

PETER DEPEW
State Bar No. 294298
1119 Palm St.
San Luis Obispo, CA 93401
Telephone: (805) 295-6856
Facsimile: (805) 541-3855
Email: pmd@peterdepew.com

**ELECTRONICALLY
FILED**
9/8/2020 1:39 PM
SAN LUIS OBISPO SUPERIOR COURT
BY C. Perez
C. Perez, Deputy Clerk

Attorney for Defendant VANESSA MARIE BEDRONI

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO**

PEOPLE OF THE STATE OF CALIFORNIA,)	No. 19F-05074-B
)	
)	SUPPLEMENTAL TO MOTION TO
Plaintiff,)	SUPPRESS EVIDENCE PURSUANT TO
v.)	PENAL CODE SECTION 1538.5
)	
VANESSA MARIE BEDRONI,)	DATE: <u>SEPTEMBER 24</u> , 2020
)	TIME: 8:30AM
Defendant.)	DEPT: 7
)	

**TO: THE SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY'S OFFICE AND THE
CLERK OF THE ABOVE-ENTITLED COURT:**

It is anticipated this motion will be based upon the previously filed notice, the attached
Memorandum of Points and Authorities filed therewith; and, this supplemental.

DATED: September 8, 2020

THE LAW OFFICE OF PETER DEPEW



PETER DEPEW
Attorney for VANESSA MARIE BEDRONI

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2

3
4
5
6

7
8
9
0

- 1
- 2
- 3
- 4
- 5
- 6

8
9
20

22
23
24
25

27

1 questioned the officers' veracity and whether they had made an error. Specifically, CHEYNE asked,
2 "would you have access to any of [the probation] information, like what case he's talking about that
3 I'm on probation? Because, I have no cases on me, so I don't understand." A SLOPD Officer responded,
4 "even if I did, I can't tell you."

5
6 SLOPD officers then provided CHEYNE with the conviction date of the alleged probation grant
7 as March 27, 2017. CHEYNE replied, "the DA never cleared that shit up? . . . False identity, my
8 identity was stolen." When one officer stated, "you're still on bench probation," CHEYNE reiterated,
9 "no, I'm not." The Officer replied, "yes, you are." CHEYNE attempted to explain: "No. All those
10 charges were put on my brother, therefore, it's not possible. **I even have the paperwork in the car.**"
11 That paperwork officers refused to look at was located 15 feet away. (See attached Exhibit-A.)
12 CHEYNE could not access it because he was in handcuffs in the back of a police car. (A scan of the
13 exact printout that was located in CHEYNE'S car is attached hereto as Exhibit-B.)
14

15 After ignoring CHEYNE'S explanation and offer of written proof, Officers entered the home at
16 7:43 p.m. and conducted the search which resulted in the evidence used to support all of the charges in
17 the above-captioned matter. But while the search was still going on, one of the officers present realized
18 they had the wrong man. The man in the El Pollo Loco surveillance video was clean-shaven. CHEYNE
19 had a full beard. The Officers then stopped their search.
20

21 CHEYNE was right. He did not take the gun.

22 CHEYNE was right. He was not on probation in case 17F-02071. He was the victim in that case.
23
24
25
26
27

28 ///

**SLOPD PLACED PROTECTING CHIEF CANTRELL FROM SCANDAL
ABOVE THE CONSTITUTIONAL RIGHTS OF A FAMILY’S HOME WHEN THEY
ENTERED WITHOUT A SEARCH WARRANT.**

It was not until 10:23pm, only after it was proven that DEFENDANTS had not taken the gun, and all hope of its quick recovery appeared lost, that those outside a tiny circle of law enforcement and SLO City employees learned the Chief of Police had lost her gun.

Across more than ten police reports and dozens of hours of electronic media, one trend is clear. Every coincidence, every mistake, every dropped call, every semantic ambiguity, every gender-neutral sentence construction, every jurisdictional irregularity, every malfunction, every phone call on a private cellphone, every lapse in judgment, every deviation from SLOPD Policies, every sequence of events that strains believability - coincidentally helped keep Chief Cantrell's identity as the loser of the firearm from becoming public knowledge.



Chief Cantrell left behind a Glock 42 handgun loaded with hollow point bullets in the bathroom of the San Luis Obispo El Pollo Loco. (See attached Exhibit-C.) The California Attorney General believes the Glock 42 to be so fundamentally unsafe that its sale to civilians is banned in California and is punishable by a year in jail under Penal Code section 32000(a). The Glock 42 is banned because it

1 can fire even when no magazine is inserted if a round is left chambered. Further, The Glock 42 does
2 not comply with California's safety testing that requires gun manufacturers to prove their weapon will
3 not fire if dropped.

4
5 Chief Cantrell's Glock 42 was recovered by a developmentally disabled¹ man only after a child
6 had used the bathroom while the firearm was still unattended inside. (See attached Exhibit-D.)

7 The uniquely dangerous nature of Chief Cantrell's weapon added to the stakes of recovering it
8 quickly, discretely, and at all costs.

9 ///

10 **SLOPD'S FLAGRANT VIOLATION OF THE POLICY AGAINST USING**
11 **PRIVATE CELLPHONES FOR POLICE BUSINESS HIDES THE RECORD OF**
12 **WHAT HAPPENED ON JULY 10, 2019.**

13 From dispatchers, to officers, to detectives, to captains, to the Chief of Police, myriad SLOPD
14 officials used their personal cellphones to conduct official business in clear violation of department
15 policy in this case.

16 Specifically, SLOPD Policy 701.5 states, in relevant part, "[m]embers may carry a personally
17 owned PCD (Personal Communication Devices) while on-duty, subject to the following conditions and
18 limitations:

19 (d) The device should not be used for work-related purposes except in exigent
20 circumstances (e.g., unavailability of radio communications). Members will have a reduced
21 expectation of privacy when using a personally owned PCD in the workplace and have no
22 expectation of privacy with regard to any department business-related communication.

23 (g) All work-related documents, emails, photographs, recordings or other public records
24 created or received on a member's personally owned PCD should be transferred to the San
25 Luis Obispo Police Department and deleted from the member's PCD as soon as reasonably
26 practicable but no later than the end of the member's shift.

27
28 ¹ Per an August 17, 2019 email from District Attorney Dan Dow summarizing the report of SLOSO Deputy Ron Slaughter.

1 Dispatcher Lichty and SLOPD Officer J. Walsh communicated information and images
2 pertaining to the CJIS and Spillman entries for CHEYNE. What these individuals saw in the databases
3 and said to each other is now central to this case.
4

5 When SLOPD Detective Suzie Walsh initiated the CWS involvement that would ultimately
6 result in false urinalysis lab results being transmitted to Defense Counsel, that process began with her
7 asking a dispatcher, “Can you get the on-call CWS worker to call my *personal cell*?”

8 But, by far the most difficult to believe telephonic interaction is Chief Cantrell claiming that a
9 SLOPD landline dropped a call she placed with her personal unrecorded cellphone before she could
10 report her missing firearm – thus, requiring her to immediately call the personal unrecorded cellphone
11 of another dispatcher.
12

13 **AUTOMATED VOICE:** Call on Wednesday, July 10th, 2019 at 1:07 and 15 seconds PM.

14 **DISPATCHER LICHTY:** San Luis Police and Fire.

15 **CHIEF CANTRELL:** Is Christine Steeb in?

16 **DISPATCHER LICHTY:** She is. May I ask who’s calling?

17 **CHIEF CANTRELL:** This is Deanna.

18 **DISPATCHER LICHTY:** Oh. Hi. (inaudible) Let me transfer you over there, Chief. One
19 second.

20 **CHIEF CANTRELL:** Thanks.

21 The call ends one second after Chief Cantrell says *Thanks*. There is no dial tone or other audible
22 indication the call had ended. There is no indication on the Verizon cellphone records that the call was
23 dropped. Approximately 12 seconds later, Chief Cantrell called the personal cellphone of another
24 dispatcher, Ms. Christine Steeb.

25 An interview published in a July 29, 2019, San Luis Obispo Tribune article states, “Cantrell
26 said at 1:07 p.m. she made a call to her department’s dispatch, which was dropped, and she called back
27
28

1 on her cell to reach the dispatch supervisor and report the incident. She said there was no attempt to
2 hide the incident on an unrecorded line, as rumored.²”

3
4 Importantly, there was no second attempt to call the recorded dispatch line. Chief Cantrell
5 instead immediately called the private cellphone of a dispatch supervisor approximately 12 seconds
6 later. The unrecorded call with the dispatch supervisor in which Chief Cantrell purportedly reported
7 the incident lasted only two minutes. That is hardly enough time for a crime victim to file a report.
8 Chief Cantrell’s next call was to Ms. Christine Wallace four minutes later to discuss social media.

9
10 Chief Cantrell would make approximately 40 calls on her private cellphone between the time
11 she lost her gun and the time SLOPD entered DEFENDANTS’ home approximately seven hours later.
12 (See attached Exhibit-E.) All 40 of those calls were to unrecorded lines – a dubious pattern and a
13 deviation from SLOPD Policies by the SLOPD Chief that cannot be ignored.

14 ///

15 **THE FACEBOOK POST PUBLISHED BY SLOPD GAVE NO INDICATION**
16 **THAT A SLOPD OFFICER HAD LOST A FIREARM.**

17 At some point before 2:00 p.m. on July 10, 2019, SLOPD published a Facebook post that
18 captioned a photo of a man in El Pollo Loco with the text, “SLOPD is asking for assistance locating
19 this man who may be in possession of a stolen firearm. He was last observed in El Pollo Loco on Los
20 Osos Valley Road today (Wednesday) at 12:15 pm. If you are able to provide information please call
21 PT at 805-781-7312. #slopd.”

22 Ironically, the post is asking citizens with urgent information about a grave public safety threat
23 to call the very landline that supposedly dropped Chief Cantrell’s call less than 60 minutes prior. (See
24 attached Exhibit-F.) The post characterizes the gun as “stolen” rather than negligently placed in the
25

26
27
28 ² <https://www.sanluisobispo.com/news/local/crime/article233262073.html>

1 path of children and the developmentally disabled. The post gives no indication that it was the Chief of
2 Police who lost her gun.

3 ///
4

5 **SHERIFF'S DEPUTIES CONFRONTED SLOPD ABOUT NOT ISSUING A**
6 **BOLO FOR THE MISSING FIREARM.**

7 A press release by the City of San Luis Obispo on July 17, 2019³, stated, “[t]here was a delay
8 in issuing the law enforcement notification teletype (BOLO), which was the product of an internal
9 miscommunication, but there was no direction from anyone including the Chief not to send the
10 teletype.” Exactly where and with whom the BOLO fell between the cracks is unclear. Regardless, it is
11 one of many irregularities that arguably prevented Chief Cantrell from being identified while SLOPD
12 searched for her lost Glock 42. On a July 10, 2019, phone call to SLOSO, a SLOPD Sergeant stated:

13 I was told that we fired off the teletype at 1400 when we initially found out about the
14 original loss off the firearm, but apparently we did not. (...) **I think what happened, to be**
15 **honest with you, was it looked like they tried to keep it on the “DL” a little bit and**
16 **assign it out to our undercover detectives and let them kind of run with it without**
17 **letting too many people know yet. And then it kind of got carried away.** And somebody
18 just dropped the ball, I bet. So, I mean obviously it’s on us, you know. I mean it’s no
excuse. We should have got that out to everybody sooner. But, um, we're playing catchup
right now.⁴

19 The July 17, 2019 press release also stated that “[t]he lost firearm was entered into the national
20 database.” It is unclear to Defense Counsel to which national database this refers or whether that entry
21 annotated the weapon as belonging to a police officer. It is also unclear whether SLO County law
22 enforcement agencies would monitor a national database that presumably contains exponentially more
23 firearms as closely as a BOLO identifying a danger to officer safety created by a firearm in their
24

25
26
27 ³ <https://www.slocity.org/Home/Components/News/News/6795/>

28 ⁴ Per an audio file discovered to Defense Counsel as “phone conversation WC line.” The SLOPD sergeant states his name
but it is inaudible.

1 immediate vicinity. Based on the same July 10, 2019 phone call, it seems that SLOSO had not seen the
2 database entry or the SLOPD Facebook post.

3 ///

4
5 **SHERIFF'S DEPUTIES WERE ONLY PRESENT BECAUSE SLOPD WANTED**
6 **TO CONDUCT A SEARCH OUTSIDE THE CITY LIMITS AND THE**
7 **DETACHMENT OFFICERS WERE LIKELY NOT INFORMED WHO HAD**
8 **LOST THE FIREARM.**

9 The O'Connor Way home is located on acreage in an unincorporated part of SLO County at the
10 base of Bishop's Peak. (See attached Exhibit-G.) There is presumably an understanding that SLOPD
11 will not conduct searches of homes outside the City of SLO without informing the affected agency. On
12 July 10, 2019, SLOPD requested support from SLOSO and was provided uniformed officers.

13 Before deciding to authorize a detachment of SLOSO deputies to assist SLOPD, two SLOSO
14 deputies had a phone conversation in which they expressed doubts about SLOPD's diligence.⁵ They
15 nonetheless decided to minimally disseminate Chief Cantrell's identity.

16 **Deputy 1:** Yeah, call me a cynic, but I don't have total confidence in the fact that they've
17 worked this out all the way through. You know what I mean?

18 **Deputy 2:** Oh no, absolutely. That's why I told him, "Well you know what, at this point,
19 time is on your side. So, let me call my chief before I authorize that."

20 **Deputy 1:** And it's fine if they've got authorization for a probation search and they're going
21 to do it that way, that's fine. But, it sounds like the only thing they got hanging on this guy
22 was he was the next one into the head after her.

23 **Deputy 2:** That's it. That's all they have.

24 **Deputy 1:** Yeah. Okay, then just make sure Sandra understands we're just there to keep the
25 peace and that's it. Okay.

26 **Deputy 2:** Do you want me to send a page up or anything?

27 **Deputy 1:** Don't send a page because of the sensitive nature of it.

28 **Deputy 2:** Yeah, and I'll leave it out of the log too.

Deputy 1: Yeah, that's fine.

⁵ Per audio file discovered to Defense Counsel as "phone conversations WC line.mp3".

1 A briefing of approximately 15 SLOPD, SLOSO and Probation officers was held immediately
2 prior to the insertion into DEFENDANT’S home. (See attached Exhibit-H.) The briefer⁶ seems to have
3 been the officer-in-charge of the operation.
4

5 The briefer identifies the person who lost the gun in El Pollo Loco as “an officer” and never as
6 Deanna Cantrell or the Chief of Police. The briefer uses conspicuously gender-neutral sentence
7 construction that avoids identifying the officer who lost the gun as female. These constructions include:
8 “So here's the story. An officer left a weapon inside a bathroom today and then left accidentally” and
9 “that officer went back right after that and then the gun was gone.”
10

11 Eighteen seconds before the body-worn audio is suddenly made inaudible for the final six
12 minutes by electromagnetic interference, the briefer states, “**We are going to search no matter what.**”
13

14 ///

15 **LAW ENFORCEMENT AGENCIES INVOLVED AT THE SCENE HAD**
16 **ACTUAL KNOWLEDGE THAT COLE ORNDOFF HAD STOLEN HIS**
17 **BROTHER’S IDENTITY AND HAD SERVED 56 DAYS IN SLO COUNTY JAIL**
18 **IN CASE 17F-02071.**

19 Shortly before detaching SLOSO Deputies, a SLOSO Sergeant speaks with SLOPD Captain
20 Jeff Smith on the phone. Captain Smith states, “His name is Cheyne Orndoff (...) He has a date of birth
21 of 9/12/85 (...) There's no violent history that we could find. He's on probation for a 529.” The SLOSO
22 Sergeant responds by saying, “okay, because his name sounds very familiar to me and I haven't been
23 on the streets in like five years, four years.” Because SLOSO operates the County Jail, SLOSO was at
24 that time in possession of records stating that Cole Orndoff had served a sentence for identity theft in
25 violation of Penal Code section 529. (See attached Exhibit-I.) But more damningly, SLOSO possessed
26 a fax stating that Cole Orndoff had impersonated CHEYNE Orndoff.
27

28 ⁶ Defense Counsel believes the briefer likely to have been SLOPD Captain Jeff Smith or SLOPD Detective Jason Dickel but cannot confirm this from the body worn audio of Sergeant Arauza.

