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6 San Jose, CA 95110  
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ENDORSED  
FILED

2017 SEP 18 A 11:52

CLERK OF THE COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
BY Tran Tran DEPUTY

*Attorneys for Antolin Garcia-Torres*

9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **IN AND FOR THE COUNTY OF SANTA CLARA**

12 PEOPLE OF THE STATE OF  
13 CALIFORNIA,

Case No.: 213515

14 Plaintiff,

15 vs.

SUPPLEMENTAL VERIFIED  
STATEMENT REGARDING CHALLENGE  
PURSUANT TO CCP § 170.3

17 ANTOLIN GARCIA-TORRES,

18 Defendant

20 Submission

21 Defense counsel submits the following in support of the verified statement filed  
22 September 14, 2017.

- 23 1. The defense asks the judge deciding the matter of qualification to take judicial  
24 notice of the pleadings related to the *Pitchess* motion and the Motion for a  
25 New Trial filed in the above-captioned case. (Evid. Code § 452, subd. (d)).  
26 Similarly, the defense asks the judge deciding the matter of qualification to  
27 take judicial notice of the contents of the Santa Clara County court file in the  
28 matter of *John Leonti and Elsie Leonti vs. County of Santa Clara, et. al.*, case  
number 691074.

- 1 2. The subject matter of Judge Zecher's prior representation of Sgt. Leon related  
2 to professional misconduct. Exhibit A, attached to this filing, includes some of  
3 the documents from the court file for the *Leonti* case, the case giving rise to  
4 the prior representation. They demonstrate the fact of the representation and  
5 the subject matter it involved;
- 6 3. The subject matter of the prior representation involved the same issues as the  
7 *Pitchess* motion and the Motion for a New Trial in the pending case,  
8 professional misconduct. The attached exhibits also demonstrate the extent  
9 of the representation. They make clear that Judge Zecher was the lead  
10 attorney for the county and the named defendants, including Sgt. Leon. Thus,  
11 she had a direct and personal relationship with him. She was his lawyer; she  
12 did not simply work in an office that represented him;
- 13 4. Sgt. Leon was the lead detective in the investigation of the disappearance of  
14 Sierra LaMar and the subsequent prosecution of Antolin Garcia-Torres. He  
15 was designated an investigating officer to allow him to sit through the trial. As  
16 such, he was an agent for the District Attorney's Office, the representative of  
17 the People, a Party to the underlying case;
- 18 5. Counsel believes that recusal is mandated by Code of Civil Procedure  
19 sections 170.1(a)(6)(C) (a person aware of the facts might reasonably  
20 entertain a doubt that the judge would be able to be impartial) and  
21 170.1(a)(2)(A) (prior representation).

22 I declare under penalty of perjury that the foregoing is true and correct. Executed  
23 on this 18<sup>th</sup> day of September 2017 at San Jose, California.

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Verification

I am a Deputy Alternate Defender assigned to file this challenge. All the facts alleged in this statement are true of my own personal knowledge or based on information and belief from my review of documents from the court file in Santa Clara County Superior Court docket number 691074.

I declare under penalty of perjury that the foregoing, is true and correct and that this declaration was signed on September 18, 2017.

A handwritten signature in black ink, appearing to read "R. J. Math", is written over a horizontal line. The signature is cursive and includes a long, sweeping underline that extends to the right.

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**Exhibit A**

**Exhibit A**

Superior Court of California  
County of Santa Clara

191 North First Street  
San José, California 95113  
(408) 882-2700



RECORDS DIVISION

Clerk's Certification

Case # 091074  
Case Name: JOHN LEONTI and ELSIE LEONTI  
V.  
COUNTY OF SANTA CLARA, et al

I, JUDE IRAZO, Deputy Clerk of the County of Santa Clara,  
State of California, hereby certify that I have compared the foregoing copies, and each of them,  
respectively, with the original documents that respectively remain on file and on record in my  
office, and that all of the foregoing copies are and each of them is, a full, true, and correct copy  
of such originals and of the whole thereof.

In Witness Where of I have hereunto set my hand and the seal of said Superior Court, this  
12<sup>th</sup>, day of September, 2017.



