

San Diego Deputy District Attorneys Association

President: Robert Hickey
Vice President: Steve Walter
Treasurer: Cari Philpott
Secretary: Chantal de Mauregne
Directors: Bryn Kirvin, David F. Williams III, Brenda Daly,
Jim Koerber, Patrick Ojeil, Adam Gordon &
Shannon Welton

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November 2012 Edition

Jim Koerber, *Editor*



President's Message

By Robert Hickey

Election Results - November 6, 2012



Our actions define our legacy. And a hard fought campaign is well won. We send our congratulations to Deputy District Attorney Robert Amador and his family on his election to the Superior Court. Robert was the only candidate in the race rated "Well Qualified" by the San Diego County Bar Association. Our loss is the bench's gain. We wish our newly elected judges – Robert Amador and David Berry – the best as they depart our office soon for their new positions serving the People of California.

Passing of Judge George “Woody” Clarke

Judge George “Woody” Clarke passed away recently after a brief illness. Before being appointed to the bench in 2003, Judge Clarke served as a Deputy District Attorney in this office for 21 years. During that time, he tried many serious cases, and was honored in 2003 as “Prosecutor of the Year” by both the California District Attorneys Association and the Deputy District Attorneys Association. Judge Clarke was recognized in 2000 by the San Diego County Bar Association as “Public Lawyer of the Year.” Beyond his many professional accomplishments, “Woody” stood out as one of the nicest people you could ever hope to meet. Please keep Judge Clarke and his family in your thoughts and prayers.



Deputy District Attorney Badges



On **July 30, 2007**, the California Attorney General issued Opinion No. 06-307, which declared that badges may not be used or displayed for any purpose by non-law enforcement personnel, whether related to their employment or otherwise. Under California law, Deputy District Attorneys are **not** law enforcement personnel. In 2007, the Administration revised the badge policy: **Legal Policy Guide Special Directive – 06**. Bottom line – your badge is a ceremonial symbol of your association with this office, and must never be used or displayed as a means of official identification, for official business, or in any other way.

If your badge is lost or stolen, please report that event immediately to **Special Operations** so it can be documented. If you leave the office for other employment or for retirement, please return your badge to the **Deputy District Attorneys Association**. The **DDAA** will have a plaque made with your badge on it and present it to you as a keepsake of your years of service with the best prosecutorial office in the United States.

UPDATE – Health Plan Task Force



On **October 17, 2012**, the Health Plan Task Force met, comprised of the county labor organizations and County representatives - DDAs Brent Neck, Rori Robinson, and Jim Koerber attended for the DDAA. Discussed was the Request for Proposal (RFP) that the County will issue early next year to medical providers to bid on providing health care to County employees starting on **January 1, 2014**. The County requested input, and the **DDAA** submitted ideas and questions for inclusion. Representatives from Miscellaneous Employees and from Public Safety will be on the

Source Selection committee for the 2014 health plans. The County hopes to have a final determination by mid-2013 on the plans to be offered. We will keep you informed.

Welcome to the DDA Class of 2012

The hiring process for the DDA Class of 2012 is in its final phase. The Administration allowed the **DDAA** to assist in the process, and many DDAs sat on the interview panels - thank you for your time and input. Over 150 candidates were interviewed, and it is anticipated that there will be 25 new hires. Offers have been made, and the potential new DDAs are undergoing background investigations. The goal is to have the new DDAs on board by November 30, 2012. Please extend a warm welcome to our newest prosecutors!

Free Passes to the San Diego Natural History Museum



We have two (2) free family passes to the San Diego Natural History Museum in Balboa Park which can be borrowed any time for use until December 31, 2012. The passes are good for **unlimited** free general admission, but do not include separately priced events or exhibitions. Please contact DDA Jim Koerber to reserve the passes.

Crime Stoppers Light the Night Against Crime 5K

On Saturday, October 27, 2012, 46 District Attorney employees participated in the annual **San Diego County Crime Stoppers Light the Night Against Crime 5k Run/Walk**. Together with family and friends, the District Attorney's Office had 91 participants. Our very own District Attorney, Bonnie Dumanis, showed up to wish us all a good race. Thanks to District Attorney Investigator Diane Snyder for putting our team together. Consider joining the District Attorney team and supporting Crime Stoppers next year!



Office Holiday Party – December 14, 2012



Mark your calendars **now** and save **Friday, December 14, 2012** for the **Office Holiday Party** at the Air and Space Museum in Balboa Park. It promises to be another great event, thanks to the efforts of Deputy District Attorney Chantal de Mauregne and others. We hope to see you there!