Flashback five months prior to the warrantless search when SLOSO received an unusual fax from the Pismo Beach Police Department. That fax stated Cole Orndoff had falsely used his brother CHEYNE's identity when he was arrested by PBPD and later booked into County Jail in January of 2017.⁷ After reading the fax, SLOSO changed its booking to reflect the identity theft.

Thus, during the warrantless search of DEFENDANTS' home, there were deputies present from an agency that had actual knowledge of Cole Orndoff having stolen his brother CHEYNE's identity. Even more importantly, there were deputies present from an agency that had actual knowledge Cole Orndoff was subsequently charged and convicted of a violation of PC § 529(a)(3) identity theft for which he was incarcerated in the SLO County Jail for 56 days in Superior Court Case No. 17F-02071⁸. That is the exact case number law enforcement supposedly relied on for the warrantless search of DEFENDANTS' home.

It is of course an obvious legal impossibility for two people to be on probation for the same case when it is not a co-defendant case. And yet, that is how law enforcement proceeded on July 10, 2019 – in bad faith when compared to the typical knowledge and diligence of average law enforcement officers – and in bad faith under a cui bono analysis.

It is also legally impossible to expunge a criminal conviction under Penal Code section 1203.4 while on probation. Yet, CHEYNE likely expunged⁹ his record during the grant of probation in 17F-02071 which began on March 27, 2017. CHEYNE brought this to the attention of the police by stating, "I have an expunged record. I'm just telling you that." An officer responded by saying, "Well, I don't really care."¹⁰

⁷ Per an August 6, 2019 email sent by Court Staff Michelle Goosens describing Jail Staff Petti Gill having confirmed making corrections to the booking of CHEYNE Orndoff under a false name in booking no. AOO674182.

⁸ Per certified copy of 17F-02071.

⁹ Defense Counsel was not the attorney of record and does not have access to a case summary.

¹⁰ Per a video file discovered to Defense Counsel as "JoeHurni_201907101943_1507_49560179.mp4".

1 Senior members of SLOSO also seemed to view the police work performed by SLOPD at
2 DEFENDANTS' home as extremely substandard and in-keeping with a pattern of negligence and bad
3 faith. The SLOSO watch commander that evening had the following phone conversation¹¹ with the
4 SLOSO Deputy Chief at approximately 8pm on July 10, 2019:

5 **SLOSO Watch Commander:** Apparently this wasn't the right guy.

6 **(Laughter.)**

7 **SLOSO Watch Commander:** While they were out there, I guess one of the detectives
8 were still doing some work on it and they got a better side profile of him and it wasn't
9 CHEYNE. So, basically at this point they don't know where the gun's at. So, I asked their
10 captain, are you guys planning on putting some sort of, you know, BOL for local agencies,
11 cause they apparently put this on Facebook at six hours ago, but never bothered telling any
of the local agencies. So, he said, yeah, we'll put something out.

12 **SLOSO Deputy Chief:** Had they put on social media that there had been a stolen firearm?

13 **SLOSO Watch Commander:** Here's what they put. If you just go to SLOPD's regular
14 Facebook page, it says SLOPD is asking for assistance, locating this man who may be in
15 possession of a stolen firearm at El Pollo Loco on LOVR on today's date at 12:15 and to
call SLOPD. So, they put this out at, you know, right when it happened.

16 **SLOSO Deputy Chief:** And, of course, they identified that guy as having a stolen firearm
when he in fact does not have a stolen firearm.

17 **SLOSO Watch Commander:** He just has, you know, basically a lost property that is not
18 his, not - I wouldn't call it stolen.

19 **SLOSO Deputy Chief:** But this guy doesn't have the gun?

20 **SLOSO Watch Commander:** No, it's not CHEYNE Orndoff. They had the wrong guy.

21 **SLOSO Deputy Chief:** Do they think they have the right guy now?

22 **SLOSO Watch Commander:** They don't know who the right guy is.

23 **SLOSO Deputy Chief:** Jesus Christ.

24 **SLOSO Watch Commander:** So, they went out there. They searched his property
25 They've cleared. It's not him. So, it cleared from that location and they're like, "yep, it's
26 not him. We have a better photo now, apparently." And they now have a side profile and
27 it's not him.

28 ¹¹ Per an audio file discovered to Defense Counsel as "WC To Chief 2ND .mp3".

1 **SLOSO Deputy Chief:** Right. I tell you what, if CHEYNE decides he wants to file a
2 complaint against San Luis PD, he's got a pretty good beef.

3 **SLOSO Watch Commander:** Probably

4 (...)

5 **SLOSO Deputy Chief:** Well, I'm really glad we decided to play it cautious with them
6 because what a surprise, their info wasn't good.

7 **SLOSO Watch Commander:** Well and that's why I called you. Because I'm like, you
8 know, I've dealt with SLOPD enough to know that whatever they're telling me, only a
fraction of it is going to be correct.

9 **SLOSO Deputy Chief:** Because they have a really bad habit of not vetting stuff all the
10 way through.

11 ///

12 **AT LEAST SIX MEMBERS OF THE DEPARTMENT OF PROBATION WERE**
13 **PRESENT DURING THE WARRANTLESS SEARCH OF DEFENDANTS'**
14 **HOME.**

15 The San Luis Obispo Department of Probation provided at least six officers to assist with the
16 warrantless search. The Probation Department was responsible for the formal felony supervision of
17 Cole Orndoff until late 2018 when his probation cases were transferred to Kern County. Defense
18 Counsel has received no material that suggests the Probation Department made any attempt to verify
19 CHEYNE's clear assertion that he was the victim in case 17F-02107 and that his brother was on
probation, not him.

20 It was also the Probation Department who on March 9, 2017 made the original erroneous
21 database entry that linked CHEYNE, the victim, with Cole Orndoff, the perpetrator. Through its gross
22 negligence, the Probation Department re-victimized a victim of identity theft.

23 ///

24 **SLOPD'S FAILURE TO ACTIVATE BODY CAMERA AND DASH CAMERA**
25 **VIOLATED DEPARTMENT POLICY**

26 SLOPD Policy 472.1.1(a) requires the activation of Personal Video Recording Devices during
27 "all field contacts involving actual or potential criminal conduct." (See attached Exhibit-J.)
28

1 Approximately 15 officers were present at the DEFENDANTS' home. (See attached Exhibit-K.) Only
2 one officer recorded bodycam video. That was SLOPD Officer Joseph Hurni. However, his bodycam
3 was not activated until 1 hour and 12 minutes after officers arrived and after CHEYNE had been
4 released from handcuffs. (See attached Exhibit-L.)
5

6 This is not consistent with SLOPD policy. Further, it is an uncanny coincidence that 15 of the 16
7 officers tasked for this search did not have bodycams. If officers believed they were about to confront
8 a thief armed with a semiautomatic handgun, it would have protected the interests of all parties to have
9 multiple bodycams record the encounter.
10

11 ///

12 **CHEYNE HAD WRITTEN PROOF WITH HIM OUTSIDE THE HOME**
13 **PROVING HE WAS NOT ON PROBATION AND HE OFFERED IT TO SLOPD**
14 **BEFORE THE SEARCH.**

15 CHEYNE had an eight-page case summary for case no. 17F-02071 in the driver's door of his
16 car. That proof was located about 15-20 feet from where CHEYNE was forced to sit while handcuffed
17 for a substantial period of time. He was physically prevented – to the point of restraint – from showing
18 SLOPD detectives proof that it was, in fact, Cole Orndoff who was on probation with search terms and
19 not CHEYNE.

20 CHEYNE repeatedly informed SLOPD that he was not on probation and that *he did not give*
21 *consent to search the home*. CHEYNE repeatedly told SLOPD that he had paperwork showing he was
22 not on probation which he wanted to show SLOPD before they searched. SLOPD's bold indifference
23 to the accuracy of CHEYNE's probation status is highlighted by the following conversation:

24
25 **CHEYNE:** Would you have access to any of that information, like what case he's talking
about that I'm on probation? Because I have no cases on me, so I don't understand.

26 **SLOPD Officer:** Okay. Even if I did, I can't tell you.

27 **CHEYNE:** Okay, there's nothing.

28 (...)

1 **CHEYNE:** Once again, I'm going to say that you don't have permission to search
2 whatsoever.

3 **SLOPD Det. Dickel:** That's fine.

4 (...)

5 **CHEYNE:** You have no permission to go inside the house. There is no evidence against
6 me whatsoever.

7 (...)

8 **CHEYNE:** The cuffs are extremely tight. I bet you can't get them off although I don't see
9 why. And also, what case am I on probation for? I'd like to know. Do you know that?

10 **SLOPD Det. Dickel:** All [inaudible 00:10:45] soon I'll be able ... back.

11 **CHEYNE:** Okay. Because yeah, I have no case.

12 (...)

13 **SLOPD Officer:** You're still on bench probation.

14 **CHEYNE:** No, I'm not.

15 **SLOPD Officer:** Yes, you are.

16 **CHEYNE:** No. All those charges were put on my brother, therefore it's not possible. *I even*
17 *have the paperwork in the car.*

18 (...)

19 **SLOPD Officer:** Your record still says you're on probation.

20 **CHEYNE:** I have an expunged record. I'm just telling you that.

21 **SLOPD Officer:** *Well, I don't really care.*

22 While in the midst of searching the house without a warrant or consent, SLOPD realized that
23 CHEYNE was not the man shown on the The El Pollo Loco surveillance video and he was not
24 connected to the lost gun. Detective Dickel then returned to speak with CHEYNE and struck a much
25 more conciliatory and respectful tone when CHEYNE again stated that he had paperwork showing that
26 it was his brother who was on probation and not him. Detective Dickel then went on to say, "Okay.
27 Hey, CHEYNE, that sounds pretty reasonable. What I'm going to do is I'm going to take you out of the
28 handcuffs."

1 Detective Dickel added, "My captain and I were just talking about what we figured out so far,
2 and I'm starting to believe you. I think you weren't there today. But I'm going to show you the photo
3 that we were going off of. That may have been so very similar that it wasn't, okay? And then it will all
4 start to make sense to you. So, what we're going to do is we're not going to search your house. We did
5 go through and clear it to make sure it was safe, and we did see the condition of the house. We'll talk
6 about that later."

8 However, at that point, SLOPD had already searched the house for the gun, taken photographs
9 in every room and removed items from the home to be booked into evidence. The man in the El Pollo
10 Loco Surveillance photo was clearly not CHEYNE as the man was beardless in all photos and
11 CHEYNE had a beard on the date in question.

12 ///

13
14 **CHEYNE HAD A FULL BEARD WHILE THE MAN IN THE SURVEILLANCE**
15 **VIDEO WAS CLEAN SHAVEN.**

16 The man shown on the El Pollo Loco surveillance video was later discovered to be Skeeter
17 Mangan. On the afternoon of July 10, 2019, Mr. Mangan was clean shaven. In the evening of July 10,
18 2019 when SLOPD arrived at DEFENDANTS' home, CHEYNE had a full beard. (See attached
19 Exhibit-M.) The "suspect description" written by SLOPD Officer J. Walsh that was presumably
20 disseminated throughout SLOPD stated the suspect had "no obvious facial hair." This fact was not
21 addressed prior to the illegal entry into the home.

22 ///

III. LACK OF EXIGENCY

THERE WAS NO EXIGENCY ALLOWING POLICE TO ENTER THE HOME WITHOUT A SEARCH WARRANT.

The prosecution has the burden of proving exigent circumstances, including a showing of insufficient time to obtain a warrant.¹² CHEYNE and VANESSA and their two children were outside the home when police arrived. SLOPD had been reviewing CHEYNE's social media that afternoon and they knew DEFENDANTS had two children. They also knew that CHEYNE had recently graduated from Cal Poly as that was featured prominently on his social media. (See attached Exhibit-N.) Upon arrival, SLOPD immediately placed CHEYNE in handcuffs and had him sit in the back of a squad car.

If DEFENDANTS' house was so cluttered and dirty as to be criminal, that is not something easily remediated. SLOPD could have kept the residents outside the home while they applied for a warrant. SLOPD could have returned with a warrant the next day. SLOPD could have obtained the warrant during the hours they were surveilling the home and assembling a detachment.

Defense Counsel can attest to myriad cases in which police obtained a warrant in less than an hour. One such example is case no. 19M-07844 in which PBPD was granted a search warrant less than 24 minutes after applying.

The possible presence of contraband or the presence of contraband inside the home was not exigent circumstances to enter when all residents were located outside the home, restrained, surrounded by multiple officers, and there was no threat of destruction of evidence. Mere apprehension that evidence will be destroyed is insufficient. The officers must have "an objectively reasonable basis for believing there is someone inside the residence who has reason to destroy evidence"; the police need specific, articulable facts.¹³

¹² (*People v Camilleri* (1990) 220 CA3d 1199, 1206; *People v Brown* (1989) 210 CA3d 849, 855, 260 CR 293.)

¹³ (*People v Gentry* (1992) 7 CA4th 1255, 1264, 9 CR2d 742; *People v Camilleri, supra*, 220 CA3d at 1209, 269 CR 862; *People v Koch* (1989) 209 CA3d 770, 782, 257 CR 483, disapproved on other grounds in 20 C4th 1073, 1075).

1 Relevant circumstances include the degree of urgency involved and the time needed to get
2 a search warrant; reasonable belief that the contraband is about to be removed; danger to officers
3 guarding the site while the police seek a warrant.¹⁴
4

5 ///

27 _____
28 ¹⁴ (*People v Bennett* (1998) 17 C4th 373, 385, 70 CR2d 850), quoting with approval *U.S. v Rubin* (3d Cir 1973) 474 F2d 262, 268-269)

1 **IV. CONTINUING BAD FAITH AFTER THE SEARCH**

2

3 **SLOPD CONSPICUOUSLY AND UNCHARACTERISTICALLY INVOLVED**
4 **ITSELF IN PERSUADING THE DISTRICT ATTORNEY TO FILE THIS CASE**
5 **AS A FELONY EVEN AFTER IT WAS FILED AS A MISDEMEANOR.**

6 It should be noted that the difference between a misdemeanor filing and a felony filing is often
7 the difference between a defendant being required to post bail or being released without having to post
8 bail. It should also be noted that bail is often used as a coercive instrument to force defendants to enter
9 guilty pleas. Far too often, defendants who are in custody are offered plea deals in which they will be
10 released if they plead guilty, but will remain in custody if they continue to fight their case. This is, of
11 course, not consistent with the public safety function bail is intended to serve or the presumption of
12 innocence.

13 It should also be noted that CHEYNE and VANESSA were held in jail unlawfully and denied
14 their right to a speedy arraignment under Penal Code section 825. CHEYNE and VANESSA were
15 arrested on the evening of Wednesday, July 10, 2019.

