

February 22, 2023

THE REWARD

Recognize Dignitaries

Congresswoman Anna Eshoo who will address us and give federal proclamations to the award recipients

Supervisor Joe Simitian

Sheriff Bob Jonsen

San Jose Police Chief Anthony Mata

Campbell Police Chief Gary Berg

Mountain View Police Chief Max Bosel

San Jose State Police Chief Mike Carroll

Milpitas Police Chief Jared Hernandez

Sunnyvale Department of Public Safety Chief Phan Ngo

Santa Clara Police Chief Pat Nikolai

Jeff Nedrow, First Assistant U.S. Attorney's Office

Hiep Nguyen for Congressman Ro Khanna

Rohan Pandi for State Senator Josh Becker

Phuong Nguyen for State Senator Dave Cortese

Mila Zelkha for Assembly Member Marc Berman

Kadence Walker for Assembly Member Ash Kalra

Javier Ortega for Supervisor Otto Lee

Betty Duong for Supervisor Cindy Chavez

THE REWARD

“The reward of a thing well done is to have done it,” said Ralph Waldo Emerson, “and done it well,” I would add. Some people have experienced this reward, the reward that comes from a job well done, including many of you here.

While we are lucky to work and live here in Silicon Valley, we have hard jobs. Few of us are here just for the paycheck. We are here because we get the opportunity to serve our community, a community we love.

Today is an award day to give plaques as a small token of our appreciation. There will be the headline cases, the selfless sacrifices, the tireless efforts - the investigator who pierced a murderer’s false alibi, the prosecutor who convicted a child molester, the criminalist whose DNA analysis brought a serial rapist to justice, the child victim comforted by Percy. Successfully completing a difficult and important task is the big reward, the real reward.

Some of us receive awards from the NAACP, the Rotary Club, the police, or here – our homey scaled down version of the Academy Awards, without the red carpet, swag bags, or punching the host – **please don’t**. Our art is rhetoric, forensics, investigation, and organization - all in the pursuit of justice. Or, as Deputy DA Quinn Nichols once said, “I just want to help people.”

Recently, I received the following email from Criminalist Megan Burgess,

"I wanted to share with you a random act of kindness I observed, the kind that I think are too rare.

Last week, a coworker and I grabbed a quick lunch at the local Chipotle. After we sat down and began eating, a man with torn clothes, a disheveled appearance, and an overall impression of a man down on his luck sat at another table near us. Shortly after noticing this man sit down, I observed a car pull up and DDA Olusero Olowoyeye, "Sere," emerge from the car. Upon approaching the restaurant entrance, Sere also noticed this man and stopped briefly. We both heard him kindly ask if the man would like something to eat.

Sere then went inside and a few moments later returned with his lunch and an additional bag of food that he placed on the table for this man. He wished him a nice day, walked back to his car and left. We continued to watch as the man opened the bag and began to enjoy his meal.

My colleague and I know Sere as we have both testified for him before, but neither of us believe he noticed us outside the Chipotle. What we noticed however, was an amazing act of kindness from someone who not only spends his days in a career giving back to our community, but obviously his personal time and money as well. He approached a total stranger with kindness and respect and provided what I'm sure was a warm meal for someone who doesn't get many of those.

In jobs that seem to be full of cases with the worst moments of some peoples' lives, it was an amazing example of the privilege we have not only to serve our community, but the privilege to serve it with colleagues like DDA Olusere Olowoyeye." **Pause for applause.**

This afternoon let's have fun and give out some plaques. Let's applaud and cheer on the great work of our friends and colleagues. Let's recognize just a fraction of the incredible work that all of you do. Then, let's walk out of here, and get back to work tomorrow, because the reward – helping people and securing justice – is to have done it and done it well.

Central Misdemeanor Team

Our Central Misdemeanor Team was extremely busy last year, often preparing more than a dozen time not waived cases each week. The Team pulled together and got the job done.

DDA Brit McCormick tried the most cases and successfully prosecuted six DUIs, with challenging defenses including low BAC, refusal, no-driving, and drugs. Moreover, Brit volunteered to cover extra calendars when not in trial and was often the first to arrive in the office and last to leave at night.

Homicide Team

The Homicide Team went seven for seven in trial – no murderer escaped justice.

