

**Open Letter to  
Santa Clara County District Attorney**

**Jeff Rosen**

July 3, 2018

Mr. Rosen,

**You are responsible for the misguided measure to recall Judge Persky. You seem more committed to 'sending a message' than facts and evidence of many cases.** And it has had serious consequences because Michele Dauber is out to trample the evidence-based judicial system currently in place. She seems to believe due process is harmful for crimes against women. You have criticized the County Probation Department for lenient sentencing recommendations on the Turner case, a case that should never have been brought. We question your ethics. **You recently, in a Guest Op-Ed, called Turner a “rapist” while his case is still on Appeal;** yet, DNA evidence did not support your rape claim. There was reasonable doubt in this case. You caved to the Dauber Machine, which has become too powerful in this County. We strongly believe you did not have sufficient evidence to prosecute the Turner case. Why does the Sheriff's lab or your lab take 3-12 weeks to process DNA samples on a case this loud, when results can be available in one to two days? This was unethical and a conflict of interest. You couldn't wait to file. The Stanford Daily ran a report one day after the indictment: were they given access to an unredacted police report? The hashtag campaign against Turner started on Feb. 2, 2015. You are largely to blame for this. And don't be surprised if it turns out to be a civil rights violation. This case was never anything more than misdemeanor disorderly conduct, with alcohol counseling as a condition of probation. She was more intoxicated than he was, by her own choosing. Plus, you introduced irrelevant evidence simply to assassinate his character.

Our case review team consists of an Army Criminal Investigator (Corporal) and Criminology Major; a retired Santa Clara County Probation Officer (retired) with over 30 years of experience; an Emergency Room nurse; and Paralegal Admin. **We have extensively studied and evaluated the Turner case in its entirety based on case documents released June 10, 2016.** By all appearances, **you brought this case for political reasons with insufficient evidence.** Now, the innocent Judge Aaron Persky has been recalled, and Brock Turner is ruined for the rest of his life because you lacked the moral fortitude to stand up to Michele Dauber and her corrupt machine. The recall effort was an appalling affront to judges, lawyers, judicial independence, and the rule of law. How much of the County's SART unit funding comes from the Governor's grant initiative, which encourages case volume, not quality? **YOU should be quality controlling that.**

**Had YOU INSISTED DNA processing be made a priority in this case and public**, negative DNA results would have been available before the case was filed, silencing any false claims of rape. Sexual assault may still have been on the table, perhaps not. It would have been he said/she said. **Your failure to wait for DNA evidence before filing resulted in the Persky Recall.** Your Deputy took eight months to drop the first two unfounded rape charges, providing the Dauber Machine ample time to publicly disseminate their false claims of “rape.” In the process, you destroyed a 19-year-old kid with no priors, no malice. **This is cruelty.** YOU TOTALLY MISHANDLED THIS case for your own political ends. You should be disbarred. **Does the name Mike Nifong ring a bell?**

**There's a news blackout in Santa Clara County due to an incompetent monopoly.** So much for free speech. **Tony Ridder would never have allowed** the likes of you and Michele Dauber to go unchallenged, unquestioned. You ran unopposed. You and the Mercury News share something in common: you don't fact check...beyond probable cause. You and Michele Dauber became effective running mates.

**The County released all documents of the Turner case June 10, 2016**, at which time Palo Alto Online/L.A. Times made them available. Unanswered: was the jury allowed to read the Motions in Limine? Did the jury read all aspects of the Police Report? Was the jury allowed to see that DNA evidence was not available? Is that why you were forced to file **pre-trial in limine motions** limiting jury questions and access to evidence and experts?