16 Penal Code section 825(a)(2) plainly states, “when the defendant’s arrest occurs on a Wednesday
17 after the conclusion of the day’s court session, and if the Wednesday is not a court holiday, the
18 defendant shall be taken before the magistrate not later than the following Friday, if the Friday is not a
19 court holiday.” CHEYNE and VANESSA were not brought from the jail to court until Monday, July
20 15, 2019 in violation of their statutory rights.

21 While DEFENDANTS were still in custody in SLO County Jail, SLOPD Detective Suzie Walsh
22 contacted the deputy district attorney who would be responsible for deciding whether a criminal case
23 would be filed, and if so, whether it would be filed as a felony or misdemeanor. Detective Walsh wrote
24 in a July 12, 2019 email to DDA Greg Devitt, “I’d like to make sure this case gets filed as a felony and
25
26
27
28

1 I'm concerned that arraignment is approaching quickly. Please accept my apologies if I've been
2 misinformed and the case has already been filed as a felony."

3
4 DDA Devitt responded by telling Detective Walsh, "Two counts of PC 273a(a) were filed
5 this morning as misdemeanors." It was at that time that rather than defer to the judgment of an
6 experienced prosecutor, Detective Walsh asked her superior, Lieutenant John Bledsoe to go over the
7 head of DDA Devitt and contact Assistant District Attorney Eric Dobroth. But, it seems as though
8 Detective Walsh may have misinformed Lieutenant Bledsoe because he would later write that "on
9 Friday July 12th, 2019 at 6:25 PM Detective Suzie Walsh asked for my assistance in contacting
10 Assistant District Attorney Eric Dobroth regarding this case involving Orndoff and Bedroni. She
11 requested that I speak with ADA Eric Dobroth about filing this case as a felony. It was my
12 understanding that DDA Greg Devitt had initially filed the case as a misdemeanor and Detective Walsh
13 was having a difficult time contacting him." But in fact, Detective Walsh had already received an
14 unfavorable response from DDA Devitt nearly an hour before she emailed Lieutenant Bledsoe. (See
15 attached Exhibit-O.)
16

17 ///

18
19 **URINE THAT WAS COLLECTED BY SLOPD AND ALLEGEDLY TESTED**
20 **POSITIVE FOR METHAMPHETAMINE DID NOT CONTAIN**
21 **METHAMPHETAMINE WHEN RETESTED BY A PRIVATE LABORATORY.**

22 Ultimately, a different deputy district attorney decided to file the case as a felony by signing an
23 amended complaint on July 16, 2019. Purportedly underlying that decision to re-file was a urine sample
24 collected by SLOPD at 11:30am on July 12, 2019.

25 At a hearing on August 6, 2019, the Prosecution asked the Court to increase bail based on an
26 individual having tested positive for methamphetamine and amphetamine. That request was denied.

27 When Defense Counsel had the urine sample re-tested by a private laboratory on December 7,
28 2019, it tested negative for methamphetamine and amphetamine. (See attached Exhibits P and Q.)

1 After being confronted with the re-test that showed the initial laboratory report to be false, SLOPD
2 drafted a supplemental report on April 2, 2020. That reports seems to claim *not* that the private
3 laboratory's negative result was incorrect - but rather that SLOPD lost track of which urine sample
4 belonged to whom.
5

6 It should be noted that the manner in which the urine was tested was unusual to begin
7 with. It was tested with a cutoff of 30 ng/ml. This is an extremely low cutoff that greatly increases the
8 potential for false positives. In fact, Defense Counsel cannot find a single case in which a criminal
9 conviction was based on a urinalysis with such a low threshold for a positive result. It should also be
10 noted that the phone call that arranged for this forensically irregular "DEC Low Level Testing" was
11 presumably set in motion when Detective Walsh called the recorded SLOPD dispatch line and asked
12 "Can you get the on-call CWS worker to call my personal cell?"
13

14 ///

15 **SLOPD RECOMMENDED CHARGES BE FILED AGAINST THE**
16 **DEVELOPMENTALLY DISABLED MAN WHO FOUND THE GUN BUT NOT**
17 **AGAINST THE CHIEF OF POLICE WHO LOST THE GUN.**

18 Defense Counsel is not in possession of the SLOPD police report that recommended charges be
19 filed against the developmentally disabled man who found Chief Cantrell's lost Glock 42 loaded with
20 hollow point bullets. But, this fact can be presumed from an email chain in which Chief Cantrell,
21 SLOPD Captain Smith and SLOPD City Manager Derek Johnson propose changes to a draft of a press
22 release.

23 In a July 11, 2019 email, Chief Cantrell sent back a draft of the press release with her suggested
24 changes. In response to a line that read, "Currently, this is an ongoing investigation and the San Luis
25 Obispo Police Department anticipates filing charges with the District Attorney's Office early next
26 week" she wrote in red, "why anticipates...sounds fishy." (See attached Exhibit-R.) Captain Smith
27
28

1 replied, "The reason I said anticipates is because there is still a little follow up and reports have to be
2 written and approved. I am fine changing it."

3
4 Ultimately, the DA did not file charges against the developmentally disabled man who found
5 the gun. Elected District Attorney Dan Dow sent an email on August 17, 2019 (see attached Exhibit-S)
6 to Chief Cantrell explaining his decision:

7 Deanna- I wanted you to know that I made a decision earlier today to not file charges
8 against Mr. Skeeter Mangan for taking and possessing your firearm. Given the totality of
9 the circumstances and Mr. Mangan's apparent developmental disability as documented
10 briefly by SLO SO Deputy Ron Slaughter. While, it could have been charged as a technical
11 violation of Penal Code section 485, failure to return lost property, it would be better for
12 him to be diverted out of the criminal justice system and into services. SLO SO CAT Team
13 Deputy Slaughter referred Mr. Mangan to the CAT team for potential services. Under the
14 same public policy as our County's adoption of the "Stepping Up" Initiative, this is a
15 perfect example of a case that should not end up in the Court system, if at all avoidable.

16 There is no indication that SLOPD requested charges be filed against Chief Cantrell for
17 negligently leaving a loaded firearm in a public space resulting in a young child coming within feet or
18 inches of the weapon in violation of Penal Code section 273a(a). It should also be noted that Defense
19 Counsel has not located the name of this child in any document that has been discovered. It is unknown
20 whether the child picked up this dangerous firearm.

21 It is unclear to Defense Counsel exactly what Mr. Mangan was expected to do when he found
22 a gun in the bathroom. The El Pollo Loco manager is not authorized to take a bill larger than \$20, so it
23 seems unlikely that the manager would have been willing to take a Glock 42.

24 ///

1 **SUBSEQUENT PRESS RELEASES AND INTERVIEWS HAVE SHOWN**
2 **CONTINUING BAD FAITH AND DISTORTION OF FACTS.**

3 According to a news article retrieved from KSBY.com¹⁵, The City of San Luis Obispo released
4 the following statement Friday July 26 in response to KSBY's inquiries. Defense Counsel has
5 interspersed critical discourse analysis through the text in bold. This analysis is intended to highlight a
6 continuing effort to deflect blame and obfuscate embarrassing facts. This is relevant to the bad faith
7 analysis of this motion because bad faith motivators that persisted after the warrantless search have a
8 tendency to prove the existence of the same bad faith prior to the search.
9

10 The City of San Luis Obispo has been transparent about this incident from the beginning.
11 Recent allegations and insinuations are simply not true. The following facts are provided
12 to ensure accurate public information.

13 Chief Cantrell took several actions when she realized her gun was no longer in the restroom
14 at El Pollo Loco within the following 2 hours:

15 Gaining access to and review of the video footage **THIS DOES NOT ALERT ANY**
16 **OUTSIDE AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS**
17 **HAVING LOST HER GUN.**

18 Contact with persons that entered the restroom **THIS DOES NOT ALERT ANY**
19 **OUTSIDE AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS**
20 **HAVING LOST HER GUN.**

21 Notification to San Luis Obispo Police Department Captain **THIS UNRECORDED CALL**
22 **BETWEEN PERSONAL CELL PHONES DOES NOT ALERT ANY OUTSIDE**
23 **AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS HAVING LOST**
24 **HER GUN.**

25 Check of cameras at adjoining businesses **THIS DOES NOT ALERT ANY OUTSIDE**
26 **AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS HAVING LOST**
27 **HER GUN.**

28 Notification to the recorded San Luis Obispo Police Department dispatch line **NO**
MENTION OF A MISSING FIREARM WAS MADE ON THE RECORDED LINE
BEFORE THE LANDLINE CALL WAS "DROPPED" AND THIS DOES NOT ALERT
ANY OUTSIDE AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS
HAVING LOST HER GUN.

¹⁵<https://www.ksby.com/news/local-news/2019/07/26/slopd-chief-responds-to-allegations-of-coverup-after-leaving-gun-in-restroom>

1 Notification to the City Manager ***THIS DOES NOT ALERT ANY OUTSIDE AGENCY***
2 ***OR PUBLICLY IDENTIFY THE CHIEF OF POLICE AS HAVING LOST HER GUN***
3 ***AND THE CITY MANAGER ULTIMATELY DOCKED CHIEF CANTRELL \$1,600***
4 ***IN PAY AND REQUIRED HER TO TAKE A GUN SAFETY CLASS AS THE***
5 ***TOTALITY OF THE PUNISHMENT.***

6 San Luis Obispo Police Department social media post regarding the lost firearm released
7 ***THE POST DID NOT MENTION THE FIREARM BELONGED TO A POLICE***
8 ***OFFICER.***

9 The lost firearm was entered into the national database ***THIS DID NOT ALERT LOCAL***
10 ***AGENCIES THAT A FIREARM WAS LOST BY A POLICE OFFICER AND WAS IN***
11 ***THE HANDS OF AN UNKNOWN INDIVIDUAL IN THEIR AREA.***

12 Lost firearm case assigned to San Luis Obispo Police Department Officer ***THIS DOES***
13 ***NOT ALERT ANY OUTSIDE AGENCY OR PUBLICLY IDENTIFY THE CHIEF OF***
14 ***POLICE AS HAVING LOST HER GUN.***

15 There was a delay in issuing the law enforcement notification teletype (BOLO), which was
16 the product of an internal miscommunication, but there was no direction from anyone
17 including the Chief not to send the teletype. ***SLOPD HAS YET TO IDENTIFY EXACTLY***
18 ***WHO WAS TASKED WITH SENDING THE BOL AND FAILED TO DO SO.***

19 The City Attorney has reviewed the facts of the search of the home and resulting arrests
20 for child neglect and is confident that San Luis Obispo Police Department Detectives acted
21 legally and appropriately. ***IT WAS NOT LAWFUL FOR THE POLICE TO ENTER***
22 ***DEFENDANTS' HOME WITHOUT A WARRANT AND FAILURE TO MENTION***
23 ***THE PROBATION STATUS MISTAKE.***

24 Another press release from July 10, 2019 stated, "Earlier today, just after noon, Police Chief
25 Deanna Cantrell was eating lunch at the El Pollo Loco on Los Osos Valley Road. She went to the
26 restroom and inadvertently left her personal firearm in the stall. Within minutes, she realized her
27 mistake and went to the restroom to retrieve it, but it was no longer there." In fact, Chief Cantrell had
28 gone from El Pollo Loco and into Target before realizing she had left her gun in the bathroom. (See
attached Exhibit-T.) In the intervening time, three people had gained access to the unattended Glock
42, including a child and a developmentally disabled man.

A July 29, 2019 article in the San Luis Obispo Tribune states, "Cantrell said in the first two
hours after losing the weapon she contacted multiple city officials, registered the lost gun in a national

1 database, issued a public Facebook post asking for assistance in locating the man who took it, and
2 assigned the case to a SLOPD officer, among other actions. Shortly after 5:00 p.m., the Morro Bay
3 Police Department contacted SLOPD saying the suspect appeared to be a person he was familiar with.
4 ‘At that point, I was not involved (with the case) because I was technically the victim,’ Cantrell said.”
5

6 In fact, Chief Cantrell had an unrecorded call with SLOPD Officer J. Walsh at 5:42pm over
7 personal cell phones while SLOPD officers were at DEFENANTS’ home conducting surveillance. And
8 it was not the Morro Bay Police Department who contacted SLOPD, it was a single officer calling from
9 his home to offer a tip. That information was obviously not vetted by MBPD because Officer Stuart
10 said, “I just woke up” and “I’m not at work” when asked if he had a corresponding DOB.
11

12 Phone logs provided to Defense Counsel thus far have been highly redacted. No substantive
13 private text messages have been turned over despite having been requested more than one year ago.
14 (See attached Exhibit-U.) Further, the SLO City Attorney moved to quash a subpoena requiring SLOPD
15 officers bring their private cellphones with them to court despite SLOPD Policy 701.5 clearly stating
16 that “use of a personally owned PCD (Personal Communication Device) while at work or for work-
17 related business constitutes consent for the Department to access the PCD to inspect and copy data to
18 meet the needs of the Department.” (See attached Exhibit-V.)
19

20 ///
21
22
23
24
25
26
27
28

1 **V. THE DATABASE ERROR WAS CREATED BY LAW ENFORCEMENT**

2 **THE DEPARTMENT OF PROBATION INCORRECTLY ADDED CHEYNE TO**
3 **HIS BROTHER'S CJIS PROFILE.**

4 The person who created the database error (using the handle "lbechtel") was presumably Ms.
5 Leslie Bechtel at SLO County Probation Department. (See attached Exhibit-W.) That error was created
6 on March 9, 2017.

7
8 In an August 5, 2019 email, SLO County IT Staffer Michelle Courier wrote, "There is a name
9 attached to MNID D000366017 for Cole Orndoff that needs to be deleted from Monitor. His brother's
10 name, Cheyne, should be removed. It is currently listed as an AKA in Monitor and was added by
11 lbechtel on 03/09/2017. Can you help or let me know who to contact to get this fixed?" (See attached
12 Exhibit-X.)

13 It should be noted that the SLO County IT Department had to reach out to the Department of
14 Probation to make the fix. This likely illustrates how difficult, if not impossible, it is for someone
15 outside of law enforcement to make a change to this law enforcement database. **It was Mr. Robert Clark**
16 **at the Department of Probation who made the fix on August 5, 2019 – 26 days after the illegal search**
17 **of DEFENDANTS' home. It took the Department of Probation more than two years to correct its error.**

18
19 The impetus for the change likely was a July 25, 2019 article on Cal Coast News¹⁶ that alleged
20 CHEYNE was not on probation and his home could not lawfully be searched without a warrant. The
21 article quotes CHEYNE as saying, "I spoke with a DA employee three times asking her to correct the
22 error. I couldn't get it corrected. I keep documents in my car showing I am not on probation I can't get
23 a job because of this bogus bench probation. There are times, I just feel like giving up."

24
25
26
27
28 ¹⁶ <https://calcoastnews.com/2019/07/san-luis-obispo-police-chief-accused-of-coverup-over-stolen-gun/>

1 On August 1, 2019, SLOPD Detective S. Walsh wrote and circulated an email containing case
2 law that might justify a warrantless search based on a database error. The next day, The SLO City
3 Attorney transmitted the contents of that email to the SLO Tribune.

4
5 An article published on August 5, 2019 on Cal Coast News¹⁷ states:

6 In response to the CalCoastNews article which reported that Cheyne Orndoff was not on
7 probation, the city said in a press release that he was on probation and the CalCoastNews
8 article was inaccurate. A reporter responded by emailing documentation that Cheyne
9 Orndoff was the victim in the case and not on probation to Cantrell, Dietrick and the district
10 attorney's office. Shortly afterwards, Dietrick responded by contacting the *Tribune*, which
wrote an article supporting the chief's claim that her officers had "a good reason to enter
the property without a warrant" even though Cheyne Orndoff was not on probation.

