



# THE WEST WING

Santa Clara County District Attorney's Office

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**Service · Hard Work · Transparency · Integrity**

Vol. 1, 2019



## **Annapurna, Altitude Sickness, and Apple Pie: Off the Grid with Assistant District Attorney James Gibbons-Shapiro**

As we ascended on our third day in a tight group up the stone steps to the top of 10,000-foot Ghorepani Poon Hill to see the sun rise over the Nepalese Himalayas, we were behind another group from England doing the same thing. I was feeling the burn and breathing hard. I couldn't see to the top of where we were going, or even much

up the path we were on that was unlit, except from the headlamp. As we continued up, faster people in our group (not me) got ahead, and slower people in the English group fell behind.

"It's not every day, I hear a man's heavy breathing so close," said the English man now right in front of me. He was 65 and having no trouble on this climb (or at least not gasping as much as I was). I laughed but had to keep on putting one foot in front of the other. When we got there, we saw the mountains we were journeying to change from dark, to pink, to white as the sun rose.

Our group spent 11 days trekking in the Himalayas in the Annapurna Sanctuary region late last year. The trekking team was eclectic. There were five people in their late teens or early 20s from Australia, two from Manchester, England in their 40s, a woman from Germany in her late 20s, my friend Ben - and me. It was not a coincidence that I turned 50 eight weeks after getting back from this trip. I had been calling it my pre-planned, mid-life crisis. The ten of us were led by our Nepalese guide, Kush Phuyal, who had been leading treks like this for more than a decade, two assistant guides, and five porters from the Gurung region of Nepal who carried about half of all of our stuff, plus theirs. We each carried a pack with the other half of our things (about 20-25 pounds).

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If I was under any illusion that my age was just a number, it was shattered on our first day in the mountains. The day started as we got off our bus that had driven us to the trail head from Pokhara. We entered the Annapurna Conservation Area and took some photos of our clean, peppy selves at the start of this adventure. As we were getting to know one another, the group started talking about bands and concerts we had been to. One of the young women from Australia earnestly asked me if I had been at Woodstock. I told her that I had not been at Woodstock. That first day culminated with a climb up 3,000 stone steps to the village of Ulleri.

The trek days developed a rhythm. We would get up at around 7, eat a quick breakfast of porridge, put on our packs, and hike until a mid-morning break for tea, hike until noon for a lunch break, and then hike until about 3 or 4. Most days we'd hike about 8-10 miles, but it was not at all like a 10 miler in the Santa Cruz mountains, topped off by a Zinfandel tasting. We'd stop at a village to stay the night, and sleep in small rooms in a Tea House

that had a cot and thin mattress for us to put a sleeping bag on. Every Tea House had about the same offerings. We could have Dal Bhat, a traditional Nepalese dish of curried potatoes, rice, a spinachy vegetable, and stewed lentils, traditionally eaten with your hands. You could also order pasta with tomato sauce, tuna from a can, garlic soup, and even homemade apple pie. Apples grow in that area of Nepal.

In the beginning days of the trek, at an elevation of 5,000 feet, we were hiking on paths through thick forest, flooded with birds, dotted with monkeys. Sometimes we would have to hug the side of the mountain paths to make way for shepherds with huge flocks of sheep, or people with a train of donkeys loaded up with supplies for the villages. By the middle of the trip, we were above the tree line, walking on the barren sides of snow-capped mountains as we wound our way up to 13,000 feet.

Kush Phuyal would tell us that the path we would be walking on would be "Nepalese flat", which was a cruel joke. Along the way, we would see Buddhist prayer flags flapping in the wind alongside

shrines to Hindu gods. As we got higher into the mountains, we ascended to a sacred area. Among the ice, clouds and rocks, there could be no meat, no beasts of burden, and no curse words. Without donkeys or oxen, villages above the tree line could not farm, so all supplies had to be carried in by people. As I ate rice at a tea house, I knew someone had carried a heavy bag of rice on their back to feed me.