By: Jude Irazo  
Deputy

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STEVEN M. WOODSIDE, County Counsel  
VANESSA A. ZECHER, Deputy County Counsel  
County Government Center, East Wing  
70 West Hedding Street, 9th Floor  
San Jose, California 95110  
Telephone: (408) 299-2111

FILED  
GRACE R. Y...  
90 JUL 5 4 9: 09

Attorneys for Defendants SHERIFF ROBERT WINTERS,  
SANTA CLARA COUNTY SHERIFF'S DEPARTMENT, SHERIFF  
GILLINGHAM, FRANK HALL, COUNTY OF SANTA CLARA,  
CAPTAIN T.K. DAVIS, HARRY SORENSON, LOUIS NAJERA,  
DAVID LEMMON, JUAN MEDINA, MARK TARABINI, DAVID  
GONZALEZ, MICHAEL ZEIGER, JOSEPH MASAWETH,  
GERALD HILGART, HERMAN LEON, SGT. GOTTLIEB,  
LT. ROBERT STITH, and CHRISTOPHER FRECHETTE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Entity  
Public

JOHN and ELSIE LEONTI,	)	NO. 691074
	)	
Plaintiffs,	)	
	)	
v.	)	ANSWER TO COMPLAINT
	)	
COUNTY OF SANTA CLARA, et al.,	)	
	)	
Defendants.	)	
	)	

Defendants SHERIFF ROBERT WINTERS, SANTA CLARA COUNTY  
SHERIFF'S DEPARTMENT, SHERIFF GILLINGHAM, FRANK HALL, COUNTY OF  
SANTA CLARA, CAPTAIN T.K. DAVIS, HARRY SORENSON, LOUIS NAJERA,  
DAVID LEMMON, JUAN MEDINA, MARK TARABINI, DAVID GONZALEZ, MICHAEL  
ZEIGER, JOSEPH MASAWETH, GERALD HILGART, HERMAN LEON, SGT.  
GOTTLIEB, LT. ROBERT STITH, and CHRISTOPHER FRECHETTE, answering  
on behalf of themselves and no others, generally deny each and  
every allegation contained in the unverified Complaint on file

1 herein pursuant to section 431.30(d) of the California Code of  
2 Civil Procedure.

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4 AFFIRMATIVE DEFENSES

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6 FIRST AFFIRMATIVE DEFENSE

7 As a separate, distinct and affirmative defense, these  
8 answering defendants allege that the Complaint fails to state any  
9 claim upon which relief can be granted.

10 SECOND AFFIRMATIVE DEFENSE

11 As a separate, distinct and affirmative defense to the  
12 Complaint, and to each and every cause of action contained  
13 therein, these answering defendants allege that said Complaint,  
14 and each and every cause of action, fails to state facts  
15 sufficient to constitute a cause of action or causes of action  
16 against these answering defendants.

17 THIRD AFFIRMATIVE DEFENSE

18 As a separate, distinct and affirmative defense, these  
19 answering defendants allege that all actions taken by them  
20 comported with all State and Federal law.

21 FOURTH AFFIRMATIVE DEFENSE

22 As a separate, distinct and affirmative defense, these  
23 answering defendants deny that they have deprived plaintiffs of  
24 any rights, privileges or immunities granted by the laws or  
25 Constitution of the United States, or by the laws or Constitution  
26 of the State of California.

27 FIFTH AFFIRMATIVE DEFENSE

28 As a separate, distinct and affirmative defense, these

1 answering defendants allege that the Tenth and Eleventh  
2 Amendments of the United States Constitution preclude this Court  
3 from granting the relief sought in the Complaint.

4 SIXTH AFFIRMATIVE DEFENSE

5 As a separate, distinct and affirmative defense, these  
6 answering defendants allege that at all times they have acted  
7 within the scope of their discretion with due care, in good faith  
8 fulfillment of their responsibilities, pursuant to applicable  
9 statutes, rules, regulations and practices, within the bounds of  
10 reason, under all circumstances known to them, and with the good  
11 faith belief that their actions comported with all applicable  
12 Federal and State law. These answering defendants, therefore,  
13 assert the defense of qualified immunity.

14 SEVENTH AFFIRMATIVE DEFENSE

15 As a separate, distinct and affirmative defense, these  
16 answering defendants allege that at the time of the events  
17 alleged by plaintiffs there were no clearly established  
18 constitutional rights of which defendants knew, or should have  
19 known, which required defendants to act differently than they  
20 did, in fact, act. These answering defendants, therefore, allege  
21 that they are immune from liability.

22 EIGHTH AFFIRMATIVE DEFENSE

23 As a separate, distinct and affirmative defense, these  
24 answering defendants allege that at no time did they act  
25 maliciously, willfully or fraudulently to violate plaintiffs'  
26 civil rights.