Congratulations to the DA Team – MS Bay to Bay Tour



by Deputy District Attorneys Brian Erickson and David Grapilon

On October 20-21, 2012, **Deputy District Attorneys Brian Erickson, David Grapilon, Cal Logan, Carlos Varela, Ben Barlow and Lance Taschner** (DDA Judy Taschner's husband) rode in the **30th Annual Bike MS Bay to Bay Tour**.

Thanks to the generosity of the San Diego Deputy District Attorneys Association, staff of the DA's office, and family and friends, we were able to raise over \$6,000 to benefit the National MS Society. Multiple Sclerosis (MS) is a debilitating disease that attacks the central nervous system, for which research is currently developing treatments and medications.



Captain Brian Erickson organized and led the "D.A.'s Against MS" team

Day One started in Irvine. Wearing brand-spanking new bicycle jerseys, we began the first day of the ride amidst



drizzle and rain showers.



The wet weather didn't slow us down as we made our way south along the coast. Riding as a team, the miles flew past scenic coastal towns like Laguna Beach, Dana Point, and San Juan Capistrano.

At about 65 miles, we headed inland for a loop and some

hills before heading back up the coast to finish at the Carlsbad Sheraton for the completion of 103 miles for Day One.



Brian's wife Lisa, one of the coordinators for the event, made sure we were all fed and squared-away for the day. She took fantastic care of us and our families, and really made it a comfortable, well-organized event.

Day Two started early Sunday morning with breakfast at the Sheraton. While it was still a bit cold and dreary, we quickly warmed up as we cruised down the coast from Carlsbad to La Jolla.



After a quick detour for photos at La Jolla Cove, we rejoined the pack and cycled into Mission Bay's Hospitality Point before noon, completing the ride.

Despite some now-infamous incidents like Brian crashing at a crosswalk and



Carlos attempting a second-base-like slide across a slippery intersection in Carlsbad, it was a great fun-filled time!



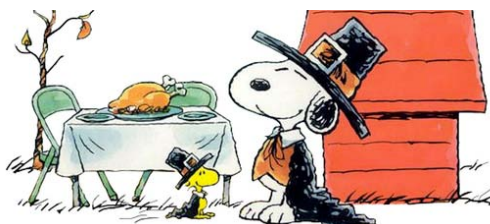
We all wish to thank the **Deputy District Attorneys Association** for their support and sponsorship and the fantastic bicycle jerseys, which were the envy of the ride.

None of us could have done this ride without the generous support and encouragement of our sponsors, families, and friends that assisted us in this worthwhile endeavor.



Click [here](#) for the photo journal of the ride.

We are actively recruiting riders for next year's event. The only way to get one of these cool bicycle jerseys is to ride your bike with us next year on team **DA's Against MS!**





**DEPUTY DISTRICT ATTORNEYS ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES OF 11/8/12**

Officers and Directors Present:	Robert Hickey	Bryn Kirvin	Chantal de Mauregne
	Cari Philpott	Brenda Daly	Steve Walter
	James Koerber	Shannon Welton	David Williams III
	Adam Gordon		

Members Present: Terri Wyatt, Mark Amador, Dino Paraskevopoulos, Jim Waters, Doug Rose, Linh Lam, Giacomo Bucci, Rob Lafer, Pat McGrath, Teresa Santana, Kelly Rand, Brent Neck, Sherry Thompson, Dan Owens, Leon Schorr, Joe McLaughlin, Erik Welton

Consultant: John Wainio

New Deputy DAs: Christy Bowles, Kristi Hein, John Dunn, Matt Brower, Steve Schott, Eric Neff, Dana Darnell, Ramona Noursamadi, Tiffany Scott, Ashley Thompson, Justine Santiago, Kyle Sutterley, Melissa Ocampo, Franciesca Balerio

- 1. Call to Order:** President Hickey called the meeting to order at 5:35 p.m. in the Topaz Room at the Westin Hotel.
- 2. San Diego County Treasurer – Tax Collector Dan McAllister on Deferred Compensation Options:** Treasurer-Tax Collector Dan McAllister provided his annual update to the DDAA Board on the deferred compensation plans available to County employees. Four years ago, after extensive review, Nationwide became the deferred compensation provider for the County. Nationwide has provided more investment choices and competitive prices on their plans. However, to ensure that is still the case, the County will be issuing a Request for Proposal soon to see what is currently available from providers of investment plans. A DDA will be on the Source Selection Committee. Mr. McAllister discussed the differences between the Deferred Compensation 457 and 401 plans. Mr. McAllister urged anyone with questions to contact his office: **(619)531-4243**.
- 3. DDA Doug Rose on Deferred Compensation Options and Pending Pension Changes:** Mr. Rose, DDA and board member of the San Diego County Employees Retirement Association, provided a extensive presentation on the operation of the County pension system. Mr. Rose then discussed the changes mandated by the passage of AB340. By 2018, a portion of “normal costs” can be imposed only on employees who are unrepresented. Starting next year, SDCERA is going to require the pre-funding of the cost of Sick Leave Conversion by imposing a cost of \$11 million dollars on the County. A DDA will still be able to