The views were spectacular and changing every day, often hour by hour. We stood on long suspension bridges over deep river valleys. We walked on a narrow path made by boots across ice on the side of a mountain. We marveled at the changing light on the Himalayan peaks. I had to make a rule for myself that I would not look up and gawk at the view until one of our periodic stops, because I really needed to concentrate on where I was putting my feet. We were not near medical care. If someone had an emergency

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### Ramos vs. Wrong

The 81-year-old Victim, who survived a World War II bombing raid in England, dedicated the last 10 years of her life to her youngest daughter. The daughter who testified in her own behalf, was charged with fatally striking her mother in the head with a hammer multiple times.

The case was already set for trial when **Deputy District Attorney Luis Ramos** was assigned. It was his first sanity trial. The jury had the responsibility not only to decide the Defendant's guilt but also to determine whether she was insane during the attack. Three doctors sided with the Defendant's claims of insanity. DDA

Ramos called the prosecution's doctor. With his testimony and the recordings of the Defendant's examination, DDA Ramos was able to convince the jury that although the Defendant suffered from depression, she knew what she was doing and knew that it was wrong. She was found guilty of second-degree murder and was found sane. The Defendant was sentenced to 15-years-to-life in prison.

### The DUI Lie

In **DDA Luz Robles's** first trial, the Defendant claimed he hadn't taken a drink in over 14 years. It was, he said, an HIV medication-energy drink concoction that caused him to hallucinate and drive in the wrong direction, get stuck on a median, then drive for over half a mile on a flat tire with Campbell PD following with lights on and sirens wailing. He said it was also the reason for his spontaneous admissions of guilt to officers prior to his arrest and vomiting (twice) after. His blood test results said otherwise and DDA Robles called him on it. After 45 minutes the jury came back with a guilty verdict. The Defendant was sentenced to a three-

month first offender program and 25 days in county jail.

### Audrey on the Attack

The Victim, who suffered multiple facial fractures and a collapsed lung during a fight, died from an unrelated cause before **DDA Audrey Pak** was assigned to the case.

The Defendant was charged with aggravated battery causing great bodily injury. His defense counsel tried to blame the injuries on a seizure. DDA Pak called on the doctor that had treated the Victim for his injuries from this incident. He testified that for a seizure to cause such damage, the victim would have to had fallen from a significant height. DDA Pak also called four witnesses that stated they saw the Defendant kick and punch the Victim while he was on the ground, not moving, not fighting back. The jury found the Defendant guilty. He will be sentenced in late May.

# Q & A

...with Marisa McKeown and Sheryl Leung



There was not a lot in common between Marisa McKeown and Sheryl Leung's legal resumes, until this year. One was a corporate attorney who got her experience in the cutthroat Silicon Valley environment of contract disputes. The other is a career prosecutor who got her bones trying violent gang cases. What they share is their senior prom, candy striping at a senior citizen's home, and a lifelong friendship forged by growing up together in the East Bay. This year, DDA Leung joined the Office where her best friend is a supervisor of the Crime Strategies Unit. We caught them in a rare moment where they had the time to catch up.



## Q. Describe your first meeting.

**S.** I joined a GATE class. Most kids started in 5th grade but I didn't join until 6th grade. I remember coming in and most kids already knew each other. Marisa was already paired up with another girl, Shiloh, and they were "Ride or Die" buddies. I remember being like, "Hello. What are you guys up to?" And like trying to get in with the cool kids...in a class of nerds.

**M.** On our first day, she was sitting next to me. We were talking too much and got in trouble on the first day in 6th grade. Which I was really upset about, because I didn't get in trouble in 5th grade.

## Q. What bonded you together? You come from such different backgrounds.

**M.** We were like besties. I went to Sheryl's house at least once a week, every Friday we went to Starbucks and we watched X Files together. By the way, both of those things were cool in 1992.

## Q. Who was most likely to get LWOP (Life Without the Possibility of Parole)?

**M.** Do you remember when I cut off that dude's pony tail?

**S.** OMG. That's right.

**M.** Well, here's what happened. He was being mean to her and I didn't care for it. He had one of these soul patch pieces because he thought he was gangster. And he had grown out this rat tail situation, which was his pride and joy. So I grabbed a pair of scissors and cut it off. He was horrified and she was horrified. And that was that.