27 NINTH AFFIRMATIVE DEFENSE

28 As a separate, distinct and affirmative defense, these



1 answering defendants allege that they did not act with malicious  
2 intent to deprive plaintiffs or the deceased of any  
3 constitutional rights, or to cause them other injury. These  
4 answering defendants, therefore, allege that they are immune from  
5 liability.

6 TENTH AFFIRMATIVE DEFENSE

7 As a separate, distinct and affirmative defense, these  
8 answering defendants allege that insofar as they have delegated  
9 any duties to subordinates, or others, they have at all times  
10 done so in good faith and with due care, and, therefore, are  
11 immune from liability for any acts or omissions by those to whom  
12 authority has been properly delegated.

13 ELEVENTH AFFIRMATIVE DEFENSE

14 As a separate, distinct and affirmative defense, these  
15 answering defendants allege that if they performed any acts or  
16 omissions alleged in the Complaint they did so in good faith  
17 reliance upon, and enforcement of, legitimate laws, rules and  
18 regulations. These answering defendants, therefore, assert that  
19 they are immune from liability.

20 TWELFTH AFFIRMATIVE DEFENSE

21 As a separate, distinct and affirmative defense to the  
22 Complaint, and to each and every cause of action contained  
23 therein, these answering defendants allege that they have no  
24 policy, custom or practice which violates any persons'  
25 constitutional rights.

26 THIRTEENTH AFFIRMATIVE DEFENSE

27 As a separate, distinct and affirmative defense, these  
28 answering defendants allege that any force used was reasonable

1 and justified under the circumstances.

2 FOURTEENTH AFFIRMATIVE DEFENSE

3 As a separate, distinct and affirmative defense to the  
4 Complaint, and to each and every cause of action contained  
5 therein, these answering defendants allege that plaintiffs were  
6 careless, negligent and at fault in and about the matters  
7 complained of, and that such carelessness, negligence and fault  
8 proximately and concurrently caused the alleged damages sustained  
9 by plaintiffs. Under principles of comparative fault, plaintiffs  
10 must bear sole, or partial, responsibility for their alleged  
11 injuries, damages or other alleged loss, if any there be, using a  
12 percentage allocation of plaintiffs' fault or negligence.

13 FIFTEENTH AFFIRMATIVE DEFENSE

14 As a separate, distinct and affirmative defense to the  
15 Complaint, and to each and every cause of action contained  
16 therein, these answering defendants allege that decedent was  
17 careless, negligent and at fault in and about the matters  
18 complained of, and that such carelessness, negligence and fault  
19 proximately and concurrently caused the death of decedent. Under  
20 principles of comparative fault, decedent must bear sole, or  
21 partial, responsibility for his death, using a percentage  
22 allocation of decedent's fault or negligence.

23 SIXTEENTH AFFIRMATIVE DEFENSE

24 As a separate, distinct and affirmative defense to the  
25 Complaint, and to each and every cause of action contained  
26 therein, these answering defendants allege that plaintiff's  
27 damages, if any, were proximately caused, or contributed to, in  
28 whole or in part, by the negligence or intentional acts of

1 persons or entities other than these answering defendants.

2 SEVENTEENTH AFFIRMATIVE DEFENSE

3 As a separate, distinct and affirmative defense to the  
4 Complaint, and to each and every cause of action contained  
5 therein, these answering defendants allege that any acts on the  
6 part of these answering defendants, or its employees, if any  
7 there may have been, were discretionary, and not ministerial in  
8 nature. As such, these answering defendants are not liable for  
9 the injuries complained of.

10 EIGHTEENTH AFFIRMATIVE DEFENSE

11 As a separate, distinct and affirmative defense to the  
12 Complaint, and to each and every cause of action contained  
13 therein, these answering defendants allege that there is no  
14 proximate causation to link the injuries complained of by  
15 plaintiff, with any actions on the part of these answering  
16 defendants, if any there may be, as alleged in the Complaint. As  
17 such, these answering defendants are not liable for the injuries  
18 complained of.

19 NINETEENTH AFFIRMATIVE DEFENSE

20 As a separate, distinct and affirmative defense to the  
21 Complaint, and to each and every cause of action contained  
22 therein, these answering defendants allege that the acts alleged  
23 in the Complaint, on the part of these answering defendants, did  
24 not actually cause the injuries complained of by plaintiffs, nor  
25 actually cause the death of decedent. As such, these answering  
26 defendants are not liable for the injuries complained of.