buy back law clerk to as additional County service. However, the longer a DDA waits to do so, the higher the cost will be.

4. **New DDA Happy Hour:** The DDAA Board will be organizing a Reception and Happy Hour in January 2013 at the U.S. Grant Hotel to welcome the new Deputy District Attorneys. Also to be honored are Judges-elect Robert Amador and David Berry, and new Supervisor of District Three Dave Roberts. And we will also formally bid farewell to Deputy District Attorney Garland Peed. There will be further details forthcoming next month. All DDAs will be invited to attend.
5. **Annual Retreat Update:** The DDAA / SDAC Annual Retreat will be on January 26, 2013 at the La Jolla Beach and Tennis Club.
6. **Association Comment:** None.
7. **PAC Report:** SDAC President Terri Wyatt updated the Board on the PAC's annual meeting. It will be on December 14, 2012 at the San Diego Air and Space Museum from 4:00 pm – 5:00 pm. The exact location inside the museum will be provided next month. To be honored are the departing PAC members for the service to SDAC. SDAC President Wyatt discussed with the Class of 2012 the benefits of membership in SDAC.
8. **Treasurer's Report:**
Primary Savings: \$****
Money Market: \$****
Litigation Money Market: \$****
Certificate: \$****
Checking: \$****

As always, if any member desires to see an itemized list of our spending and savings, it is always available by contacting Treasurer Cari Philpott.
9. **President's Report:** Robert Amador and Steve Danon both send their thanks to the Association and PAC Boards for their support during the June and November elections. President Hickey discussed with the Class of 2012 the benefits of membership in the DDAA. The Board voted by e-mail in November to make a charitable contribution in honor on the late Judge George "Woody" Clarke.
10. **Executive Session:** The Board met in Executive Session. Not reported.
11. **Next DDAA Board Meeting:** The next DDAA Board meeting will be on Tuesday, December 4, 2012 at 5 p.m. in a conference room on HOJ 9.
12. **Adjournment:** 8:00 p.m.

Respectfully Submitted, Secretary, Chantal de Mauregne



SPECIAL DIRECTIVE – 06

DEPUTY DISTRICT ATTORNEY BADGES

The District Attorney has authorized Deputy District Attorneys to purchase and possess badges under certain conditions. The Deputy District Attorneys Association (DDAA) is exclusively authorized to facilitate the purchase of badges and no other badge or facsimile is authorized.

Please note these conditions:

1. The District Attorney authorizes badges to be purchased and possessed by Deputy District Attorneys. They are not to be displayed for identification purposes. They are for the exclusive use of the deputy to whom they are issued. They may not be transferred to any other person under any circumstances.

2. Deputy District Attorney (DDA) badges are not identification and DDAs interested in possessing them must purchase them through the DDAA as the exclusive authorized supplier.

A deputy may purchase or possess either or both one flat (wallet) or one round (belt) badge.

3. District Attorney badges are ceremonial only and are not to be used or displayed as identification for any purpose. (See attached memo)

4. District Attorney badges must never be used or displayed with intent to cause a misidentification of the deputy as a peace officer.

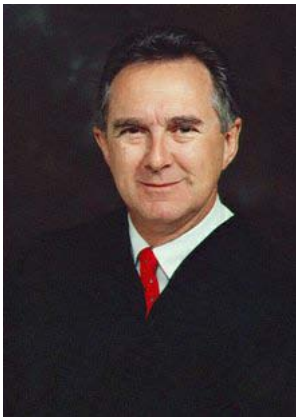
5. District Attorney badges must never be used as a means of personal identification. District Attorney badges must never be used to gain or attempt to gain any personal advantage, benefits, or favor from either citizens or law enforcement personnel.

6. Any allegation of misuse of a badge by a Deputy District Attorney will be reviewed by the District Attorney and the DDA will be notified accordingly. Any deputy found to have abused the privilege of possessing a badge is subject to discipline in any manner consistent with the authority of the District Attorney.