11 Where CHEYNE'S two-year effort to restore his constitutional rights had failed, the public
12 relations machine available to SLOPD succeeded, and the database was finally changed.

13 ///

14 **THE SUPERIOR COURT COULD NOT HAVE MADE THE DATABASE**
15 **ERROR.**

16 DDA Mja Thiesmeyer signed the felony complaint against Cole Orndoff on March 16, 2017.
17 The Superior Court filed the complaint on March 16, 2017. It could not have been the Superior Court
18 who created the erroneous CJIS entry on March 9, 2017 because the Superior Court did not receive the
19 file until seven days after the error was created.

20 It should also be noted that while CJIS may give attribution to Odyssey on a case summary, the
21 data populating on CJIS was not necessarily entered by court staff. In fact, court staff does not upload
22 probation search terms to CJIS.
23

24
25
26 ///

27
28 ¹⁷ <https://calcoastnews.com/2019/08/the-slo-police-chief-her-lost-gun-and-a-conflux-of-failures/>

1 In a May 5, 2020 interview, SLO Superior Court Staffer Cindy Ochoa was asked about the CJIS
2 printout SLOPD purportedly relied on that displays “ODYSSEY CASE” at the top and lists CHEYNE
3 Orndoff on probation in case no. 17F-02071.

4
5 **DA Investigator Amy Chastain:** “Okay. Is there a way for you to look in Odyssey and
6 see if this same document, if the document has the same information in Odyssey as it does
in CJIS?”

7 **Court Staffer Cindy Ochoa:** “Well, the document here is a synopsis of different data
8 fields coming from Odyssey. So I don't know where, I mean, I don't know where that name
came from. I don't show that on our end.”

9 There was never an error in any records or databases belonging to the Superior Court that
10 showed CHEYNE Orndoff on probation with search terms in case 17F-02071. That error was created
11 by law enforcement and existed only in databases updated by law enforcement which do not belong to
12 the Superior Court.

13
14 ///

15 **IN 2017 COUNTY STAFF PLACED A NOTE IN THE CJIS PORTAL THAT**
16 **CHEYNE WAS NOT ON PROBATION.**

17 SLO County IT Staffer Michelle Courier stated that in June 2017 she added notes to the CJIS
18 portal and added the MNIDs “do not match list.” Thus, when a person searched for “CHEYNE
19 Orndoff” in CJIS in July of 2019, they were likely confronted with a note cautioning that CHEYNE’s
20 profile had previously been linked mistakenly with Cole Orndoff’s profile.

21 SLOPD has not provided any screengrabs of the CJIS portal and what screens and notes they
22 navigated through. In a supplemental report dated August 12, 2019, Det. S. Walsh wrote, “On
23 08/01/2019 I spoke with the San Luis Obispo City Attorney Christine Dietrick. The SLO City
24 Attorney's Office has access to law enforcement data bases such as CJIS and was unable to locate a
25 case for which S/ ORNDOFF would be on probation.”

DECISIONS BY THE CALIFORNIA SUPREME COURT AND THE COURT OF APPEAL OF CALIFORNIA DEMAND THAT THE EVIDENCE IN THIS CASE BE SUPPRESSED TO DETER FURTHER ABUSE BY LAW ENFORCEMENT.

The California Supreme Court has asserted that a law enforcement database error is the “type of police negligence [that] fits squarely within the class of governmental action that the exclusionary rule was designed to deter Suppression of evidence seized pursuant to police computer errors will encourage law enforcement agencies to diligently maintain accurate and current computer records.” (*People v. Willis* (2002) 28 Cal. 4th 22, 49-50; quoting *State v. White* (Fla. 1995) 660 So. 2d 664, 667-68). This assertion was based upon “the collective knowledge principle.” (*Id.*) The conduct of law enforcement in the instant case has proven to be intentional, reckless, grossly negligent, and recurring.

In *Willis*, the California Supreme Court considered whether “federal constitutional principles require the suppression of evidence discovered by a state parole officer, and police, during a search they conducted without a warrant under the erroneous belief that defendant . . . was on parole and subject to a warrantless search condition. (*Id.* at 25). The Court determined that the good faith exception did not apply to the exclusionary rule and determined the evidence must be suppressed. (*Id.* at 25-26). The Court explained that the correct “application of the exclusionary rule depends on the source of the error or misconduct that led to the unconstitutional search and whether, in light of that source, the deterrent

1 effect of exclusion is sufficient to warrant that sanction. (See [*Illinois v. Krull* (1987) 480 U.S. 340,]
2 360, fn. 17 [whether exclusionary rule applies "in a particular context depends significantly upon the
3 actors who are making the relevant decision that the rule is designed to influence"].)” (*Id.* at 35). The
4 Court reasoned that it was “significant that [the] CDC parole officer . . . is ‘a peace officer’ under
5 California law. (§ 830.5) Her authority as a peace officer extends to ‘the rendering of mutual aid to any
6 other law enforcement agency.’ (§ 830.5, subd. (a)(5).)” (*Id.* at 38). Thus, “the exclusionary rule applies
7 in this case whether the source of the error was [the parole officer] . . . **or a CDC data entry clerk.**”
8 (*Id.*) The Court went further to explicitly explain that, “the Legislature has thus made clear its view that
9 CDC employees who provide police with parole information are integral parts of the law enforcement
10 team, and it has acted to recognize, formalize, and facilitate that relationship. These considerations
11 reinforce [the Court’s] conclusion that CDC employees who prepare and maintain parole lists intended
12 for distribution to police and other law enforcement officers--which indicate who is on parole and who
13 may be searched without a warrant--are adjuncts to the law enforcement team and that exclusion's
14 deterrent effect is sufficient to justify applying the exclusionary rule.” (*Id.* at 45). Accordingly, law
15 enforcement agencies cannot benefit from the errors of other law enforcement agencies as they are
16 intertwined. There is a significant deterrent to prevent further violations of individual’s Constitutional
17 Rights by encouraging law enforcement agencies to properly maintain and update their databases and
18 require officers to confirm such statuses that allow for warrantless searches when faced with
19 contradiction. Allowing an officer to conduct an illegal search after an individual informs multiple
20 officers that he or she has paperwork nearby that proves he or she is not on probation flies in the face of
21 the Constitution. Of particular importance, this presents the question as to why the officer would not, at
22 a minimum, address the issue with the Probation Department that is present at the scene. Suppression
23 would deter such flagrant disregard for the accuracy of probation search terms.
24
25
26
27
28

1 In *People v. Hamilton* (2002) 102 Cal. App. 4th 1311, 1315, the Court of Appeal distinguished
2 *Willis* where a police officer relied upon information provided by the Department of Motor Vehicles.
3 The Court of Appeal declared that “[t]he answer lies in *Willis*. That decision turn[ed] on the purpose of
4 the exclusionary rule – to deter misconduct by *law enforcement officials*. (*People v. Willis, supra*, 28
5 Cal. 4th at p. 30; see *United States v. Leon, supra*, 468 U.S. at p. 916 [104 S.Ct. at p. 3417].)” (*Id.*)
6 (**emphasis in original**). Thus, whether the evidence must be suppressed requires evaluation “on a case-
7 by-case basis.” (*Id.*) Particularly, “whether, *in light of the source of the erroneous information*, the
8 deterrent effect of exclusion is sufficient to warrant imposition of that sanction.” (*Id.*) (emphasis added).

9
10 In *People v. Ferguson* (2003) 109 Cal. App. 4th 367, a trial court decided to bless a warrantless
11 search predicated on a database error. If this Court is not convinced that *Willis* is similar enough to the
12 case at hand to warrant exclusion of the illegally seized evidence because of the distinction between
13 parole officers and probation, then it must look no further than *Ferguson*. (*Id.*) In *Ferguson*, “the trial
14 court erred by denying [Defendant’s] motion to suppress the evidence, which had been discovered by
15 police in a search following a traffic stop. The search was conducted based on erroneous information
16 that defendant was on probation for a drug offense. The People claim that exclusion of the evidence is
17 not warranted because police relied in good faith on the erroneous information and clerical staff at the
18 county probation department were responsible for the error.” (*Id.* at 369-70.) **The error was due to a**
19 **clerical error that was entered by a clerk at the probation department.** (*Id.* at 370-71.) The
20 California Court of Appeal held “that the exclusionary rule applie[d] to deter misconduct by probation
21 staff who were acting as adjuncts to law enforcement” and ordered the trial court to exclude the evidence.
22 (*Id.* at 370.)

23
24 Here, there is no question that the Department of Probation is considered to be law enforcement.
25 (*See Willis; see also Ferguson.*) The case before this court is nearly identical to that in *Willis*. The
26 California Supreme Court, in declaring evidence must be suppressed where the database error is the
27
28

1 result of an assisting law enforcement agency or official, utilized Penal Code section 830.5 in its
2 analysis. Of particular importance, Penal Code section 830.5(a) identifies a “probation officer [and]
3 deputy probation officer” as one who falls within this definition. Thus, a probation officer, or deputy
4 probation officer, has a duty “[t]o the rendering of mutual aid to any other law enforcement agency.”
5 As discussed, the Department of Probation was responsible for the specific database error relied upon
6 by the SLOPD officers and detectives attempting to recover Chief Cantrell’s lost Glock 42 during an
7 illegal search of CHEYNE’s and VANESSA’s residence. The SLO Probation Department had officers
8 present during the search of DEFENDANT’S home. The Probation Department is an integral part of
9 the law enforcement team as the police department relies upon probation terms to search individuals
10 daily. It would be difficult to find a single case that is more analogous to *Willis* to such an uncanny
11 degree.
12

13
14 ///

15 **THIS COURT CANNOT RELY UPON ARIZONA V. EVANS TO JUSTIFY THE**
16 **SEARCH OF DEFENDANTS’ HOME UNDER THE GOOD FAITH EXCEPTION.**

17 It is important for this Court to make the distinction between clerical errors by court employees
18 and those by law enforcement. In *Arizona v. Evans* (1995) 514 U.S. 1, 16, the court held that
19 “[a]pplication of the *Leon* framework supports a categorical exception to the *exclusionary rule* for
20 clerical errors of court employees.”

21 The person who created the database error was presumably Leslie Bechtel at SLO County
22 Probation Department. That error was created on March 9, 2017.

23 DDA Mja Thiesmeyer signed the felony complaint against Cole Orndoff on March 16, 2017.
24 The Superior Court filed the complaint on March 16, 2017. It could not have been the Superior Court
25 who created the erroneous CJIS entry on March 9, 2017 because it did not receive the file until seven
26 days later. The Court was consequently unaware of this case and defense counsel is not aware of any
27 case where the Court proactively made entries for a case that was still in the hands of the District
28

1 Attorney. It is a clerical impossibility that any court employee made this error. The burden is on the
2 People to prove otherwise.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ///

1 **ARGUMENT**

2 **THE PUBLIC POLICY BENEFIT OF DETTERENCE THROUGH**
3 **SUPPRESSION WOULD BE ACHIEVED IN THIS CASE.**

4 CHEYNE made numerous and repeated attempts to fix the database error created by the
5 Department of Probation. He called the District Attorney's Office via phone. He went to court and
6 obtained a case summary that proved he could not be on probation and he kept it with him in his car as
7 a safety precaution to protect his Constitutional Rights. CHEYNE tried to present the case summary to
8 SLOPD before they entered his home, but they absolutely refused to look at it as they didn't "really
9 care." He explained to SLOPD that he had been in Atascadero when the gun was lost, but they would
10 not listen. His physical characteristics also made it impossible for him to have been the suspect as he
11 could not grow a full beard in mere hours – SLOPD was in possession of a description stating "no
12 obvious facial hair" as well as images of the suspect. Further, the PBPD faxed SLOSO stating Cole
13 Orndoff had falsely used his brother CHEYNE's identity when he was arrested by PBPD and later
14 booked into County Jail in January of 2017. Thereafter, SLOSO changed its booking to reflect the
15 identity theft. It would be difficult to imagine a greater burden placed on a victim of gross negligence
16 by law enforcement if the Court fails to exclude this evidence. The individual who created the database
17 error was presumably Ms. Leslie Bechtel at SLO County Probation Department. That error was created
18 on March 9, 2017.
19
20

21 At some point, citizens must be able to restore their constitutional rights. CHEYNE was diligent
22 in his efforts to clear his name in law enforcement databases. Law enforcement was not diligent and,
23 admittedly, didn't "really care." They decided before entering the property, they were "going to search
24 [the residence] no matter what."
25

26 If the evidence in this case is not suppressed, that begs the question of what will happen if
27 CHEYNE and VANESSA's home is searched a year from now by virtue of the same database error. If
28 suppression is not appropriate now, it will not be appropriate then. **This Court should not elevate the**

1 bureaucratic shortcomings of government over the rights of citizens. SLOPD works with, and relies
2 upon, the Department of Probation on a daily basis. Reckless police work, and negligent record keeping,
3 will continue to facilitate the violation of San Luis Obispo County Citizens' Constitutional Rights.

4
5 Suppression in this case will certainly "encourage law enforcement agencies to diligently
6 maintain accurate and current computer records." (*See Willis, supra*, 28 Cal. 4th at 49-50) Further,
7 suppression in this case will incentivize law enforcement to be transparent with mistakes. The greatest
8 danger to public safety in this matter was created by SLOPD when it did not properly issue a BOL after
9 a firearm that is banned in California was lost in an El Pollo Loco bathroom.

10
11 Failure to grant suppression in this case would be to abdicate the Constitutional power given to
12 neutral and detached magistrates. If a neutral judge had issued a search warrant before the search of
13 CHEYNE and VANESSA's home, there would be no controversy presently. This case begs the
14 question as to why SLOPD did not seek a search warrant when they had ample time. Perhaps it is due
15 to the fact that a neutral judge would have had no stake in keeping the scandal of a chief of police losing
16 her gun hidden nor been concerned with the resulting public relations. There is no question SLOPD
17 had a substantial amount of time to obtain a warrant – such warrants commonly take less than 30
18 minutes to obtain and can be obtained electronically. The only question is why SLOPD would subvert
19 the process that would allow them to confidently search the home for the lost Glock 42.

20
21 This case has shaken public confidence in a way that could have been easily avoided if law
22 enforcement had done its due diligence or if SLOPD had taken 30 minutes to obtain a search warrant.
23 Under a *cui bono* analysis, we see that not involving the judiciary in the search of DEFENDANTS'
24 home prevented scandalous information from being known in the judicial system and possibly
25 disseminated further.

