her in the book, it made me think, “Wow, I really have to fight those continuances harder.” The continuances really have a traumatic effect on victims. They build themselves up for testifying. It’s not just reading a transcript and coming to court, it’s an emotional process of building up the courage to come to court. And then to be told that they’ll have to wait another two or four months, it’s devastating. While I knew that, I never really understood it until I read it in the book.

One of Chanel’s talents is how she can describe things that we take for granted. Like going to the hospital and getting a SART exam. I took that for granted because I’m so focused on getting up to speed and proving the case. She’s taught me to be more compassionate towards victims, more understanding of their reactions, more understanding of how this affects families, more understanding about how every aspect of the case affects them.

Silicon Valley...

(Cont. from page 2)

If the EJI is centered around the criminal justice system, the Southern Poverty Law Center is centered around criminals. A former prosecutor, Jonathan Barry-Blocker talked matter-of-factly to the California prosecutors about the resurgence of white nationalism and hate groups in recent years. He and the SPLC were working hard to expose the violent fringe of racism. His background and efforts to change the system from within inspired **ADA Stacy Capps** so much the thought popped into her head to try to recruit him. She might have a chance. The lawyer said he expected he would leave his home state of Alabama soon. He said it wasn't safe for his children.

Montgomery was cold and misty on our last day. Many of us were feeling a mix of anger, sadness, guilt, embarrassment and disbelief. As though she knew, tour guide Wanda Battle hugged each of one of us as we entered the Dexter Street Baptist King Memorial Church. This was what **DDA Carolyn Powell** dearly needed, after the tragic litany of racial atrocities we had seen for the past three days.

Wanda was probably used to groups of traumatized tourists. She warmed us up with her embrace and then began warming us up like a gospel choir. She had some high school kids sing a medley of songs from "The Sound of Music." A blond, blue-eyed Wisconsin teen sang "Edelweiss" just feet from the pulpit where Dr. King preached. **SuDDA Dan Okonkwo** looked at the great leader's simple wooden chair. He, too, like Ann, was in a state and a place that he had been warned against going since he was a black kid from New York City. This simple space, with its plebian pews dotted with African-American Heritage Hymnals; the act of placing his hands on the pulpit, exactly where Dr. King did, that flooded him with overwhelming emotions of hope and despair. They brought tears to his eyes.

Wanda gathered the group and belted out words she wanted us to recite. They spoke of Dr. King's vision of what he hoped was on the far side of the Edmund Pettus Bridge.

"I have a dream"
"that my four little children"
"will one day live in a nation"
"where they will not be judged by the color of their skin"
"but by the content of their character."

WEST WING GALLERY

(CLICK each photo to read a story in electronic version or visit www.santaclara-da.org)



Meet Bernice



The Honorable Johnny Gogo



The Greatest Gift



Salsa Contest

WHAT'S GOING ON?



DA Investigator Frank Dominguez received the Employee Excellence Award for December 2019.



In January, **DA Rosen** was presented the CDAA Excellence in Innovation Award honoring The Parent Project.



The DA's Guilty Pleasures entertained DA support staff with their third annual performance at the yearly Holiday Breakfast hosted by the DA's prosecutors and investigators this December.



Chief Assistant Jay Boyarsky, Supervising Deputy District Attorney Chris Arriola, and (former) Deputy District Attorney Johnny Gogo represented the Office at the La Raza Lawyers Scholarship Dinner in October.