DDA Michel Amaral led the way spending six months in trial on what was dubbed the “Brothel Case.” This three-defendant trial involved more than 80 witnesses from different counties, states and countries, eight different local and federal law enforcement agencies, and crimes committed in four different cities. DDA Amaral’s exceptional organizational and trial skills resulted in convictions for all charged crimes, including first-degree murder with a special circumstance, as well as several counts of sexual assault and robbery.

The Cold Case Unit, led by DDA Rob Baker and Criminalist Kevin Kellogg, had a record-breaking year, solving 12 cold cases – five murders and seven sexual assaults. In fact, between 2021 and 2022, the Team solved nine murders, the most ever in a two-year period. Among those cases solved was the brutal murder of Karen Stitt, who in 1982 was dropped off at a bus stop in Sunnyvale by her boyfriend and was found the next day in an alley, having been raped and stabbed to death.

Public and Law Enforcement Integrity Team

SuDDA Matt Braker, DDA John Chase, and Investigators Rob Bonsall and Lacy Hyland of our Public and Law Enforcement Integrity Team presented a complex case to the criminal grand jury involving high ranking members of the Sheriff's Office and their handling of concealed weapons permits. **You may have heard of this case.** Our lengthy, detailed, and thorough investigation provided the evidence for the successful civil prosecution of then Sheriff Laurie Smith, where the jury convicted her of corruption and willful misconduct, and the judge removed her from office. There's a new Sheriff in town, the Honorable Bob Jonsen. We look forward to working with you and your fine Office.

North County - Palo Alto

During the closure of the Palo Alto Courthouse due to the pandemic, North County prosecutors travelled to San Jose to handle their cases. They made it work and look easy, despite the obvious challenges of working a considerable distance from where the cases originated.

Meanwhile, we gave them affectionate nicknames. The Misdemeanor attorneys, including **Harry "Not Bob" Dhillon, Adrian "Not Cadillac" Ferrari, and Thomas "No Cholesterol" Butterfoss**, provided critical support to the Family Violence Unit in San Jose in addition to their already heavy caseloads.

DDA Sheryl Leung demonstrated stellar legal research and writing skills with her opposition to Judicial Diversion in misdemeanor DUI cases, which was adopted by our courts and affirmed on appeal.

DDA Tessa Stephenson showed her grit and tenacity in an extremely challenging domestic violence felony case with a reluctant victim whose boyfriend strangled her almost unconscious while their two children were at home. DDA Stephenson kept the victim engaged with the court process and reached out to the victim's mother and her best friend who lived in Georgia to make sure they also gave their vital support. Ultimately, the jury convicted the Defendant.

Bureau of Investigations

Our Hi-Tech REACT Task Force, led by our Bureau of Investigations is the leading law enforcement agency in the entire country tackling cryptocurrency fraud – holding fraudsters accountable and returning millions of dollars to victims. Last year, BOI Investigators Dave Berry, Sammy Tarazi, Caleb Tuttle and DDA Erin West founded the national crypto crime working group to teach and train partners around the country to defeat crypto criminals. REACT's incredible achievements have been prominently featured in the national media, including the Wall Street Journal and Forbes Magazine.

In many ways, fentanyl has changed our society and how we define a successful narcotics investigation. To us, success is determined by the number of lives saved and the number of cases where families are given something resembling justice. After a distinguished career at the San Jose Police Department, Investigator Larry Ryan has become a county-wide expert in investigating fentanyl related crimes and solving fentanyl poisoning deaths.

Lastly, we received a phone call from a defense attorney about Investigator Eileen Fincutter's work on a complex real estate fraud scheme,

"the best investigation he has seen in his more than 50 years as an attorney ... Investigator Fincutter did such a thorough investigation that I could not poke any holes or find any loopholes." **Foiled again.**

Major Case and Drug Trafficking Team

The Major Case and Drug Trafficking Team continues to combat Fentanyl poisonings throughout our county, as well as serial home invasions and armed robberies.

DDAs Eunice Lee and Erica Cordero worked tirelessly with our BOI and Morgan Hill PD to draft wiretap applications against Norteno gangsters who had committed previously unsolved murders. Thanks to DDAs Lee and Cordero, these were the first wiretap applications that intercepted social media accounts and resulted in murder charges against multiple gangsters who are now behind bars.

Felony Team

2022 was extremely busy for the Felony Team which juggled caseloads five times higher than normal.

DDA Chris Paynter joined our office last January and hit the ground sprinting. Chris took the challenges he and his teammates faced in stride and without complaint. Last fall, after a judge severely undercut us in a pre-PX hearing offer, Chris took a complex co-defendant home invasion robbery case to the grand jury. Chris worked tirelessly because he wanted to make sure the victim, who was shot during the crime, received justice.