26
27 Now it falls to this Court to decide who should benefit. Should SLOPD continue to benefit by
28 having this Court bless their behavior with the stamp of good faith? Or, should the public benefit

1 knowing that this Court has taken corrective action and improvements to public service will be made
2 because of its rebuke? If this Court wishes to prioritize public safety, it must choose deterrence through
3 suppression of evidence.
4

5 ///

6 **PRAYER**

7 Defense Counsel respectfully requests the suppression of evidence for the above stated reasons.
8

9 DATED: September 8, 2020

10 THE LAW OFFICE OF PETER DEPEW

11 

12 PETER DEPEW
13 Attorney for VANESSA MARIE BEDRONI
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT - A

Location of printed case
summary proving Cheyne
was not on probation

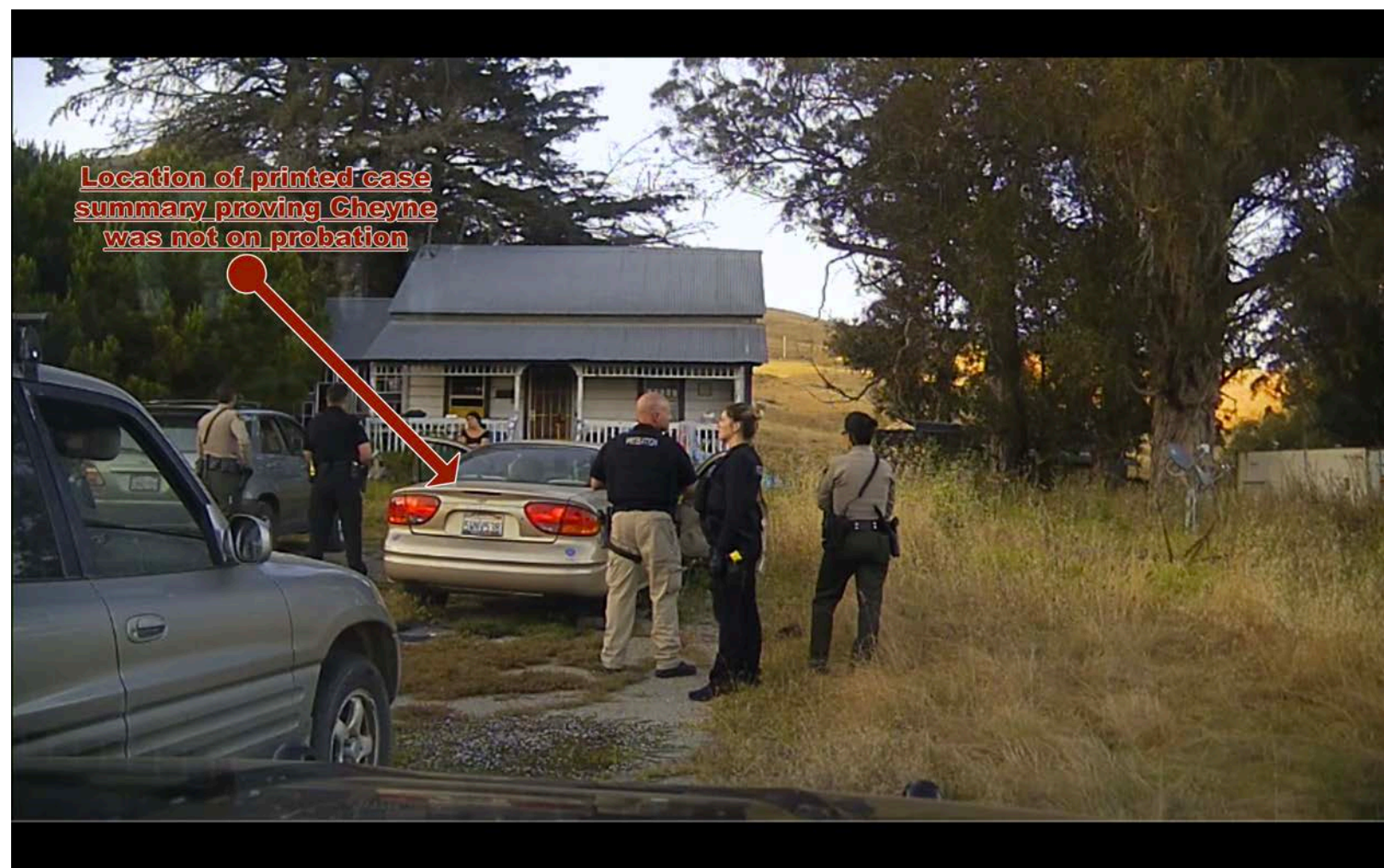


EXHIBIT - B

SAN LUIS OBISPO
CASE SUMMARY
CASE NO. 17F-02071

Defendant


Orndoff, Cole Paul

Rice, Steven Donald
Public Defender
805-910-7423(W)

DATE

EVENTS & ORDERS OF THE COURT


01/31/2017

 Own Recognizance Release

03/16/2017

 Complaint filed

03/16/2017

 DA request for warrant on complaint charges

03/21/2017

Arraignment (8:30 AM) (Judicial Officer: Judge Harman, Dodie A.)
Location: San Luis Obispo Department 3)
Resource: Court Reporter Wilson, Shannon
Resource: Courtroom Clerk Hernandez, Kim
Resource: Hearing Location San Luis Obispo Department 3
Incustody on other charges/Warrant Ordered

MINUTES

Defendant in custody.
Defendant arraigned on complaint, advised of rights,
charges against him/her. Advised of Notification of Military Status purs PC1170.9.
Public Defender appointed subject to reimbursement as
determined by Probation / Parole.

Time is not waived.

Plea (Judicial Officer: Judge Harman, Dodie A.)


001. PC529(A)(3)-F-Personate To Make Other Liable
Not Guilty
Charge #: 001 Allegation:

002. HS11350(A)-M-Possess Narcotic Controlled Substance
Not Guilty
Charge #: 002 Allegation:

003. HS11550(A)-M-Under Influence Of Controlled Substance
Not Guilty
Charge #: 003 Allegation:

004. PC647(H)-M-Disorderly Conduct- Loiters, Prowls Or Wanders
Not Guilty
Charge #: 004 Allegation:

005. PBM9.16.060-M-Loitering - Possession Of Dangerous Weapon
Not Guilty
Charge #: 005 Allegation:

 Remanded to the custody of the Sheriff. Bail is set at
25000.

Held:

Held:

Parties Present: Plaintiff

Public Defender

Prosecuting Attorney

Defendant

People Of The State Of California

Royer, James S.

Marino, Jesse

Orndoff, Cole Paul

SCHEDULED HEARINGS

CANCELED Preliminary Hearing (04/05/2017 at 8:30 AM) (Judicial Officer: Judge van Rooyen, Craig B.)
Location: San Luis Obispo Department 7)
Vacated by Clerk

Pre-Preliminary Hearing (03/23/2017 at 8:30 AM) (Judicial Officer: Judge van Rooyen, Craig B.)
Location: San Luis Obispo Department 7)
Resource: Courtroom Clerk Hernandez, Kim

SAN LUIS OBISPO
CASE SUMMARY
CASE NO. 17F-02071

Resource: Hearing Location San Luis Obispo Department 7

Held

Parties Present: Plaintiff

Prosecuting Attorney

Defendant

Public Defender

People Of The State Of California

Graff-Radford , James Michael

Orndoff, Cole Paul

Cutcher, Jeremy M

03/21/2017

Defendant in custody.

03/21/2017

Defendant arraigned on complaint, advised of rights,
charges against him/her. Advised of Notification of Military Status purs PC1170.9.

03/21/2017

Public Defender appointed subject to reimbursement as
determined by Probation / Parole.

03/21/2017

Time is not waived.

03/21/2017

Plea (Judicial Officer: Judge Harman, Dodie A.)

001. PC529(A)(3)-F-Personate To Make Other Liable

Not Guilty

Charge #: 001 Allegation:

002. HS11350(A)-M-Possess Narcotic Controlled Substance

Not Guilty

Charge #: 002 Allegation:

003. HS11550(A)-M-Under Influence Of Controlled Substance

Not Guilty

Charge #: 003 Allegation:

004. PC647(H)-M-Disorderly Conduct- Loiters, Prowls Or Wanders

Not Guilty


Charge #: 004 Allegation:

005. PBMC9.16.060-M-Loitering - Possession Of Dangerous Weapon

Not Guilty

Charge #: 005 Allegation:

03/21/2017

 Remanded to the custody of the Sheriff. Bail is set at
25000.

03/23/2017

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Judge van Rooyen, Craig

B. ;Location: San Luis Obispo Department 7)

Resource: Courtroom Clerk Hernandez, Kim

Resource: Hearing Location San Luis Obispo Department 7

MINUTES

Defendant in custody.

Defendant appearing with counsel.

Court Reporter is waived.

Matter continued at request of

Defense.

Time is waived.

Remanded, bail to remain as previously set.

Hearing is confirmed as previously set.

Held;

Held

Parties Present: Plaintiff

Prosecuting Attorney

Defendant

Public Defender

People Of The State Of California

Graff-Radford , James Michael

Orndoff, Cole Paul

Cutcher, Jeremy M

SCHEDULED HEARINGS

Pre-Preliminary Hearing (03/27/2017 at 8:30 AM) (Judicial Officer: Judge van Rooyen,
Craig B. ;Location: San Luis Obispo Department 7)

Resource: Court Reporter Trout, Claire

SAN LUIS OBISPO
CASE SUMMARY
CASE NO. 17F-02071

Resource: Courtroom Clerk Ramirez, Karina
Resource: Hearing Location San Luis Obispo Department 7

Held

Parties Present: Plaintiff

Public Defender

Prosecuting Attorney

Defendant

People Of The State Of California

Rice, Steven Donald

Graff-Radford, James Michael

Orndoff, Cole Paul

03/23/2017 Defendant in custody.

03/23/2017 Defendant appearing with counsel.

03/23/2017 Court Reporter is waived.

03/23/2017 Matter continued at request of
Defense.

03/23/2017 Time is waived.

03/23/2017 Remanded, bail to remain as previously set.

03/23/2017 Hearing is confirmed as previously set.

03/27/2017 **Pre-Preliminary Hearing (8:30 AM)** (Judicial Officer: Judge van Rooyen, Craig

B. ;Location: San Luis Obispo Department 7)

Resource: Court Reporter Trout, Claire

Resource: Courtroom Clerk Ramirez, Karina

Resource: Hearing Location San Luis Obispo Department 7

MINUTES

Defendant in custody.

Defendant appearing with counsel.

The Court accepts defendants withdrawal of not guilty plea.

Motion to reduce pursuant to PC17B is granted.

Charges: 001



Tahl Waiver Filed

The Court finds factual basis for plea(s).

The Court finds that the defendant voluntarily waives

his/her rights enters the plea(s)/admission(s) freely understands consequences of plea(s)/admission(s).

The Court finds defendant guilty on plea(s) of
no contest.

Counsel stipulate to factual basis for plea(s).

Advised of charges and direct consequence of plea

Right to trial by jury waived.

Privilege against compulsory self-incrimination waived.

Right to confront and cross examine witnesses waived.

Court found plea knowledgeable; intelligently made voluntary

Conviction Certified by Clerk of the Court

Defense counsel concurred in Defendants plea or admission.

Waives arraignment for judgment.

Time is waived.

Defendant/Counsel states no legal cause why judgment should
not be pronounced.

Amended Plea (Judicial Officer: Judge van Rooyen, Craig B.) Reason: Change of Plea

001. PC529(A)(3)-F-Personate To Make Other Liable

No Contest

Charge #: 001 Allegation:

Disposition (Judicial Officer: Judge van Rooyen, Craig B.)

001. PC529(A)(3)-M-Personate To Make Other Liable

*Guilty/No Contest Plea - Before Hearing

Charge #: 001 Allegation:

002. HS11350(A)-M-Possess Narcotic Controlled Substance

*Dismissal - Other - Before Hearing

Charge #: 002 Allegation:

SAN LUIS OBISPO
CASE SUMMARY
CASE NO. 17F-02071

003. HS11550(A)-M-Under Influence Of Controlled Substance
*Dismissal - Other - Before Hearing
Charge #: 003 Allegation:

004. PC647(H)-M-Disorderly Conduct- Loiters, Prowls Or Wanders
*Dismissal - Other - Before Hearing
Charge #: 004 Allegation:

005. PBM9.16.060-M-Loitering - Possession Of Dangerous Weapon
*Dismissal - Other - Before Hearing
Charge #: 005 Allegation:

Sentenced (Judicial Officer: Judge van Rooyen, Craig B.)

001. PC529(A)(3)-M-Personate To Make Other Liable
01/27/2017 (M) 529(A)(3) (PC529A3)
Charge #: 001 Allegation:

Adult Confinement

Type: County Jail
Facility: San Luis Obispo County Jail
Start Date: 03/27/2017
Term Type: Local Confinement
Term: 56 Days
Credit for Time Served - Actual: 28 Days
Conduct Credit: 28 Days
Balance to be served at credit rate of 1/2 time.

Probation

Type: Bench - Court Supervised
Start Date: 03/27/2017
Term: 3 Years
End Date: 03/27/2020
Status: Active (Active)
Status Date: 03/27/2017
Comment: Restitution is reserved.
Condition

1. Obey All Laws., 03/27/2017, Active 03/27/2017
2. Pay fine to the court. If you are unable to pay the amount, in full, contact the clerk's office for payment options. If you request a payment plan, a \$40.00 installment processing fee will be required when the payment plan is established pursuant to VC40510.5(g). The fine amount includes the base fine plus the applicable surcharge (PC1465.7) and penalties (GC1464, GC76104, GC76000, GC76100, GC76101, GC70372(a) and GC68090.8) including a \$40.00 Court Operations (PC1465.8) fee per conviction and \$35.00 Conviction Fee (GC70373) for each conviction of a misdemeanor and \$30.00 for each conviction of an infraction. A summary of the fines and fees on this case may be requested from the Clerk's office. Community Work Service may be performed at the rate of \$10.00/hour and applied against the fine amount. Please contact the Clerk's office for information., 03/27/2017 - 04/26/2017, Active 03/27/2017
3. Submit upon demand of any Peace/Probation officer to search, of person, personal property, residence and/or vehicle owned or being operated by defendant without warrant, with or without probable cause, any time of day or night., 03/27/2017, Active 03/27/2017

CA Fee Calculation

	Modified Fine Amount	Priors
001. PC529(A)(3)-M- Personate To Make Other Liable	\$0.00	0
Adjusted Total Fine Amount:	\$220.00	
Case Grace Days:	0	

SAN LUIS OBISPO
CASE SUMMARY
CASE No. 17F-02071

Pay fine within 30 days If you are unable to pay the fine
*in full, please contact the clerk's office for payment options. If you request a payment plan,
a \$40.00 installment processing fee will be required when the payment plan is established
pursuant to VC40510.5(g).*

*The fine amount includes the base fine plus the applicable surcharge (PC1465.7) and
penalties (GC1464, GC76104, GC76000, GC76000.10(c), GC76100, GC76101, GC70372
(a) and GC68090.8) including a \$40.00 Court Operations fee (PC1465.8) per convicted
charge, and \$35.00 or \$30.00 Conviction Fee (GC70373) for each conviction of an
infraction or misdemeanor charge. A summary of the fines and fees on this case may be
requested from the Clerk's office.*

*Community Work Service may be performed at the rate of \$10.00/hour and applied against
the fine amount. Please contact the Clerk's office for information.*

Amount: 220.00

Defendant released on Probation Order.


Held;

Held

<u>Parties Present:</u>	<u>Plaintiff</u>	<u>People Of The State Of California</u>
	<u>Public Defender</u>	<u>Rice, Steven Donald</u>
	<u>Prosecuting Attorney</u>	<u>Graff-Radford, James Michael</u>
	<u>Defendant</u>	<u>Orndoff, Cole Paul</u>

SCHEDULED HEARINGS

CANCELED Preliminary Hearing (04/05/2017 at 8:30 AM) (Judicial Officer: Judge van
Rooyen, Craig B. ;Location: San Luis Obispo Department 7)
Vacated by Clerk

03/27/2017	Defendant in custody.
03/27/2017	Defendant appearing with counsel.
03/27/2017	The Court accepts defendants withdrawal of not guilty plea.
03/27/2017	Motion to reduce pursuant to PC17B is granted. Charges: 001
03/27/2017	 Tah! Waiver Filed
03/27/2017	The Court finds factual basis for plea(s).
03/27/2017	The Court finds that the defendant voluntarily waives <i>his/her rights enters the plea(s)/admission(s) freely understands consequences of plea (s)/admission(s).</i>
03/27/2017	The Court finds defendant guilty on plea(s) of <i>no contest.</i>
03/27/2017	Counsel stipulate to factual basis for plea(s).
03/27/2017	Advised of charges and direct consequence of plea
03/27/2017	Right to trial by jury waived.
03/27/2017	Privilege against compulsory self-incrimination waived.
03/27/2017	Right to confront and cross examine witnesses waived.
03/27/2017	Court found plea knowledgeable; intelligently made voluntary
03/27/2017	Conviction Certified by Clerk of the Court
03/27/2017	Defense counsel concurred in Defendants plea or admission.
03/27/2017	Waives arraignment for judgment.
03/27/2017	Time is waived.
03/27/2017	Defendant/Counsel states no legal cause why judgment should <i>not be pronounced.</i>
03/27/2017	Amended Plea (Judicial Officer: Judge van Rooyen, Craig B.) Reason: Change of Plea 001. PC529(A)(3)-F-Personate To Make Other Liable No Contest Charge #: 001 Allegation:

SAN LUIS OBISPO
CASE SUMMARY
CASE No. 17F-02071

03/27/2017

Disposition (Judicial Officer: Judge van Rooyen, Craig B.)