**All decent people strongly disapprove of and are rightly outraged by rape. Actual rape.** This case was not actual evidenced rape, and you know it. This case could very well have been a drunken campus hookup gone wrong. Emily Doe couldn't remember, so it had to be reconstructed for her, by who else? Mrs. Dauber. Hence, you had to manipulate and coerce evidence to make this case seem plausible. You could have obtained DNA results almost immediately. Instead, **Michele Dauber immediately began her international misinformation campaign** proclaiming “rape” while DNA samples sat idly awaiting processing. It would not be until eight months later that your deputy dropped the first two charges. This is fundamental malpractice and again a potential civil rights violation. During those eight months the false and racist idea that Brock Turner was a “privileged white male” became a racist meme promoted by Dauber. Emily Doe told sheriffs that she had a history of blackout drunkenness, making Turner's claim that she consented possible, **a 50/50 chance.** Probable Cause, yet sufficient **Reasonable doubt.**

According to paramedics at the scene, Doe was able to move her head unassisted and open her eyes, and her Glasgow score was 11—this does not characterize full unconsciousness. You should have dropped all charges, right then. But you feared the wrath of the Dauber Machine, which morphed into the Recall Persky campaign: #MeToo scared to do my job? It was either you or Persky in Dauber's sights. Dauber had angry protesters outside the Courthouse. Didn't it bother you that not fully-informed public opinion, not evidence, determined this case? How could the public be fully informed: documents hadn't been released yet.

An interesting aspect to this is that Michele Dauber, a Stanford faculty member and non-lawyer, was the **Recall “lynch mob” leader, filled with buzz words.** She has been reliving a family tragedy that happened 40 years ago. She and her husband have wrapped themselves in victimhood and have been able to launch local political careers. Michele Dauber has become **a fierce**

**Jacobin** to be feared by judges and politicians alike. Ultimately, attribution for this recall goes to Jeff Rosen, who refused to stand up to the Dauber Machine and admit insufficient evidence.

The Mercury News (Bay Area News Group monopoly) did zero investigative work, and has NEVER fact-check Michele's Dauber's lies. This is why you're still in office. **Dauber is out to change Rules of Procedure, Rules of Evidence...in a very stealth way of which the public is unaware. Mr. Rosen, you've allowed Michele Dauber to run your office.** She went on YouTube (and communicated to print magazines) falsely outlining grave injury to Emily Doe, which the police report contradicted, as did Emily Doe herself. She nominated Emily Doe as martyr of the year. Dauber lied about the pine needles and dirt and brutal beating--again and again.

Michele **Dauber repeatedly falsified and misrepresented the Turner case in the social media and elsewhere**—a case that was most probably explained as a drunken hookup gone wrong. To save Emily Doe's face, Dauber resorted to her successful history of promoting false narratives using buzz words--not just of Brock Turner (#stanfordrapist) and Persky, but of many issues of sexual assault on campus; for example, the #StandwithLeah movement. You used all of this to your political advantage, Mr. Rosen. **Your participation with Michele Dauber has jeopardized our criminal justice system.** Your Deputy District Attorney, no doubt a Dauber friend, per YouTube, cares more about messaging and ideology than facts and evidence.

**The Recall website clearly states that none of the more than \$1.2 million raised will go to political consultants, pollsters, or communication professionals.** We guess that is a lie too. They already paid Joe Trippi & Associates over \$40k and his company is a “political strategy and creative agency that produces award-winning media and builds digitally-powered communications campaigns.” **They paid \$30k to EMC Research** for polling and money to Ashton Morris Consulting and Shallman Communications—both political and communication consultants. But in going through their many-times amended financial disclosures, what we don't see are any payments or in-kind contributions from Becky Warren, The Dolphin Group, or Elevate Public Affairs. If the recall had an “account” with the Dolphin Group that then was taken to Elevate Public Affairs, that doesn't count as volunteer personal services and would need to be accounted for. **We guess yet another amendment to the disclosures will need to be made.**

Regrettably, the Turner case has been so overblown and misrepresented, that the victim, **Emily Doe, has had to endure prolonged misery and stress and abuse** by the Dauber Machine; a fair and well-respected judge lost his position on the bench; and Brock Turner's life is ruined, as he is now a felon and life-time registered sex offender. He is known worldwide as a rapist; a false epithet that he will never be able to defeat.

Sincerely,

Jim Hall, CLU (Retired)