27 TWENTIETH AFFIRMATIVE DEFENSE

28 As a separate, distinct and affirmative defense to the

1 Complaint, and to each and every cause of action contained  
2 therein, these answering defendants allege that a public entity  
3 is not liable for an injury whether such injury arises out of an  
4 act or omission of the public entity or public employee or any  
5 other person. As such, these answering defendants are not liable  
6 for the injuries complained of herein.

7 TWENTY-FIRST AFFIRMATIVE DEFENSE

8 As a separate, distinct and affirmative defense to the  
9 Complaint, and to each and every cause of action contained  
10 therein, these answering defendants allege that should the  
11 allegations of the Complaint be proven at trial, the acts of the  
12 third parties were beyond the control of these answering  
13 defendants, and, hence, these answering defendants cannot be held  
14 liable.

15 TWENTY-SECOND AFFIRMATIVE DEFENSE

16 As a separate, distinct and affirmative defense to the  
17 Complaint, and to each and every cause of action contained  
18 therein, these answering defendants allege that their conduct was  
19 performed in good faith.

20 TWENTY-THIRD AFFIRMATIVE DEFENSE

21 As a separate, distinct and affirmative defense to the  
22 Complaint, and to each and every cause of action contained  
23 therein, these answering defendants allege that any negligence or  
24 fault which may be attributed to any defendants was primarily and  
25 actively caused by persons other than these answering defendants  
26 and that these answering defendants only secondarily or passively  
27 caused any negligence or fault.

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TWENTY-FOURTH AFFIRMATIVE DEFENSE

As a separate, distinct and affirmative defense to the Complaint, and to each and every cause of action contained therein, these answering defendants allege that they are not liable for any damages as alleged in the Complaint pursuant to Government Code section 821.6 for any actions which may have been taken by any County employee named in this matter.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

As a separate, distinct and affirmative defense to the Complaint, and to each and every cause of action contained therein, these answering defendants allege that they are not liable for the allegations contained in plaintiff's Complaint because they are immune pursuant to Government Code sections 815 and 815.2.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

As a separate, distinct and affirmative defense to the Complaint, and to each and every cause of action contained therein, these answering defendants allege that they are immune from liability pursuant to the applicable Government Code sections (Government Code sections 800, et seq.).

WHEREFORE, these answering defendants pray as follows:

- 1. That plaintiffs take nothing by way of their Complaint;
- 2. For reasonable attorneys' fees;
- 3. For a denial of any and all requests for injunctive relief;
- 4. For costs of suit incurred herein; and

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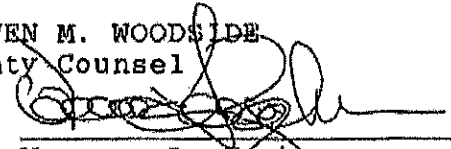
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5. For such other and further relief as the Court may deem just and proper.

Dated: July 2, 1990

STEVEN M. WOODSIDE  
County Counsel

By:



---

Vanessa A. Zecher  
Deputy County Counsel

Attorneys for Defendants

PROOF OF SERVICE BY MAIL  
GRACE 7.

CWA

John and Alice Leong, County  
of Santa Clara, et al.; No. 691074

Declarant says:

EY DEPUTY

I am now and at all times herein mentioned have been over the age of eighteen years, a resident of and employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, 9th Floor, East Wing, San Jose, California 95110-1771. I am readily familiar with the County's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the attached ANSWER TO COMPLAINT, by placing said copy in an envelope addressed to:

Robert L. Mezzetti, Esq.  
Law Offices of Robert L. Mezzetti  
31 East Julian Street  
San Jose, CA 95112

which envelope was then sealed, with postage fully prepaid thereon, on July 3, 1990, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 3, 1990, at San Jose, California.

C. Villa  
C. Villa

1 STEVEN M. WOODSIDE, County Counsel  
2 VANESSA A. ZECHER, Deputy County Counsel  
3 County Government Center, East Wing  
4 70 West Hedding Street, 9th Floor  
5 San Jose, California 95110  
6 Telephone: (408) 299-2111

7  
8 Attorneys for Defendant  
9 COUNTY OF SANTA CLARA

10  
11 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

12 JOHN and ELSIE LEONTI, ) NO. 691074  
13 Plaintiffs, )  
14 v. ) DEFENDANT COUNTY OF SANTA  
15 COUNTY OF SANTA CLARA, et al., ) CLARA'S RESPONSE TO  
16 Defendants. ) PLAINTIFFS' REQUEST FOR  
PRODUCTION OF DOCUMENTS,  
SET NO. 1

17 REQUESTING PARTIES: Plaintiffs JOHN and ELSIE LEONTI  
18 RESPONDING PARTY: Defendant COUNTY OF SANTA CLARA  
19 SET NO.: ONE

20 Defendant COUNTY OF SANTA CLARA produces the following  
21 documents in response to plaintiffs' Request for Production of  
22 Documents, Set No. 1:

23 RESPONSE TO REQUEST NO. 1: Attached hereto please find the  
24 following documents:

- 25 1. Report No. 89-495MS - Summary, by Sgt. Laurie Smith,  
26 dated August 9, 1990, attached hereto as Exhibit A.  
27 2. Felony Incident Report submitted on May 24, 1989,  
28 attached hereto as Exhibit B.



