

*Below are questions about Sheriff's Department evidence booking problems that the Orange County District Attorney's Office declined to answer on Feb. 4 and 5, 2020, in response to requests from Voice of OC reporter Nick Gerda.*

*DA officials said they could not provide information because of an ongoing criminal investigation led by DA Todd Spitzer.*

1. As you continue your review since the 91 cases already identified, have you identified cases in addition to those where convictions took place but evidence was either not booked or was booked after the conviction?
2. Per your statement last week, the review since November of the 17 deputies has led to defense attorney notifications about 91 cases where there was a conviction and evidence either was never booked or was booked after the defendant was convicted. When did you first learn about missing evidence among the 17 deputies, and if that occurred in 2017 and 2018, why were there not immediate notifications made?
3. Does the DA's Office support or oppose Scott Sanders' motion to lift the protective order in the Murca case? What is the DA's position and why?
4. When was the decision made not to prosecute Deputy Simpson? Did DA Todd Spitzer know about it at the time? What was Ebrahim Baytieh's role in that decision? If there was false reports and/or missing evidence, did the the DA's Office take any steps to determine if there were false reports or what became of the missing evidence?
5. My understanding is that before the audit revelations in November, the DA's office previously decided to not file charges against the 17 deputies, based on the Sheriff's Department internal criminal investigations, without independent DA investigations. Does DA Spitzer believe this was a mistake for the DA's office to decide this without conducting its own investigations?
6. Why does it appear that Brady disclosures regarding Deputy Simpson, and many of the other deputies from the list of 17, were not made for nearly a year or more? Who was responsible for the delay in making the decision and making disclosures, and how have those prosecutors been held responsible?
7. How many of the 17 deputies were the same deputies previous DA Tony Rackauckas declined to put on the Brady list in the weeks before he left office?
8. After receiving referrals for prosecutions related to 17 deputies, all for the similar false reporting/missing evidence issues, why did the DA's Office did not identify a pattern of problems with the handling of evidence by the Sheriff's Department? What steps were taken in response?
9. Has the DA's Office investigated whether any of its staff were aware of the sheriff evidence audits before they became public in November 2019? What was the result of that investigation?