001. PC529(A)(3)-M-Personate To Make Other Liable
*Guilty/No Contest Plea - Before Hearing
Charge #: 001 Allegation:
002. HS11350(A)-M-Possess Narcotic Controlled Substance
*Dismissal - Other - Before Hearing
Charge #: 002 Allegation:
003. HS11550(A)-M-Under Influence Of Controlled Substance
*Dismissal - Other - Before Hearing
Charge #: 003 Allegation:
004. PC647(H)-M-Disorderly Conduct- Loiters, Prowls Or Wanders
*Dismissal - Other - Before Hearing
Charge #: 004 Allegation:
005. PBM9.16.060-M-Loitering - Possession Of Dangerous Weapon
*Dismissal - Other - Before Hearing
Charge #: 005 Allegation:

03/27/2017

Sentenced (Judicial Officer: Judge van Rooyen, Craig B.)

001. PC529(A)(3)-M-Personate To Make Other Liable
01/27/2017 (M) 529(A)(3) (PC529A3)
Charge #: 001 Allegation:

Adult Confinement

Type: County Jail
Facility: San Luis Obispo County Jail
Start Date: 03/27/2017
Term Type: Local Confinement
Term: 56 Days
Credit for Time Served - Actual: 28 Days
Conduct Credit: 28 Days
Balance to be served at credit rate of 1/2 time.

Probation

Type: Bench - Court Supervised
Start Date: 03/27/2017
Term: 3 Years
End Date: 03/27/2020
Status: Active (Active)
Status Date: 03/27/2017
Comment: Restitution is reserved.
Condition

1. Obey All Laws., 03/27/2017, Active 03/27/2017
2. Pay fine to the court. If you are unable to pay the amount, in full, contact the clerk's office for payment options. If you request a payment plan, a \$40.00 installment processing fee will be required when the payment plan is established pursuant to VC40510.5(g). The fine amount includes the base fine plus the applicable surcharge (PC1465.7) and penalties (GC1464, GC76104, GC76000, GC76100, GC76101, GC70372(a) and GC68090.8) including a \$40.00 Court Operations (PC1465.8) fee per conviction and \$35.00 Conviction Fee (GC70373) for each conviction of a misdemeanor and \$30.00 for each conviction of an infraction. A summary of the fines and fees on this case may be requested from the Clerk's office. Community Work Service may be performed at the rate of \$10.00/hour and applied against the fine amount. Please contact the Clerk's office for information., 03/27/2017 - 04/26/2017, Active 03/27/2017
3. Submit upon demand of any Peace/Probation officer to search, of person, personal property, residence and/or vehicle owned or being operated by defendant without warrant, with or without probable cause,

SAN LUIS OBISPO
CASE SUMMARY
CASE No. 17F-02071

any time of day or night., 03/27/2017, Active 03/27/2017

CA Fee Calculation

		Modified Fine Amount	Priors
001.	PC529(A)(3)-M- Personate To Make Other Liable	\$0.00	0
Adjusted Total Fine Amount:		\$220.00	
Case Grace Days:		0	

03/27/2017	<p>Pay fine within 30 days If you are unable to pay the fine <i>in full, please contact the clerk's office for payment options. If you request a payment plan, a \$40.00 installment processing fee will be required when the payment plan is established pursuant to VC40510.5(g).</i></p> <p><i>The fine amount includes the base fine plus the applicable surcharge (PC1465.7) and penalties (GC1464, GC76104, GC76000, GC76000.10(c), GC76100, GC76101, GC70372(a) and GC68090.8) including a \$40.00 Court Operations fee (PC1465.8) per convicted charge, and \$35.00 or \$30.00 Conviction Fee (GC70373) for each conviction of an infraction or misdemeanor charge. A summary of the fines and fees on this case may be requested from the Clerk's office.</i></p> <p><i>Community Work Service may be performed at the rate of \$10.00/hour and applied against the fine amount. Please contact the Clerk's office for information.</i></p> <p>Amount: 220.00</p>
03/27/2017	Defendant released on Probation Order.
04/05/2017	<p>CANCELED Preliminary Hearing (8:30 AM) (Judicial Officer: Judge van Rooyen, Craig B. ;Location: San Luis Obispo Department 7) <i>Vacated by Clerk</i></p>
06/01/2017	Civil Assessment Added Pursuant to PC1214.1
06/01/2017	Referred to GC Services for Collection

DATE

FINANCIAL INFORMATION

Defendant Orndoff, Cole Paul	
Total Charges	520.00
Total Payments and Credits	0.00
Balance Due as of 8/23/2018	520.00

EXHIBIT - C



EXHIBIT - D

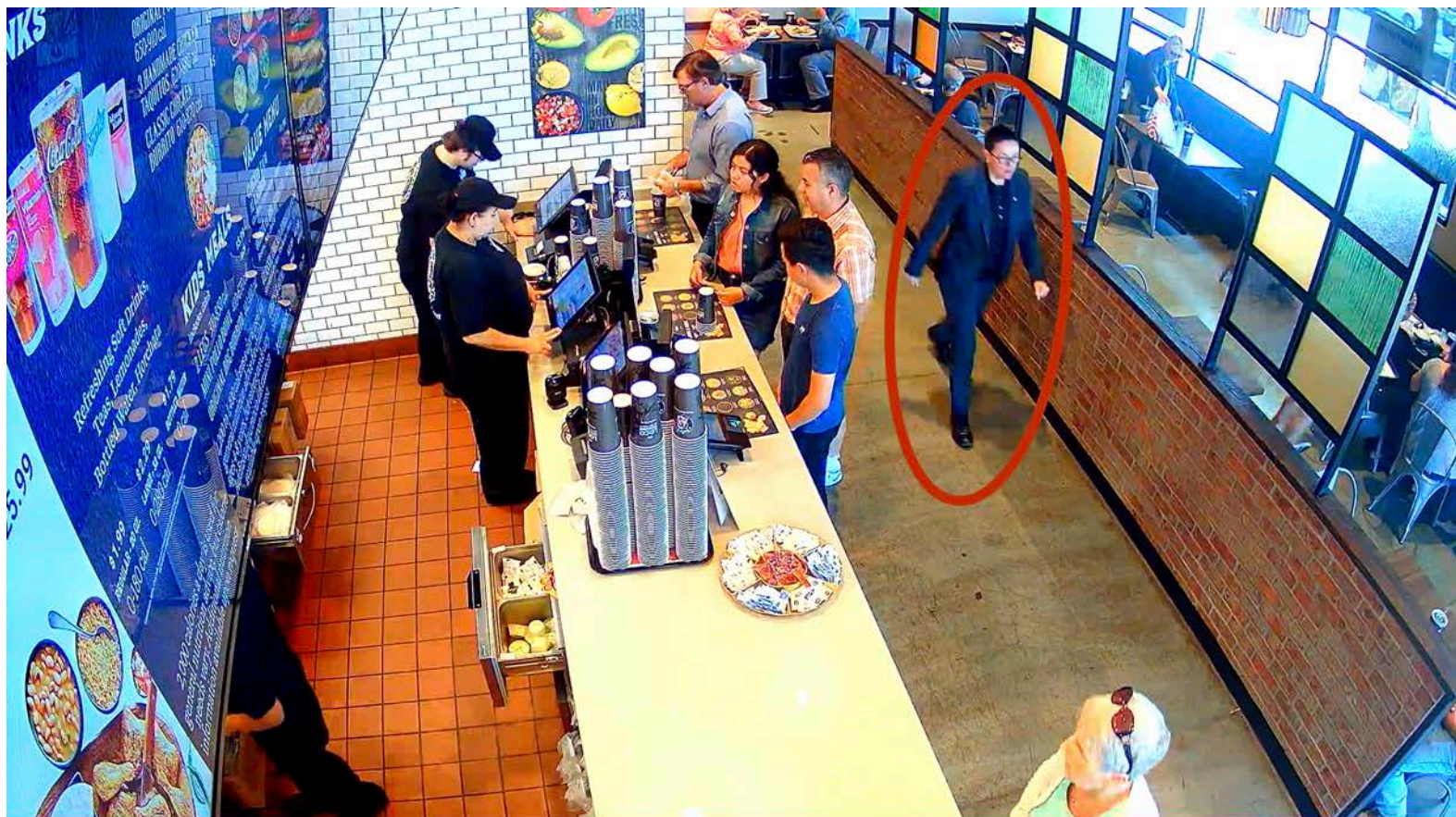


EXHIBIT - E



Deanna Cantrell

Talk activity - continued

Date	Time	Number	Origination	Destination	Min.	Airtime Charges	LD/Other Charges	Total
Jul 10	12:36 PM		San Luis O, CA	Pasorobles, CA	3	--	--	--
Jul 10	1:07 PM	805.781.7312	San Luis O, CA	Snlusobspo, CA	1	--	--	--
Jul 10	1:07 PM		San Luis O, CA	Snlusobspo, CA	2	--	--	--
Jul 10	1:11 PM		San Luis O, CA	Snlusobspo, CA	1	--	--	--
Jul 10	1:34 PM		San Luis O, CA	Snlusobspo, CA	1	--	--	--
Jul 10	2:00 PM		San Luis O, CA	Incoming, CL	3	--	--	--
Jul 10	2:06 PM		San Luis O, CA	Snlusobspo, CA	3	--	--	--
Jul 10	2:11 PM		San Luis O, CA	Arroyogmd, CA	1	--	--	--
Jul 10	2:13 PM		San Luis O, CA	Snlusobspo, CA	1	--	--	--
Jul 10	2:44 PM		San Luis O, CA	Arroyogmd, CA	1	--	--	--
Jul 10	5:42 PM		Pismo Beac, CA	Incoming, CL	1	--	--	--
Jul 10	5:42 PM		Pismo Beac, CA	Arroyogmd, CA	6	--	--	--
Jul 10	5:43 PM		Pismo Beac, CA	Incoming, CL	1	--	--	--
Jul 10	5:48 PM		Pismo Beac, CA	Pasorobles, CA	5	--	--	--
Jul 10	5:52 PM		Pismo Beac, CA	Arroyogmd, CA	1	--	--	--
Jul 10	5:53 PM		Pismo Beac, CA	Lompoc, CA	2	--	--	--



Deanna Cantrell

Talk activity - continued

Date	Time	Number	Origination	Destination	Min.	Airtime Charges	LD/Other Charges	Total
Jul 10	6:58 PM		Pismo Beac, CA	Snlusobspo, CA	1	--	--	--
Jul 10	8:16 PM		San Luis O, CA	Incoming, CL	2	--	--	--
Jul 10	9:55 PM		San Luis O, CA	Snlusobspo, CA	1	--	--	--
Jul 10	10:00 PM		San Luis O, CA	Snlusobspo, CA	1	--	--	--

EXHIBIT - F



San Luis Obispo Police Department

Create Page @Username

Home

About

Photos

Events

Notes

Videos

Posts

Services

Shop

Groups

Offers

Jobs

Community

Promote

Visit Ad Center

Like

Following

Share

...

View more comments

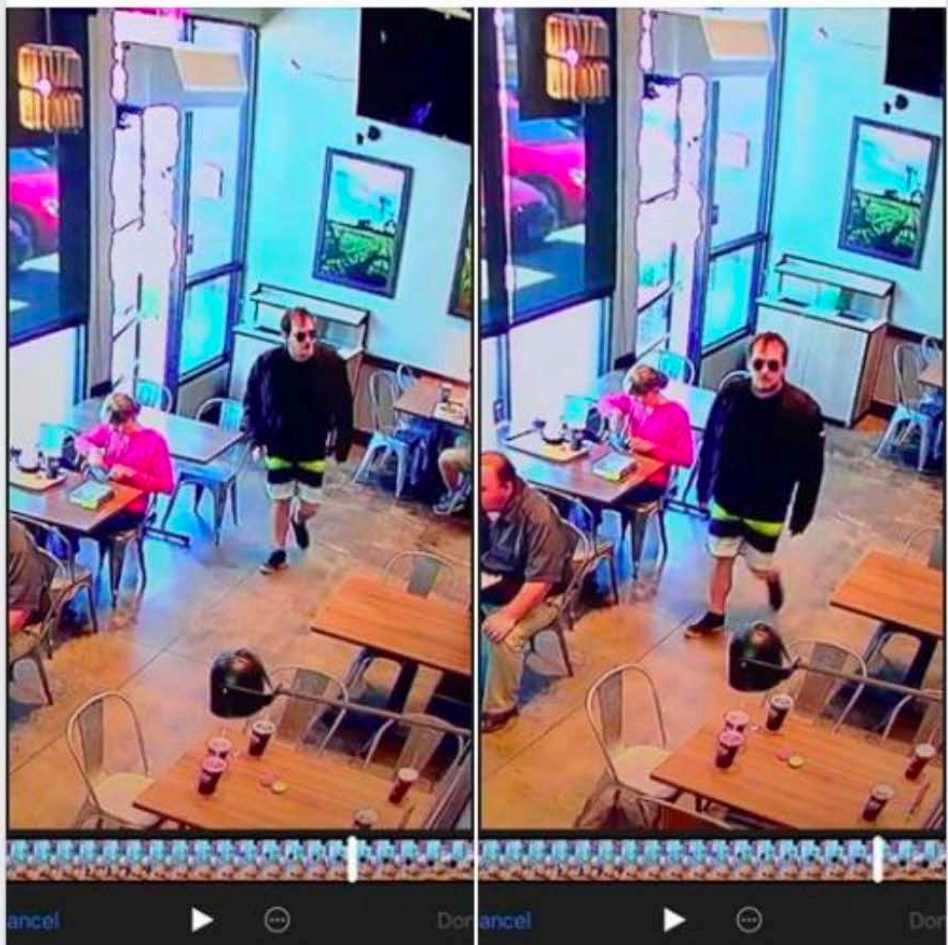
2 of 701



San Luis Obispo Police Department

Published by Christine Wallace [?] · July 10 ·

SLOPD is asking for assistance locating this man who may be in possession of a stolen firearm. He was last observed in El Pollo Loco on Los Osos Valley Road today (Wednesday) at 12:15 pm. If you are able to provide information, please call PD at (805) 781-7312. #slopd



73,109

People Reached

20,172

Engagements

Boost Post

122

273 Comments 450 Shares

EXHIBIT - G



EXHIBIT - H



EXHIBIT - I

Superior Court of California
County of San Luis Obispo
1050 Monterey St, Rm 222
San Luis Obispo California 93408

For Court Use Only

People Of The State Of California
vs.
COLE PAUL ORNDOFF

Case No.: 17F-02071
Date: 3/27/2017

Judicial Officer: Judge Craig van Rooyen
Location: San Luis Obispo Department 7

REMAND/RESERVATION ORDER

Agency:	PISMO BEACH POLICE DEPARTMENT
Agency Case No:	170143
MNID:	D000301454
	D000366017

CHARGES:

001	PC529(A)(3)-F-Personate To Make Other Liable	*Guilty/No Contest Plea - Before Hearing
002	HS11350(A)-M-Possess Narcotic Controlled Substance	*Dismissal - Other - Before Hearing
003	HS11550(A)-M-Under Influence Of Controlled Substance	*Dismissal - Other - Before Hearing
004	PC647(H)-M-Disorderly Conduct- Loiters, Prowls Or Wanders	*Dismissal - Other - Before Hearing
005	PBMC9.16.060-M-Loitering - Possession Of Dangerous Weapon	*Dismissal - Other - Before Hearing

Is hereby committed to the custody of:

Confinement Type: County Jail; ; ;	Confinement Facility: San Luis Obispo County Jail; ; ;
Confinement Term: 56 Days; ; ;	Term Type: Local Confinement; ; ;
CTS Actual: 28 Days; ; ;	CTS GTWT: 28 Days; ; ;
Confinement Rate: 1/2 time; ; ;	In Lieu of: ; ; ;
Start Date: 03/27/2017; ; ;	Start Time: ; ; ;
Consecutive to: ; ; ;	Concurrent with: ; ; ;
Stayed Term: ; ; ;	Stayed Reason: ; ; ;
Suspended Term: ; ; ;	Suspended Reason: ; ; ;

Defendant released on Probation Order.