- 1 3. Report No. 89-495MS-1, by Sgt. Laurie Smith, dated May
- 2 24, 1989, attached hereto as Exhibit C.
- 3 4. Report No. 89-495MS-2, by Sgt. Laurie Smith, dated May
- 4 25, 1989, attached hereto as Exhibit D.
- 5 5. Supplementary Report, by Deputy D. Campagnolo, dated
- 6 May 25, 1989, attached hereto as Exhibit E.
- 7 6. A diagram of the area where the incident took place,
- 8 dated May 25, 1989, attached hereto as Exhibit F.
- 9 7. Report No. 89-495MS-24, by Lt. T. K. Davis, dated May
- 10 24, 1989, attached hereto as Exhibit G.
- 11 8. Santa Clara County Sheriff's Department Property
- 12 Report, submitted on August 7, 1989, attached hereto as Exhibit H.
- 13 9. Report No. 89-495MS-6, by Sgt. Laurie Smith, dated May
- 14 24, 1989, attached hereto as Exhibit I.
- 15 10. Report No. 89-495MS-7, by Sgt. Laurie Smith, dated May
- 16 24, 1989, attached hereto as Exhibit J.
- 17 11. Report No. 89-495MS-20, by Sgt. Laurie Smith, dated
- 18 June 1, 1989, attached hereto as Exhibit K.
- 19 12. Report No. 89-495MS-9, by Sgt. Laurie Smith, dated May
- 20 25, 1989, attached hereto as Exhibit L.
- 21 13. Report No. 89-495MS-18, by Sgt. Laurie Smith, dated
- 22 June 8, 1989, attached hereto as Exhibit M.
- 23 14. Santa Clara Police Department Crime Report, Case No.
- 24 8908156, attached hereto as Exhibit N.
- 25 15. Report No. 89-495MS-3, by Sgt. Laurie Smith, dated May
- 26 24, 1989, attached hereto as Exhibit O.
- 27 16. Report No. 89-495MS-26, by Sgt. Laurie Smith, dated
- 28 August 7, 1989, attached hereto as Exhibit P.

- 1 17. Report No. 89-495MS-21, by Sgt. Laurie Smith, dated May  
2 30, 1989, attached hereto as Exhibit Q.
- 3 18. Report No. 89-495MS-5, by Sgt. Laurie Smith, dated May  
4 24, 1989, attached hereto as Exhibit R.
- 5 19. Report No. 89-495MS-4, by Sgt. Laurie Smith, dated May  
6 24, 1989, attached hereto as Exhibit S.
- 7 20. Report No. 89-495MS-14, by Sgt. Laurie Smith, dated May  
8 30, 1989, attached hereto as Exhibit T.
- 9 21. Report No. 89-495MS-12, by Sgt. Laurie Smith, dated May  
10 30, 1989, attached hereto as Exhibit U.
- 11 22. Report No. 89-495MS-17, by Sgt. Laurie Smith, dated  
12 June 5, 1989, attached hereto as Exhibit V.
- 13 23. Report No. 89-495MS-16, by Sgt. Laurie Smith, dated May  
14 31, 1989, attached hereto as Exhibit W.
- 15 24. Report No. 89-495MS-13, by Sgt. Laurie Smith, dated May  
16 30, 1989, attached hereto as Exhibit X.
- 17 25. Report No. 89-495MS-15, by Sgt. Laurie Smith, dated May  
18 31, 1989, attached hereto as Exhibit Y.
- 19 26. Report No. 89-495MS-25, by Sgt. Laurie Smith, dated  
20 July 20, 1989, attached hereto as Exhibit Z.
- 21 27. Report No. 89-495MS-19, by Sgt. Laurie Smith, dated May  
22 29, 1989, attached hereto as Exhibit AA.
- 23 28. Taser Use Report Form, date of use May 24, 1989, and  
24 Employee's Report, dated May 24, 1989, attached hereto as Exhibit  
25 BB.
- 26 29. Santa Clara County Sheriff Supplementary Report,  
27 Report/Beat No. CR89-495MS, submitted by Correctional Officer  
28 Zeiger on May 24, 1989, attached hereto as Exhibit CC.