7. The District Attorney has exclusive discretion to grant, deny, or revoke the privilege to possess a badge. A deputy who is granted the privilege shall surrender the badge immediately to the District Attorney, or District Attorney's designated agent, upon the District Attorney's demand.

8. A Deputy District Attorney badge can only be held and maintained as consistent with California law.

Judge George 'Woody' Clarke, well-known DNA expert, dies



By [Dana Littlefield](#)

Updated: November 13, 2012 at 5:08 p.m.

SAN DIEGO — Judge George “Woody” Clarke, a nationally recognized expert on DNA evidence who helped prosecute O.J. Simpson and David Westerfield, has died, San Diego Superior Court officials said Tuesday.

Clarke, 61, had battled cancer for several months.

Many in the legal community said they were stunned to learn the news Tuesday afternoon. They remembered seeing or speaking with Clarke at the downtown courthouse just a few months ago, being his usual, affable self.

“The place is literally in a state of shock,” said Robert Trentacosta, presiding judge of the San Diego Superior Court. “Our court was so truly blessed to have him as a colleague. He was so talented and yet so humble. He was the quintessential gentleman.”

Many noted Clarke’s intelligence. He had a mind not just for law, but science as well. And he liked to tell a corny joke now and then.

“He was one of a kind,” said Dan Lamborn, a chief deputy district attorney who knew Clarke for nearly 30 years. “A man of faith, but brilliance as well.”

Clarke was appointed to the bench in October 2003 by then-Gov. Gray Davis. Before then, he spent 21 years as a prosecutor in San Diego County, handling many high-profile cases — among them the David Westerfield murder trial.

He was co-prosecutor in Westerfield's murder trial, a prosecution that arguably received the most public attention in San Diego's history. Westerfield was convicted and sent to death row for the 2002 murder of 7-year-old Danielle van Dam.

An early proponent of DNA as a forensic tool, Clarke made the subject his specialty and was called upon by prosecutors across the nation to assist in DNA cases. In the mid-1990s, he joined the prosecution team in the infamous murder case brought against O.J. Simpson, which Clarke had said helped advance public awareness of DNA evidence.

"He championed the use of DNA science in the criminal justice system for a number of years," said Imperial County Superior Court Judge Christopher Plourd, a former defense lawyer. Plourd and Clarke were among a handful of lawyers in the late 1980s and early 1990s who became experts in the science of DNA.

"He was a major force behind getting it accepted and used — both for protecting people who were innocent, and convicting people who were guilty," Plourd said.

The two would teach seminars to forensic scientists on how to break down and explain DNA science to a jury, in terms that were easy to understand.

Paul Pfingst, the county's former district attorney, recalled seeing Clarke on television during the Simpson trial and being stunned when Los Angeles Superior Court Judge Lance Ito sanctioned Clarke. He was ordered to pay a \$250 fine.

"The only guy to get sanctioned in the O.J. Simpson case is the nicest guy in the courtroom," Pfingst said.

An email went out in the office that day seeking contributions to the "Free Woody Clarke Fund," he said.

Ito ordered Clarke and a Simpson DNA specialist to pay fines when they argued about a letter in a science magazine during a day of questioning about blood drops at the crime scene, news reports at the time said.

Clarke borrowed the cash from fellow prosecutor Christopher Darden.

Clarke received his bachelor's degree from the University of California San Diego and earned his law degree in 1977 from the University of San Diego School of Law. In addition to other awards, he was named 2003 Outstanding Prosecutor of the Year by the California District Attorneys Association and 2003 Prosecutor of the Year by the San Diego Deputy District Attorneys Association.

District Attorney Bonnie Dumanis said Tuesday that Clarke will be missed throughout the county's legal community and across the nation.

"Beyond his many professional accomplishments, Woody stood out as a kind man who brought that genuine, caring spirit into every aspect of his life," she said in a statement.

According to the court, Clarke was married and had one child.

Los Angeles Times

George 'Woody' Clarke dies at 61; presented DNA data at Simpson trial

George 'Woody' Clarke, known for a patient, scholarly approach, guided expert testimony about a complex set of numbers and scientific factors based on blood samples from the crime scene.

By Tony Perry, Los Angeles Times, November 15, 2012

George "Woody" Clarke, who gained national prominence as the San Diego prosecutor asked by Los Angeles prosecutors to present the crucial but highly complex DNA evidence during the O.J. Simpson murder trial, has died. He was 61.

Clarke died Tuesday at Scripps Mercy Hospital in San Diego of complications from prostate cancer.