Defendant Ordered to Appear on Date Set Forth:

Date:	Time:	Location:
-------	-------	-----------

Sierra M.

EXHIBIT - J

Personal Video Recording Device

472.1 PURPOSE AND SCOPE

With the approval of the Watch Commander the San Luis Obispo Police Department will allow personnel to use a Personal Video Recording Device. This device is designed to assist employees in the performance of their duties. This device is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

472.1.1 REQUIRED ACTIVATION OF PERSONAL VIDEO RECORDING DEVICE

This policy is not designed to describe every possible situation where the system may be used however there are many situations where the use of the Personal Video Recorder is appropriate. In addition officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements.

a. All field contacts involving actual or potential criminal conduct, which includes:

1. Suspicious vehicles
2. Arrests
3. DUI investigations

b. Any other contact that becomes adversarial after the initial contact in a situation that would otherwise require recording.

c. Any other circumstances where the officer believes that a recording of an incident would be appropriate

472.1.2 REVIEW OF RECORDINGS

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating an allegation of officer misconduct.
- (b) By a department supervisor (after approval of the Chief of Police) who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (c) By a supervisor with the consent of the officers in the recording.
- (d) By department personnel who request to review their own recordings.
- (e) By court personnel through proper process or with permission of the Chief of Police or his/her designee.
- (f) By media personnel with permission of the Chief of Police or his/her designee.

San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

Personal Video Recording Device

Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection for not showing the recording.

Employees desiring to view their own recording can access and view the recording from any designated department computer.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

472.1.3 DOCUMENTING USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

472.1.4 COPIES OF VIDEO RECORDING

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or his/her designee.

EXHIBIT - K



EXHIBIT - L

07/10/19 20:46:18



[mic] [brakes] [lights] [siren]

Joe Hurni
BC24.4

EXHIBIT - M



Skeeter Mangan (Source - El Pollo Loco surveillance video/LA Times)



Cheyne Orndoff (Source - SLOPD scene of arrest)



Skeeter Mangan (Source - El Pollo Loco surveillance video/SLOPD)



Skeeter Mangan (Source-El Pollo Loco Surveillance Video/SLOPD



Cheyne Orndoff (Source-SLOPD video from interview room 7-10-19



Cheyne Orndoff photo taken August 31, 2019

Note: These six photos were cropped for exhibit purposes

EXHIBIT - N



Cheyne Orndoff

December 16, 2018 · 🌐

My good friend Nancy, and Melody who was 1 of the very few who graduated suma cum ladde like myself. Notice mel's cords that I was supposed to be wearing but was giving the wrong info and had to pick up in advance apparently.

👍❤️ 14

5 Comments



Like



Comment



Share



Natalie Bradley Super proud of you Cheyne Orndoff! I new you would succeed. Give the girls and V **xoxo** from me please.

Like · Reply · 1y



Nancy Mendoza **Congratulations** and **Best wishes** to you and your family!

Like · Reply · 1y



Sheri Grayson Congragulations

Like · Reply · 1y



William Austin Clenney Way to go man

Like · Reply · 1y



Cheyne Orndoff

January 11, 2019 · 🌐

👍❤️ 21

7 Comments

👍 Like

💬 Comment

➦ Share



Laurie Thawley-Akey That right there is SWEET!!!!

Like · Reply · 1y



Michael Shepard FUCK YEAH! Way to go brother!

Like · Reply · 1y



Jordan Head Congratulations!!!!!!!

Like · Reply · 1y



Larry Orndoff Congratulations son you worked so hard I'm so proud of you.



EXHIBIT - O

From: Bledsoe, John
To: Eric Dobroth
Cc: Walsh, Suzie
Subject: FW: [EXT]BEDRONI DEC Case photos and video
Date: Monday, July 15, 2019 7:56:00 AM

Eric,

Here are the names of the suspects and our case #. Suzie will be sending you the videos and photos shortly. Thanks for your help on this.

From: Walsh, Suzie <swalsh@slocity.org>
Sent: Friday, July 12, 2019 6:25 PM
To: Bledsoe, John <jbledsoe@slocity.org>
Cc: Smith, Jeff <jsmith@slocity.org>
Subject: RE: [EXT]BEDRONI DEC Case photos and video

Thank you for your help.

Case number is 190710084

Defendants are Vanessa BEDRONI and Cheyne ORNDOFF

Lt. Bledsoe, here is the Sharepoint link if you want to see the pics/video:
<https://slocitycloud.sharepoint.com/:f:/s/SLOHub/Police/Er40mN34VMxKheofGeN62hIBFGPm7KtiAs-rSTc0vcQkCw?e=dLQK41>

Have a great weekend and Thank you for taking the time to talk with me.

Suzie

From: Bledsoe, John
Sent: Friday, July 12, 2019 6:22 PM
To: Walsh, Suzie <swalsh@slocity.org>
Cc: Smith, Jeff <jsmith@slocity.org>
Subject: Re: [EXT]BEDRONI DEC Case photos and video

I'll make some calls first thing Monday morning.

Sent from my iPhone

On Jul 12, 2019, at 5:43 PM, Walsh, Suzie <swalsh@slocity.org> wrote:

FYI the misdemeanor arraignment would be Monday.....

Suzie

From: Greg Devitt <gdevitt@co.slo.ca.us>
Sent: Friday, July 12, 2019 5:34 PM
To: Walsh, Suzie <swalsh@slocity.org>
Cc: Ashley Clark <aaclark@co.slo.ca.us>
Subject: RE: [EXT]BEDRONI DEC Case photos and video

Det. Walsh,

Two counts of PC 273a(a) were filed this morning as misdemeanors; one count for each minor.

I've cc'd the paralegal in our office so she can join up the information from the link you sent to our case file.

-Greg

From: Walsh, Suzie <swalsh@slocity.org>
Sent: Friday, July 12, 2019 5:10 PM

EXHIBIT - P



**COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT**

Richard Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

SAN LUIS OBISPO COUNTY PUBLIC HEALTH DEPT.

SUSPECTED ABUSE RESPONSE TEAM

2180 Johnson Ave.
San Luis Obispo, CA 93401
Phone: (805) 781-4878
Fax: (805) 781-4898

DATE: 7-16-19
TO: Sunnie Walsh
FAX: 543-7139
FROM: Buffy

Number of pages (including cover): 2

Message:

Tox results

The Public Health Department is committed to maintaining the confidentiality of all clients protected health information, therefore all faxes are located in secure locations.

Confidentiality Notice: The information in this facsimile is strictly intended for the use of the designated recipients named above. It may contain protected health information and/or confidential personal information. If the person receiving this facsimile is not a named recipient, employee, or agent responsible for delivery to the named recipient, do not read, use, disseminate, distribute, or copy this communication. If you receive this facsimile message in error, please immediately notify us by telephone and return the original message to us at the above address via the US Postal Service.

County of San Luis Obispo Health Agency

2191 Johnson Avenue | San Luis Obispo, CA 93401 | (P) 805-781-5500 | (F) 805-781-5543

www.slopublichealth.org



**SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE
CRIME LAB**

1585 Kansas Avenue, San Luis Obispo, California 93405
Voice: 805-781-4624 Fax: 805-781-1004

July 15, 2019

Requesting Agency Case Number: 070510OR

SUBJECT'S NAME: [REDACTED]

Date of Birth: [REDACTED]

REQUESTING AGENCY: [REDACTED]

URINE COLLECTION TIME AND DATE: 1130 hours on 07/12/2019

URINE RECEIVED TIME AND DATE: 1245 hours on 07/12/2019

METHOD OF TRANSIT: Courier

RESULTS OF TOXICOLOGICAL ANALYSIS

DRUG TESTED FOR:

RESULTS

Cocaine

None Detected @ 30ng/mL

Methamphetamine
Amphetamine

68 ng/mL
39 ng/ml

Opiates
THC-COOH

None Detected @ 30ng/mL
None Detected @ 7.5ng/mL

ENVELOPE:

NOTE: DEC Low Level Testing

Disposition of evidence: Specimen will be held at the San Luis Obispo County Sheriff's Office Laboratory for one year.

Tested by: Teri Prince, CLS/ASCP/MFS

EXHIBIT - Q



DRUG DETECTION LABORATORIES, INC.

Forensic Toxicology
Drug and Alcohol Testing

DDL Number: 91100088

LAB DIRECTOR: MINH X. TRAN
Consulting Toxicologists: Jeffery L. Zehnder
Edwin A. Smith

To: PETER DEPEW
LAW OFFICE OF PETER DEPEW
1119 PALM STREET
SAN LUIS OBISPO, CA 93401

Report printed: December 8, 2019

LABORATORY REPORT

Subject Name: [REDACTED]
Agency/Other ID: 19F-05074-B
Specimen Received: 11/22/19, 1040 Hours
Specimen Collected: 07/12/19, 1130 Hours

<u>Test</u>	<u>Specimen / Result</u>	<u>Date Completed</u>
METHAMPHETAMINE	Urine None Detected	December 7, 2019


d-Methamphetamine, *l*-methamphetamine, and *d*-amphetamine were not detected.
Assay lower reporting limit = 0.01 mg/L.

Analysis performed by chiral derivative gas chromatography-mass spectrometry.

d-Methamphetamine is available by prescription under the trade name Desoxyn, and is also a metabolite of the prescription medication benzphetamine (Didrex). *l*-Methamphetamine is an over-the-counter medication found in numerous decongestant medications such as the Vicks® inhaler and other proprietary inhalers. Methamphetamine is a potent central nervous system stimulant and common drug of abuse. Amphetamine is an active metabolite of methamphetamine.

Notes:

- Subject name on vial is [REDACTED]
- 0.01 mg/L is equivalent to 10 ng/mL.

Analysis performed by: 
Minh Tran, B.S., FAA (FAS)

Reviewed by: ☐ Jeffery L. Zehnder, B.S., FAA (FAS), CTS
☒ Edwin A. Smith, M.S., D-ABC, D-ABFT-FT, FAA (FAS)

Vial analyzed: ☐ Gray top ☐ Red top ☒ Other

Note: Specimen destroyed within one year unless other arrangements have been made.

EXHIBIT - R

From: [Cantrell, Deanna](#)
To: [Smith, Jeff](#); [Hermann, Greg](#); [Johnson, Derek](#)
Subject: RE: Media Update
Date: Thursday, July 11, 2019 9:41:08 PM
Attachments: [image001.png](#)

My two cents

On July 11, 2019, at approximately 6:50 PM, the San Luis Obispo Police Department received a call from the San Luis Obispo Sheriff's Department regarding the Police Chief's stolen firearm. They stated they had received a call from an individual man who stated his brother-in-law was in possession of the firearm and that he would be bringing him to the Sheriff's Department Coastal Division, in Los Osos, to return the gun. Investigators from the San Luis Obispo Police Department responded to Los Osos to recover the firearm and interview the suspect. The suspect was identified as Skeeter Carlos Mangan, who is a resident of Los Osos.

During the investigation, suspect Mangan admitted to being in El Pollo Loco and finding the firearm in the restroom. After finding the firearm, he placed it in his pocket and returned home to Los Osos. Prior to San Luis Obispo Police Department investigators arriving at the Sheriff's Office, The firearm in suspect Mangan's possession was confirmed to be the Police Chief's stolen firearm. In addition to recovering the stolen firearm, investigators were able to obtain the clothing worn by the suspect while he was at El Pollo Loco.

Currently, this is an ongoing investigation and the San Luis Obispo Police Department anticipates why anticipates...sounds fishy filing charges with the District Attorney's Office early next week.

Inquiries should be directed to the San Luis Obispo Police Department's PIO, Captain Chris Staley at (805) 781-7142.

Deanna Cantrell
Police Chief



Police Department
1042 Walnut Street, San Luis Obispo, CA 93401-2729
E DCantrell@slocity.org
T 805.781.7256
C 805.431.7129
slocity.org

This e-mail, and any files transmitted with it, are intended only for the person or entity to which it is addressed and may contain confidential, protected, and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient, is prohibited. If you received this in error, please contact

EXHIBIT - S

From: [Dan Dow](#)
To: [Cantrell, Deanna](#)
Cc: [Dietrick, Christine](#); [Eric Dobroth](#)
Subject: Case re. Skeeter Mangan rejected; interest of justice
Date: Saturday, August 17, 2019 7:04:22 PM
Attachments: [image003.png](#)
[re-Referral to Investigating Agency Saturday Aug 17 2019 at 062527_0484887 PM.pdf](#)
[DA Will Not Press Charges Against Skeeter Mangan August 17 2019.pdf](#)

Hello Chief Cantrell,

Deanna- I wanted you to know that I made a decision earlier today to not file charges against Mr. Skeeter Mangan for taking and possessing your firearm.

Given the totality of the circumstances and Mr. Mangan's apparent developmental disability as documented briefly by SLO SO Deputy Ron Slaughter.

While, it could have been charged as a technical violation of Penal Code section 485, failure to return lost property, it would be better for him to be diverted out of the criminal justice system and into services. SLO SO CAT Team Deputy Slaughter referred Mr. Mangan to the CAT team for potential services. Under the same public policy as our County's adoption of the "Stepping Up" Initiative, this is a perfect example of a case that should not end up in the Court system, if at all avoidable.

Attached is our official rejection letter and our press release sent out this afternoon. If you have any questions or concerns, please do not hesitate to reach out to me.

Sincerely yours,
Dan

Dan Dow
District Attorney
County of San Luis Obispo
1035 Palm Street
San Luis Obispo, CA 93408
(805) 781-5800 main
(805) 781-4307 fax



Bringing justice and safety to our community by aggressively and fairly prosecuting crime and protecting the rights of crime victims.