Gang Team

The Gang Team currently has 77 murder cases involving 164 defendants. In 2022, the Team reviewed 102 cases and filed several murders and attempted murders. DDAs Neil Layton, Daniel Borca and Irene Williams trained prosecutors and police officers how to overcome the challenges of investigating and successfully holding violent gangsters accountable.

Sexual Assault

The Sexual Assault Team fights to hold rapists and child molesters accountable, help sexual assault victims, and protect our community.

DDA Bobby Philbrook spent most of the year in trial successfully prosecuting some of our most difficult cases including: no corroboration, late report, single victim, and prior recantations. DDA Philbrook's ability to persuade a jury to convict in these situations is remarkable, and yet, he is always humble, grateful, and positive. He walks the walk, and when he talks, juries listen.

DDAs Patrick Vanier and Josue Fuentes vigorously prosecuted human traffickers who recruit, manipulate, assault and enslave individuals. To accomplish this, Patrick and Josue have done their own version of recruiting – recruiting law enforcement partners in the fight against human trafficking. Silicon Valley's DA led anti-Human Trafficking Task Force is now the largest in Northern California. Last year, this Task Force successfully prosecuted dozens of human traffickers and with the help of our Victim Services Advocates, saved dozens of trafficked women and children who are now breathing the air of freedom.

Community Prosecution

Our Community Prosecution Team, including Byron Suarez, HaNhi Tran, Hugo Meza, Alisha Schoen and Adam Flores, continued to reduce crime, truancy and blight and increase neighborhood well-being through targeted programs, services and prosecution.

Gloria Maturino led our Parent Project to strengthen families all over the county. Bernice Aguilera secured a state grant for a Youth Diversion Program in South County which has helped dozens of wayward teenagers stay away from gangs, off drugs and in school.

Motions Team

The Motions Team is our Office's go to for research and trial support. They answer the "red phone" when you have an emergency.

The Motions Team maintained its perfect record of defending our attorneys against false allegations of prosecutorial misconduct.

Thank you for strengthening our good name.

DDA David Boyd is tenacious. I know, you're thinking, "**Thank you Captain Obvious.**" Last year, he successfully appealed two cases where a judge granted a 995-dismissal motion. Because of David's briefing and oral arguments to the appellate court, a gangster who committed murder and a hot prowler home burglar will both stand trial for their violent crimes.

DDA Pablo Wudka-Robles kept the Los Gatos Party Mom in custody and away from children by filing a stellar brief and arguing brilliantly before the appellate court. The Motions Team had a watch party in the 5th floor conference room when Pablo argued the case. They cheered as Pablo scored convincing points and scoffed as the defendant's lawyer dodged and obfuscated.

South County – Morgan Hill

Our Morgan Hill South County Office reviewed over 2,000 cases, conducted eight jury trials, and most importantly, had several office potlucks for the first time in three years as the pandemic waned.

DDA Nik Warrior, formerly U.S. Army Captain Warrior stationed in Afghanistan, received a handoff jury trial with only three days' notice. Defendant was charged with shooting his neighbor's beloved dog "Mickey" with a pellet gun and fracturing Mickey's leg. Although Nik was brand new to the California rules of evidence, trial procedures, **and trying cases not in a war zone**, he prosecuted the case strongly and persuasively, and the jury delivered a guilty verdict for Mickey.

Family Violence Team

The Family Violence Team returned to trials full force. DDA Monroe Tyler tried and won three felony cases in 12 months, including a handoff trial from DDA Olowoyeye who himself had completed three successful back-to-back-to-back family violence trials.

DDA Rebekah Wise tried and convicted a stepmother who deliberately forced her seven-year-old stepdaughter into a scalding hot shower and held the young girl in the water until 40% of her body was covered with second and third degree burns. The victim spent weeks in the hospital, underwent several surgeries, and continues to suffer pain and scarring to this day.

Victim Services Unit

The Victim Services Unit remains the beating heart of our Office. Last year, VSU provided over 28,950 services to 6,469 crime victims including restitution, counseling, and emergency food and shelter. Our VSU telephone number received more than 10,000 calls for assistance. VSU also expanded its services to dozens of homeless crime victims.