- 1           30. Santa Clara County Sheriff Supplementary Report,  
2 Report/Beat No. CR89-495MS, submitted by Correctional Officer  
3 Joseph Masarweh on May 24, 1989, attached as Exhibit DD.
- 4           31. Santa Clara County Sheriff Supplementary Report,  
5 Report/Beat No. CR89-495MS, submitted by Correctional Officer  
6 Hilgart on May 24, 1989, attached as Exhibit EE.
- 7           32. Santa Clara County Sheriff Supplementary Report,  
8 Report/Beat No. CR89-495MS, submitted by Correctional Officer  
9 David Gonzalez on May 24, 1989, attached as Exhibit FF.
- 10          33. Santa Clara County Sheriff Supplementary Report,  
11 Report/Beat No. CR89-495MS, submitted by Correctional Officer H.  
12 Leon on May 24, 1989, attached as Exhibit GG.
- 13          34. A one-page report, Report/Beat No. CR89-495MS,  
14 submitted by Deputy Sorensen on May 24, 1989, attached hereto as  
15 Exhibit HH.
- 16          35. A one-page report, Report/Beat No. CR89-495MS,  
17 submitted by Officer J. Medina on May 24, 1989, attached hereto  
18 as Exhibit II.
- 19          36. Santa Clara County Sheriff Supplementary Report,  
20 Report/Beat No. CR89-495MS, submitted by Deputy Najera on May 24,  
21 1989, attached as Exhibit JJ.
- 22          37. Santa Clara County Sheriff Supplementary Report,  
23 Report/Beat No. CR89-495MS, submitted by Sgt. Glenn R. Neklason  
24 on May 24, 1989, attached as Exhibit KK.
- 25          38. Santa Clara County Department of Correction Report No.  
26 89-495MS-11, by Sgt. Laurie Smith, date May 30, 1989, attached  
27 hereto as Exhibit LL.
- 28          39. Memorandum to District Attorney Leon Himmelsbach,

1 Assistant District Attorney George Kennedy, and Chief Augustus B.  
2 Brunean from Inspector Sandra Williams, dated May 24, 1989,  
3 attached hereto as Exhibit MM.

4 40. Santa Clara County Department of Correction Report No.  
5 89-495MS-8, by Lt. T. K. Davis, dated May 26, 1989, attached,  
6 hereto as Exhibit NN.

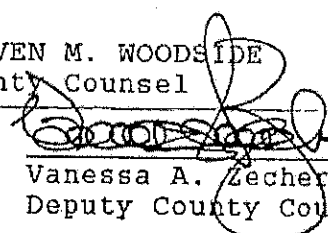
7 41. Santa Clara County Department of Correction Report No.  
8 89-495MS-10, by Lt. T. K. Davis, dated May 31, 1989, attached  
9 hereto as Exhibit OO.

10 42. Report of Autopsy, dated May 24, 1989, attached as  
11 Exhibit PP.

12 43. Investigation Report by the County of Santa Clara  
13 Medical Examiner-Coroner, dated June 16, 1989, attached as  
14 Exhibit QQ.

15 Dated: March 27, 1990.

16 STEVEN M. WOODSIDE  
17 County Counsel

18 By:   
19 Vanessa A. Zecher  
20 Deputy County Counsel

21 Attorneys for Defendant  
22 COUNTY OF SANTA CLARA  
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1 PROOF OF SERVICE BY MAIL

2 Leonti, et al. v. County of Santa  
3 Clara, et al.; No. 691074

4 I, Clare K. Iglesias, say:

5 I am now and at all times herein mentioned have been over  
6 the age of eighteen years, a resident of and employed in Santa  
7 Clara County, California, and not a party to the within action or  
8 cause; that my business address is 70 West Hedding Street, 9th  
9 Floor, East Wing, San Jose, California 95110-1771. I am readily  
10 familiar with the County's business practice for collection and  
11 processing of correspondence for mailing with the United States  
12 Postal Service. I served a copy of the attached DEFENDANT COUNTY  
13 OF SANTA CLARA'S RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION  
14 OF DOCUMENTS, SET NO. 1, by placing said copy in an envelope  
15 addressed to:

16 Robert L. Mezzetti, Esq., 31 E. Julian St., San Jose, CA  
17 95112

18 Frederick t. Kearney, Esq., Debra A. Holiday, Esq.,  
19 Tarkington, O'Connor & O'Neill, 10 Almaden Blvd., 15th  
20 Floor, San Jose, CA 95113

21 which envelope was then sealed, with postage fully prepaid  
22 thereon, on March 28, 1990, and placed for collection and  
23 mailing at my place of business following ordinary business  
24 practices. Said correspondence will be deposited with the United  
25 States Postal Service at San Jose, California, on the  
26 above-referenced date in the ordinary course of business; there  
27 is delivery service by United States mail at the place so  
28 addressed.