DISCLAIMER:

This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s) and no privileges are waived by virtue of mistaken transmission of this email. Unauthorized reception, interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

DAN DOW
District Attorney

ERIC J. DOBROTH
Assistant District Attorney

JERRET C. GRAN
Chief Deputy District Attorney

SHERYL M. WOLCOTT
Chief Deputy District Attorney

TERRY O'FARRELL
Chief, Bureau of Investigation

FOR IMMEDIATE RELEASE

NO CHARGES FILED AGAINST SKEETER MANGAN FOR POSSESSING POLICE CHIEF'S MISPLACED FIREARM

District Attorney Dow Commends Citizen for Assistance

SAN LUIS OBISPO, CA, August 17, 2019 – District Attorney Dan Dow announced today that no charges will be filed against Mr. Skeeter Carlos Mangan (dob 3/20/89), of Los Osos, CA, for taking and possessing a Glock .380 firearm that was mistakenly left by San Luis Obispo Police Chief Deanna Cantrell in the bathroom of El Pollo Loco on Los Osos Valley Road in San Luis Obispo mid-day on July 10, 2019.

“While the evidence in this case does support a misdemeanor charge of Penal Code section 485, after thoroughly considering all the circumstances, I have concluded that it would not be in the interest of justice to charge Mr. Mangan with a crime,” said District Attorney Dan Dow. “It is my sincere hope that Mr. Mangan and other members of our community have learned from this widely publicized situation that failure to take immediate steps to find the rightful owner of lost property is a crime of theft under California law.”

Under California Penal Code section 485, failure to return lost property is a crime of theft. The statute reads as follows: “[o]ne who finds lost property under circumstances which give him knowledge of or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and to restore the property to him, is guilty of theft.”

“I am compelled to thank and commend Mr. Sean F. Greenwood, of San Luis Obispo, for his swift action in contacting Mr. Mangan after recognizing him in social media posts as the person who likely had possession of the firearm,” said District Attorney Dan Dow. “Mr. Greenwood’s actions enabled the quick recovery of this lost firearm and prevented any further harm to come from this unfortunate situation. I consider Mr. Greenwood a ‘Good Samaritan’ whose actions set a positive example for others in our community.”

For media inquiries, please contact Assistant District Attorney Eric Dobroth, (805) 781-5819.

###

EXHIBIT - T





EXHIBIT - U

(805) 295-6856
(805) 541-3855 (fax)
(844) 384-2677 (toll free)



S.B.N. 294298
www.peterdepew.com
pmd@peterdepew.com

1119 Palm Street • San Luis Obispo, CA 93401

EVIDENCE DISCOVERY REQUEST

DATE: August 6, 2019	HEARING TYPE:	NEXT COURT DATE:
DEFENDANT: [REDACTED]		
DA CASE # [REDACTED]		
AGENCY: [REDACTED]		any <input type="radio"/> Misd.
CHARGE(S) [REDACTED]		
<input type="checkbox"/> INITIAL REPORT		
ITEM(S) REQUESTED	DESCRIPTION OF ITEM(S) REQUESTED	
<input checked="" type="checkbox"/> REPORTS <input checked="" type="checkbox"/> Follow-Up <input checked="" type="checkbox"/> Supplemental	All versions of all reports from any and all agencies with any entry made regarding this matter; All versions of all reports from any and all agencies with any entry made regarding [REDACTED]'s Missing Firearm; all reports related to any and all events leading to entry of defendant's home; all reports related to entering defendant's home; all reports related to defendant's arrest; all Child Welfare Services Reports; all reports created by Animal Control. All reports includes any version of any report previously produced before being amended.	
<input checked="" type="checkbox"/> 911 CALL(S)	(1) CAD Logs; (2) Radio Logs; (3) Cell Phone Logs SLOPD Chief [REDACTED]; (4) Cell Phone Logs of Dispatch Agent Whom SLOPD [REDACTED] Texted; (5) Correspondence between SLOPD Chief [REDACTED] and City Attorney; (6) Any and all correspondences between SLOPD Chief [REDACTED] and District Attorney's Office; (7) Any and all correspondences between SLOPD and Morro Bay PD; (8) Any and all correspondences between SLOPD and SLOSO from 11:00AM on 7/10/19 to 11:59AM on 7/11/19; (9) Any and all communications related to [REDACTED]'s Missing Firearm	
<input checked="" type="checkbox"/> CAD/EVENT HISTORY LOG		
<input checked="" type="checkbox"/> RECORDINGS (Audio and/or Video)	Item #/Date/Descr.:	
<input checked="" type="checkbox"/> PHOTOS	Item #/Date/Descr.:	
<input checked="" type="checkbox"/> BKNG PHOTO	Booking records from jail; booking photos for [REDACTED]	
<input type="checkbox"/> E-PAS LOGS	Serial #:	
<input type="checkbox"/> PAS LOGS	Serial #:	
<input checked="" type="checkbox"/> COBAN/IN CAR VIDEOS (Recordings Only)	Officer(s)/Badge #: Date/Time/Place/Vehicle Descr.:	
<input checked="" type="checkbox"/> OTHER ITEMS BOOKED INTO EVIDENCE	Item #/Date/Descr.: Any and all warrants issued in this matter / investigation; any and all data recovered from [REDACTED]'s cell phone.	
Additional Requests: Probation Department's File on [REDACTED]; Probation Department's file on [REDACTED]; every correspondence between Probation Department and [REDACTED]; Every correspondence between District Attorney's Office and Probation Regarding [REDACTED]; All press releases made by SLOPD in relation to this matter including, but not limited to, SLOPD [REDACTED]'s missing firearm; All press releases made by SLO City in relation to this matter including, but not limited to, SLOPD Chief [REDACTED]'s missing firearm; DMV RAP Sheet for [REDACTED]; Any and all correspondences between SLOPD and the District Attorney's Office regarding refiling this case as a felony; any and all correspondences between anyone affiliated with SLOPD [REDACTED] City Manager; Copy of CLETS report [REDACTED]; Copy of CJIS report for [REDACTED]; any material created or produced by SLOPD regarding [REDACTED]; Copy of BOLO; Copy of request for BOLO.		

EXHIBIT - V

San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

Personal Communication Devices

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the San Luis Obispo Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

Personal Communication Devices

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

Personal Communication Devices

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

EXHIBIT - W

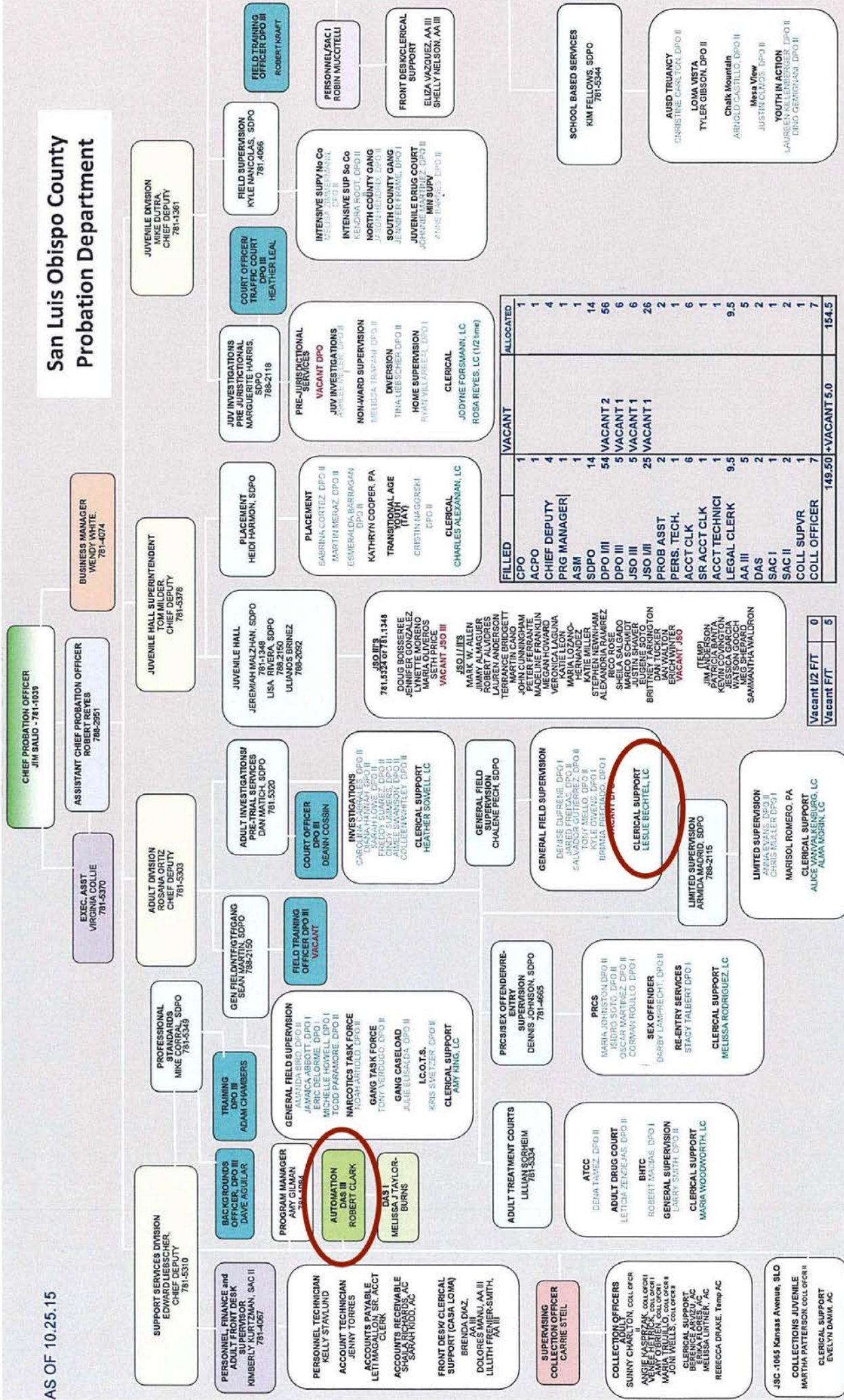


EXHIBIT - X

Michelle

From: Robert Clark <rclark@co.slo.ca.us>

Sent: Monday, August 05, 2019 3:14 PM

To: Michelle Courier <mcourier@co.slo.ca.us>; Charles Alexanian <calexanian@co.slo.ca.us>

Cc: Michelle Goossens <michelle.goossens@slo.courts.ca.gov>

Subject: RE: name to be deleted in Monitor

His AKA has been deleted from Monitor.

Let me know if you need anything else.

Robert Clark

SLO Probation IT

(805) 781-4360

From: Michelle Courier <mcourier@co.slo.ca.us>

Sent: Monday, August 5, 2019 3:11 PM

To: Robert Clark <rclark@co.slo.ca.us>; Charles Alexanian <calexanian@co.slo.ca.us>

Cc: Michelle Goossens <michelle.goossens@slo.courts.ca.gov>

Subject: name to be deleted in Monitor

Hi Robert and Charles,

There is a name attached to MNID D000366017 for Cole Orndoff that needs to be deleted from Monitor. His brother's name, Cheyne, should be removed. It is currently listed as an AKA in Monitor and was added by lbechtel on 03/09/2017. Can you help or let me know who to contact to get this fixed?

Thank you,

Michelle

County of San Luis Obispo

IT - Software Engineer

805.781.5061

EXHIBIT - Y

Seventeen-minute phone call placed by Mr. Cheyne Orndoff to The San Luis Obispo District Attorney's Office on March 28, 2018 requesting the DA's Office fix the error linking him to his brother.

TOTAL DUE

\$70.00

Your bill is due by May 13, 2018.

Here is your statement for April.

Good news! You have unlimited talk, text, and data and you are on AutoPay. So, we really don't have anything to say, except thanks for being an awesome T-Mobile customer.

Thanks for paying your last bill of \$80.00 on Apr 11, 2018.

PLANS

\$60.00

2 VOICE LINES = \$60.00

This month's charges are the same as last month's

- 2 lines received a total AutoPay discount of \$10.00
- Enjoy your T-Mobile ONE Unlimited 55 Plan

**Pay your bill in two taps!**Download the T-Mobile app @ t-mo.co/App

EQUIPMENT

\$0.00

This month's charges are the same as last month's

- You can always go to My.T-Mobile.com/shop to check out new device deals and promotions.

UNCARRIER BENEFITS

You have Free WiFi on the flyLearn more @ t-mo.co/Gogo

SERVICES

\$10.00

1 T-MOBILE ONE PLUS = \$10.00

This month's charges are \$10.00 less

**Use your number from anywhere**Learn more @ t-mo.co/Digits

Qualifying plan, internet connection & capable device required

YOU HAVE

\$10⁰⁰

IN TOTAL SAVINGS

With your promotions and discounts, you are saving some extra cash!

YOU ARE USING

#1

4G LTE SPEED & AVAILABILITY*

#WeWontStop

YOU ARE COVERED IN

140⁺

COUNTRIES & DESTINATIONS

w/ unlimited text & data**

THIS BILL SUMMARY

	Plans	Equipment	Services	Total
Account	\$60.00	-	-	\$60.00
(805) [REDACTED]	Included	-	-	\$0.00
(805) [REDACTED]	Included	-	\$10.00	\$10.00
Totals	\$60.00	\$0.00	\$10.00	\$70.00

DETAILED CHARGES

PLANS \$60.00

REGULAR CHARGES Apr 21 - May 20 \$60.00

VOICE LINES

Account	T-Mobile ONE Unlimited 55	\$60.00
	Includes \$10.00 AutoPay Discount	
[REDACTED]	T-Mobile ONE Unlimited 55	Included
[REDACTED]	T-Mobile ONE Unlimited 55	Included

SERVICES \$10.00

T-MOBILE ONE FEATURE

[REDACTED]	ONE Plus	\$10.00
------------	----------	---------

YOU SAVED

TOTAL	\$10.00
AutoPay discounts	\$10.00

YOU USED

27.47GB
of unlimited data
with T-Mobile ONE



821 minutes of talk &
895 messages.
But no worries, it's all
unlimited with T-Mobile ONE!

TAXES & FEES BREAKDOWN

Below are your T-Mobile fees & charges and your government taxes & fees

Unlike the other guys, we include taxes in your monthly rate. Check them out here.

...CONTINUED - INCLUDED TAXES & FEES

INCLUDED TAXES & FEES

Included Government taxes & fees	
California High Cost Fund - A (CHCFA)	\$0.03
CA Advanced Services Fund	\$0.04
CA Relay Service and Communications Device Fund	\$0.04
Emergency Telephone Users Surcharge Tax (911)	\$0.07
California Teleconnect Fund	\$0.09
Universal Lifeline Telephone Service Surcharge	\$0.39



USAGE DETAILS

For information only - charges are shown in the One-Time Charges section.



TALK

When	Who	Description	Type	Min	Cost
Mar 21					
Mar 22					
Mar 23					
Mar 24					
Mar 25					
Mar 26					
Mar 27					
Mar 28					
4:17 PM	→ (805) 781-5800	to San Lus Ob/CA	-	17	-
Mar 29					

...CONTINUED - (805) 235-7626 , TALK

When	Who	Description	Type	Min	Cost
Mar 31					
Apr 01					
Apr 02					
Apr 03					
Apr 04					
Apr 05					
Apr 06					
Apr 07					
Apr 08					
Apr 09					
Apr 10					
Apr 11					
Apr 12					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY EMAIL

I hereby declare and state:

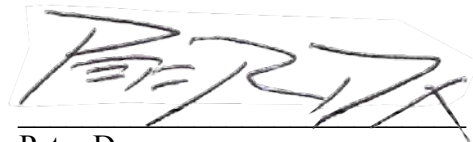
I am a resident of the county of San Luis Obispo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 1119 Palm Street, San Luis Obispo, California, 93401.

On September 8, 2020, I served DDA Ben Blumenthal and Jason Duferrena, Esq. a PC 1538.5 response brief via email as follows:

bblumenthal@co.slo.ca.us
jason@dufurrenalaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I have attached additional corroboration to this proof of service.

Executed September 8, 2020 at San Luis Obispo, California.



Peter Depew
ATTORNEY