**S.** This all went down at church, by the way.

## Q. You both did mock trials in high school. Did you have any sense that you both would be lawyers at that point?

**M.** No. I did not want to be a lawyer. I actually went into college as an Econ major. I just didn't want to be a lawyer. I didn't think it sounded fun. When you're 16, it just seems like a lot of paper. I loved debate and we did a lot of debate and mock trial.

**S.** That's funny, because I always wanted to be a lawyer. Basically since middle school. I went through this streak where I was obsessed with Law & Order and I was like, "I want to be a prosecutor!" And then I did Business in undergrad and took this weird detour through corporate law. And then she was the one who became a prosecutor.

## Q. You must be delighted that Sheryl came here?

**S.** She read me the riot act.

**M.** I was like, "Only do this if you are serious. Do you really want this? And let me tell you all the reasons why I don't want you to come if you don't want this." And she's like, "I'm getting the sense that you don't want me to come. Well let me tell you why I want to apply."

**S.** I had to pre-interview to apply.

## Q. What did she say that finally convinced you that she was right for the job?

**M.** She said, "Don't you think the People should have the best possible lawyer?" And I was like, "Yes." And that was the end of it. I know her and I know she brings her best effort every time. I don't usually recruit people and this job is sacred.

# Annapurna...

(Cont. from page 2)

like a broken bone, they would need to be helicoptered out of there.

In the villages, there was occasionally cell phone reception, and more often Wi-Fi that you could pay the equivalent of a dollar for the password. I would send photos home via WhatsApp, and see the messages left for me on WhatsApp the previous day. It was surreal seeing a photo of my kid just having passed their drivers' test on a day I wouldn't see a car or even hear a motor.

At our mid-way point in the trip, we were trekking at about 11,500 feet and going higher to get to the Annapurna Base Camp. The weather had been just as advertised for December – cold, but clear in the day. Thick clouds rolled in, in the evening, soaking our shirts and socks. Things did not look good for this big day. It was hard for us to even see the towering mountains that we were right up against. The stream we were following was frozen over, and we fretted that when we got to the base camp we would not be able to see the surrounding peaks more than 24,000 feet high. Leigh and Joanne, adventurers from Manchester, were undeterred. "We will just blow these clouds away!" Joanne said, and she and Leigh huffed and puffed, blowing at the sky. Within half an hour, the clouds blew away. We all took pictures at the Annapurna Base Camp sign under clear, blue skies, as Nepalese as apple pie.

Since coming back, people have asked me a lot about whether I attained some kind of inner peace, or insight into the workings of the universe. I read "The Essential Writings of Gandhi" while on the trek. Really though, the big revelation I had was that I could do it.

On the day and night and morning we spent at the Annapurna Base Camp, it was alternatively cloudy and clear, and bone-chilling. The camp was dotted with stone memorials to dead mountain climbers. I stood there and slowly turned in a circle to see the sky-scraping mountains, standing on a spot on the Earth with no cars, no horses, no Wi-Fi, no TV, and no trials except for the one I had gone through to get there. I was on the top of the world.

# WEST WING GALLERY

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



DA Begins Third Term



Homies



John Dean



Crime Victims' Week

## WHAT'S GOING ON?



**Lead Office Specialist Jeffrey Ramirez** received the Employee Excellence Award for April 2019.



**Deputy District Attorney Oanh Tran** received the 2018 Mothers Against Murder Unsung Hero Award in April.



The Menlo Mock Trial team, coached by **Deputy District Attorney Tracy Tefertiller**, won the San Mateo County Finals 4 – 0 in February.



**Criminalist Cordelia Willis** (far left) was this year's winner in the DA Crime Laboratory's Pi Day – Pie Eating Contest. Other participants included (l to r) **Storekeeper Robert Rojas** and **Criminalists Kevin Kellogg** and **Steve Webb**.