I declare under penalty of perjury under the laws of the  
State of California that the foregoing is true and correct, and  
that this declaration was executed on March 28, 1990, at San  
Jose, California.

22 Clare K. Iglesias  
23 Clare K. Iglesias  
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VERIFICATION

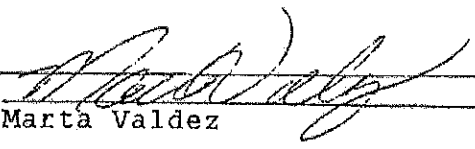
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I declare that:

I am a paralegal, employed by the Office of the County Counsel of the COUNTY OF SANTA CLARA, one of the defendants in this action, and am authorized to make this verification for and on behalf of defendant COUNTY OF SANTA CLARA, and I make this verification for that reason; I have read the foregoing DEFENDANT COUNTY OF SANTA CLARA'S RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. 1, and know its contents; I am informed and believe and, on that ground, allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 28, 1990.

  
Marta Valdez

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STEVEN M. WOODSIDE, County Counsel  
VANESSA A. ZECHER, Deputy County Counsel  
County Government Center, East Wing  
70 West Hedding Street, Ninth Floor  
San Jose, California 95110-1770  
Telephone: (408) 299-2111  
  
Attorneys for Defendants  
COUNTY OF SANTA CLARA, et al.

FILED  
GRACE K. YAWA  
SG SEP 21 3:19  
BY \_\_\_\_\_  
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

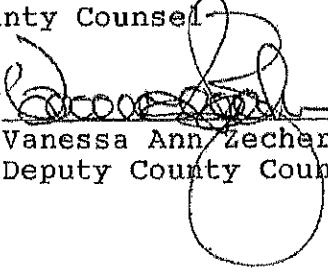
JOHN and ELSIE LEONTI, ) NO. 691074 INDEXED  
 )  
Plaintiffs, ) AMENDMENT TO CROSS-COMPLAINT  
 ) TO STATE TRUE NAME OF CROSS-  
v. ) DEFENDANT DUED HEREIN AS DOE 1  
 )  
COUNTY OF SANTA CLARA, et al., )  
 )  
Defendants. )  
 )  
AND RELATED CROSS-ACTION )  
 )  
 )

Defendants and cross-complainants COUNTY OF SANTA CLARA,  
SHERIFF ROBERT WINTERS, SANTA CLARA COUNTY SHERIFFS' DEPARTMENT,  
SHERIFF GILLINGHAM, FRANK HALL, CAPTAIN T.K. DAVIS, HARRY  
SORENSEN, LOUIS NAJERA, DAVID LEMMON, JUANJ MEDINA, MARK  
TARABINI, DAVID GONZALEZ, MICHAEL ZEIGER, JOSEPH MASARWET, GERALD  
HILGART, HERMAN LEON, SGT. GOTTLIEB, LT. ROBERT STITH, and  
CHRISTOPHER FRESCHETTE were ignorant of the true names of a  
cross-defendant designated herein as DOE 1, and stated that fact  
in its cross-complaint. Plaintiff has discovered the true name  
of said cross-defendant, and pursuant to Code of Civil Procedure

1 § 474, hereby amends its cross-complaint to state the true name  
2 and identity of the cross-defendant designated herein as DOE 1 to  
3 be: ADAMSON INDUSTRIES, a California corporation.

4 DATED: September 19, 1990.

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7 STEVEN M. WOODSIDE  
8 County Counsel

9 By:   
10 Vanessa Ann Zecher  
11 Deputy County Counsel

12 VAZ:kvh:lit2.851/#74  
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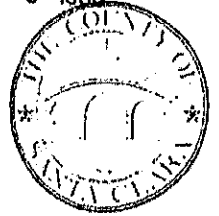
**County of Santa Clara**

Office of the County Counsel

County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110-1770  
(408) 298-2111  
(408) 292-7240 (FAX)

REC VED FEB 23 1990

*File*



Steven M. Woodside  
County Counsel

February 21, 1990

Anthony T. Giacalone, Esq.  
Law Offices of Robert L. Mezzetti  
31 E. Julian St.  
San Jose, CA 95112

Re: Leonti v. County of Santa Clara, et al.

