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ORANGE COUNTY, CALIFORNIA

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June 24, 2016

Mr. Kory Mathewson
Trial Attorney for defendant Paul Smith
155 N Riverview Dr., Suite 100
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Mr. Jerome P. Wallingford
Appellate Attorney for defendant Paul Smith
PO Box 3866
San Diego, CA 92163

RE **People v. Paul Smith**
Orange County Superior Court Case # 09ZF0071
Court of Appeal Case # G044672

Dear Mr. Mathewson & Mr. Wallingford:

During a May 3, 2016, hearing in the case of *People v. Daniel Wozniak* (12ZF0137), the Office of the Orange County District Attorney (OCDA) learned of the existence of certain jail records which consist of 1157 pages of daily activity logs written by jail deputies working within the Special Handling Unit of the Orange County Sheriff's Department (OCSD). These daily activity logs, hereinafter referred to as "Special Handling Log," were written between 2008 and 2013. Prior to the date of May 3, 2016, the OCDA was not aware of the existence of this Special Handling Log.

Upon learning of the existence of this Special Handling Log, the OCDA promptly requested a meeting with the command staff of OCSD. This meeting took place on May 10, 2016, and during this meeting the OCDA requested and obtained a full copy of the Special Handling Log. After reviewing the Special Handling Log, the OCDA is providing you with the information listed below from the Special Handling Log regarding in-custody informant witness Arthur Palacios who testified during the trial in the above referenced case. The term "in-custody informant witness" is used in this letter as defined in Penal Code section 1127a, subdivision (a). As you know from reading the January 29, 2010 Grand Jury transcript of the testimony of Arthur Palacios, as well as from all the discovery previously provided to defendant Smith's trial attorney prior to the trial, the People always took the position that Arthur Palacios was a police informant long before he came in contact with defendant Paul Smith while they were both housed at the Orange County Jail. The following information is being provided to you to make sure that the OCDA is in total compliance with all discovery obligations:

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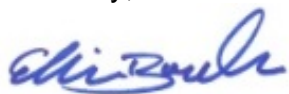
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1. The Special Handling Log contains 8 entries about meetings and interviews between different law enforcement officers/agencies and Arthur Palacios prior to defendant Paul Smith being booked in the Orange County Jail;
2. The Special Handling Log contains 11 entries about meetings and interviews between law enforcement officers and Arthur Palacios after defendant Paul Smith was booked at the Orange County Jail;
3. The Special Handling Log contains a June 24, 2009 entry referencing two inmates other than Arthur Palacios indicating that they want to give information to an OCSD deputy relating to defendant Paul Smith, and asking to have dayroom with defendant Paul Smith in order for them to get information from defendant Paul Smith about his crime. This entry indicates that the Special Handling deputy arranged for these 2 inmates, in addition to Arthur Palacios and defendant Paul Smith to have dayroom together;
4. The Special Handling Log contains a June 25, 2009 entry referencing one of the two above listed inmates in section (3) [neither one of them is Palacios] as spear-heading the effort to get information from defendant Paul Smith;
5. The Special Handling Log contains a June 29, 2009 entry referencing one of the two above listed inmates in section (3) [neither one of them is Palacios] as indicating that he is going to be released from jail and that any operation in place to get information from defendant Paul Smith will be maneuvered to the second inmate listed in section (3) above and Arthur Palacios. Please note that as you know from the discovery provided to you prior to the trial, around this time frame defendant Paul Smith was asking Arthur Palacios as well as other inmates to help him hire a hit man to kill a police officer, and defendant Paul Smith ended up pleading guilty to such criminal solicitations after the conclusion of his trial for the 1988 murder related charges;
6. The Special Handling Log contains a September 18, 2009 entry referencing defendant Paul Smith being asked by jail deputies about an altercation where he may have been assaulted by a fellow inmate. This entry in the Special Handling Log indicates that defendant Paul Smith adamantly denied being assaulted and requested to continue to be housed with this inmate as well as Arthur Palacios and one of the two inmates listed in section (3) above;
7. The Special Handling Log contains a December 8, 2009 entry referencing Arthur Palacios giving the jail deputies an unrelated *kite* sent to him by another inmate.
8. The Special Handling Log contains a December 26, 2009 entry referencing Arthur Palacios bailing out of the Orange County Jail and thanking the special handling jail deputies;
9. The Special Handling Log contains a December 26, 2009 entry referencing one of the two above listed inmates in section (3) [neither one of them is Palacios] as giving the jail deputies a letter from defendant Paul Smith to this inmate asking this inmate to help him get Arthur Palacios because defendant Paul Smith wanted Arthur Palacios dead; and

10. The Special Handling Log contains a January 8, 2010 entry referencing one of the two above listed inmates in section (3) [the same inmate in section (9)] as indicating that he talked over the phone with Arthur Palacios who was no longer in custody, and that Arthur Palacios told this inmate that Arthur Palacios wrote down everything he [Palacios] did in connection with defendant Paul Smith's case and that Palacios' *tweaker* girlfriend found the writing and she is spreading it around.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



EBRAHIM BAYTIEH
Assistant District Attorney
Supervising Head of Court – Special Prosecutions Unit