



LAW OFFICES
LOS ANGELES COUNTY PUBLIC DEFENDER

312 South Hill Street, Third Floor
Los Angeles, California 90013
(213) 974-6285

September 17, 2008

MICHAEL P. JUDGE
PUBLIC DEFENDER

[REDACTED]
c/o Coalinga State Hospital
P.O. Box 5000
24511 West Jayne Avenue
Coalinga, CA 93210-5000

Re: ZM006782

Dear Mr. [REDACTED]

I appeared on your Pre-trial date of August 12, 2008 in Division 83. Your case has been scheduled for another Pre-trial date of October 28, 2008, which is a NON-APPEARANCE date for you. You should know that all the SVP cases will be heard in Department 95 until further notice.

Last Thursday, I ran into Vianne Castellano, Ph.D. at my office. She advised me that she had been previously appointed on your case. This came as a surprise to me because I did not see any documentation in your file indicating that she had ever been involved in your case. Dr. Castellano advised me that she had not prepared any reports for this case and there was further work to be done on your case before she could generate a report. Before I can get her reappointed, she will have to provide me with information regarding her past involvement with your case. Once I get that information, I will seek to get her reappointed on your case.

Although your next court date doesn't come up for another month, there are some subjects I would like to bring to your attention: First, as



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you may have heard, there are four cases under appeal (which fell under the Stipulation that the cases would be TWO YEAR commitments rather than INDEFINITE commitments) where the Attorney General is arguing that those cases should be indefinite commitments. The significance of these appeals is that, should the courts rule that the Attorney General is right, and the indefinite terms are applied, the stipulation could be voided and all SVP cases, including those filed before Jessica's law passed (including yours) would become INDEFINITE commitments.

There may be a way around this predicament. A new presiding Judge of the Superior Courts has taken an interest in SVP cases (Peter Espinoza) and he is entertaining the possibility of having what could be called Trial Settlement Conferences on September 25 and October 2. This judge is considering different ways of resolving these cases without them going to trial, either now or ever. These resolutions could take various forms:

-Admit the Petition now for a TWO YEAR commitment while preserving the right to challenge the SVP criteria at the later trial (In other words, one could admit now without waiving one's right to deny later);

-Admit the Petition now in exchange for the opportunity for a Conditional Release in two years if one participates in the treatment program;

-Admit the Petition now in exchange for a Conditional Release now;

-Admit the Petition now in exchange for a Dismissal upon filing of an Alternate Petition (possibly including a Conservatorship) and a different commitment.



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-Straight out Dismissal in light of a Release Plan or Alternate Placement/Treatment.

I am aware that there are rumors circulating around Coalinga that the courts are considering deals that do not involve any treatment. I can tell you in no uncertain terms that this is extremely unlikely. I think you know, deep down, that the number of people who think they should get released without any requirement for treatment significantly outnumbers the cases where that would actually happen. In the vast majority of cases, people will be looking at treatment, whether it be at Coalinga, some other locked facility, or on the outside. At the moment, we have not heard if these conferences will actually happen on the dates set or at all.

Second, should we go to trial soon or approximately two years in the future, you must prepare yourself for the likelihood that the District Attorney will call you as a witness as part of their case. Their only reason for their doing this is to make you look bad. The prosecutor will ask you questions just so the jury can focus on your reaction to the questions, regardless of how you answer those questions (Such as, why do you think the incident(s) happened? What were you thinking? So, are you claiming that every woman who has accused you of Rape is lying?). We will have further conversations on your testimony prior to your trial, but I think that it is important that you start thinking about this now (In case you haven't started to think about this).

As you may recall from our initial conversation last October, basing our case on the claim that you didn't commit any rapes, without physical evidence or a recantation by the victims, is probably not going to work with a jury given your record. The issue isn't whether you can convince me of your innocence; the issue is whether a jury will believe you given the number of arrests and convictions for Rape you have.



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What I just wrote must seem strange because you are thinking that you have the Right To Remain Silent under the Fifth Amendment. Unfortunately, the United States and California Supreme Courts has found that these SVP cases are not Criminal in nature so you do not have a Privilege Against Self Incrimination. The fact that you and I disagree with those decisions has no impact on those decisions.

In keeping with previous conversations you have had with me and my paralegal (As you know, Ms. Tipton has been replaced by Ms. Abgaryan), please keep thinking about possible people who could assist you in a Release Plan which should include housing and treatment.

If you have any questions or comments regarding what I have written, please feel free to contact me by letter or phone (The best hours to reach me by phone are 8:00-11:00 am and 1:30-2:30 pm). I hope this letter finds you well, all things considered, and I look forward to hearing from you.

Sincerely,

DAVID E. RICE
Deputy Public Defender