VSU helped our VTA community through a difficult year in the aftermath of our county's worst mass shooting which we marked with the one-year anniversary at the Resiliency Center. We received the following letter from someone who attended a peer support group run by VSU's Gilroy Strong Resiliency Center, established in the aftermath of the Garlic Festival mass shooting,

"I would like to thank you for these services. I cannot tell you how appreciated they are. I personally felt so much better after last week and even my husband asked me to attend this week because I seemed so much lighter. Thank you so much for everything you are doing."

Juvenile Justice Team

In our Juvenile Justice courts, we continue to righteously and vigorously fight for accountability and victims' rights, along with rehabilitation for young offenders.

DDA Gerlie Fishel successfully handled several juvenile trials, including domestic violence and armed robberies, and served as the acting SuDDA for a week while Paul Jhin was away. Gerlie's last email to Paul, "I can't wait until you get back."

I received the following letter about DDA Joe Espinola,

"It is my pleasure to let you know of the amazing professional work that DDA Joe Espinola did for our family. He was direct, honest, helpful in every way, and as he took on my daughter's sexual abuse case, always very supportive. I cannot express the pure gratitude myself and my family have for DDA Espinola. I truly feel that he fought for my daughter and the justice she very much desired and received."

Crime Strategies Team

The strong partnership between our Crime Strategies Team and local police departments is a force multiplier that helped identify a man who randomly targeted women in a series of shootings that shook west San Jose and Campbell.

SJPD Sgt. Sean Mattocks sent me the following letter about DDA Mike Vidmar's work in taking this violent shooter off the streets and putting him behind bars.

"DDA Vidmar was always available, often late at night, to write detailed search warrants and when this shooter and ex-felon was apprehended, to make sure the evidence was properly handled, and the case successfully prosecuted."

Crime Lab

Our DA Crime Lab has the highest international accreditation, and has more than 70 dedicated and hardworking criminalists, investigators and technicians who achieve greatness every day in their mission to advocate for justice by pursuing truth through science.

In February, Criminalists Cordelia Willis, Diana Orozco, and Trevor Gillis responded to the mobile home of a suspect in a possible kidnapping/murder case in Milpitas. They collected several items of evidence with possible blood stains and performed DNA analysis which led to the identification of the murderer, a neighbor who subsequently confessed to the crime. Criminalists Willis, Orozco and Gillis then returned to the same mobile home to help exhume the victim's body, found just a few feet from the murderer's residence.

Consumer, Environmental and Major Fraud Teams

Our Economic Crimes Teams were busy and productive.

DDA Victoria Robinson of our Real Estate Fraud Team has earned the nickname, "The Closer."

This year, she successfully prosecuted and sent to prison Defendant Jesus Lim. This was a complicated case with mountains of discovery, conspiracy charges, dozens of overt acts, 30 distraught victims in our county (many of whom lost their home and life savings), and more than 100 victims outside our county. This is one of the largest real estate fraud cases that our Office has ever investigated and prosecuted.

DDA Robinson and Investigator Jennifer Dalton also teamed up to convict Carl Le of 36 counts of grand theft and securities fraud for turning a once legitimate business into a Ponzi scheme that stole \$11 million dollars from hardworking individuals.

DDAs Jimmy Demertzsis and Christopher Judge were **“high”** on their successful civil action against Theraleaf, a licensed cannabis dispensary in San Jose that violated pesticide regulations by using unapproved and dangerous pesticides.

DDA Jason Bussey proved that while you can make a round waffle, you can't cut corners when it comes to protecting employees and the public from hazardous materials. He convicted the Eggo Company of negligently releasing an air contaminant, failing to immediately report that release, and failing to implement an action plan because of a previous toxic ammonia release. **Leggo my Eggo? I think I'll just have cereal for breakfast.**

Conclusion

A final letter, this one from Deputy Attorney General of California, Bruce Ortega, addressed to all of you here:

“Today is my last day with the Criminal Division of the Attorney General’s Office. During my 33 years here, I often needed to reach out to district attorney’s offices for help. No office was more responsive than the Santa Clara County District Attorney’s Office. Each time I needed to touch base with a Deputy District Attorney, the deputy was quick to do his or her best to help me. Believe me, that is not always the case with other DA offices.

Every time I worked an appeal or writ from a Santa Clara County prosecution, I was struck by the competence, integrity, and professionalism of the prosecutors. You and your office deserve so much credit and thanks from the People of the State of California.”

The higher we aim and the greater our desire to serve, the more we help our community which is our reward, The Reward. Thank you.