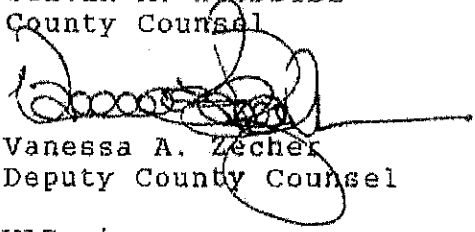
Dear Tony:

As we discussed by telephone on February 14, 1990, I am unable to produce the documents requested by you in your First Request for Production of Documents as the Grand Jury still has not rendered its findings in the above-entitled matter. The documents which I would be producing pursuant to your request are documents which are presently lodged with the Grand Jury for its use during its investigation of this matter. The documents which are lodged with the Grand Jury are privileged until the Grand Jury issues its findings.

I sincerely thank you for your patience in this matter. As soon as the Grand Jury issues its findings, I will comply with the document request.

Yours very truly,

STEVEN M. WOODSIDE  
County Counsel

  
Vanessa A. Zecher  
Deputy County Counsel

VAZ:ci



LAW OFFICES OF  
ROBERT L. MEZZETTI

31 EAST JULIAN STREET  
SAN JOSE, CALIFORNIA 95112 • TELEPHONE (408) 279-8400

ROBERT L. MEZZETTI  
ROBERT L. MEZZETTI, II  
ANTHONY T. GIACALONE

KELSEYVILLE OFFICE  
8958 SODA BAY ROAD  
KELSEYVILLE, CALIF. 95451  
(707) 277-7222

SANTA CRUZ OFFICE  
4800 OPAL CLIFF DRIVE  
SANTA CRUZ, CA 95062  
(408) 476-4688

REPLY TO: SAN JOSE OFFICE

March 28, 1991

4

Vanessa Zecher-Cain, Esq.  
COUNTY COUNSEL'S OFFICE  
70 West Hedding Street  
San Jose, CA 95110

RE: LEONTI v. COUNTY OF SANTA CLARA

*to file*

Dear Vanessa:

This will confirm our telephone conversation of this afternoon wherein you informed me you would be asking the Board for approval of a \$650,000.00 settlement in the above matter. You told me you would not be able to present said settlement to the Board until April 8, 1991.

This shall further confirm that my clients are willing to accept said settlement. Please advise at your earliest possible convenience as to Board action regarding same. I very much appreciate all of the courtesies and kind cooperation you have extended in this case. While this has been a difficult matter to deal with, it has nonetheless been very pleasant working with you.

Very truly yours,

ANTHONY T. GIACALONE

ANTHONY T. GIACALONE

*[Handwritten signature]*

ATG:jam

cc: clients  
Judge Wright  
Judge Stone

P.S. to Judge Wright -- Thank you so much for your help in this case. I doubt very much whether we could have accomplished a settlement in this matter without it.

Regards -- Tony

1 LAW OFFICES OF THE ALTERNATE DEFENDER  
2 DAVID EPPS, # 160173  
3 ALFONSO LOPEZ, # 203564  
4 BRIAN MATTHEWS, # 191508  
5 701 Miller Street, 1<sup>st</sup> Floor  
6 San Jose, CA 95110  
7 Telephone: (408) 299-7234  
8 [brian.matthews@ado.sccgov.org](mailto:brian.matthews@ado.sccgov.org)

9 *Attorneys for Antolin Garcia-Torres*

ENDORSED  
FILED

2017 SEP 18 A 11:52

CLERK OF SUPERIOR COURT  
COUNTY OF SANTA CLARA  
BY **Tran Tran**

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF SANTA CLARA**

12 PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 ANTOLIN GARCIA-TORRES,

17 Defendant

Case No.: 213515

PROOF OF SERVICE

18  
19 I am a citizen of the United States and am employed in Santa Clara County. I am  
20 over the age of eighteen years and not a party to this action. My business address is  
21 701 Miller Street, San Jose, CA 95110.

22 On September 18, 2017 I served the within *Supplemental Verified Statement*  
23 *Regarding Challenge Pursuant to CCP § 170.3* electronically by sending a copy to the  
24 business email address for DDA David Boyd and DDA Dana Veazey.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed  
26 on this 18<sup>th</sup> day of September 2017 at San Jose, California.

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