Clarke spent two decades as a deputy district attorney in San Diego before being named as a Superior Court judge in 2003. He had taken a leave as his health worsened but recently told friends that he expected to return soon to the bench; although in pain, he went to the office last Friday.

As a national television audience remained riveted to the Simpson trial with its issues of race, celebrity and domestic violence, Clarke, known for a patient, scholarly approach, guided the expert testimony about a complex set of numbers and scientific factors based on blood samples from the crime scene.

Clarke and other prosecutors believed the DNA proved that Simpson had killed his ex-wife Nicole and her friend Ronald Goldman outside her Brentwood home in June 1994. In a trial centered on tragic events, Clarke was also at the center of one of the serio-comic moments.

Judge Lance Ito, exasperated at the lengthy objections posed by opposing attorneys, warned that the next lawyer to violate his dictum about brevity would be held in contempt. Moments later, when Clarke objected to a defense question, Ito held him in contempt and fined him \$250.

Deputy Dist. Atty. Christopher Darden made a show of taking money out of his wallet and handing several bills to Clarke. (In San Diego, Clarke's colleagues mockingly started a "Free Woody" fund.)

The jury's acquittal of the former football great in October 1995 left Clarke and the other prosecutors stunned and wondering why the evidence he viewed as so compelling had been rejected by the jurors.

In 2008, Clarke compiled his career of courtroom experiences into a book, "Justice and Science: Trials and Triumphs of DNA Evidence." Of the Simpson verdict, he wrote:

"American culture seems to be obsessed with celebrity, and that obsession can skew the way reality is perceived."

But he also wondered whether the prosecution had blundered by opting to present a detailed review of the DNA evidence rather than a quick summary.

Still, Clarke wrote semi-admiringly of defense attorney Johnnie L. Cochran Jr.'s flamboyant style and his assertion that the Los Angeles police crime lab was a "cesspool of contamination." The assertion was scientifically weak but very effective as a trial tactic, Clarke wrote.

In San Diego, Clarke's DNA presentations were key to winning convictions and death penalty verdicts in some of the region's more high-profile murder cases, including that of serial killer David Allen Lucas, convicted of killing three people; and David Westerfield, convicted of killing a 7-year-old neighbor girl.

Clarke helped devise a DNA testing program for state prisoners convicted before genetic evidence became widely used in the early 1990s — a program meant to both solve crimes and possibly prove the innocence of wrongly convicted prisoners.

George Woodman Clarke was born in San Diego on May 10, 1951. His father, George Samuel Clarke, was a postmaster, and his mother, Evelyn, worked as a postal clerk. He grew up in the suburbs east of San Diego and graduated from Grossmont High School in La Mesa.

He received a bachelor's degree from UC San Diego in 1973 and a law degree from the University of San Diego in 1977. After working as a legal researcher, he considered going into criminal defense work but decided in 1982 to join the district attorney's staff for a few years to gain legal experience.

He stayed 22 years and stood out with his low-key, genial personality.

"He was not one of these in-your-face prosecutors," said Superior Court Judge Peter Deddeh, who worked with Clarke when both were deputy district attorneys. "He was a very good match with the more hard-charging, aggressive trial attorneys."

In the mid-1980s, Clarke became one of the first prosecutors to begin exploring the use of DNA evidence in trials. Soon he became known in the legal profession as an expert in presenting complex, numbers-heavy genetic evidence to juries.

"He was a calm, rational voice for the scientific validity of DNA, a true pioneer," said Greg Thompson, former assistant district attorney, now a senior policy advisor for the Sheriff's Department.

Even when the media buzz of the Simpson trial cooled, Clarke's status as a DNA expert grew: He was appointed in 1998 to the U.S. Department of Justice Commission on the Future of DNA Evidence, and in 2002 to the U.S. Attorney General Initiative on DNA Laboratory Backlogs. In 2003, he was named Outstanding Prosecutor of the Year by the California District Attorneys Assn.

Clarke is survived by his wife, Michele; their daughter, Samantha; and his brothers Peter and William.

The Deputy District Attorneys and District Attorney Investigators
invite you to a

HOLIDAY PARTY

Friday, December 14, 2012; 5:00 p.m. to 10:00 p.m.

San Diego Air and Space Museum
2001 Pan American Plaza - Balboa Park
San Diego, CA 92101
(619) 234-8291

FREE

EVERYONE –

RSVP by **December 7th**
to **Patty Ramirez** at

(619) 531- 3639 or by e-mail

Attorneys and DAIs
FREE until 12-7-12;
\$20 thereafter or at
the door

